



RESEARCH ARTICLE

Artificial Intelligence in International Arbitration

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ABSTRACT

Generative artificial intelligence (AI) is now being used in international arbitration for tasks such as legal research, document review, translation, drafting, evidence analysis, and case administration. The main legal instruments of international arbitration, including the 1958 New York Convention, the UNCITRAL Model Law, and the major institutional rules, were written before generative AI became widely available. They therefore do not contain detailed AI provisions. They do, however, contain rules dealing with equal treatment, the opportunity to present a case, the authority and responsibility of the tribunal, reasoned awards, confidentiality, and enforcement. This article examines how those existing rules can apply when AI is used by arbitrators, counsel, or parties. It uses a doctrinal and comparative approach, looking at primary arbitration instruments, institutional AI guidance, selected national judicial guidance, and recent decisions involving AI-generated legal authorities. The main argument is that the important distinction is not simply between using AI and not using AI. The more useful distinction is between AI used as an assisting tool with proper human checking and AI use that has a real effect on the tribunal's judgment, procedural fairness, confidentiality, or the reliability of the case record. The article also develops a risk-based framework based on four questions: who remains responsible for the decision; how important the AI use was to the proceedings; whether the affected party could understand and respond to the AI-derived material; and whether the problem creates a legally recognised defect under the law of the seat or the enforcement forum. The article concludes that existing law can deal with many AI-related problems without an immediate amendment to the main international instruments, but institutional rules and procedural orders should give clearer guidance on human control, material disclosure, verification, confidentiality, and record-keeping.

1. INTRODUCTION

International arbitration is based on party autonomy, flexible procedure, and decision-making by arbitrators whom the parties have chosen or agreed to have appointed. Generative AI creates a new issue because it can now perform tasks that range from simple administrative work to legal analysis and drafting. The real legal question is therefore not whether AI is useful. The question is whether a particular use of AI is consistent with the tribunal's mandate, the parties' right to a fair opportunity to present their cases, the reliability of evidence and submissions, confidentiality duties, and the limited grounds on which an award may be set aside or refused enforcement.

The empirical position also needs to be described carefully. The 2025 Queen Mary University of London International Arbitration Survey, which received 2,402 responses, indicates that respondents expect the use of AI to increase and identifies legal and factual research, data analytics, and document review among the important uses. The survey also records concerns about errors and bias, confidentiality, limited experience, and regulatory gaps. These findings show what the respondents reported or expected; they should not be treated as proof that most arbitrators or lawyers are already using generative AI. (Queen Mary University of London, School of International Arbitration, & White & Case LLP, 2025).

International work on AI and arbitration is developing, but it is still spread across a number of different instruments and organisations. The UNCITRAL Working Group II colloquium held on 16–17 February 2026 specifically discussed AI use by arbitrators and possible implications for recognition and enforcement. UNCITRAL presents this work as exploratory and connected with possible future recommendations rather than as an already adopted AI-specific rule. Several institutions, including the SVAMC, SCC, CIARB, VIAC, CIETAC, and AAA-ICDR, have also issued guidance or guidelines. These materials are useful evidence of developing practice, but they generally have a recommendatory character and should not be treated as equivalent to a treaty or statute. (UNCITRAL, 2025, 2026; American Arbitration Association–International Centre for Dispute Resolution [AAA-ICDR], 2025; Chartered Institute of Arbitrators [CIARB], 2025; China International Economic and Trade Arbitration Commission [CIETAC], 2025; Silicon Valley Arbitration & Mediation Center [SVAMC], 2024; Stockholm Chamber of Commerce Arbitration Institute, 2024; Vienna International Arbitral Centre [VIAC], 2025).

Recent decisions also show why it is important to distinguish assistance from delegation. In *LaPaglia v. Valve Corp.*, a federal district court dismissed a challenge to an arbitral award on jurisdictional grounds. The court did not decide whether alleged AI-assisted drafting amounted to improper delegation. The case therefore shows the kind of litigation issue that AI may create, but it does not establish a substantive rule about AI-assisted awards. In India, the Supreme Court in *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.* (2026 INSC 668) set aside NCLT/NCLAT decisions after finding reliance on non-existent or hallucinated AI-generated authorities. In *Vijay Ghanshyam Gadiya v. Union of India* (2026 INSC 947), the Supreme Court also set aside a customs adjudication after finding problems with non-existent or misrepresented authorities generated through AI. These cases are not international arbitration cases, so they are used here only as comparative examples. (*LaPaglia v. Valve Corp.*, No. 3:25-cv-00833-RBM-DDL (S.D. Cal. Dec. 9, 2025); *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, 2026 INSC 668; *Vijay Ghanshyam Gadiya v. Union of India*, 2026 INSC 947).

Against this background, the article makes a fairly limited claim. It does not argue that AI has created an entirely new area of arbitration law. Instead, it identifies the existing legal provisions that may apply to different forms of AI use and then develops a risk-based way of analysing them. The framework asks four basic questions: (1) who actually exercised the relevant legal judgment; (2) how important was the AI use to the proceeding or award; (3) did the parties have a fair chance to examine and respond to AI-derived material; and (4) does the resulting problem fall within an

existing rule on procedure, tribunal composition, public policy, confidentiality, or evidence? This framework is the author's analytical proposal. It is not presented as an established rule of international law.

