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Role of Information Technology in Institutional Arbitration: Legal Issues and Challenges

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Abstract:

We are taking a variety of precautions to combat the global pandemic, from further lockdowns to banning in-person meetings. Despite the challenges of adopting novel procedures and cutting-edge technology, the court system, particularly in arbitration, has continued to run throughout the pandemic. Although technology has been utilised in high court litigation and international arbitration for quite some time (particularly in the Technology & Construction Court), this use has been somewhat limited because the parties, their attorneys, and the tribunal frequently prefer in-person hearings and hard copy documents. The use of technology in the processes of conflict settlement, on the other hand, saw a significant increase in 2021. Instead of necessarily being the consequence of choice or organic development, this was probably certainly brought about by necessity as a result of the COVID-19 pandemic. Parties were forced to learn how to use remote hearings, electronic bundles, and virtual breakout rooms if disputes were to continue to be settled. The transition to virtual hearings and electronic working proved mainly successful, with many conflicts being quickly handled along the way, even though certain unavoidable technological and logistical challenges were encountered. The transition to virtual hearings and electronic working proved mainly successful, with many conflicts being quickly handled along the way, even though certain unavoidable technological and logistical challenges were encountered. Can in-person hearings ever be totally replaced by remote ones? There will likely be an excellent reason to handle some interlocutory concerns remotely and more important things in person, according to several arguments. From case to case, it will differ. Then there is the question of fairness and natural justice, as well as whether an unhappy party can insist on having in-person hearings. Is in-person or remote cross-examination effective? Absent the observations of body language and behaviour that will be a measure used, although by the subconscious thought process, can the arbitrator build a sense of the credibility of a fact witness? In any case, the use of technology and remote hearings will increase in the future. Having said that, it makes perfect sense to have regulatory advice in place for the arbitrator and parties as to the dos and don'ts of working remotely and electronically to ease at least some of the issues that have been raised.

Key Words: Arbitration, Technology, Dispute Resolution, Covid-19.

Introduction

There has never been a more crucial time to appreciate the wonders of technology as the Covid-19 pandemic forces all industries to adopt flexible working practices. Throughout the course of the year, technology has been responsible for keeping all different kinds of enterprises, offices, and other entities operational. The realm of arbitration is not an exception to this rule. As a result of worldwide lockdowns, most international arbitral institutions were forced to utilise distant modes of dispute resolution. This has given rise to several questions regarding the risks associated with the system as well as its potential advantages. As time goes on, the technologies that are utilised in and for human services get more complex. Today, this trend continues. These kinds of technological advancements are beginning to permeate more and more aspects of our daily lives.¹

While cost restrictions remain strict and demands for quick resolution rise, disputes are becoming more and more complicated, transnational, and include multiple parties. Complaining about the excessive length of time and expenditures associated with the administration of justice is, unfortunately, an everyday occurrence today. Arbitration is used to resolve most complicated legal disagreements in the international arena; many of these cases involve the participation of state parties. Utilizing information technology (IT) tools to expedite and simplify the arbitration process is one approach to addressing the excessive length of time and costs associated with the dispute resolution process. The use of IT technologies does have the potential to significantly cut costs and save a significant amount of time, which would help to keep the required degree of access to justice.

Many professionals are hesitant to employ information technology in arbitration, despite the clear benefits it offers. Since arbitration is a quasi-judicial process, it is required to conform with procedural guarantees. These guarantees impose specific limits on the arbitration process. Additionally, during the past 20 years, arbitration has developed into a more formalistic, court-like process that is frequently quite acrimonious.²

In spite of these objections, it appears to be unavoidable that the advent and development of IT instruments for dispute resolution would transform the manner in which international commercial arbitration processes are carried out. The Internet has brought about significant shifts in the way international trade is conducted. Because of the influence of the web on business practices, time constraints are becoming more stringent, and customers' tolerance for delays is decreasing. Users anticipate that their disputes will be settled in accordance with the same rules that they used to conduct the transactions that gave rise to them. A sign of the so-called "judicialization" or "legalisation" of international arbitration, on the other hand, is that arbitration is becoming more formal.³ If IT techniques are used to speed up the arbitral procedure, this opposition may be greatly reduced, but only if this is done without jeopardising procedural protections or the standard of justice.

