IS ABITRATION LOSING ITS LUSTER?

Dr François Kaiser
Partner

SCG Legal, 2016 International Meeting, Zürich, Switzerland
## I ARBITRATION INSTITUTIONS – STATISTICS ¹

<table>
<thead>
<tr>
<th>Number of requests for arbitration</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>London Court of International Arbitration (LCIA)</td>
<td>277</td>
<td>301</td>
<td>300</td>
<td>326</td>
</tr>
<tr>
<td>ICC – Paris</td>
<td>759</td>
<td>767</td>
<td>791</td>
<td>801</td>
</tr>
<tr>
<td>Swiss Chambers’ Arbitration Institution</td>
<td>92</td>
<td>68</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td>Stockholm Chamber of Commerce Arbitration Institute</td>
<td>177</td>
<td>203</td>
<td>183</td>
<td>181</td>
</tr>
<tr>
<td>Singapore International Arbitration Center</td>
<td>235</td>
<td>259</td>
<td>222</td>
<td></td>
</tr>
<tr>
<td>ICDR</td>
<td>996</td>
<td>1’165</td>
<td>1’052</td>
<td></td>
</tr>
</tbody>
</table>

¹ Some of the figures include also domestic arbitrations
II COMPETITION BETWEEN PLACES OF ARBITRATION

- « New York surges ahead as international arbitration center»

- «New York City also displaced Zurich to rank as the fifth most popular city for international arbitration, after Paris, London, Geneva and Singapore».

(Source : the Global Legal Post, 05/05/2016)
III ARE ORDINARY COURTS AND OTHER FORMS OF ADR CONTRIBUTING IN ARBITRATION LOSING ITS LUSTER ?

- Ordinary State Courts’ activism

- Attraction of Commercial State Courts

- Dispute Boards and Adjudication Boards
IV COMMONLY HEARD CRITICISM/RUMORS FROM PARTIES/LAWYERS AGAINST ARBITRATION

- Long delays before reaching final arbitration award
- High costs of arbitration proceedings
- Multiplication of arbitration rules/laws
- Lack of independance of arbitrators/unforseeable personality of arbitrators
- Lack of efficiency if a Party wants to paralyse an arbitration proceeding
- Difficulty to enforce interim measure (in particular against third Party)
- Arbitrators not properly equiped to master technological innovations
- Arbitration tourism: fashion – vs – service to the Parties
François Kaiser
Attorney-at-law
Partner

Kellerhals Carrard
Place Saint-François 1
P.O. Box 7191
CH - 1002 Lausanne

Direct number +41 58 200 33 03
francois.kaiser@kellerhals-carrard.ch

Basel
Hirschgässlein 11
Postfach 257
CH-4010 Basel
Tel. +41 58 200 30 00
Fax +41 58 200 30 11

Bern
Effingerstrasse 1
Postfach
CH-3001 Bern
Tel. +41 58 200 35 00
Fax +41 58 200 35 11

Lausanne
Place Saint-François 1
Postfach 7191
CH-1002 Lausanne
Tel. +41 58 200 33 00
Fax +41 58 200 33 11

Sion
Rue du Scex 4
Postfach 317
CH-1951 Sion
Tel. +41 58 200 34 00
Fax +41 58 200 34 11

Zürich
Rämistrasse 5
Postfach
CH-8024 Zürich
Tel. +41 58 200 39 00
Fax +41 58 200 39 11

www.kellerhals-carrard.ch