The article is organised in the following way. Part 2 reviews the recent scholarship and explains the research gap. Part 3 sets out the research questions, methodology, and analytical framework. Part 4 discusses the main legal architecture. Part 5 looks at AI use by arbitrators, especially the issues of non-delegation and disclosure. Part 6 considers the use of AI by counsel and parties. Part 7 discusses due process, equality, bias, confidentiality, and data protection. Part 8 compares selected national responses. Part 9 considers annulment and enforcement under the New York Convention and the UNCITRAL Model Law. Part 10 then proposes a practical regulatory framework before the conclusion.

2. LITERATURE REVIEW AND RESEARCH GAP

2.1 Existing scholarship

The recent literature on this subject is already quite developed. Stefer and Fricke (2025) examine the legal and technological limits of AI assistance at different stages of arbitration, including case management, evidence, deliberation, legal decision-making, and award drafting. Alhasan (2025) discusses the balance between efficiency, fairness, legal compliance, and the enforceability of AI-generated awards. Malekela (2025) focuses on confidentiality and explains that existing legal and institutional protections may not provide the same level of protection when third-party AI systems process arbitration material. Al Mahdouri (2025) considers public policy and the enforcement of AI-generated arbitral awards. Chan, Gore, and Jiang (2025) look at generative AI from a cross-border arbitration perspective, while Flórez Acero (2025) discusses the wider use of AI in arbitration. Pakistani scholarship has also started to discuss AI and ADR governance (Rasool, 2025). (Al Mahdouri, 2025; Alhasan, 2025; Malekela, 2025; Stefer & Fricke, 2025).

2.2 Research gap

The literature mainly deals with three connected questions: what AI may properly be used for in arbitration, how confidentiality and data protection should be handled, and what happens to an award when AI has played a significant role in the process. This article does not claim that these questions have never been studied. Its contribution is narrower. It tries to connect them through the existing structure of arbitration law. For this purpose, it separates AI involvement into three broad levels: administrative or organisational assistance; evidentiary or analytical assistance that may affect a party's case; and substantive assistance that may materially affect the tribunal's reasoning or the final award. It then considers what legal consequences may follow at the seat and at the enforcement stage. In this way, the article is not simply a general discussion of AI and arbitration. It is an attempt to explain how existing legal rules can deal with different kinds of AI use.

The existing scholarship does not take one single view, and those differences are important. Some writers see AI mainly as a productivity tool that should remain subject to ordinary professional and procedural duties. Others are more concerned that autonomous or poorly supervised decision-making may conflict with the personal mandate given to an arbitrator. Another group focuses mainly on confidentiality and data governance. There is also a question about whether existing doctrines, especially due process, tribunal composition, and public policy, are flexible enough to deal with serious AI-related problems. This article considers these different views against primary legal sources instead of treating institutional guidance or academic commentary as if it were binding law.

The gap identified here is therefore mainly doctrinal and analytical, not empirical. For readers in Pakistan, there is also a useful domestic point of reference. The Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011 gives effect to the New York Convention framework for foreign awards, while the Arbitration Act, 1940 remains the main domestic arbitration statute. Neither statute contains AI-specific provisions. They nevertheless show how a national legal system may have to apply older, technology-neutral rules to new forms of technology. (Pakistan, Ministry of Law and Justice, 1940, 2011). The main question is what legal consequences should follow from different levels of AI involvement and where the existing rules still leave uncertainty. This is important because treating every kind of AI use in the same way could restrict harmless uses while failing to deal properly with AI use that materially affects adjudication.

3. RESEARCH QUESTIONS AND METHODOLOGY

3.1 Research questions

The central research question is: How should existing international arbitration law respond to AI use by arbitrators, counsel, and parties while preserving procedural fairness and the integrity of adjudication? The subsidiary questions are: (1) what forms of AI assistance are compatible with existing procedural and arbitral mandates; (2) when should AI use be disclosed; (3) how should AI-generated or AI-assisted evidence and submissions be treated; (4) how do confidentiality, bias, and data-security risks affect the analysis; (5) how can AI-related defects engage annulment or enforcement provisions; and (6) what regulatory response is proportionate to the present state of the technology?

3.2 Methodology

This article mainly uses doctrinal legal research. It examines the text and official materials of the New York Convention, the UNCITRAL Model Law, the UNCITRAL Arbitration Rules, and selected institutional rules. It also considers official AI guidance issued by arbitral institutions and relevant judicial decisions. The comparative part looks at the United Kingdom, Australia, Canada, and India because each has recently produced judicial, court-administration, or professional material on AI. The comparison is functional rather than complete. These jurisdictions are used to show possible approaches that may be useful in arbitration, not to suggest that rules made for courts automatically apply to arbitral tribunals.