Undoubtedly, it is a very potent toolkit for international arbitration. It might hasten the resolution of disputes. Additionally, it has the potential to make it easier to manage the ever-increasing amounts of paperwork that are typical of modern-day arbitrations. If it is put to good use, it has the potential to dramatically improve the administration of justice in cases involving several parties, multiple claims, or mass claims. IT has the potential to make arbitration more accessible by, for example, allowing

¹ See Global Arbitration Review Arbitrator Research Tool at [HTTP:// globalarbitrationreview.com/arbitrator-research-tool](http://globalarbitrationreview.com/arbitrator-research-tool); and in this issue see David Samuels, "The Unusual Suspects—Easier to Find with GAR's ART", 11 *N.Y.DRL* 1 (2018).

² Gary B. Born, *International Arbitration: Law and Practice* 129 (The Hague: Kluwer Law International, 2nd edn., 2016).

³ Geneva Sekula, "The Moving Face of Technology at ICCA Sydney" Kluwer Arbitration Blog Available at: <http://arbitrationblog.kluwerarbitration.com/2018/04/18/icca-sydney-moving-face-technology/> (Last visited on September 1, 2022).

parties with less economic power to save certain costs that put them at a disadvantage when competing with parties who have more power economically.

Although it is still in its infancy, the use of information technology in the arbitration process is rapidly gaining strength. Case management websites, virtual case rooms, extranets, and other information technology tools that facilitate multiparty communications are being developed by major arbitral institutions like the International Chamber of Commerce, the American Arbitration Association, and the World Intellectual Property Organisation Arbitration and Mediation Centre.

Functions of IT in Institutional Arbitration

Because information is handled through technology whenever a person uses a computer, the term "information technology" can be understood in its broadest possible sense to include all of the possible applications of personal computers. Therefore, when we talk about "the use of IT in arbitration," we may in fact be referring to a wide range of very distinct activities, which, when taken as a whole, encompass more than what most lawyers do on a daily basis. Examples of this technological reliance include PDAs, smartphones, email, videoconferencing, online legal research, billing software, group calendars, AI-powered interest calculation and conflict of interest checking, and esoteric technologies like 3D virtual reality.⁴

The primary categories of IT use in arbitration are summarised in the list below; most additional IT functions (aside from legal research) are variations or combinations of these applications:

- **Transmitting Messages and files:** One of the most obvious uses of IT, beyond text editing, is the transmission of messages and documents through computer networks. Common examples of such technologies include e-mail and web-based tools like web interfaces and bulletin boards.
- **Meeting Distantly:** In the online world, there exists a fine line between what could be considered an asynchronous mode, such as the transmission of messages and files, and what could be considered a true meeting. These kinds of gatherings make use of real-time communication tools like videoconferencing and chat rooms, which are examples of synchronous communications.
- **Document handling:** Using information technology, documents can be "handled," which means that their content can be interacted with, which has several important advantages. Another benefit that is readily apparent and frequently use is the capability of cutting, copying, and pasting large chunks of a page. In addition, hyperlinks allow documents to be connected to and communicate with one another.
- **Creation of Documents:** The use of information technology makes the creation of new documents easier. The production process can be sped up with the help of tools such as "copy-paste," as was mentioned above. The process of writing an award in the context of arbitration typically involves a significant amount of "copy-pasting" from the briefs submitted by the parties and from the documentary evidence. In addition, the development of information technology has resulted in a new method of producing papers, as it is now standard practise for individuals located in various areas of the world to work together on the drafting of documents.⁵
- **Case Management:** Case management can also be enhanced with the use of IT. Software that keeps tabs on cases and displays data like where each one is in the process, what needs to be

⁴ ArbiLex. "Predictive Analytics for International Law". Available at: <https://www.arbilex.co/welcome>. (Visited on August 25, 2022).

⁵ Judy Sobowale, "How the legal profession is changing as a result of artificial intelligence" *ABA LAW Review* Available at: http://www.abajournal.com/magazine/article/how_artificial_intelligence_is_transforming_the_legal_profession (Last Visited on May 15, 2022).

done next, and when it needs to be finished is one approach. It could also provide a graphical representation of the relationships that exist between the various actors involved in the case.

