



THE RELATIONSHIP BETWEEN ARBITRATION AND THE RIGHT TO A FAIR TRIAL IN THE EUROPEAN CONVENTION OF HUMAN RIGHTS

From the analysis conducted in the present work, it is possible to note first of all that in the system of the Strasbourg Convention, the protection of human rights - and, in particular, of the right to a fair trial sanctioned by article 6 - has gradually assumed (and will still cover more in the future) a significant role in the context of arbitration. The question of identifying the parameters intended to regulate the relationship between arbitration and the right to a fair trial in the Strasbourg system is far from being a resolved issue. In fact, if it is true that, as we have seen, the Court of Strasbourg recently, in the *Tabbane* and *Mutu and Pechstein* cases, made an appreciable contribution to this problem - precisely identifying the effects deriving from the stipulation of an arbitration clause, in terms of renunciation of the parties to the guarantees provided for in article 6 of the ECHR - it is equally true that over the course of time the Court has not really and effectively clarified the content of the theory of “partial renunciation”.