



RESEARCH ARTICLE

Artificial Intelligence in International Arbitration: Procedural Fairness, Transparency, and the Future of the Arbitrator's Role

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ABSTRACT

Generative artificial intelligence (AI) is being used more and more in international arbitration for legal research, document analysis, translation, drafting, transcription and other case management functions. Arbitral institutions and professional bodies have mostly responded with soft-law guidance, while national courts are starting to confront the professional and adjudicative risks of hallucinated authorities and inadequate human verification. This article questions the extent to which current international arbitration law can accommodate material use of AI without undermining the personal decision-making mandate of the tribunal, procedural fairness, confidentiality and enforceability of awards. It takes a doctrinal and comparative approach, analysing the New York Convention, the UNCITRAL Model Law and Arbitration Rules, contemporary institutional rules and AI guidance, as well as recent national adjudicative materials from the United Kingdom, Australia, Canada and India. The article draws a distinction between AI for administrative or organisational assistance, and AI for evidentiary analysis, substantive legal reasoning, drafting of reasons and autonomous decision-making. It points to the possibility that existing technology-neutral arbitration instruments can accommodate a large portion of low and medium risk assistance, but that the autonomous or insufficiently supervised use of AI may implicate existing requirements relating to the right to be heard, tribunal mandate, agreed procedure, confidentiality and recognition or enforcement. The right regulatory response is a risk-based approach to regulation that emphasises human accountability, independent verification, calibrated disclosure, data-security safeguards and institutional procedural guidance. The article considers the nature of national court guidance as a form of comparative evidence, rather than a source of direct arbitration law, and explores the circumstances in which additional institutional or UNCITRAL level guidance might be justified.

1. INTRODUCTION

The foundation of international arbitration is the autonomy of the parties, procedural flexibility and adjudication by a tribunal chosen for competence and independence. Generative AI does not replace those principles but raises a new question about the extent to which an arbitrator may use an external computational system and still be seen to be exercising the personal adjudicative mandate accepted by the parties. The question is especially acute where AI moves beyond administrative assistance and begins to select evidence, formulate substantive reasoning, or generate the reasons for an award.

The main international instruments are neutral as to technology. The New York Convention (1958), the UNCITRAL Model Law (1985, amended in 2006) and the UNCITRAL Arbitration Rules do not have any express AI provision but deal with issues that may become relevant to AI use, including notice and opportunity to present a case, tribunal procedure, form and reasons of awards, tribunal composition and recognition and enforcement. Therefore, the absence of AI-specific language does not create a legal vacuum, but instead requires the careful application of existing concepts to a new technology (UNCITRAL, 1958, 1985/2006, 2021).

Institutional guidance has been growing rapidly. In April 2024, the SVAMC issued guidelines on AI, in October 2024, the SCC published its AI Guide, in 2025, the CIArb issued its Guideline on the Use of AI in Arbitration, the VIAC issued an AI note in 2025 and in July 2025, the CIETAC issued provisional guidelines. These instruments differ in detail but converge on human responsibility, verification, confidentiality and procedural fairness. In February 2026, UNCITRAL held a colloquium on AI in dispute resolution, including a panel on arbitrators' use of AI and recognition and enforcement. These developments show active institutional work but do not themselves generate a uniform binding international standard (CIArb, 2025; CIETAC, 2025; SCC Arbitration Institute, 2024; SVAMC, 2024; UNCITRAL, 2026; VIAC, 2025).

The legal problem is illustrated by two developments, but they do not solve it. In the United States, John LaPaglia attempted to set aside an AAA award in *LaPaglia v. Valve Corp.* on the basis that the arbitrator had outsourced adjudicative functions to AI. The federal court dismissed the amended petition for lack of subject-matter jurisdiction, and did not address the merits of the AI allegations. It is therefore a contested factual and procedural dispute, and not a judicial precedent that AI-assisted drafting renders an award void (*LaPaglia v. Valve Corp.*, No. 3:25-cv-00833-RBM-DDL (S.D. Cal. Dec. 9, 2025)). In India, meanwhile, the Supreme Court set aside the NCLT and NCLAT decisions in *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.* which were based on fabricated or hallucinated authorities, and set aside a customs adjudication in *Vijay Ghanshyam Gadiya v. Union of India* that rested on non-existent or misattributed authorities. The decisions are strongly supportive of a general principle of human verification in adjudication but these decisions arose outside arbitration and should be treated as analogous rather than controlling arbitration authority (*Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668; *Vijay Ghanshyam Gadiya v. Union of India*, 2026 INSC 947).