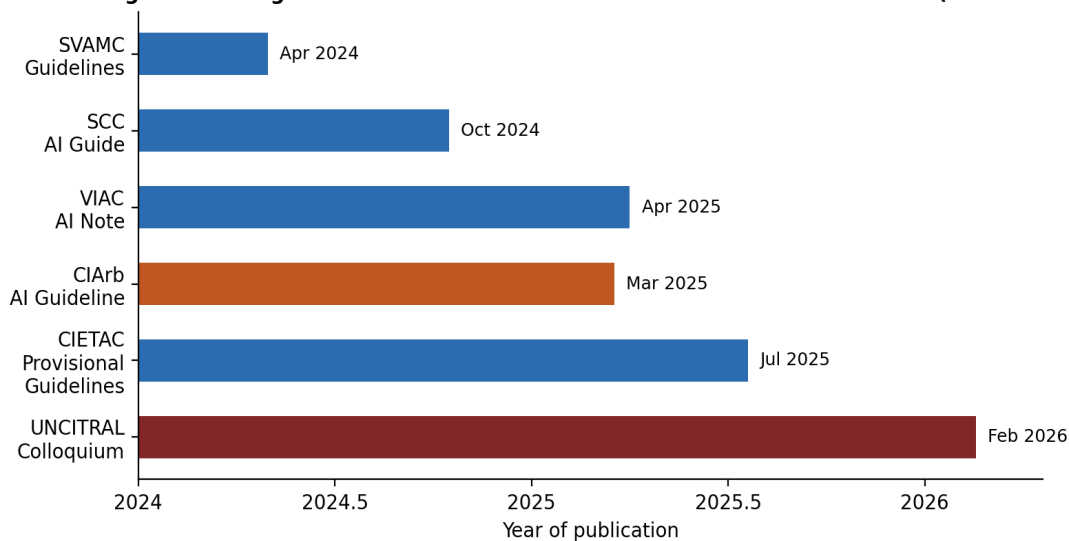
The order of sources is important in this research. Treaties, model laws, institutional rules, judgments, and official guidance from courts or arbitral institutions are given priority. Academic and professional commentary is used to identify developments and arguments, but where a primary source is available, commentary is not treated as proof of what the law actually says. This article is not an empirical survey or a statistical study, and it does not contain an original qualitative coding exercise. The practitioner figures shown in Figure 2 should therefore be read as illustrative where the figure itself identifies some values as a synthesis rather than independently collected survey data. They are not original empirical findings.

3.3 Analytical framework

The proposed framework can be explained through four questions. First, control: did the arbitrator or tribunal keep independent control over the findings, reasoning, and final decision? Second, materiality: was AI used only for administration, or did it affect evidence, legal reasoning, or the award in a meaningful way? Third, procedural contestability: could the parties identify, understand, and respond to important AI-derived information? Fourth, legal consequence: does the problem engage an existing rule concerning equality, the right to present a case, tribunal

composition, reasons, confidentiality, evidence, or public policy? The purpose of this framework is to make the analysis clearer. It is not intended to create a new ground for setting aside or refusing enforcement of an award.

Figure 1. Emergence of Soft-Law AI Guidance in International Arbitration (2024-2026)



4. THE EXISTING LEGAL ARCHITECTURE

4.1 UNCITRAL Model Law and Arbitration Rules

The UNCITRAL Model Law is technology-neutral. It does not contain a special provision on AI. Article 18 requires equal treatment and a full opportunity to present a case. Article 19 gives the tribunal broad procedural discretion, subject to the Model Law and the parties' agreement. Article 31 deals with the written and reasoned award, subject to the conditions stated in that provision. These rules do not mention AI, but they can still be relevant when AI use creates a procedural problem. The UNCITRAL Arbitration Rules similarly require equal treatment and a reasonable opportunity to present a case while giving the tribunal room to manage the proceedings. (UNCITRAL, 2006, 2021).

The fact that these rules are technology-neutral should not be taken too far. It simply means that an AI-specific rule is not always necessary before existing procedural duties can be applied. It does not mean that every use of AI is automatically acceptable. The basic question remains whether the particular use is consistent with the arbitration agreement, mandatory law, procedural fairness, and the tribunal's continuing responsibility for the case and the award.

4.2 New York Convention and enforcement

The New York Convention does not contain a specific rule about AI. Article V(1)(b) deals with a party's inability to present its case. Article V(1)(d) deals with the composition of the arbitral authority and the agreed arbitral procedure. Article V(2)(b) allows refusal of recognition or enforcement where this would be contrary to the public policy of the enforcing country. These provisions may provide legal routes for serious AI-related defects, but they do not create a separate or automatic "AI exception". A party still has to satisfy the relevant Convention ground under the approach taken by the enforcing court. (United Nations Commission on International Trade Law [UNCITRAL], 1958, 2006).

Article V(1)(d) makes the difference between assistance and autonomous decision-making especially important. If an arbitrator uses AI for administrative work or research but keeps

independent control over the judgment, the mere fact that AI was used does not by itself show a defect in the tribunal's composition or procedure. If an arbitrator actually gives the decision-making function to an AI system, however, a party may argue that the tribunal did not perform the adjudicative role entrusted to it by the arbitration agreement and applicable law. Whether such an argument would succeed would depend on the facts and remains unsettled in international arbitration.

