
Artificial Intelligence and Its Utility to Lawyers in the Practice of Arbitration: Progression Towards Improved Efficiency?

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Abstract:

In recent times, Artificial Intelligence (AI) has had an immense impact and promises to revolutionise the legal field with international arbitration not being excluded. Given that arbitration is constantly on the lookout for means to make the dispute resolution process more efficient than it is presently, the integration of AI into the arbitration landscape is inevitable. This paper seeks to analyse the topic of AI in international arbitration in addressing whether it is the key towards achieving improved efficiency in arbitration. In so doing, it will discuss the relevant provisions in the UNCITRAL Model Law, the UNCITRAL Arbitration Rules, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and those guidelines of some arbitral institutions addressing the use of AI, and proposing legal reforms. After discussing the benefits of AI in arbitration, this paper argues that there are serious challenges which may prevent this progression towards efficiency by analysing the issue of privacy and confidentiality and the risk of bias. This paper goes on to argue that presently, AI cannot fully replace the arbitrator, and recommends that AI should play a supportive role in decision making by analysing the factors that could prevent AI from successfully assuming the position of a human arbitrator. This paper concludes by arguing that AI has the potential to improve efficiency in arbitration, but that will be dependent on the efforts made by stakeholders to address the problems and make the appropriate legal reforms to accommodate the use of AI in arbitration.