



Introduction

CI Arb London Centenary Principles¹

To mark the 100th anniversary of the Chartered Institute of Arbitrators, the London Centenary Conference 2015 launched and debated a draft set of principles for an effective and efficient seat in international arbitration.

The official '*CI Arb London Centenary Principles*' are now available for your perusal. Crucially, they are not another set of model rules for an arbitral institution. They are principles which recognise that the importance of international arbitration today and the loosening, almost severing, of ties between international arbitration and national law requires a number of key characteristics to make a particular place an appropriate and effective arena in which to conduct international arbitration.

The intention has been to identify those key characteristics. From a law which is both arbitration friendly and supportive of the party's choice of arbitration to the pragmatic, some might say prosaic, needs to provide competitive facilities and services for hearing rooms, document handling, translation and transcription of hearings.

It is intended that these principles will prompt a close study of what it is that makes international arbitration really work. All international arbitration

¹ The London Centenary Principles were developed with the assistance of The Rt Hon the Lord Goldsmith QC, Doug Jones AO, Judith Gill QC, Julian Lew QC, Constantine Partasides QC, Karyl Nairn QC, Toby Landau QC, The Hon Sir Vivian Ramsey, Wendy Miles QC, Peter Rees QC, Dr Maxi Scherer and Audley Sheppard QC

practitioners will have their own favourite places for arbitration. It is hoped that these principles will enable a closer identification of what in truth matters. This will help States, for example, to amend their laws; arbitral institutions, for example, to provide for appropriate hearing rooms and associated facilities; colleges and law schools, to encourage an education which teaches arbitration and international dispute resolution; and professional bodies to help provide a framework for the ethical conduct of international arbitration at work.

These issues are more difficult than they may appear at first sight. We therefore hope as the examination of these principles proceeds both to refine and to deepen the principles. The desired outcome is that a country, arbitral institution, professional body or legal sector will be able to have regard to these principles in deciding how they respond to the challenge of providing effective and safe arbitration facilities' for the 21st century and beyond.

The London Centenary Principles 2015



The following Principles are those necessary for an effective, efficient and "safe" Seat for the conduct of International Arbitration.

1. Law

A clear effective, modern International Arbitration law which shall recognise and respect the parties' choice of arbitration as the method for settlement of their disputes by:

- (a) providing the necessary framework for facilitating fair and just resolution of disputes through the arbitration process;
- (b) limiting court intervention in disputes that parties have agreed to resolve by arbitration.
- (c) striking an appropriate balance between confidentiality and appropriate transparency, including the growing practice of greater transparency in investor state arbitration.

2. Judiciary

An independent Judiciary, competent, efficient, with expertise in International Commercial Arbitration and respectful of the parties' choice of arbitration as their method for settlement of their disputes.

3. Legal Expertise

An independent competent legal profession with expertise in International Arbitration and International Dispute Resolution providing significant choice for parties who seek representation in the Courts of the Seat or in the International Arbitration proceedings conducted at the Seat.

4. Education

An implemented commitment to the education of counsel, arbitrators, the judiciary, experts, users and students of the character and autonomy of International Arbitration and to the further development of learning in the field of arbitration.

5. Right of Representation

A clear right for parties to be represented at arbitration by party representatives (including but not limited to legal counsel) of their choice whether from inside or outside the Seat.

6. Accessibility and Safety

Easy accessibility to the Seat, free from unreasonable constraints on entry, work and exit for parties, witnesses, and counsel in International Arbitration, and adequate safety and protection of the participants, their documentation and information.

7. Facilities

Functional facilities for the provision of services to International Arbitration proceedings including transcription services, hearing rooms, document handling and management services, and translation services.

8. Ethics

Professional and other norms which embrace a diversity of legal and cultural traditions, and the developing norms of international ethical principles governing the behaviour of arbitrators and counsel.

9. Enforceability

Adherence to international treaties and agreements governing and impacting the ready recognition and enforcement of foreign arbitration agreements, orders and awards made at the Seat in other countries.

10. Immunity

A clear right to arbitrator immunity from civil liability for anything done or omitted to be done by the arbitrator in good faith in his or her capacity as an arbitrator.