4.3 Institutional rules and soft law

The institutional response has developed quickly. The SVAMC Guidelines (2024), SCC Guide (2024), CIArb Guideline (2025), VIAC Note (2025), CIETAC Guidelines (2025), and AAA-ICDR Guidance (2025) all place importance on human responsibility, verification, confidentiality, and procedural fairness, although they use different wording and have different legal status. The ICC Arbitration Rules that took effect on 1 June 2026 remain AI-neutral rather than AI-specific. The LCIA Rules 2020 also have no dedicated AI provision, although the LCIA's 2026 consultation on its next rules expressly raises "AI disclosure and guardrails". SIAC's 2025 Rules likewise remain general, while SIAC has separately engaged with AI through educational and user-focused initiatives. (AAA-ICDR, 2025; Ciarb, 2025; CIETAC, 2025; SCC Arbitration Institute, 2024; SVAMC, 2024; VIAC, 2025; International Chamber of Commerce [ICC], 2026; London Court of International Arbitration [LCIA], 2020, 2026; Singapore International Arbitration Centre [SIAC], 2025).

Taken together, these developments show some common concerns, but they do not yet amount to a single set of binding international rules on AI in arbitration. Soft-law guidance can influence how tribunals and parties conduct proceedings, and it can be reflected in procedural orders. It should still be distinguished from treaty provisions, legislation, and binding institutional rules.

The same point can be put more simply: there is a developing common approach on issues such as human control and verification, but there is not yet a harmonised body of binding international arbitration law dealing specifically with AI.

5. AI USE BY ARBITRATORS

AI use by arbitrators is the most sensitive area because the tribunal's decision-making responsibility is personal. This does not mean that arbitrators cannot use technology. They already use legal databases, transcription software, document-management systems, translation tools, and many other digital services. The legal concern starts when an AI system moves beyond assistance and begins to replace the arbitrator's own evaluation of the evidence, the law, or the reasons for the award.

5.1 Non-delegation and independent judgment

The CIArb Guideline, SVAMC Guidelines, SCC Guide, VIAC Note, and AAA-ICDR Guidance all stress that the arbitrator remains responsible for the adjudicative decision, although they explain this in different ways. For example, the AAA-ICDR guidance says that arbitrators should keep control of decision-making and independently assess AI outputs. The SCC Guide also separates support for decision-making from giving the decision or reasoning to an AI system. The broader point is best understood as an emerging professional and institutional expectation of non-delegation, supported by existing arbitration law, rather than as a new and universally codified rule of international law. (AAA-ICDR, 2025; SCC Arbitration Institute, 2024).

A practical distinction can be made between help with drafting and actual substitution of the arbitrator's judgment. An arbitrator may use AI to organise material or prepare an initial draft if the arbitrator checks the content, examines the evidence and authorities independently, and

remains responsible for the final reasons. The situation becomes much more serious if the arbitrator simply adopts machine-generated findings, relies on fabricated authorities without checking them, or allows the system to decide issues that the tribunal itself is required to determine.

5.2 LaPaglia v. Valve Corp.

LaPaglia v. Valve Corp., No. 3:25-cv-00833-RBM-DDL (S.D. Cal. Dec. 9, 2025), is useful in this discussion, but its limits need to be clear. The claimant alleged that the arbitrator had effectively outsourced part of the adjudicative task to AI and sought to challenge the award under the Federal Arbitration Act. The district court dismissed the amended petition for lack of subject-matter jurisdiction. It did not decide whether AI-assisted drafting was an impermissible delegation of the arbitrator's role. The case therefore should not be presented as an established rule on AI delegation. Its importance is that it shows how allegations about AI use can become part of vacatur litigation and how difficult it may be to prove what happened inside the tribunal's drafting process. (LaPaglia v. Valve Corp., No. 3:25-cv-00833-RBM-DDL (S.D. Cal. Dec. 9, 2025)).

The case also shows why evidence matters. A claim based only on the style of an award, or on a chatbot saying that text appears to be AI-generated, is weak evidence that an arbitrator actually delegated the decision. Stronger evidence would include an admission by the arbitrator, reliable metadata, records of the drafting process, or other evidence showing that the arbitrator did not independently perform the adjudicative work. AI-detection tools should therefore not be treated as conclusive proof of delegation.

5.3 Legal research, *iura novit arbiter*, and disclosure

AI-assisted legal research raises a somewhat different issue from AI-assisted adjudication. Arbitrators can generally research the law, subject to the law of the seat, the applicable institutional rules, and the parties' right to be heard. Using an AI tool does not automatically remove that authority. The problem is that AI systems can produce invented or distorted authorities. For that reason, any AI-derived authority that materially contributes to the award should be checked against reliable primary sources. If the tribunal relies on a new and important legal or factual point that the parties have not had a fair chance to address, the tribunal should also consider whether further submissions are necessary.

Disclosure should therefore depend on the importance of the AI use rather than being required for every small use of an AI-enabled tool. Formatting help or ordinary spell-checking presents a different procedural concern from AI-assisted research that materially shapes the reasoning of an award. The CIARB and AAA-ICDR materials support this more risk-sensitive approach, while the SCC and VIAC materials also stress responsible use, confidentiality, transparency, and human oversight. (AAA-ICDR, 2025; CIARB, 2025; SCC Arbitration Institute, 2024; VIAC, 2025).

