

UNCITRAL Colloquium on

Recognition and Enforcement of Electronic Arbitral Awards

Digitalization and Enforcement of Arbitral Awards in Colombia

Nicolás Lozada Pimiento





1

**Current Practice in
Delivering Electronic Awards**

2

**Digitalization of Signing and
Issuing Awards**

3

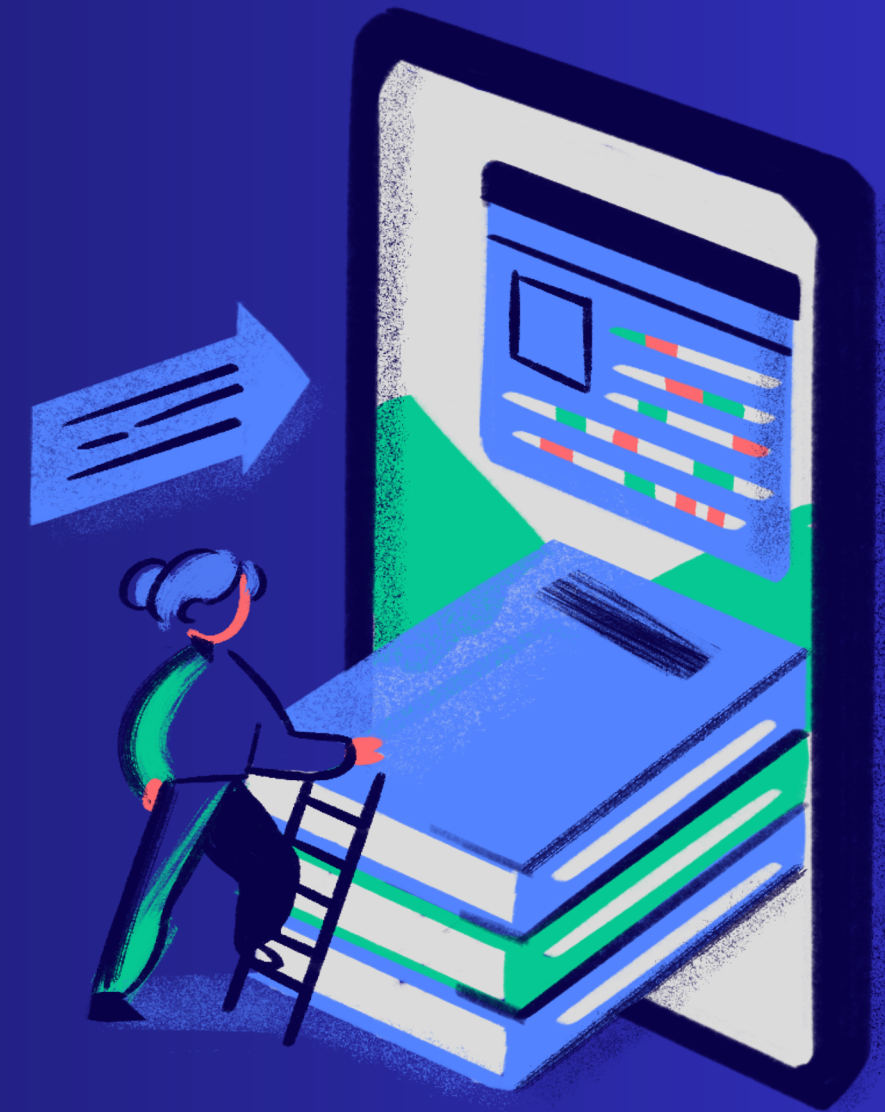
**Institutional Rules on
Electronic Awards**

4

**Challenges in Digital Award
Issuance**

Growth of Electronic Awards in Colombia

- Growing use of **digital platforms** for arbitral procedure
- **Benefits:** Faster delivery, cost reduction, and global accessibility



Legal framework

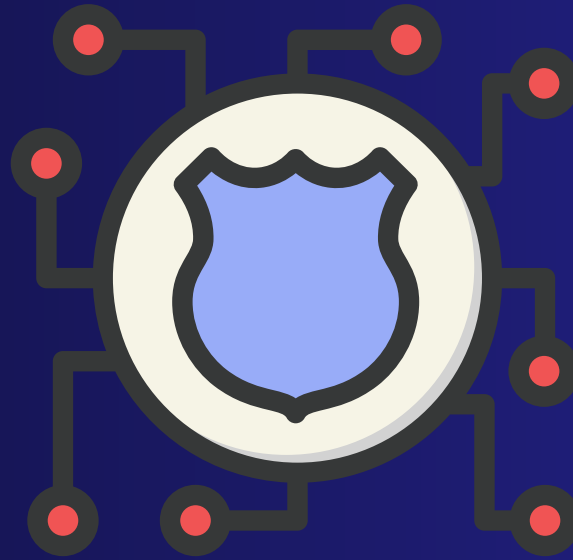


Ley 1563 de 2012:
Adoption of the
UNCITRAL Model Law
(2006) for electronic
awards.

Ley 527 de 1999:
Framework for
electronic
commerce and
digital signatures.

