

Non-Recognition of Foreign Arbitral Awards Pursuant to Article V 1 d of the New York Convention

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This paper provides an analysis of the scope of Article V part 1 d of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the application of the relevant article by courts in Latvia and abroad. It is argued that although parties can freely agree on the arbitration process and the appointment of arbitrators, they cannot waive rights to due process or agree on arbitrators discriminating him/her based on religion, views, handicap, age or sexual orientation. Moreover, the author concluded that Section 497 of Latvia's Civil Procedure Law providing the requirements of professional qualifications for arbitrators cannot be seen as an imperative norm in international arbitration procedure and that this norm must not be applied to an international arbitration procedure unless the parties to the case have agreed otherwise.

Keywords: New York Convention, arbitration agreement, arbitration procedure, recognition and enforcement of a foreign arbitral award.