The same point is worth repeating because disclosure is likely to be one of the practical issues tribunals will face most often. Requiring disclosure of every minor interaction with an AI tool would be difficult to administer. On the other hand, a material use that affects the evidence, legal reasoning, or award may be important enough for the other side to know about. The better approach is therefore to connect disclosure to materiality and procedural fairness. (AAA-ICDR, 2025; CIARB, 2025; SCC Arbitration Institute, 2024; VIAC, 2025).

6. AI USE BY COUNSEL AND PARTIES

The position of counsel and parties is different from that of arbitrators. AI can be useful for document review, drafting, translation, preparing chronologies, and analysing evidence. Even so, the lawyer or party remains responsible for the accuracy of what is placed before the tribunal.

Recent Indian decisions provide a useful warning. In *Pooja Ramesh Singh*, the Supreme Court dealt with reliance on non-existent or hallucinated authorities. In *Gadiya*, the Supreme Court also set aside a customs adjudication after the cited authorities were found to be non-existent or not to support the propositions for which they had been cited. These decisions concern adjudication rather than arbitration, so their relevance here is comparative: AI-generated legal material still needs proper verification before it becomes part of a legal record. (*Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, 2026 INSC 668; *Vijay Ghanshyam Gadiya v. Union of India*, 2026 INSC 947).

6.1 AI-generated evidence and submissions

AI-generated summaries, translations, demonstrative exhibits, and analytical material should not replace the underlying evidence. If the output is challenged, the tribunal should be able to identify the source material, understand what the AI system did with that material, and know what human checking was carried out. The exact evidentiary treatment will depend on the applicable procedural law and institutional rules. Where AI-generated material is presented as original evidence, such as synthetic audio, video, or documents, separate questions of authentication and possible fraud may also arise under existing evidentiary powers.

6.2 Disclosure by parties and counsel

A general rule requiring disclosure of every use of AI by a party or lawyer would be difficult to justify. A more practical approach is to look at materiality, the possible effect on evidence or submissions, confidentiality risks, and whether the tribunal or opposing party reasonably needs information about the AI process to test reliability. The CIArb Guideline recognises that a tribunal may require information about AI use in appropriate circumstances while also recognising that not every private use needs to be disclosed. (CIarb, 2025).

7. DUE PROCESS, EQUALITY, CONFIDENTIALITY AND DATA GOVERNANCE

Procedural fairness in an AI-related case can be analysed through principles that already exist rather than by creating a new free-standing right simply because AI is involved. Article 18 of the Model Law and comparable institutional rules require equal treatment and a reasonable opportunity to present a case. The New York Convention reflects a similar concern through Article V(1)(b). If a tribunal relies on important AI-derived material that a party could not reasonably identify or answer, the legal problem is the lack of a fair opportunity to respond, not simply the fact that AI was used. (UNCITRAL, 2006; United Nations Commission on International Trade Law [UNCITRAL], 1958).

7.1 Bias and representativeness

AI systems can reproduce errors or biases depending on the data, training, retrieval system, or context in which they operate. This may be especially relevant in international arbitration, where authorities and evidence can come from different languages and legal systems. It would, however, be too broad to assume that every AI output is biased. The more defensible approach is to verify important outputs against authoritative sources and to make sure that an AI-generated summary is not treated as a replacement for the actual record or the applicable law.

7.2 Confidentiality, data protection and cybersecurity

Confidentiality should not be described as one uniform rule that applies in exactly the same way to every international arbitration. Its content may come from the arbitration agreement, institutional rules, applicable law, procedural orders, professional duties, and the circumstances

of the case. The earlier draft went too far by suggesting that putting confidential material into a consumer AI tool automatically breaches an arbitration confidentiality obligation. The more accurate position is conditional: such use may breach a contractual, institutional, professional, statutory, or data-protection duty depending on the legal framework and the way the AI provider handles the information. The SCC, CIArb, SVAMC, and VIAC materials all give considerable attention to confidentiality and data governance. (SCC Arbitration Institute, 2024; CIarb, 2025; SVAMC, 2024; VIAC, 2025).

Data protection is a separate issue. If personal data is sent to an AI provider, the relevant privacy rules will depend on the jurisdiction, the roles of the people involved, the contractual arrangements, and any cross-border transfer of data. It would therefore be incorrect to say that the GDPR or another privacy law automatically applies to every arbitration that uses an AI provider. The safer legal position is that data-protection duties may arise and should be checked before confidential or personal information is entered into a third-party AI system.

7.3 Practical safeguards

A practical procedural protocol could include six basic safeguards: (1) identifying AI uses that need prior tribunal approval or disclosure; (2) prohibiting delegation of the actual adjudicative decision; (3) checking legal authorities and factual outputs; (4) maintaining suitable confidentiality and security controls; (5) keeping enough records to explain important AI assistance if it is later challenged; and (6) giving the other side a reasonable chance to respond when AI-derived material has a significant effect on the case. These steps can generally be included in procedural orders without waiting for an amendment to a treaty.

7.4 Institutional guidance and current practice

7.5 Data-security and cross-border transfer

Cybersecurity and confidentiality are related, but they are not the same legal question. An AI provider may create additional security risks or transfer information to jurisdictions with different regulatory requirements. The existence of a technical risk, however, does not automatically prove a legal breach. The parties and tribunal should look at the provider's contract terms, data-retention and training practices, access controls, security arrangements, applicable data-protection law, and the sensitivity of the information being processed.

