

Closing the Arbitration

Introduction

Closing the arbitration is the final phase of the arbitration process, marking the conclusion of proceedings and leading to the issuance of the arbitral award. This stage is critical as it ensures that all arguments, evidence, and procedural matters have been properly addressed before the tribunal renders its decision.

Key Steps in Closing the Arbitration

1. Declaration of Closure

The arbitral tribunal formally declares the proceedings closed once it is satisfied that:

- All submissions have been made
- Evidence has been fully presented
- Hearings, if any, are concluded

This declaration prevents parties from submitting further materials unless specifically requested or permitted by the tribunal.

2. Post-Hearing Submissions

In some cases, the tribunal may request post-hearing briefs or statements. These allow parties to:

- Summarize their arguments
- Clarify complex issues
- Respond to questions raised during hearings

Once these submissions are received, the tribunal typically proceeds toward closure.

3. Deliberation by the Tribunal

After closure, the arbitrators deliberate privately. This involves:

- Reviewing all evidence and submissions
- Assessing credibility of witnesses
- Applying relevant law and contractual provisions

Deliberations are confidential and form the basis for the final award.

4. Drafting the Arbitral Award

The tribunal prepares the arbitral award, which includes:

- A summary of the dispute
- The issues considered
- Reasoning and analysis
- Final decision and remedies

The award must comply with applicable arbitration rules and legal standards.

5. Time Limits for the Award

Many arbitration rules impose time limits for issuing the award after closure. These limits help ensure efficiency and prevent undue delay.

6. Notification of the Award

Once finalized, the award is communicated to the parties. This officially ends the arbitration proceedings.

Legal Significance of Closure

Closing the arbitration has important legal implications:

- It restricts further submissions by the parties
- It triggers timelines for issuing the award
- It marks the transition from proceedings to decision-making

Challenges and Considerations

- **Late Submissions:** Parties may attempt to introduce new evidence after closure
- **Reopening Proceedings:** In exceptional cases, tribunals may reopen proceedings
- **Procedural Fairness:** Ensuring both parties had equal opportunity to present their case

Best Practices

- Ensure all arguments and evidence are submitted before closure
- Respond promptly to tribunal requests
- Maintain clear and organized records

- Adhere to procedural timelines

Conclusion

Closing the arbitration is a decisive stage that ensures procedural completeness and fairness. Proper handling of this phase contributes to the legitimacy and enforceability of the arbitral award, ultimately bringing the dispute to a binding resolution.