

Abstract

This master's thesis explores the evolving role of anti-suit injunctions in international arbitration, with a comparative focus on English and French law. Anti-suit injunctions are judicial orders restraining parties from pursuing litigation in breach of an arbitration agreement. While traditionally viewed with scepticism in civil law jurisdictions, recent developments suggest a growing openness to their recognition — particularly when grounded in contractual obligations.

The study is structured in two parts. Part I examines the legal foundations and legitimacy of ASIs in both jurisdictions, tracing their historical development and assessing their compatibility with principles such as *compétence-compétence*, party autonomy, and international comity. Part II analyses the post-Brexit resurgence of ASIs in England through the lens of *UniCredit v. RusChemAlliance*, a landmark case in which the English Court of Appeal issued an ASI in support of an arbitration seated in Paris. The case raises critical questions about jurisdiction, the law applicable to the arbitration agreement, and the recognition of English ASIs by French courts.

Through a comparative methodology, the master's thesis highlights the doctrinal and philosophical divergences between England and Wales and France. It argues that while English courts assertively enforce arbitration agreements via anti-suit injunctions, French courts prioritise arbitral autonomy and judicial restraint. The study concludes that both approaches reflect distinct legal cultures and that managing these differences is essential to promoting effective cross-border arbitration in a fragmented legal landscape.

Keywords: Anti-suit injunctions; arbitration; comparative law; English law; French law; *UniCredit v. RusChemAlliance*; *compétence-compétence*; party autonomy; international comity; judicial intervention; Brexit; law applicable to arbitration agreement; enforcement of arbitration agreements.