The core research question is: to what extent can existing international arbitration law and institutional practice accommodate the material use of generative AI by arbitral tribunals and parties without compromising the tribunal's personal decision-making mandate, procedural fairness, confidentiality, and the enforceability of the award? The article addresses four subsidiary questions: what types of AI assistance are consistent with existing law; what disclosure and verification duties arise; what confidentiality and equality concerns arise from the use of AI; and by what existing or prospective legal mechanisms could an AI-related defect affect the validity or enforcement of an award?

The article proceeds in eleven parts, including this introduction. Part 2 sets out the research questions, methodology, literature gap and analytical framework. Part 3 situates AI within the existing legal architecture. Part 4 covers arbitrator use, non-delegation and disclosure. Part 5 deals with use by parties and counsel, including hallucinated authorities and AI-generated evidence. Part 6 addresses due process, equality and bias. Part 7 addresses confidentiality, data protection and cybersecurity. Part 8 discusses the United Kingdom, Australia, Canada and India, drawing a clear distinction between direct arbitration law and analogical adjudicative guidance. Part 9 examines recognition and enforcement under the New York Convention. Part 10 assesses regulatory options and offers a risk-based framework. Part 11 concludes by answering the research question.

2. RESEARCH QUESTIONS, METHODOLOGY AND ANALYTICAL FRAMEWORK

2.1 Research Questions

The research question is underpinned by four subsidiary enquiries: (i) what forms of AI assistance are compatible with existing arbitral procedure and the tribunal's mandate; (ii) when the use of AI raises a disclosure or verification issue impacting upon the right to be heard or equality of arms; (iii) how confidentiality, privilege, data security and cross-border processing limit the use of third-party AI tools; and (iv) what existing annulment and enforcement provisions could accommodate a material AI-related defect. These questions are intentionally phrased in terms of legal consequences, not technological capability.

2.2 Methodology

The methodology of the article is doctrinal and comparative legal method supplemented with policy analysis. The doctrinal analysis is based on a hierarchy of sources: the New York Convention and UNCITRAL instruments; applicable national arbitration law and judicial decisions; institutional arbitration rules; institutional and professional AI guidance; and secondary commentary. The comparative section considers the United Kingdom, Australia, Canada and India through a set of common variables: verification of AI-generated authorities; restrictions on AI in adjudicative reasoning; disclosure; confidentiality; sanctions; and relevance to arbitration. The comparison is analogical in nature, because the materials concern courts or tribunals and not arbitration. This is not an empirical study. Survey statistics are used only to describe practitioner expectations and concerns, not for developing original quantitative findings. The research is current as of September 2026.

2.3 Literature Review

The subject is not uncharted, and a brief review of the existing literature is therefore needed. Stefer and Fricke (2025) analyse the boundaries of AI contributions to arbitral work; Al Mahdouri (2025) considers public policy and enforcement of AI-generated awards; Alhasan (2025) addresses efficiency, fairness and legal compliance; Malekela (2025) focuses on confidentiality; and Migliorini and Ilh o Moreira (2025) examine the interface between the EU AI Act and commercial arbitration. The present article therefore does not claim originality in identifying AI risks as such.

2.4 Analytical Framework

The contribution of this article is rather an integrated doctrinal framework linking the level of AI involvement to the legal consequence potentially triggered. The framework identifies five levels: (1) administrative and organisational assistance; (2) research, translation and document analysis; (3) evidentiary selection or substantive analytical assistance; (4) material drafting of reasons or

findings; and (5) autonomous or de facto autonomous decision-making. The more AI is involved, the more there is need for verification, disclosure, procedural safeguards and scrutiny of mandate and enforceability. The framework is tested against institutional guidance and national adjudicative practice.

2.5 Selection of Comparative Jurisdictions

The comparative jurisdictions were selected for their provision of accessible and current official materials on AI in adjudicative settings, and for their differences in institutional structure. They are not regarded as a representative sample of all arbitration jurisdictions. Their value is comparative: they show how technology-neutral obligations of accuracy, confidentiality, independence and human responsibility are being operationalised elsewhere. The comparison then informs rather than determines the interpretation of the law of international arbitration.

3. ARTIFICIAL INTELLIGENCE IS CHANGING ARBITRATION

Material differences exist in the legal risks associated with the various activities in which AI is used in arbitration. Institutional guidance covers potential uses such as research, text generation, translation, transcription, evidence analysis and case management. The 2025 QMUL-White & Case survey found 90% of respondents expected to be using AI for research, data analytics and document review in five years' time, with 54% citing saving party and counsel time as the principal driver. These are expectations, not a measured rate of adoption (Queen Mary University of London & White & Case, 2025). Figure 2 summarises these findings.

