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Abstract

International Commercial Arbitration and Public Policy: The View from Canada

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Understanding when municipal courts might intervene in an international arbitral award on public policy grounds requires looking at what courts in the states that are signatory to the UNCITRAL Model Law on International Commercial Arbitration have actually done and said when seized of applications to stay an award or refuse its enforcement. This paper seeks to offer a clarity on the position of Canadian common law courts on this issue. After examining Canada's statutory regime *vis-à-vis* international arbitration, it examines leading cases from different Canadian common law jurisdictions on the public policy question. This paper concludes by outlining a number of principles and insights gleaned from the jurisprudence that can be said to form the basis of the Canadian conception of the public policy of provisions of the Model Law.

Keywords: arbitration, commercial litigation, dispute resolution, international arbitration, international law, judicial review, public policy

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