- Tracking: To put it more simply, IT possesses an incredible memory. IT has provided us with the capacity to monitor everything that takes place on our (virtual) desktop and, with the assistance of others, on the desktops of those who have collaborated with us. In point of fact, information technology can be used to record and store not only written documents but also oral statements, videoconferencing conversations, and presentations.

Resorting to Artificial Intelligence in Institutional Arbitrations

The technology used in and for human services is growing more advanced as time goes on. AI technology is one of these new technologies, notwithstanding the ability to display your own good. "AI," or "artificial intelligence," refers to the capacity of machines, digital computers, and computer-controlled robots to execute activities normally requiring human intelligence.

A humanoid machine is any device that demonstrates human-like skills like problem-solving and learning. This generally necessitates converting human intelligence features into computer-friendly algorithms. Depending on the constraints that govern how artificial intelligent behaviour emerges, a flexible or efficient approach might be used.⁶

Machine learning and natural language processing are examples of artificial intelligence (AI) technology that is already influencing and popularizing the legal profession.⁷ As a result of recent technology developments, AI is altering the way attorneys think, do business, and interact with clients.⁸

Legal Considerations

Before the COVID-19 epidemic, lawyers, arbitrators, and organizations had already created, adopted, and exploited innovative technologies in international arbitration.⁹ Unfortunately, despite the numerous advantages, technology has only been introduced piecemeal for a variety of reasons. However, the arbitral community should not be surprised that, as a result of COVID-19's fast resuscitation, in recent months, the international arbitration scenario has witnessed an upsurge in using of technology at varying levels.¹⁰ In this case, it is crucial to have a legal framework for technology use in international arbitration.¹¹

Arbitration, which can include electronic papers and platforms available on the internet, and therefore virtual hearings may also be permitted to guarantee that the arbitral process is fair and that arbitral judgments are effectively recognized and enforced.¹²

Interdependence of technology in Institutional Arbitrations

⁶ Thomas Schultz & Gabrielle Kaufmann-Kohler, "The Challenges Facing Contemporary Justice Regarding Online Dispute Resolution" *KLI* 27 (2004).

⁷ Maroof Rafique, "The Benefits of Artificial Intelligence for Arbitration" 88 *A: TIJOAMADM* 310-320 2 (2022)

⁸ Zahra Ahmadi & Niloufar Sobhani, "Management of Arbitration Through the Application of Artificial Intelligence Technology" 2 *MAI* 48 (2014).

⁹ See Arbitrator Intelligence at www.ArbitratorIntelligence.org and in this issue see, Catherine Rogers, "From intuition to data in arbitrator appointments: Arbitrator Intelligence" 11 *N.Y. DRL* 1 (2018).

¹⁰ See Global Arbitration Review Arbitrator Research Tool at [HTTP:// globalarbitrationreview.com/arbitrator-research-tool](http://globalarbitrationreview.com/arbitrator-research-tool); and in this issue see David Samuels, "The Unusual Suspects—Easier to Find with GAR's ART", 11 *N.Y.DRL* 1 (2018).

¹¹ Gary B. Born, *International Arbitration: Law and Practice* 129 (The Hague: Kluwer Law International, 2nd edn., 2016).

¹² Marder, "A New Role for Online Judges: Cyberjuries" 38 *UTLR* 239 (2006).

The usage of artificial intelligence has advanced dramatically over the previous two decades. As time has shown, not even the role of arbiter is safe from automation.¹³ AI claims to issue awards in a fraction of the time compared to arbitrators, whose decisions might take months to process.¹⁴ AI is still a long way from completely replacing international arbitration, despite the potential for technology to complement and improve it in a number of ways.¹⁵ It would appear that this is the case, which is good news because it suggests that conflict resolution still relies on human interaction.¹⁶

Technology has the amazing capacity to change long-held beliefs and practices in human behavior. The effectiveness of arbitration is increased using technology; costs are lowered and allow arbitration to reach new market groups.¹⁷ International arbitration, like other areas of legal practice, is slowly adapting to new technologies despite initial resistance from attorneys.¹⁸ Videoconferencing, digital document preparation tools, electronic recordkeeping, and sophisticated legal research databases are all being used by more and more people.¹⁹

Parties now exchange pleadings via e-mail, and most correspondence from arbitrators are now sent via e-mail. The ICC's NetCase initiative is an example of how technology is used to store and show papers. It's a virtual case room that keeps case files safe and secures online for individuals who choose to utilize them.

