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A blog by Marnix Leijten – The ICC Commission on Arbitration and ADR Task Force on Emergency Arbitration



The ICC Commission on Arbitration and ADR Task Force on Emergency Arbitration – co-chaired by Marnix Leijten, Diana Paraguacuto-Maheo and James Hosking – has submitted its report on Emergency Arbitration to the meeting of the ICC Commission in Rome last Saturday. The ICC Commission approved the report. The report’s findings will be discussed at events around the world involving users, arbitration practitioners and academics from the world of arbitration.

The Task Force’s report (to be published shortly) marks the end of a three-year collaborative effort involving 139 members drawn from all over the world. Although the introduction of Emergency Arbitration in the ICC Arbitration Rules of 2012 has been well-received globally and Emergency Arbitration has been in high demand, precisely when and how the Emergency Arbitrator should intervene has been the subject of controversy.

The report brings together the experiences in the first 80 ICC Emergency Arbitration cases and the many views on this topic from Task Force and ICC Commission members. It aims at helping the international business community better understand this process and increase the clarity and predictability of Emergency Arbitrators’ decision-making. This clarity is vital for businesses exploring Emergency Arbitration as a tool in dispute resolution.

Speaking after a wet but successful weekend in Rome, Marnix said “As much fun as this three-year journey has been, it’s also a relief to have reached our destination. Putting this report together has involved a lot of hard work, but crucially there has also been plenty of humour along the way. Whether in Paris, Washington D.C., Sydney, Vienna or Rome, we’ve always found time for a good laugh, some great wine, and fantastic collaboration with James and Diana, as well as with our drafting committee of Cecilia Carrara, Fernando Mantilla-Serrano and Olivier Billard.”

Emergency Arbitration is a relatively new and evolving aspect of ICC arbitration, allowing

parties to request injunctive relief before an arbitral tribunal on the merits has been constituted. This offers interim solutions in urgent circumstances, when time is critical and the requested measures cannot wait for a full arbitral tribunal to be formed. More information on Emergency Arbitration can be found at the [ICC's website](#).