Fast-track Arbitration for Agile Businesses

- Key features of the UNCITRAL Expedited Arbitration Rules -

2021 UNCITRAL RCAP
Incheon Law &Business Forum
7 September 2021
Background

- Desirable for businesses to concentrate energy on profitable and forward-looking activities.
- Growing demand for quick and affordable dispute settlement mechanisms.
- Need for arbitration to address concerns about rising costs, undue formality and lengthier timelines.
- In February 2019, UNCITRAL WGII started work on expedited arbitration.
- In July 2021, UNCITRAL adopted the UNCITRAL Expedited Arbitration Rules (EAR).
Key features of the EAR (1) – basic rules

- Award rendered within 6 months … Article 16.1
- Proceeding conducted by sole arbitrator … Article 7
- Swift exchanges of claim and defence … Articles 4, 5, 12, 13
- Swift and effective communication … Article 9
- Use of technological means … Article 3.3
- Reliance on documentary evidence … Articles 11, 15
Key features of the EAR (2) – safeguards

- Possible extension of overall timeframe … Article 16.2
- Possible extension of periods of time … Article 10
- Recourse to regular arbitration … Article 2, 16.4
- Request for hearings … Article 11
- Parties explicit agreement to the EAR … Article 1
Good reasons to opt for EAR arbitration

- In a panel of multiple decision-makers, usually one person in driver’s seat.
- 6 months is sufficient time to render deliberate and well-informed awards.
- Agile businesses consume less time for review and internal coordination in drafting submissions.
- Outcomes of cases largely dependent on undisputed facts and documentary evidence.
We trust businesses will find the EAR useful!

WGII Chair (right) and Rapporteur (left)