

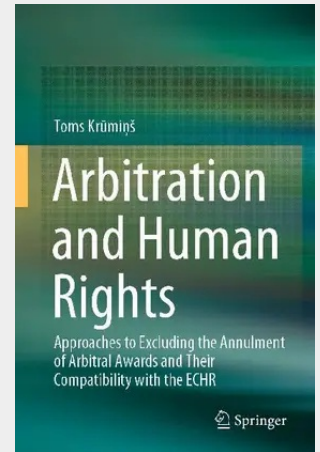
Arbitration and Human Rights

Approaches to Excluding the Annulment of Arbitral Awards and Their Compatibility with the ECHR

This book presents a creative synthesis of two ostensibly disparate fields of law – arbitration and human rights. More specifically, it focuses on various legislative approaches to excluding the annulment of arbitral awards (setting-aside proceedings) at the seat of arbitration and evaluates the compatibility of such approaches with the European Convention on Human Rights (ECHR), in particular the right to a fair trial under Article 6(1).

The book first assesses the applicability and impact of the ECHR, in particular Article 6(1), on international commercial arbitration. It then analyses a number of legislative approaches to excluding setting-aside proceedings, focusing on two synergetic phenomena – exclusion agreements and the total lack of setting-aside proceedings in national arbitration law. Lastly, the book investigates to what extent the lack of setting-aside proceedings in national arbitration law may lead to a violation of arbitrating parties' right to a fair trial under Article 6(1), and puts forward certain de lege ferenda recommendations on how to best approach the regulation of setting-aside proceedings in national arbitration law from the standpoint of compliance with the ECHR.

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