

INTRODUCTION TO THE INTERNATIONAL ARBITRATION PRACTICE GUIDELINES

The CIArb's Arbitration Practice Guidelines (Guidelines) are produced by the Institute's Practice and Standards Committee (PSC)¹ which is charged with the development and promotion of best practice worldwide through research and guidance.²

Shortly after the enactment of the English Arbitration Act 1996, the first edition of the Guidelines was published in 1998 focusing exclusively on the practice of arbitration in England. Subsequently, the Guidelines were periodically reviewed and updated to broaden their application by adding a commentary on the practice in a number of other jurisdictions reflecting the local laws and the rules of various international arbitral institutions.

When reviewing the Guidelines in 2012 the PSC recognised that uniformity in the treatment of procedural issues and the conduct of arbitration can make the process more predictable, effective and expeditious. The PSC decided it could help the arbitration community achieve these objectives by revising its Guidelines to reflect best practice in international commercial arbitration without reference to particular requirements of any applicable law(s) and/or rules.

This is a major undertaking as there are currently 18 Guidelines covering all aspects of arbitration practice, starting with interviewing of prospective arbitrators and ending with drafting final awards. Copies of the Guidelines can be downloaded for free from www.ciarb.org.

The new Guidelines identify best practice as to how arbitrators should respond to procedural issues and challenges that commonly arise. However, the Guidelines are not prescriptive and do not contain any legal advice. Rather they contain suggestions and recommendations aimed at promoting a consistent approach to decision-making. Ultimately, arbitrators' decisions should always take into account due consideration of the arbitration agreement, including any applicable law(s) and/or any rules, regardless of what the Guidelines may suggest.

¹ For a list of PSC members please visit <<http://www.ciarb.org/about/governance/standing-committees/practice-standards-committee>>.

² Article 14 of the CIArb Regulations (May 2014), available at <<https://www.ciarb.org/docs/default-source/trainingdevelopment/regulations-may-2014.pdf?sfvrsn=4>>.

To ensure that the new Guidelines reflect international best practice and take into account different legal backgrounds and culture, they are drafted by the PSC, whose members come from 13 different jurisdictions and they are also peer reviewed by over 60 academics and practitioners from CI Arb's international branches and teaching faculty. In addition, authoritative commentaries, published arbitral decisions and case law considered during the drafting, are referenced in Endnotes to each new Guideline to assist the reader to identify sources for further reading. Lastly, to aid comprehension, each Guideline follows a standard format in which key principles are stated in a series of Articles followed by an explanatory commentary.

The PSC intends that the Guidelines will be of assistance to students, academics, dispute resolution practitioners and arbitrators. In order to fulfil this, the PSC recognises that the Guidelines should not be set in stone but instead need to be regularly reviewed and updated to reflect the constantly evolving practice. To this end, practitioners, users and any interested parties who wish to make suggestions for improvements to the Guidelines are invited to send them by email to the PSC's dedicated email address psc@ciarb.org

I would like to thank all those who took the time out of their busy schedules to assist with the revision of the Guidelines.

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Chair of the PSC