C-831 de 2001:
Broad application
of Ley 527 beyond
commercial
transactions.

Legal framework



Principle of Functional Equivalency:

Electronic documents
hold the same legal
value as traditional ones.

**Decree 2364 of
2012:** Recognition
of digital signatures
for arbitration
purposes.

**Article 104 of Arbitration
Statute (Ley 1563):** Allows
the written form
requirement to be met
through electronic
documents.



Some practices of arbitration centers in Colombia

 Centro de Arbitraje
y Conciliación **CCB**

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Issuance of
Electronic
Awards

Implementation
of Electronic
Signature Tools

Digitalization of
Files and Records



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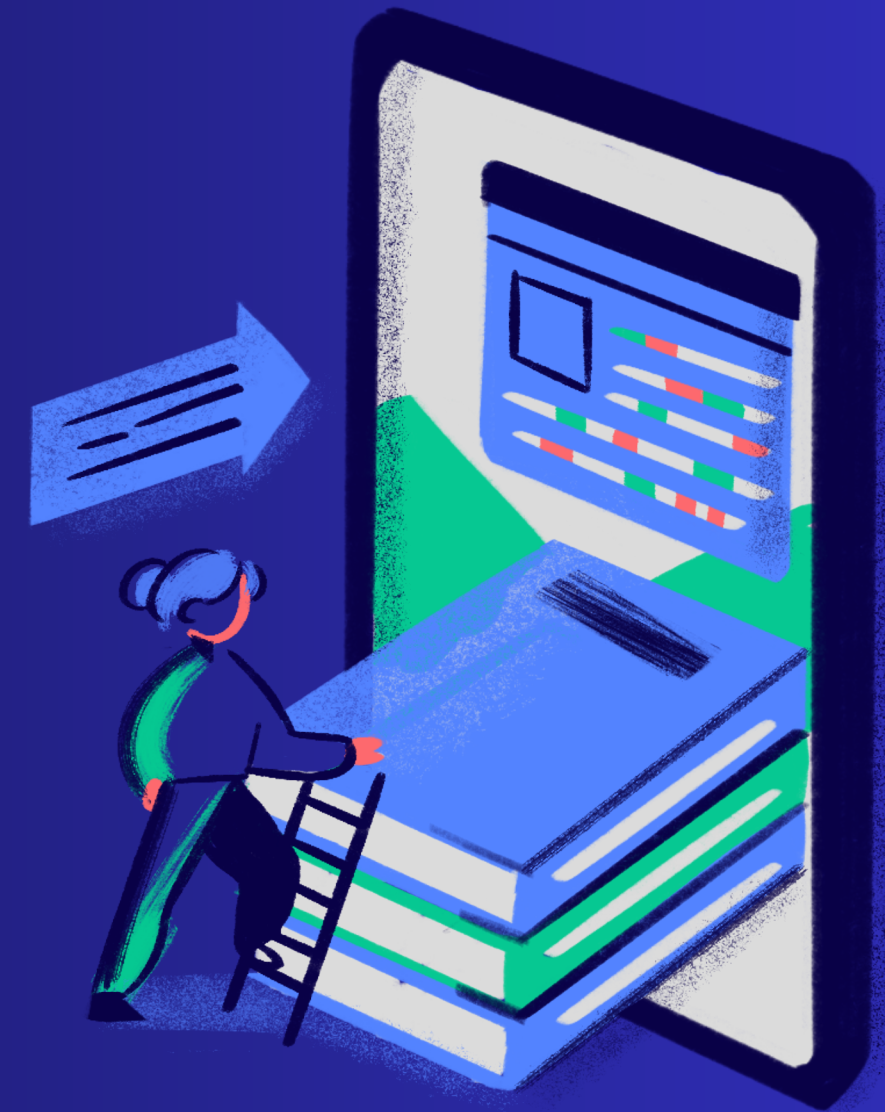
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Legal Support for Digital Signatures in Colombia

- Article 6 of **Ley 527 de 1999**: Recognizes legal equivalency of digital signatures
- **Decree 2364 of 2012**: Flexibility and technological neutrality in signing
- Ensures authentication and security in digital processes



Functional Equivalency of Digital Documents

UNCITRAL's equivalency

principle:

Digital signatures are as
valid as manual ones

Recognized in Colombia
under **Ley 527 de 1999**

Applied in **international
arbitration** procedures

Experience in Colombia

- Most arbitral awards are **issued electronically in PDF format** with digitized or electronic signatures.
- Documents are **delivered via email** with restrictions on editing and copying to ensure document integrity.



Experience in Colombia

- Tools such as **Adobe Acrobat and DocuSign** are used for electronic signing, though formal rule updates are still in progress.
- Since the pandemic, many arbitration centers have **adapted quickly** to digital processes.



