

Articles

REVISION OF THE UNCITRAL ARBITRATION RULES: THE CURRENT STATE OF PLAY

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ABSTRACT

The UNCITRAL Arbitration Rules were made in 1976 without being revised in the past 30 years. Since great advances have taken place in arbitral practice, UNCITRAL Working Group now has started considering a revised draft of the Rules, looking forward to complete the review and submitting to the UNCITRAL Commission and the UN General Assembly for adoption in the future. The revision addresses the issues from many aspects, including broadening the scoping of application, allowing the opening submission of parties before the arbitral tribunal is constituted, specifying the details of constitution of tribunal, providing the guideline of disclosure by arbitrators, replacement of arbitrators, consolidations of cases, joinder of third parties, protection of confidentiality, jurisdiction of tribunals, interim measures which might be taken, default clauses, and majority decisions. However, the position of the revision may still remain relatively conservative

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due to the decision making system and the underlying attitude of the commission. Now the real challenge of the Working Group is trying to strike the balance between the desire of the parties to make the rules practical and the risk of their becoming too complicated.

KEYWORDS: *UNCITRAL; UN General Assembly; ICC; LCIA; UNCITRAL Arbitration Rules; ad hoc arbitrations; institutional arbitrations; UNCITRAL Working Group; opening submission; arbitration tribunal; default number; appointing authority; multi-party arbitrations; disclosure of arbitrators; replacement; preparatory meetings; consolidation; joinder of third parties; confidentiality; jurisdiction; interim measures; hearing; default; majority decisions; consensus; predictable*