## THE IMPACT OF COVID-19 ON INTERNATIONAL ARBITRATION—HICCUP OR TURNING POINT?

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"I was lying in a burned out basement With the full moon in my eyes I was hoping for replacement When the sun burst through the sky" <sup>1</sup>

Neil Young, After the Goldrush

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<sup>&</sup>lt;sup>1</sup> After the Goldrush is the second track of Neil Young's third studio album also entitled After the Goldrush that was released on 19 September 1970 by Reprise. The track was written by Neil Young.

## **ABSTRACT**

COVID-19 had an immediate and significant impact on the practice of international arbitration. Nevertheless, institutions, arbitral tribunals, counsel and other participants learned quickly how to deal with this new challenge. The crucial question is whether there will be long-term impacts by these COVID-19 experiences on international arbitration even once this pandemic is over. The spontaneous and probably correct answer would be "Yes". Most probably, more elements of a typical arbitration that were based on physical presence will from now on occur contactless, i.e. in virtual reality. However, it is not only helpful but also necessary to identify which elements of international arbitration could easily take place in virtual reality and for which elements physical presence is and remains desirable or maybe even indispensable. In the end, COVID-19 will most probably speed up processes aimed at more efficiency that had already commenced prior to the outbreak of COVID-19, but will not change the core elements of international arbitration, i.e. the search for impartial and independent and—hopefully in most cases fair and just—decision-making in cross-border disputes through a voluntary and flexible process.

**KEYWORDS:** African Arbitration Academy, American Arbitration Association-International Centre for Dispute Resolution, Arbitration Institute of the Stockholm Chamber of Commerce, Australian Centre for International Commercial Arbitration, Chartered Institute of Arbitrators, China International Economic and Trade Arbitration Commission, Chinese Arbitration Association, commercial arbitration, compensation, complexity problem, contactless arbitration, COVID-19, distress, "documents only" arbitration, due process risks, flexibility, force majeure, foreign investors, frustration of purpose, full protection and security, Hong Kong International Arbitration Centre, human touch, International Centre for Settlement of Investment Disputes, International Court of Arbitration at the International Chamber of Commerce, investment arbitration, Istanbul Arbitration Centre, Living in a Ghost Town, London Court of International Arbitration, material adverse events, necessity, non-discrimination, physical hearings, privacy, public health exception, Seoul International Dispute Resolution Center, Singapore International Arbitration Centre, state of emergency, technocrats, Vienna International Arbitral Centre, virtual hearings, webinar, Willem C. Vis Moot Court Competition