

# PROCEDURES FOR CHALLENGING ARBITRATORS: LESSONS FOR AND FROM TAIWAN

*Winnie Jo-Mei Ma\**

## ABSTRACT

*The parties to arbitration may challenge their arbitrators for genuine reasons, such as lack of impartiality, independence or competence. However, the parties may also misuse or abuse the challenge procedures as dilatory (and even as guerrilla) tactics. Ideally, the procedures for challenging arbitrators should uphold arbitral integrity and legitimacy without unduly compromising arbitral expediency and efficiency.*

*This article explores two controversies concerning the arbitrator challenge procedures. First, who should decide on the challenge – the arbitral tribunal including or excluding the challenged arbitrators, or a separate and neutral entity such as an arbitral institution? Second, should the arbitral proceedings continue or be discontinued during the challenge process?*

*Following a comparative and critical survey of the various procedures for challenging arbitrators, recommendations will be tailor-made for Taiwan in light of some unique features of Taiwan's arbitration law.*

---

\* Assistant Professor, Bond University Faculty of Law, Australia; Member of the Chinese Arbitration Association (Taiwan). The author would like to thank Emeritus Professor Mary Hiscock for her comments on an earlier draft of this article, which was presented at the 2012 Taipei International Conference on Arbitration and Mediation on 3 September 2012. The author can be reached at [wma@bond.edu.au](mailto:wma@bond.edu.au).

**KEYWORDS:** *arbitrator challenge, removal, disqualification or withdrawal, international commercial arbitration, dilatory or guerrilla tactics, UNCITRAL Model Law*