Artificial intelligence may have the greatest potential to undermine international arbitration, much like almost every other part of the white-collar sector.²⁰ Artificial intelligence (AI) has the potential to aid in case management and the detection of inefficiencies in the arbitration process by mimicking and boosting human cognitive abilities, automating laborious but straightforward jobs, and processing huge volumes of data.²¹ AI may potentially help parties to a dispute by enabling them to select an arbitrator by evaluating hundreds of candidates' track records in cases comparable to their own.²² It might make suggestions regarding the design of arbitration clauses, so making it simpler for clients and solicitors to avoid making mistakes and increasing the likelihood that their interests would be safeguarded by identifying potential blind spots.²³ An important selling point of AI is its ability to automate administrative tasks, freeing up time and resources for professionals like arbitrators and lawyers to

¹³ Geneva Sekula, "The Moving Face of Technology at ICCA Sydney" Kluwer Arbitration Blog Available at: <http://arbitrationblog.kluwerarbitration.com/2018/04/18/icca-sydney-moving-face-technology/> (Last visited on September 1, 2022).

¹⁴ ArbiLex. "Predictive Analytics for International Law". Available at: <https://www.arbilex.co/welcome>. (Visited on August 25, 2022).

¹⁵ Arbitrator Intelligence. "Using Modern Analytics to Study International Arbitrators" Available at: <https://arbitratorintelligence.com/> (Last Visited on August 10, 2022).

¹⁶ Christine Sim, "Artificial intelligence replacing human arbitrators" 14 *AAJ* 1-13 (2018).

¹⁷ Ljiljana Biukovic, "International commercial arbitration in cyberspace: Recent developments" 22 *NWJIL&B* 319-345 (2002).

¹⁸ Judy Sobowale, "How the legal profession is changing as a result of artificial intelligence" *ABA LAW Review* Available at: http://www.abajournal.com/magazine/article/how_artificial_intelligence_is_transforming_the_legal_profession (Last Visited on May 15, 2022).

¹⁹ Gauthier Vannieuwenhuysse, "New Technologies and Arbitration: Mutual Benefits" 35 *JOIA* 119-129 1 (2018).

²⁰ Maroof Rafique, "The Benefits of Artificial Intelligence for Arbitration" 88 *A: TIJOAMADM* 310-320 2 (2022).

²¹ Mokhinur Bakhranova, "Online dispute resolution system as a modern indirect resolution: necessity and significance" 4 *EMJOMS* 443-452 (2022).

²² Maxi Scherer, "Legal Decision-Making and Artificial Intelligence: Is the Field Open? Study of the International Arbitration Example" 13 *QMSOLLS* (2019).

²³ Benjamin Alarie, Anthony Niblett & Albert Yoon, "How the profession of law will be impacted by artificial intelligence" 68 *UOTLJ* 106-124 (2018).

concentrate on tasks that require the highest level of human judgment. deciding on results via thinking, debating, and evaluating evidence.²⁴

Software may also automate or considerably speed up case management, freeing arbitrators to concentrate on their strengths: arbitrate.²⁵ While some already offer services like case management and forecasting, more and more new businesses aim to disrupt the legal system and international arbitrators.²⁶ It is being suggested by some experts that it is high time that we start depending on the use of AI in arbitration to help with the processing of vast amounts of paperwork due to an ever-increasing desire for speed and efficiency.²⁷ A large amount of legal research and document analysis has moved online, away from libraries and client archives in the basement. In many cases, international arbitration calls for familiarity with both international law and the laws of numerous countries. The parties typically submit thousands of pages of paperwork and electronic files to the courts. Counsel and arbitrators in international arbitration, as a result, must devote significant time and energy to paperwork, legal research, and document review. Nonetheless, in the name of thorough investigation and evaluation, attorneys and arbitrators continue to sift through numerous pages, many of which contain superfluous language.²⁸ This may not be the case for long, as AI-assisted legal research and document review will reduce the amount of time required for such tasks to seconds instead of hours, days, months, and years in the not-too-distant future (and, in some cases, milliseconds).²⁹

