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The Contents of the Yearbook Commercial Arbitration, Volume XLVI (2021), Upload 2

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A new upload of materials for the 2021 volume of the Yearbook is now available on the KluwerArbitration website.

This upload is entirely devoted to an update of court cases from the People's Republic of China (PRC) on the application of the 1958 New York Convention, with 14 decisions dating from 2003 to 2020. Three decisions are particularly interesting.

In a decision from 2003, the [Supreme People's Court](#) took a restrictive approach to public policy when it held that a dispute was arbitrable even though it concerned a futures trading contract. While the parties' engagement in overseas futures trading without state approval contravened mandatory Chinese law, this contravention did not per se constitute a violation of Chinese public policy within the meaning of Art. V(2)(b) of the Convention.

In 2013, a majority of the [Supreme People's Court](#) found that a clause for ICC arbitration in Shanghai was valid, against the minority opinion that the clause was null and void, even though the ICC was not an arbitration institution registered with the Chinese judicial administrative authorities as required by the Arbitration Law of the PRC.

Finally, in 2020, the [Intermediate People's Court in Guangzhou](#) rendered a decision on how to distinguish between domestic and international awards in the PRC. It held that the New York Convention did not apply to an award rendered by an ICC tribunal seated in Guangzhou, even though the arbitration was between a US and a Chinese party, since the award's nationality was to be determined by the seat of the arbitration.


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