The central legal question is thus not whether AI is involved but what role it plays. The same technology can be relatively low risk when used to transcribe a hearing and materially higher risk when used to determine the credibility of a witness, select the evidence on which an award relies, formulate a dispositive legal proposition, or generate reasons that are adopted without independent verification. The legal analysis should therefore be function-specific and not technology-specific.

This functional approach is carried over into institutional guidance. The SCC Guide advocates for proper review and verification of AI outputs, emphasises transparency, and acknowledges that artificial intelligence may assist but not substitute the tribunal's function of decision-making. CIArb also distinguishes between general risks, party use and arbitrator use, and provides model agreement and procedural-order language. The 2025 CIETAC provisional guidelines require the tribunal to independently analyse facts and law and prohibit the transfer of decision-making to AI (CIArb, 2025; CIETAC, 2025; SCC Arbitration Institute, 2024). Figure 1 sets out the timeline of these instruments.

3.1 The Primary Instruments Are Silent

The New York Convention and the UNCITRAL Model Law are silent on AI largely because they were drafted in a technology-neutral way. The Model Law covers equal treatment and the opportunity to present a case (art. 18), procedural determination (art. 19), decision-making and the form and contents of awards (arts. 29 and 31), whereas the New York Convention contains grounds relating to notice and the ability to present a case, tribunal composition/procedure, public policy and awards set aside or suspended at the seat (art. V). So these provisions can cover some AI-related defects without requiring AI-specific language. The interpretive question is how far existing categories can legitimately be extended without adding grounds that do not appear in the instruments.

What matters about UNCITRAL's 2026 AI colloquium is that it is evidence of institutional exploration, not a law-reform instrument already in the books. The colloquium was devoted to

arbitrators' use of AI and its impact on recognition and enforcement. International rule-making is exploratory as of September 2026. UNCITRAL has not agreed to amend the Model Law or the Convention (UNCITRAL, 2026).

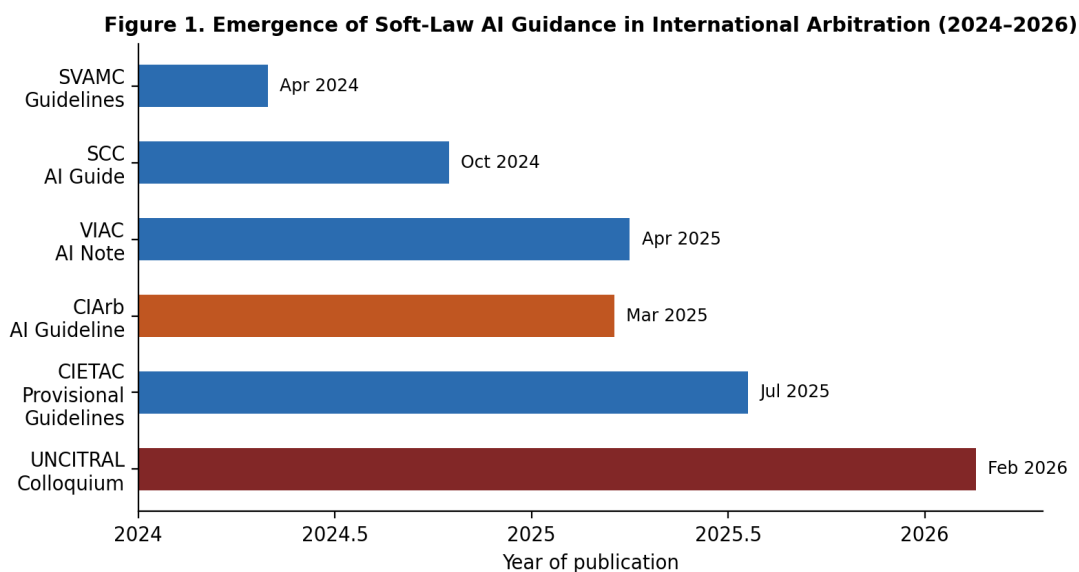


Figure 1. Emergence of soft-law AI guidance in international arbitration, 2024–2026. Compiled by the author from institutional publication dates cited in the text.

4. AI USE BY ARBITRATORS

Arbitrator use is treated separately because parties consent to adjudication by a particular tribunal. Thus, the legal significance of AI is whether the tool helps the tribunal to perform its function or is in effect doing something that the parties have asked the tribunal to do. The distinction is not between ‘human’ and ‘machine’ in the abstract, but between assisted performance and substitution of adjudicative responsibility.

