

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Dispute Settlement

International Commercial Arbitration

5.3 Arbitral Tribunal



NOTE

The Course on Dispute Settlement in International Trade, Investment and Intellectual Property consists of forty modules.

This module has been prepared on the basis of a first draft by Mr. A. Garro at the request of the United Nations Conference on Trade and Development (UNCTAD). The views and opinions expressed in this module are those of the authors and not necessarily those of the United Nations, WTO, WIPO, ICSID, UNCITRAL, the Advisory Center on WTO Law or the PCA.

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WHAT YOU WILL LEARN

One of the more obvious features (and advantages) of arbitration, as opposed to litigation, is that in arbitration one may choose one's own judge. This comparative advantage is what makes arbitration a genuine neutral ground for the settlement of disputes, and the choosing of a truly impartial judge is centered on the appointment of the arbitrators.

This Module provides an overview of the qualifications required of an arbitrator and the process by which the arbitrators are appointed, challenged, removed, and replaced. More specifically, the following sections focus on the process of nominating the member(s) of the arbitral tribunal, the qualifications that those members should have and, the methods to secure the establishment of an arbitral tribunal in the absence of cooperation by one of the parties.

This Module also includes the grounds and mechanisms for challenging arbitrators, the rights and obligations of arbitrators, and the administrative and financial aspects of the arbitration.

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