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# **An Effective & Attractive Arbitration Seat**

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# What is an arbitration “seat”?

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- Legal “home” of the arbitration proceedings
  - National laws governing conduct of arbitration within territory
    - » Mandatory procedural rules
    - » Filling gaps in any institutional rules governing arbitration
  - “Supervisory” role of courts
- Not the same thing as **venue**
  - Unaffected by agreement or decisions as to venue

# What makes an effective seat?

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## a “safe” or “arbitration-friendly” jurisdiction

- International arbitration law
- Recognises and respects parties’ choice of arbitration to settle disputes
  - Limited intervention of courts; focused on supporting arbitration
  - Enforces arbitration agreement
  - Narrow grounds for annulment of arbitration award
  - Immunity for arbitrators?
- Neutral & impartial judiciary, respectful of parties’ choice of arbitration
- Party to international treaties for recognition and enforcement (New York Convention)

*See, e.g.,* CIArb London Centenary Principles

# What makes an attractive seat?

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## a “user-friendly” jurisdiction

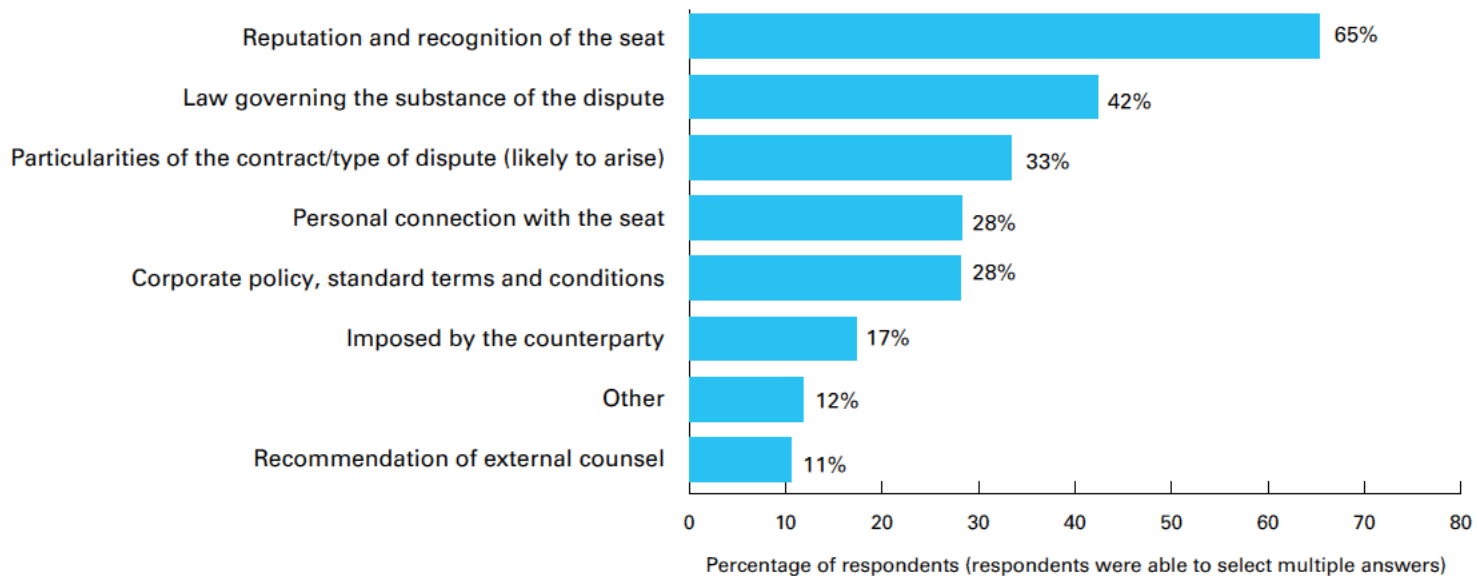
- Certainty or predictability of legal framework
- Appropriate balance between confidentiality and transparency
- Experience with, if not expertise in, international commercial arbitration
  - Judiciary
  - Local Bar
- Representation by counsel of choice

*See, e.g.,* CIArb London Centenary Principles

# What actually drives the choice of seat?

what users (counsel, clients, arbitrators) say matters to them:

## 1. Why are certain seats preferred / commonly used?

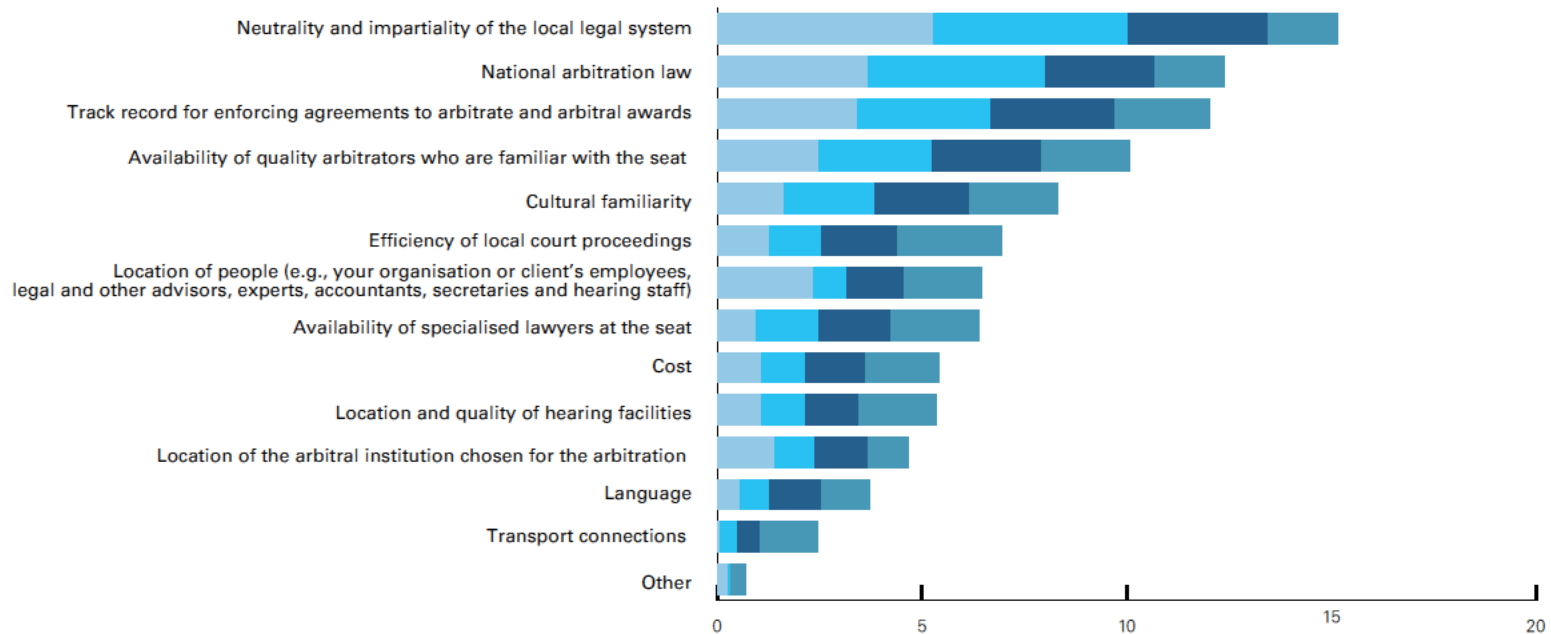


Queen Mary University of London 2015 Int'l Arbitration Survey, at 13

# What actually drives the choice of seat?

what users (counsel, clients, arbitrators) say matters to them:

## 2. What are most important reasons for preferring certain seat(s)?



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