7.6 Risk-based case management

One practical option is to address AI use through a risk-based procedural order at an early case-management conference. Low-risk administrative uses can normally remain subject to ordinary professional duties. More important use in evidence analysis, legal research, or drafting should lead to stronger verification and, where appropriate, disclosure. High-risk use, especially an attempt to give the AI system the actual adjudicative decision, should not be permitted. This approach is more workable than requiring disclosure of every minor AI interaction and also avoids leaving substantive AI use completely unregulated.

Table 1

Comparative Overview of Institutional AI Guidance in International Arbitration

Institution / Body	Instrument	Date	Core Approach
SVAMC	Guidelines on the Use of AI in Arbitration (1st ed.)	April 2024	First dedicated soft-law framework; non-delegation principle, disclosure recommendations, model clause.

Institution / Body	Instrument	Date	Core Approach
SCC Arbitration Institute	Guide to the Use of AI in Cases Administered under the SCC Rules	October 2024	Flexible, case-by-case board-adopted guide; no rule amendment required.
CIArb	Guideline on the Use of AI in Arbitration	March 2025 (updated Sept. 2025)	Most comprehensive instrument to date; tribunal powers, disclosure duties, model procedural orders, risk taxonomy.
VIAC	Note on the Use of AI in Arbitration Proceedings	April 2025	Non-binding note; non-delegation, confidentiality safeguards, optional disclosure, model PO-1 language.
CIETAC	Provisional Guidelines on the Use of AI Technology in Arbitration	July 2025	First major Asian institutional guideline; addresses tribunal and party use.
AAA-ICDR	Guidance on Arbitrators' Use of AI Tools	March 2025	Practical do's and don'ts mapped to due-process and ethics canons for arbitrators.
UNCITRAL	Colloquium on AI in Dispute Resolution and Remote Hearings	February 2026	Exploratory; no rule text yet, but signals eventual Model Law / Rules guidance on recognition and enforcement.
ICC, LCIA, SIAC	No dedicated AI rules	As of 2026	No dedicated AI-specific rule as of 2026; general procedural and efficiency provisions remain relevant, while current consultations and guidance address AI separately.

Note. Compiled by the author from institutional publications and secondary commentary cited in the text.

8. COMPARATIVE LEGAL APPROACHES

National judicial guidance is useful here mainly as a comparison. Courts apply domestic procedural law, while arbitral tribunals operate under arbitration agreements, institutional rules, and the law applicable to the arbitration. A judicial practice direction therefore cannot simply be copied into an arbitration. Even so, the national examples show several different ways of managing AI-assisted legal work, including verification requirements, limits on adjudicative use, disclosure procedures, responsibility at the institutional level, and possible consequences after misuse.

8.1 United Kingdom

In *Ayinde v. London Borough of Haringey and Al-Haroun v. Qatar National Bank*, [2025] EWHC 1383 (Admin), the Divisional Court considered lawyers' responsibilities when AI-generated material is used and stressed the need for proper checking and oversight. The decision is useful when discussing professional responsibility and the reliability of legal submissions, but its reasoning should not be turned into a direct rule of arbitration. The UK judiciary has also continued to publish separate AI guidance for judicial office holders, with the official material showing updates through March 2026. (*R (Ayinde) v. London Borough of Haringey; Al-Haroun v. Qatar National Bank*, [2025] EWHC 1383 (Admin); Courts and Tribunals Judiciary, 2026).

The UK example therefore points toward supervised use. Technology may assist legal work, but the lawyer or decision-maker remains responsible for meeting professional and procedural duties. For arbitration, the main lesson that can be transferred is the need for verification, not the idea that English judicial guidance automatically binds an arbitral tribunal.

8.2 Australia

Australia shows that approaches can differ between courts rather than forming one national policy on AI and arbitration. The Supreme Court of New South Wales issued Practice Note SC Gen 23 on generative AI, including requirements concerning documents and expert reports. The Federal Court of Australia separately issued a Notice to the Profession on responsible AI use. The

comparison suggests that safeguards can be adjusted according to the court, the type of document, and the level of risk instead of using one rule for every situation. (Supreme Court of New South Wales, 2025; Federal Court of Australia, 2025).

The earlier description of the NSW position as a “general prohibition” was too broad. SC Gen 23 regulates permitted and restricted uses and includes particular requirements relating to AI-assisted expert reports. It should therefore not be described as a blanket ban on generative AI. (Supreme Court of New South Wales, 2025).

8.3 Canada

The Canadian Judicial Council has issued national guidance on AI use in Canadian courts, with attention to judicial independence and responsible use. This is a useful comparison, but it is important to keep judicial guidance separate from binding arbitration law. The Federal Court of Canada has also published material dealing with AI. The main comparative value is therefore found in institutional governance and the idea of continued human responsibility, rather than in directly transferring Canadian court rules into arbitration. (Canadian Judicial Council, 2024).

Canadian court and tribunal guidance may help when an arbitral tribunal is preparing a procedural order, provided that the approach is consistent with the applicable law and institutional rules. It does not establish a general Canadian or international rule that every AI interaction must be disclosed or that AI use by arbitrators is prohibited. (Federal Court of Canada, 2025).

