

From the Editors of Kluwer Arbitration Blog: 2020

Kluwer Arbitration Blog

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In December of each year we take a moment to thank our readers, collaborators and editors for their tremendous support. This year is special. As we come at the end of a year of challenges, but also of opportunities, we express our gratitude for being part of an amazing community and for being able to bring our contribution to the scholarship and practice of arbitration.

Entering a New Year has also a special meaning to us. Every January we add another year to Kluwer Arbitration Blog and, in 2021, we will be celebrating the 12th anniversary. We hope we will continue to bring you “high quality discussions on arbitration”.

2020 was a generous year for Kluwer Arbitration Blog, with over 170,000 readers every month! We hope that this number reflects the increased awareness of international arbitration worldwide. Our readers come from established arbitration jurisdictions, such as the US, UK, France etc., but also from – hopefully – up-and-coming arbitration hubs, such as Fiji, St Lucia, Tajikistan, and Mali.

For international arbitration, no doubt, 2020 was the year of covid-19 and of the developments in international arbitration related to responses to the pandemic, including the rise of remote and virtual hearings and related concerns on the

administration of justice, the seat of the arbitration, fairness and efficiency and due process. We could also see the court approach to covid-19 and arbitration matters, including by the Austrian Supreme Court in July 2020.

Nonetheless, 2020 has seen other significant developments above and beyond covid-19: new institutional arbitration rules of LCIA and ICC; the revival of the Yukos awards; the aftermath of Achmea and Micula cases; the Treaty for the termination of the intra-EU BITs entered into force on 29 August 2020; the ongoing modernisation of the Energy Charter Treaty (ECT), including the latest request from Belgium to CJEU for an opinion on the interaction between EU law and the future modernised ECT; the entry into force of the USMCA; ISDS and its reform, including the proposed Code of Conduct for Adjudicators; The Hague Rules on Business and Human Rights; arbitrators' liability; and UNCITRAL Working Group II on expedited arbitration.

On the national fronts, we have seen ratifications and accessions to the New York Convention of Tonga, Palau and Seychelles, Ethiopia, Sierra Leone, and the 2020 Amendment to the Indian Arbitration Act. National courts have also been active, with the Uber v. Heller case and unconscionable arbitration agreements in Canada; disclosure obligations vs confidentiality in Halliburton v. Chubb; the application of international law by the U.S. Supreme Court in a case involving a non-signatory in GE Energy Power v. Outokumpu; strides in the enforcement of foreign awards in India; dissenting opinions and public policy; law governing the arbitration agreement in Enka v. Chubb.

Last, but not least, as it emerges that the UK has reached the Brexit deal with the European Union, sources indicate that “the draft deal includes a new arbitration mechanism intended to ensure ‘a level playing field’ between the two sides”.

As usual, this is also the time to acknowledge and thank our **Editors**. This year – and with many thanks to Mike McIlwrath for the suggestion-, we have started a new series “Interviews of Our Editors”. These are interviews with our Editors, bringing their perspectives on international arbitration and Kluwer Arbitration Blog.

The Blog is also the result of the fruitful collaboration with its publisher, Wolters Kluwer, and the Editorial Board is grateful to Eleanor Taylor and Vincent Verschoor, editors and content managers with Wolters Kluwer, for ensuring that we deliver the

best final product to our readers.

We are also grateful to the permanent contributors and to the affiliates of the Blog, some being with us from the first days of Kluwer Arbitration Blog.

We are committed to deliver diverse arbitration. It is more important than ever to pursue gender, age, racial etc. diversity in international arbitration and Kluwer Arbitration Blog is an active participant in this discussion, aware of the responsibility it has in shaping the arbitration practice.

We would like to thank you for all your support and we send our best wishes for the Festive Season. We wish you a 2021 when we can meet in person.

Professor Roger Alford and Dr Crina Baltag, on behalf of the Editorial Board

The editors of Kluwer Arbitration Blog are always available at kluwerarbitrationblog@outlook.com.