Challenges in Adoption of Digital Signatures

Skepticism in traditional legal settings and legal uncertainty



Ensuring robust authentication methods across jurisdictions



Technology Disparity and regulatory alignment for cross-border recognition of digital signatures





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Colombian Arbitration Statute

- Article 104 of the Arbitration Statute: **Written form allows for electronic awards**
- Principle of pro-ejecución: **Flexible, favoring electronic award enforcement**



Comparison with International Norms

- UNCITRAL Model Law & NYC: **Flexible approaches to digital awards**
- Cross-jurisdiction recognition **challenges**
- **Colombia's alignment with international trends**



Validity and Enforcement Issues



Requirement for authentication in the court of enforcement



NYC offers flexibility:
Enforcement under either law of origin or enforcement



Courts must adapt to digital evidence formats

Security and Data Integrity

Risk of data breaches in digital award handling



Encryption and secure platforms are critical



Need for robust cross-border cybersecurity measures



Court Adaptation to Electronic Processes

- Courts must adapt to new electronic formats for arbitration evidence
- Digital evidence handling and secure transmission are key



Arbitration Center Rules in Colombia

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- **Ongoing updates**
- **Partial implementation**
- **Ley 2220 de 2022**
- **Use of digital tools**
- **Pandemic as an accelerator**



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Legal Interpretation Challenges

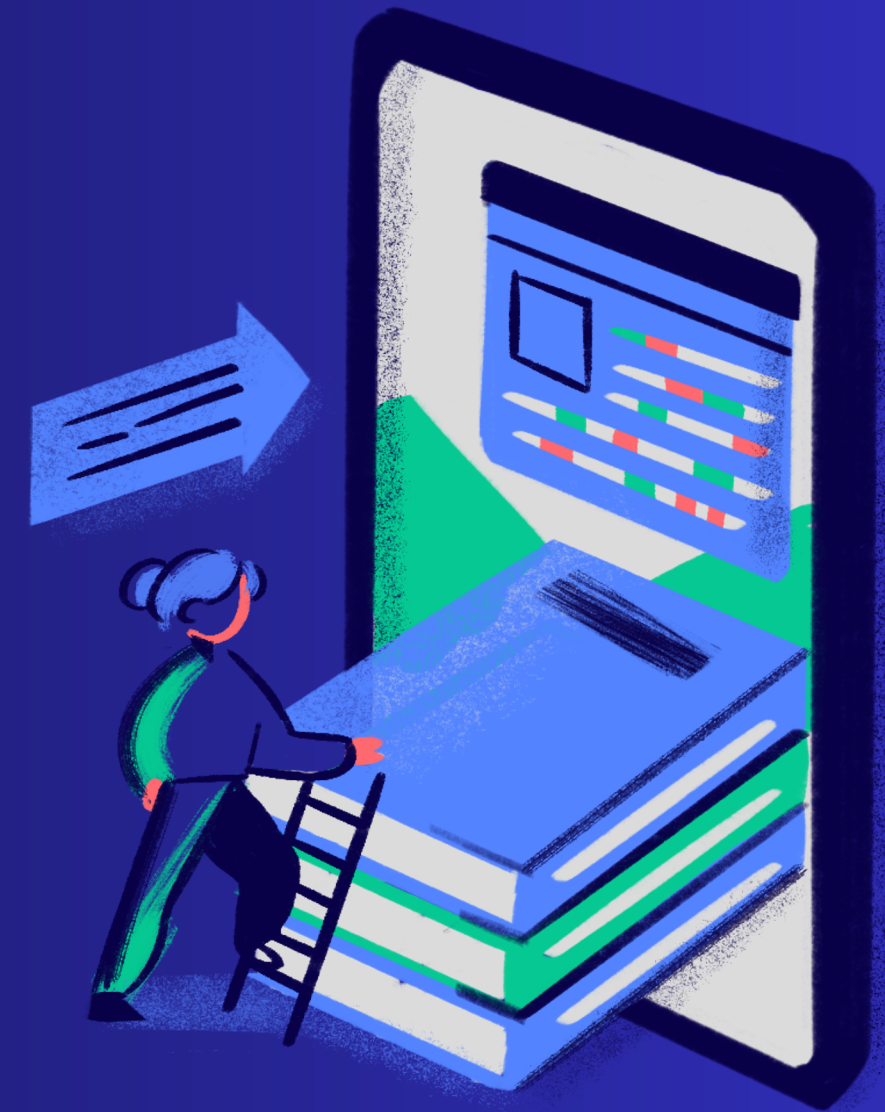
Article 104 of Colombian
Arbitration Statute:
Ambiguity in defining
"written" for electronic
awards

Strict
interpretations may
hinder digital
processes

**Functional
equivalency
provide a
solution**

Access and Equality Issues

- Article 5 of NYC: Potential for **denial of recognition** due to unequal access to technology
- Importance of ensuring **fairness and equality** in digital arbitration proceedings
- **Risks:** Difficulty in serving digital notices



Nationality of Electronic Awards



- **Theories:** Tribunal location, server location, or delocalized awards
- **Colombian law** (Article 93) leaves the final decision to arbitrators
- Cross-border implications for **enforcement**



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Future of Digital Awards

- **Adoption of AI** and automated dispute resolution tools
- Greater **integration of blockchain** and secure digital platforms
- Continued **development of legal frameworks** for global enforceability



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YOU SO
MUCH