

ARBITRATING CORPORATE DISPUTES – GERMAN APPROACHES AND INTERNATIONAL SOLUTIONS TO RECONCILE CONFLICTING PRINCIPLES

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ABSTRACT

Arbitration as a means of private dispute resolution has been gaining more and more popularity over recent years, exceeding its traditional realm of commercial and construction disputes and gaining a foothold in the areas of consumer, finance and investment law. Corporate disputes, formerly almost exclusively decided by state courts, are another area in which the use of arbitration has become more and more prevalent. As will be shown, this comes with its own set of problems. This article sheds some light on the pertinent issues arising when the corporate and arbitration “worlds collide”, and on the approaches developed in German jurisprudence to reconcile the inherent tensions arising when arbitrating corporate disputes.

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KEYWORDS: *corporate law, shareholder claims, intra omnes, in rem, inter partes, public policy, German approach, arbitrability, Schiedsfähigkeit II (Arbitrability II), nullification of shareholders' resolution*