4.1 The Non-Delegation Principle

The developing institutional position is that artificial intelligence may assist an arbitrator, but not supplant the independent judgement of the tribunal. The CIArb Guideline, SCC Guide, SVAMC Guidelines and CIETAC provisional guidelines all focus on human responsibility in the use of AI. Such convergence constitutes persuasive soft law, not a new rule of the New York Convention. The greatest legal significance arises where an AI tool is used to make factual findings, select the dispositive legal rule or produce reasoning that the arbitrator adopts without independent scrutiny (CIArb, 2025; CIETAC, 2025; SCC Arbitration Institute, 2024; SVAMC, 2024).

The non-delegation principle should not be formulated as a prohibition on all AI assistance. Translation, transcription, organization of documents, formatting of citations and other functions may be compatible with the tribunal’s mandate. The critical question is whether the arbitrator independently verifies and owns the factual findings, legal analysis and reasons that flow from it. This functional approach is also consistent with recent scholarship that distinguishes between AI uses depending on their effect on the tribunal’s adjudicative functions (Stefer & Fricke, 2025).

4.2 The LaPaglia Precedent

LaPaglia v. Valve Corp. demonstrates the evidentiary hurdle to proving improper AI involvement. The petition alleged that the award contained unsupported factual material and that the arbitrator had previously admitted to using ChatGPT for writing. The petition was filed under the Federal

Arbitration Act on April 8, 2025. Later, the federal court dismissed the amended petition for lack of subject-matter jurisdiction. The court did not discuss whether the alleged use of AI was an excess of powers or misconduct. *LaPaglia* should be read, then, as a live controversy and a procedural warning, not as authority for the proposition that AI-assisted drafting is itself a basis for vacatur.

The case nevertheless raises an important problem of evidence. AI involvement may not leave an obvious stylistic trace, and accusations based on the appearance of prose alone are weak. That's why institutional guidance is so focused on record-keeping, verification and proportionate disclosure. Any future court asked to determine whether AI use affected an award would have to determine both what actually happened and whether the use fell within an applicable statutory, contractual or institutional ground for challenge.

The importance of *LaPaglia* lies less in the outcome than in what it tells us about evidentiary practice going forward: parties challenging an award on AI-authorship grounds will need more than stylistic suspicion or an informal chatbot query. They will probably have to rely on forensic linguistic analysis, metadata evidence or the arbitrator's own admissions, and courts will have to develop standards for the quantum and quality of evidence sufficient to disturb the strong presumption of finality that underlies the whole of the arbitral enforcement architecture. Commentators on the case have converged on a set of minimum practical expectations for arbitrators: that they maintain human control over reasoning and findings even when using AI to assist with organisational or stylistic matters, and that they disclose material AI assistance in drafting consistent with emerging soft-law guidance (SVAMC, 2025).

4.3 Can Arbitrators Ask AI for Its Legal Opinion?

It is to be noted that the use of AI by an arbitrator as a research tool and the use of AI as a source of adjudicative conclusions are different. The arbitrator is normally permitted to conduct legal research and to use external materials, subject to the procedural law governing the arbitration and the parties' right to be heard on a material new point. AI doesn't automatically change that rule. It does raise the risk of fabricated authorities, selective outputs, and untraceable reasoning. Therefore, any AI-generated authority or proposition that materially affects the award should be independently checked against authoritative sources before adoption.

4.4 Disclosure Obligations of Arbitrators

Disclosure should be proportional to materiality and procedural impact. CI Arb, SCC and other guidance do not set out a blanket rule that all uses of AI must be disclosed. The assistance of a trivial nature is different from the use of material in researching or interpreting facts or law, analysing evidence or drafting reasons. Where the use of AI could reasonably affect a party's ability to understand or challenge the basis of the award, disclosure should be considered by a tribunal and the parties given an opportunity to comment where necessary to meet procedural fairness (CI Arb, 2025; SCC Arbitration Institute, 2024).

5. USE OF AI BY COUNSEL AND PARTIES

The main legal issue for counsel and parties is who is responsible for the accuracy of material presented to the tribunal. Using AI assistance does not transfer professional responsibility to the software provider. The recent UK decision in *Ayinde* makes it especially clear that lawyers using generative AI for legal research must verify the output against authoritative sources. Similarly, Australian and Canadian court guidance places the onus on the person presenting the material to the court. These principles are relevant by analogy to arbitration, subject to the applicable arbitration agreement, procedural orders and professional rules.