8.4 India

India provides some recent examples of what can happen when AI-generated authorities enter a legal decision without proper checking. In Pooja Ramesh Singh, the Supreme Court considered reliance on fake or hallucinated AI-generated precedents and directed attention to possible guidance and disciplinary consequences. The Kerala High Court has also adopted a policy on AI use in the district judiciary, reflecting a distinction between using AI as assistance and allowing it to replace human judgment. (Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd., 2026 INSC 668; Kerala High Court, 2025).

In Vijay Ghanshyam Gadiya, the Supreme Court considered an order in which the adjudicating authority had relied on authorities that did not exist or were not accurately represented. The Court set aside the order and remanded the matter. The decision also distinguished the problem of relying on false or hallucinated material from the legitimate use of AI as an assisting tool. It is therefore helpful for the distinction between assistance and substitution. (Vijay Ghanshyam Gadiya v. Union of India, 2026 INSC 947).

Neither of these Indian decisions is an arbitration precedent. Their value for this article is comparative. They show that when AI-generated material enters a legal decision without verification, existing duties concerning reliable reasoning and lawful adjudication may already provide a basis for corrective action.

Table 2

Comparative Regulatory Approaches to AI in Adjudicative Settings: UK, Australia, Canada, and India

Jurisdiction	Representative Instrument(s)	Governing Philosophy
United Kingdom	Judiciary AI Guidance for Judicial Office Holders (Oct. 2025); Bar Council and Law Society guidance; Ayinde v. London Borough of Haringey [2025] EWHC 1383 (Admin)	Author's analytical characterisation: supervised use with continuing human responsibility and verification.

Jurisdiction	Representative Instrument(s)	Governing Philosophy
Australia	NSW Supreme Court Practice Note SC Gen 23 (2025); Federal Court Notice to the Profession (2025); Queensland Practice Directions on Accuracy of References (2025)	Author's analytical characterisation: court-specific restrictions and verification requirements; not a blanket ban on generative AI.
Canada	Canadian Judicial Council Guidelines (2024); Tribunals Ontario Practice Direction (2025); Federal Court of Canada AI policy (2025)	Author's analytical characterisation: judicial guidance emphasising independence, responsible use, and human control.
India	Kerala High Court AI Policy for the District Judiciary (2025); Supreme Court rulings in Pooja Ramesh Singh v. J&K Bank Ltd. (2026) and Vijay Ghanshyam Gadiya v. Union of India (2026)	Author's analytical characterisation: recent decisions emphasising verification of AI-generated authorities and the consequences of relying on false material.

Note. Compiled by the author from national court, tribunal, and judicial-council instruments cited in the text.

Methodological qualification: the latter two values in Figure 2 are explicitly described by the original figure caption as an illustrative synthesis rather than independently surveyed data. They are retained unchanged at the author's instruction and should not be interpreted as empirical survey results.

Figure 2. Practitioner attitudes toward AI in international arbitration. The first two figures reflect the Queen Mary University of London International Arbitration Survey as reported in secondary commentary (Charles Russell Speechlys, 2025); the latter two figures are an illustrative synthesis of qualitative risk and disclosure themes recurring across institutional soft-law commentary and are presented as indicative rather than as independently surveyed data (marked with an asterisk).

9. RECOGNITION, ANNULMENT AND ENFORCEMENT OF AI-ASSISTED AWARDS

The legal effect of AI use should be considered at two different stages. The first is the arbitration at the seat, including any application to set aside the award. The second is recognition or enforcement in another jurisdiction. The New York Convention mainly deals with the second stage, while the law of the seat governs annulment. The Model Law is a useful reference point, but an actual case will require attention to the national law implementing it. This distinction matters because simply saying that an award was AI-assisted does not, by itself, establish a Convention ground.

9.1 Tribunal composition and procedure

Article V(1)(d) of the New York Convention may become relevant if the use of AI is said to have affected the tribunal's composition or the procedure agreed by the parties. The argument is stronger where the appointed arbitrator effectively stopped carrying out the adjudicative function entrusted to that arbitrator. It is much weaker where AI was used for organisation or research and the arbitrator independently assessed the material. The party relying on the Convention ground still has to establish the relevant facts, subject to the procedural and evidentiary approach of the enforcing court. (UNCITRAL, 1958).

9.2 Inability to present the case

Article V(1)(b) focuses on whether the party resisting enforcement received proper notice and had a meaningful opportunity to present its case. If an award depends in an important way on an AI-derived factual or legal proposition that was never put to the parties and could not reasonably have been anticipated, the stronger argument would be an ordinary due-process objection. Again, the key issue is not the use of AI itself but whether the party was denied a fair opportunity to respond. A similar concern appears in Article 18 of the Model Law and related procedural provisions. (UNCITRAL, 1958, 2006).

9.3 Public policy

Article V(2)(b) may become relevant in a case involving an exceptionally serious defect, but it should not be used as a general provision for every irregularity involving AI. The meaning of public policy depends on national law and normally requires the alleged defect to reach the applicable threshold. The Indian decisions show that courts can take reliance on hallucinated authorities seriously, but they do not establish that an AI-assisted arbitral award automatically violates public policy. (*Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, 2026 INSC 668; *Vijay Ghanshyam Gadiya v. Union of India*, 2026 INSC 947).

