

Kluwer Arbitration Blog

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

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The present upload consists of 26 decisions applying the major arbitration Conventions and dealing with issues of general interest to the arbitration community. The following may be of particular interest to our readers.

First, the upload includes three decisions of the European Court of Human Rights in Strasbourg dealing with how the fair trial guarantees in Article 6 of the European Convention on Human Rights apply to international arbitration proceedings. They require, as the judgments point out, inter alia, the [independence](#) and [impartiality](#) of the arbitral tribunals, as well as due process, and grant a human rights remedy in case of breach after exhaustion of local remedies. In international [sports arbitration](#), one of the Strasbourg judgements held that Article 6 of the Convention requires a public hearing, breaking with the principle of confidentiality.

Second, on 30 June 2021, the [Constitutional Court of Ecuador](#) determined by majority decision that Ecuador's renewed signing of the ICSID Convention did not require the prior approval by the National Assembly, in particular because the Convention did not attribute competences specific to the internal legal system to an international or supranational body.

Finally, in a reflection of the recent world events affecting international arbitration as a whole, a [United States District Court](#) found that in an arbitration under the ICC Expedited Procedure Provisions, the arbitrator's decision to cancel the hearing due to COVID-19 restrictions and decide the case on the record only was not a violation of due process.


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