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# Kluwer Arbitration Blog

## Available Now: The ICCA Yearbook Commercial Arbitration, Volume XLVII (2022)

Stephan Schill (General Editor, ICCA Publications; Amsterdam Center for International Law, University of Amsterdam) · Tuesday, January 17th, 2023

The 2022 volume of the Yearbook Commercial Arbitration is now [available in print](#), as well as online in the [KluwerArbitration database](#). It contains 16 so far unpublished arbitral awards and 97 court decisions that apply the 1958 New York Convention, the 1965 Washington (ICSID) Convention, and the 1975 Panama (Inter-American) Convention, or address issues of general interest to the practice of international commercial arbitration.

### Court decisions

Among the highlights are twelve court decisions from the People's Republic of China, which, together with the fifteen decisions published in 2021, substantially update the Yearbook's reporting from this jurisdiction. This year's volume also features three cases that offer an insight into the application of the New York Convention by the courts of Pakistan, and, for the first time, three decisions rendered on the New York Convention by the courts of El Salvador.

The reporting covers among other issues the relationship between constitutional law and international arbitration. The Constitutional Court of Colombia found the 2014 Colombia-France Bilateral Investment Treaty (BIT) [to be constitutional](#), (more on this [here](#)) on the condition that an interpretative declaration be adopted by Colombia and France to ensure that the BIT comply with the principles of equality, legal certainty, and maintenance of the State's regulatory power contained in the Colombian Constitution. The German Federal Constitutional Court examined in *Pechstein* (more on this [here](#)) how the right to arbitrate and the right to effective legal protection, which are both protected under the German Constitution, relate to each other. Two decisions of the Court of Justice of the European Union [see *Komstroy* and *PL Holdings*, (more on this [here](#)) dealt with the interaction between principles of EU constitutional law and investment treaty arbitration. Also included in the 2022 Yearbook are the decisions by the Supreme Court in the United Kingdom (more on this [here](#)) and the French *Cour de Cassation* (more on this [here](#)), which reached opposite results in the dispute between Kabab Ji and Kout on the law applicable to an arbitration agreement contained in a contract governed by English law.

### Arbitral awards

The selected ICC awards (more on this [here](#)) and SCC awards (more on this [here](#)) address issues such as the arbitrability of employment disputes, the interpretation of contractual terms, including arbitration clauses, the application of the CISG and Rome I and II Regulations, the public policy exception in the 1958 New York Convention, and negotiation as a condition precedent to arbitration.

### Recent developments and publications

The 2022 volume further contains announcements of new arbitration rules and of recent developments in the law and practice of several countries, as well as an extensive bibliography.

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This entry was posted on Tuesday, January 17th, 2023 at 8:01 am and is filed under [Yearbook Commercial Arbitration](#)

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