9.4 Model Law annulment grounds

For an arbitration seated in a Model Law jurisdiction, Article 34 provides the corresponding set-aside framework. It includes grounds concerning inability to present a case, matters outside the submission, defects in tribunal composition or procedure, and public policy. Article V of the New York Convention is therefore not the only relevant enforcement framework. An AI-related defect may first be raised at the seat under Article 34 or the relevant national equivalent and may later be raised again in enforcement proceedings under Article V.

10. REGULATORY OPTIONS AND PROPOSED FRAMEWORK

The available material does not point to a simple choice between doing nothing and immediately amending the New York Convention. Existing legal instruments already cover many of the relevant risks, while institutional guidance can be changed more quickly as technology develops. A sensible regulatory discussion should therefore look at different stages of regulation rather than treating treaty amendment as the only answer.

10.1 Procedural-order and soft-law response

In the short term, arbitral institutions and tribunals can use procedural orders to identify AI uses that are acceptable, restricted, or require disclosure. Such orders can address human control, verification, material disclosure, confidentiality, data security, and AI-generated evidence. This approach fits the flexible nature of arbitration and avoids putting technical assumptions that may quickly become outdated into treaty language.

10.2 Institutional rule reform

A second step could be targeted changes to institutional rules. The aim would not be to regulate every use of AI, but to turn the most important safeguards already appearing in several guidance documents into clear rules. For example, a rule could confirm that an arbitrator cannot delegate decision-making, give the tribunal power to regulate material AI use, require verification of legal authorities, and allow directions on confidentiality and data governance. The LCIA's 2026 consultation specifically identifies AI disclosure and guardrails as an issue for future rule revision. (LCIA, 2026).

10.3 Model Law or Convention-level clarification

Changes at the international legislative level should be considered if experience shows that existing provisions cannot deal adequately with recurring AI-related problems. A future UNCITRAL instrument could explain how existing ideas of due process and enforcement apply to AI-assisted awards without trying to write rules for particular software products. UNCITRAL's 2026 work shows that recognition and enforcement of technology-affected awards is being explored, but there is not yet an AI-specific treaty or amendment to the Model Law. (UNCITRAL, 2026).

10.4 Proposed materiality-and-control framework

The article proposes a simple four-level framework. Level 1 is administrative assistance, such as scheduling, formatting, transcription, or basic organisation. Normally, this would not require special disclosure unless the applicable rules say otherwise. Level 2 is analytical assistance, such as document review, translation, preparing chronologies, or legal research. Here, human verification is essential, and disclosure may be appropriate if the use is material. Level 3 is substantive assistance, such as AI-generated legal analysis, synthesis of evidence, or draft reasoning that has a meaningful effect on the tribunal's work. This level calls for stronger checking, record-keeping, and possibly disclosure. Level 4 is delegation, where AI effectively determines findings, legal conclusions, or the substance of the award without independent human judgment. That level should not be permitted because it conflicts with the tribunal's adjudicative responsibility. The framework does not create a new legal cause of action. It is simply a way of deciding when existing legal rules may become relevant.

11. CONCLUSION

Generative AI does not mean that international arbitration has to abandon its existing technology-neutral legal structure. The New York Convention, UNCITRAL Model Law, UNCITRAL Arbitration Rules, institutional rules, and national arbitration statutes already contain principles that can deal with many AI-related problems. These include equal treatment, the opportunity to present a case, responsibility of the tribunal, procedural discretion, reasoned awards, confidentiality where applicable, and limited grounds for setting aside or refusing enforcement. (UNCITRAL, 1958, 2006, 2021).

At the same time, the analysis shows that some new governance questions are real. The main concern is not simply that AI has been used. The greater concern is unverified or important AI use that makes responsibility unclear, reduces the reliability of the record, exposes confidential information, or leaves a party without a meaningful chance to respond. The recent Indian decisions show that courts can impose serious consequences when fabricated AI-generated authorities become part of adjudication. LaPaglia shows a different point: an allegation of AI delegation does not by itself establish a successful legal challenge, particularly where there is no proper jurisdictional basis or sufficient evidence. (*Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, 2026 INSC 668; *Vijay Ghanshyam Gadiya v. Union of India*, 2026 INSC 947; *LaPaglia v. Valve Corp.*, No. 3:25-cv-00833-RBM-DDL (S.D. Cal. Dec. 9, 2025)).

The practical response should therefore focus on the degree and effect of AI use. Human beings should remain responsible for adjudication. Important AI-generated material should be checked against authoritative sources. Material AI use should be disclosed when that is necessary to protect procedural fairness. Confidential and personal information should be protected through suitable technical and contractual measures. Procedural orders and institutional rules can make these expectations clearer in individual cases. Future UNCITRAL work may provide further guidance on recognition and enforcement, but the present legal position does not support treating every AI-assisted award as invalid or treating every form of AI use as automatically acceptable. The proposed materiality-and-control framework offers a structured way to make that distinction while leaving the final legal question to the law of the seat and the court dealing with enforcement.

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◆ Ethical Statement

Ethical approval was not required because this study is based exclusively on publicly available legal documents, judicial decisions, treaties and published literature, and did not involve human participants, animals or confidential data.

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