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The Contents of the Yearbook Commercial Arbitration, Volume XLVI (2021), Upload 1

Stephan Schill (General Editor, ICCA Publications; Amsterdam Center for International Law, University of Amsterdam) · Tuesday, April 27th, 2021

Subscribers of [KluwerArbitration.com](https://www.kluwerarbitration.com) enjoy access to the [ICCA Yearbook Commercial Arbitration](#). The first upload of materials for the 2021 volume of the Yearbook contains a small selection of interesting cases. These are my favorites.

First, the [French *Cour de cassation*](#) and the [United States District Court for the Western District of Washington](#) both dealt with the enforcement of an ICC award rendered in respect of a contract for the construction and operation of two satellites between two Indian companies, Antrix and Devas. The issues discussed were whether the arbitration clause in the contract, which provided for arbitration in India in accordance with either the ICC or the UNCITRAL Rules, was pathological, and whether Devas could rely at the enforcement stage on the ground of the improper constitution of the ICC tribunal, which it had not explicitly raised in the arbitration.

Second, the landmark [UK Supreme Court](#) decision in *Halliburton* affirmed the decision of the lower courts not to remove an arbitrator in a London arbitration commenced by a policy holder against an insurer in respect of the Deepwater Horizon disaster. While the arbitrator had violated his duty to disclose his appointment in other related arbitrations, the Court held that a fair-minded and informed observer would not conclude under the circumstances of the case that there was a real possibility of bias.

Finally, for the first time, [this upload](#) includes three cases from Iran and one case from Cuba, showing how courts in these jurisdictions engage with the New York Convention.

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