

THE EVOLVING ROLE OF INSTITUTIONAL ARBITRATION IN PRESERVING PARTIES' DUE PROCESS RIGHTS

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ABSTRACT

Arbitral institutions have traditionally been regarded as providing “merely administrative” functions in the conduct of institutional arbitration. This paper argues that arbitral institutions are significant players in safeguarding and promoting the parties’ due process rights, by ensuring both (1) access to effective arbitration as a gatekeeper, and (2) fairness of procedure through its oversight functions. Moreover, due to the proliferation of increasingly complex institutional rules, arbitral institutions also engage in functions that have the potential to substantially influence parties’ recourse to alternative dispute resolution.

KEYWORDS: *arbitral institutions, institutional arbitration, due process, New York Convention, transparency, fairness, enforcement, arbitral award*

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