Replacing Arbitrators with Machines

In some areas of conflict resolution, artificial intelligence (AI) has already made breakthroughs, primarily to increase efficiency. Software for managing disclosures, for example, is no longer limited to only searching keywords, but can also extract and transmit genuine meaning from documents using predictive coding and natural language processing. Authorities can also be identified and analyzed using artificial intelligence (AI) methods, as well as to review and evaluate submissions. When dealing with massive amounts of paper or data, automated tools are faster, more efficient, and more accurate than humans.

Cohen and Nappert claim that a profound AI transformation is about to occur, noting increasing unhappiness regarding the duration and expense of the arbitration processes among users, as well as the arbitral community's "business-as-usual" indifference, likewise, technology is becoming more widely available and reasonably priced in order to solve user complaints about the procedure. They go on to state: "Parties have a range of alternatives, including the opportunity to replace all human arbitrators with AI arbitrators or to replace individual human arbitrators with AI arbitrators, or human arbitrators conferring with AI to double-check their decisions."

²⁴ Schwartzenbacher, "An Examination of Online Arbitration from Both a European and American Perspective" 10 *BLP* 389- 391 387 (2018).

²⁵ Hogan Lovells, "The use of new technology is having a considerable impact on arbitration, and it is possible that one day artificial intelligence robots will take over functions that were previously performed by humans." Available at: <https://www.hoganlovells.com/en/publications/the-future-of-arbitration-ai-robots-may-take-on-human-roles> (Last visited on: May 27, 2022).

²⁶ International Bar Association, "Times are a-changing: disruptive innovation and the legal profession" 7-11 (2016).

²⁷ Lucas Bento, "International Arbitration and Artificial Intelligence: Time to Tango", Kluwer Arbitration Blog Available at: <http://arbitrationblog.kluwerarbitration.com/2018/02/23/international-arbitration-artificial-intelligence-time-tango/> (Last Visited on May 20, 2022).

²⁸ Sergio Puig & Anton Strezhnev, "Arbitration's affiliation bias: a testable strategy" 5 *SSRN Electronic Journal*, (2016).

²⁹ Camelia Aknouche, "Beyond email, artificial intelligence, and international arbitration" Available at: <https://www.tamimi.com/law-update-articles/artificial-intelligence-and-international-arbitration-going-beyond-e-mail/> (Last Visited on: May 29, 2022).

Ms. Surbhi Goyal/ Afr.J.Bio.Sc. 6(Si2) (2024)

Artificial intelligence in international arbitration, as well as the use of AI by attorneys, has been fast rising. Egypt has recently used the Dispute Resolution Expert Manager (DRExM) due to its potential to provide the most effective conflict resolution strategy, for settling construction conflicts based on the parties' relationship, the evidence, and the nature of the dispute.

Considering machine-oriented arbitration brings up several issues. The major concern is whether it is permissible to do so within the current legal system. To begin, it's worth noting that most national laws neither outright prohibit nor explicitly allow the employment of automated arbitrators. Rather, every provision relating to the arbitration agreement's validity is simply defined as submitting a disagreement to arbitrators. On the other hand, the definitions of "arbitral tribunal" merely state that parties may designate a single arbitrator or a panel of arbitrators. As a result, an agreement appointing a machine arbitrator to resolve the dispute & the construction of a tribunal by such a machine would be legal under this argument.

Nevertheless, The Arbitration Act of Brazil, Ecuador, Peru, and Colombia, on the other hand, call arbitrators "humans" or order them to do anything for them to act independently. For example, according to Peru's Arbitration Participate, "any individual who is fully competent to exercise his civil rights may participate as an arbitrator," says the Federal Arbitration Act. On the contrary, the Model Law, as well as the statutes of Chile, Colombia (international arbitration), and Mexico do not specifically refer to arbitrators as "human," nor compel them to be capable of exercising their civil rights. In many countries, this legal void might theoretically allow people to appoint a computer/machine as an arbiter.

