

# Fast-track Arbitration for Agile Businesses

*- Key features of the UNCITRAL Expedited Arbitration Rules -*

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# 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)