

“Unlawful Laws? How far can arbitrators go...?”

Pierre Mayer and Jan Paulsson

Moderator: Johnny Veeder QC

In his 2009 Lalive lecture*, Jan Paulsson argued that arbitrators have a duty to apply national law in the broadest sense, including its most fundamental norms. In consequence, arbitrators should decide themselves whether the laws that they are called upon to apply are actually compatible with hierarchically higher norms and, in the negative, reject to apply them for being unlawful.

Pierre Mayer has taken issue with this broad conception of the powers and mandate of international arbitrators. In a recent article in the *Revue de l'arbitrage***, he insists that arbitrators, when facing doubts regarding the “lawfulness” of otherwise applicable laws, must defer to the internal mechanisms for the control of legality of norms in the concerned country and, if such mechanism is of no avail to them, should in principle apply the proper law as it stands.

In this 3rd LSE Arbitration Debate, Jan Paulsson and Pierre Mayer will confront each other’s arguments so as to allow the public to join the debate.

Wednesday, 23 May 2012, 6:30pm – 8:30pm
LSE New Theatre, East Building, Houghton Street, London WC2A 2AE

Places are limited; to **register** please click [here](#)
or email to Law.TL.Project@lse.ac.uk

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Jan Paulsson is LSE Centennial Professor and co-head of the international arbitration and public international law groups of Freshfields LLP.

Johnny Veeder QC is a member of Essex Court Chambers.

* Jan Paulsson, ‘Unlawful Laws and the Authority of International Tribunals’ (2008) 23(2) ICSID Review 215-232.

** Pierre Mayer, ‘L’arbitre international et la hiérarchie des normes’ [2011/2] *Revue de l’arbitrage* 361-384.