Specifically, concerns have been raised regarding the significance of an arbitrator being a natural person. It appears to be acknowledged as an inescapable circumstance. Many people believe that arbitrators have a personal agenda and mission, as well as being personally accountable to the parties - the basic functions of an arbitrator cannot be assigned to others, not the least of which is the debate concerning the function of tribunal secretaries.

As a result, in many jurisdictions, it is assumed that alone arbitrator is a natural person who is personally responsible for his or her conduct and conclusions, as stated above. However, a three-person tribunal consists of three of these natural beings, and internal dynamics and discussions among the tribunal members are frequently used to make decisions. With the hope that their Parties will value having a say in choosing one of the tribunal members frequently, hoping that the candidate they have chosen will be able to make a significant contribution to these discussions.

There are many benefits to using computers to assist in arbitration. For instance, challenges based on conflicts of interest or bias would be less likely to affect the appointment of robots. They would probably make more objective decisions, without the presence of human flaws or illogic. There's also the obvious possibility of decreasing the length and cost of hearings. On the other hand, since transnational legal concepts are used in international arbitration, the foundation of law is necessarily social and political involving parties from different countries. As a result, while many international arbitrations appear to be robotic in appearance, their adjudicative goal is primarily social and political. The fact that, in theory, computers lack sympathies, empathy, and any notion of justice that transcends merely analyzing data and precedents is another obstacle to the use of robot arbitrators. This might result in fair judgments that aren't fair. To strike a balance, justice necessitates a careful examination of the facts, the law's application, and the conditions and circumstances surrounding a given case. Justice is not just a simple mathematical formula.

Finally, the ability to resolve disputes in international arbitration is widely regarded as uniquely human and therefore difficult to automate. As a result, the chances of a robot being able to exercise such virtues and completely replace human input in dispute resolution remain slim for the time being.

Conclusion

It's important to remember that AI is merely glorified numbers, not magic. For decades, there has been a push to automate law (particularly the time-consuming and labor-intensive operations). It has only succeeded in executing bespoke legal tasks and assisting practitioners thus far. AI has altered many procedures, such as e-discovery, which has greatly improved procedural efficacy. As a result, lawyers and law firms must adapt to the changes to improve their productivity. Simultaneously, technology intervention in adjudication should be kept to a minimum, as it might otherwise cause more harm than good.³⁰

There could be an array of consequences that Artificial Intelligence (AI) could have while we refer to the resolving of disputes by resorting to arbitration. There are a variety of benefits to using technology to assist the arbitral process, including the parties' and their counsel's speed, cost, and efficiency, as well as the arbitrators'.³¹ In truth, using AI-based technology does not pose any substantial challenges, due to the fact that the arbitral procedure is ended with a human arbitrator's decision.³² Nevertheless, the most important question is whether AI-adjudicators can replace human arbitrators.³³

Even though no such technologies have been produced to date, this subject is becoming increasingly significant as the usage of AI-based technology in legal services grows, as well as for the future of international commercial arbitration. The UNCITRAL Model Law, as well as most national statutes, now, either officially or tacitly, emphasize that the arbitrators must be natural beings. Adopted in the year 1958, The New York Convention was clearly not written with the idea of recognizing and enforcing arbitral judgments made by AI arbitrators in mind.

Since an AI arbitrator's decision is not made by a human being, or because the impartiality and independence of AI arbitrators are questioned given that the results of AI are based on data that has been acquired, concerns about the public policy may also be a hindrance to refusing to recognize or enforcing an arbitral award, depending on the law of the forum. The absence of logic in the award may be acknowledged as a component of the right to a fair trial, therefore, it is a component of the forum's public policy. As a result, it is probable that the fact that AI judgments are typically unexplained still poses a problem.

