

Articles

INTERNATIONAL ARBITRATION AND ITS DARK SIDES, IN PARTICULAR CORRUPTION: WHAT ARBITRAL INSTITUTIONS COULD AND SHOULD DO TO TACKLE SUCH UNWELCOME ISSUES

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“聞義不能徙，不善不能改，是吾憂也。”¹

孔子 論語 (Analects of Confucius)

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¹ English Translation: *Failure to follow what I know to be right, and failure to correct my faults: these are the worries that plague me.*

ABSTRACT

While the role of arbitrators and tribunals in keeping international arbitration free of corruption and other “unwelcome issues” has been often discussed, little has been said about the role of institutions. Arbitral institutions are beginning to realize the impact of corruption in arbitration and are starting to take steps toward prevention. Several institutions have recently provided arbitrators with guidelines and toolkits to handle corruption or created pledges and taskforces to tackle the problem, but these efforts are not enough. From blacklisting shady parties, to instituting ongoing education programs and corruption advisors, institutions can do more to keep corruption out of their tribunals and promote clean, fair arbitration.

KEYWORDS: *AIAC’s Code of Conduct for Arbitrator, blacklisting parties, bribery, corruption, corruption advisors, corruption ombudsman, education programs, ICC Task Force on Addressing Issues of Corruption in International Arbitration, mandatory compliance program, money laundering, sanctions, United Nations Convention against Corruption, University of Basel Competence Center Arbitration and Crime*