

Rules for Arbitration: A Survey of Organization Model Arbitration Law

1. Introduction

Arbitration has become one of the most important mechanisms for resolving disputes outside traditional court systems. It is widely used in international commercial transactions, investment disputes, and even domestic conflicts. The effectiveness of arbitration largely depends on the rules that govern the process. These rules are often derived from model arbitration laws and institutional frameworks developed by international organizations.

This document provides a comprehensive overview of arbitration rules, focusing on model arbitration laws and the role of major arbitral institutions.

2. Concept and Purpose of Arbitration

Arbitration is a private dispute resolution mechanism where parties agree to submit their disputes to one or more arbitrators instead of courts. The primary objectives include:

- Neutral and impartial resolution
- Flexibility in procedure
- Confidentiality
- Finality and enforceability of awards

3. Model Arbitration Laws

3.1 UNCITRAL Model Law on International Commercial Arbitration

The UNCITRAL Model Law, first adopted in 1985 and amended in 2006, is the most influential framework for arbitration legislation worldwide. It aims to harmonize arbitration laws across jurisdictions.

Key features:

- Recognition of party autonomy
- Limited court intervention
- Competence-competence principle
- Equal treatment of parties
- Enforcement of arbitral awards

3.2 Objectives of Model Laws

Model laws serve to:

- Provide a template for national legislation
- Ensure consistency across jurisdictions
- Promote international trade and investment

4. Institutional Arbitration Rules

4.1 International Chamber of Commerce (ICC)

The ICC Arbitration Rules are widely used in international disputes. They provide:

- Structured procedures
- Scrutiny of arbitral awards
- Administrative support

4.2 London Court of International Arbitration (LCIA)

The LCIA Rules emphasize efficiency and flexibility. Features include:

- Expedited formation of tribunals
- Cost control mechanisms
- Strong confidentiality provisions

4.3 American Arbitration Association (AAA)

The AAA, through its International Centre for Dispute Resolution (ICDR), offers rules suited for both domestic and international arbitration.

4.4 Singapore International Arbitration Centre (SIAC)

SIAC rules are known for:

- Emergency arbitration provisions
- Expedited procedures
- Strong enforcement record in Asia

5. Core Principles of Arbitration Rules

5.1 Party Autonomy

Parties have the freedom to determine:

- Governing law
- Seat of arbitration
- Language
- Number of arbitrators

5.2 Due Process

Ensures fairness through:

- Equal opportunity to present cases
- Impartial tribunal
- Transparent procedures

5.3 Kompetenz-Kompetenz

Arbitral tribunals have the authority to determine their own jurisdiction.

5.4 Separability

The arbitration clause is treated as independent from the main contract.

6. Arbitral Procedure

6.1 Commencement of Arbitration

- Filing of request for arbitration
- Notification to respondent

6.2 Constitution of Tribunal

- Appointment of arbitrators
- Challenge and replacement procedures

6.3 Hearings and Evidence

- Written submissions
- Oral hearings (if required)
- Witness examination

6.4 Interim Measures

ADR Global, Inc. ● Washington, D.C. ● (888) 249-0559●www.adrglobal.net

Tribunals may grant temporary relief to protect parties' rights.

6.5 Arbitral Award

- Final and binding decision
- Must be reasoned and in writing

7. Enforcement of Arbitral Awards

The enforcement of arbitral awards is primarily governed by the New York Convention (1958), which facilitates recognition and enforcement across jurisdictions.

Grounds for refusal include:

- Invalid arbitration agreement
- Lack of due process
- Excess of jurisdiction
- Public policy concerns

8. Role of Courts in Arbitration

Courts play a supportive role by:

- Enforcing arbitration agreements
- Assisting in evidence gathering
- Recognizing and enforcing awards

However, intervention is limited to preserve arbitration autonomy.

9. Emerging Trends in Arbitration Law

- Digital and online arbitration
- Increased use of emergency arbitrators
- Greater transparency in investment arbitration
- Diversity in arbitrator appointments

10. Conclusion

Model arbitration laws and institutional rules form the backbone of modern arbitration practice. They provide a balance between flexibility and legal certainty, ensuring efficient

and fair dispute resolution. As global commerce continues to expand, arbitration rules will continue to evolve to meet new challenges.

References (Suggested)

- UNCITRAL Model Law on International Commercial Arbitration (1985, amended 2006)
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)
- ICC Arbitration Rules
- LCIA Arbitration Rules
- AAA/ICDR Rules
- SIAC Arbitration Rules