This could pave the way for the development of AI technology tailored to arbitration, as well as a desire for a new regulatory framework to allow AI arbitrators to take the place of human arbitrators. The parties' readiness to use artificial intelligence (AI) in this case and for their dispute resolution, arbitration assumes great importance. As a result, the moment to make a decision may have arrived and whether this can be accomplished by amending existing instruments or replacing them with new ones, and in the case of the New York Convention and the UNCITRAL Model Law, this is especially true, because of them being international commercial arbitration's most significant instruments.

Legal professionals are continuously debating how artificial intelligence (AI) can be used in the practice of law, as AI is currently in a disruption phase. Although AI can replace some aspects of the legal process, robots do not yet have the technology to entirely replace counsel, specialists, and arbitrators.³⁴ Human judgment and empathy will remain crucial characteristics of arbitration for the foreseeable future, preventing machines from replacing people. Nonetheless, arbitration practitioners would be well to anticipate and embrace the changes that AI would bring to the arbitration landscape. Arbitrators will eventually be able to conduct cases more effectively, efficiently, and affordably thanks to AI.³⁵ Artificial intelligence (AI) is more than just a tool for the legal system. It is the next major stage in the legal

³⁰ Supra Note 44.

³¹ Rich Barker, and Calum Mackenzie, "Jobs in Technology?" Available at: <https://www.accuracy.com/perspectives/tech-in-arbitration> (Last visited on: August 20, 2022).

³² Christine Sim, "Will AI replace judges in arbitral proceedings?" 14 *AIAJ* 1 (2018).

³³ Catherine Rogers, "Transparency in Arbitration Selection" 5 *AYOIA* (2015).

³⁴ Megha Shawani, "Alternative Dispute Resolution and Artificial Intelligence: Boon or Bane?" 2 *LFLJ* 1 (2021).

³⁵ Id.

profession's transformation. Existing ideas can be pushed to bring about change. The possibility of a paradigm shift in the way lawyers practice is what makes artificial intelligence stand out. Investing in AI technologies must be a clear strategy for the international arbitration community.³⁶

Conflict resolution services provided by arbitrators and arbitration institutions should incorporate AI technology.³⁷ In order to reimagine future encounters that are advantageous to both service providers and clients, they must set an example by fusing human and computer capabilities. Arbitration is in a unique position to pave the way in terms of procedural and technical advancements- Practitioners, various bodies, and tribunals may be required to do so, especially if the improvements save money and time.³⁸

Artificial intelligence has arrived. AI has already made tentative but positive moves into international arbitration, with the goal of reducing workloads and assisting the many parties in the arbitration arena. Similarly, artificial intelligence is being used to try to modify arbitrator appointments to a data-driven decision from an intuitive process based on personal preference, technology breakthroughs have made progress in the difficult task of choosing arbitrators. Artificial intelligence has also aided case management.³⁹ The technology created to process and analyze documents could provide considerable benefits to the evaluation of evidence during discovery while also making the hearing more engaging and meaningful.⁴⁰

³⁶ Philippe Billiet & Filip Nordlund, "The beginning of a new era for arbitration and artificial intelligence" Available at: http://www.kcab.or.kr/jsp/comm_jsp/BasicDownload.jsp?FilePath=arbitration%2Ff_0.140140034811391261521536471556&orgName=04.+A+new+beginning+%26%238211%3B+artificial+intelligence+and+arbitration+%28Philippe+Billiet%2C+Filip+Nordlund%29.pdf (Last visited on: June 5, 2022).

³⁷ Aditi Singh, "Artificial intelligence-based arbitration: a Real Threat or Fabricated Fiction??" Available at: <https://usllsadblog.com/arbitration-through-artificial-intelligence-a-foreseeable-future-or-a-fabricated-fiction/> (Last visited on: August 30, 2022).

³⁸ Alberto Acevedo, "The use of robots to render awards in international arbitration: from case prediction to artificial intelligence" Available at: https://www.garrigues.com/en_GB/new/artificial-intelligence-international-arbitration-legal-prediction-awards-issued-robots (last visited on: June 6, 2022).

³⁹ See measures that have been taken by the International Chamber of Commerce (ICC) to include the use of information technology in its dispute resolution procedures. Available at: <https://iccwbo.org/publication/information-technology-international-arbitrationreport-icc-commission-arbitration-adr/> (Last visited on: August 17, 2022).

⁴⁰ Id.