5.1 The Hallucination Problem in Practice

Pooja Ramesh Singh and *Vijay Ghanshyam Gadiya* show the institutional implications of unverified AI-generated authority. In *Pooja Ramesh Singh*, the Supreme Court held that the NCLT/NCLAT decisions were based on six citations which were non-existent, misattributed or followed by non-existent paragraphs, and decisions based on such material could not be sustained. In *Gadiya*, the Supreme Court quashed a customs penalty order on the ground that the authorities cited were non-existent, misrepresented or falsely cited. These decisions lay down robust principles of verification in Indian adjudication; they do not yet lay down that every arbitral award containing a hallucinated citation is unenforceable under the New York Convention.

The UK decision in *Ayinde* is also important in that it connects AI hallucination to professional responsibility. The Divisional Court found that lawyers who rely on AI for legal research have an ethical duty to ensure the accuracy of the AI's findings against authoritative sources. The equivalent proposition for arbitration is simple: a party cannot excuse an erroneous submission by merely asserting that the error was introduced by an AI tool.

5.2 AI-Generated Evidence and Arguments

AI-generated evidence raises a different question than AI-assisted drafting. When AI is applied to translate, summarise or organise existing evidence, the evidentiary reference point is the underlying source. Where AI produces meaningful content, synthetic audio/video, or materially alters evidence, authentication and reliability become key. The tribunal's existing procedural powers are adequate to deal with these matters by way of disclosure, authentication, expert evidence and directions as to the evidentiary process. CIARB, SCC and CIETAC guidance supports a risk-sensitive approach to procedural management rather than an automatic exclusionary rule.

AI-generated submissions should also be assessed for their content and impact. The key questions are whether the authorities exist, whether the propositions are accurate, whether the evidence exists and whether the opposing party has a fair opportunity to respond. Drafting language with AI is not the same as determining the legal position with AI. The latter may raise the more serious problem that the tribunal is unable independently to identify the basis for the conclusion which it adopts.

5.3 Disclosure of AI Use by Parties and Counsel

It would be difficult to justify and administer a blanket disclosure obligation for every use of AI. A calibrated rule is preferable: routine low risk assistance does not need to be automatically disclosed, but material AI use affecting evidence, substantive legal analysis, witness material or confidential case information might require disclosure when needed to preserve procedural integrity. NSW Practice Note SC Gen 23 shows how a court can impose specific restrictions alongside verification requirements, rather than banning all use of GenAI.

6. DUE PROCESS, EQUALITY AND PROCEDURAL FAIRNESS

The legal relevance of AI is most visible in the way it impacts the ability to make a case. Article 18 of the UNCITRAL Model Law provides for equal treatment and a full opportunity to be heard; and Article V(1)(b) of the New York Convention states that a refusal is possible where a party was unable to present its case. Similar protections are found in institutional rules and in national arbitration statutes. AI does not create a new due process right, but may create a new factual situation where an existing right is impaired.

6.1 The Right to Be Heard on AI-Generated Reasoning

The problem is not the use of AI as such, but the fact that a tribunal may determine a dispositive legal proposition or factual inference through AI-assisted research and rely on it without giving the parties a reasonable opportunity to respond. The problem is that the right to be heard is not respected. The same reasoning would apply if the tribunal itself found the material from another outside source. AI increases the speed and scale of such research, but does not change the underlying procedural principle.

6.2 Equal Access to AI Resources

Differences in AI tool access may impact party resources. Differences in access to technology, however, should not be automatically equated with a legal inequality of arms. In arbitration, disparities in resources are common. The better argument is when a tribunal's case-management decisions materially disadvantage one party because the other side has available to it sophisticated AI to process evidence or generate submissions at a scale the other side cannot reasonably match. In such circumstances, the tribunal may consider proportional disclosure, timetable adjustments or other case management measures subject to the parties' autonomy and applicable law.

6.3 Bias in Artificial Intelligence Systems

Hallucination is a different risk than bias. An AI output can be factually plausible, yet systematically mirror the boundaries of its training data, language coverage or model configuration. The CIArb Guideline identifies algorithmic bias and associated cognitive effects as risks that tribunals should weigh when AI is used (CIArb, 2025). In international arbitration, the problem may be compounded by multilingual evidence and legal systems under-represented in dominant training data. The correct response is not the presumption that every AI product is neutral but rather independent verification, diversity of authoritative sources and human responsibility.

6.4 Transparency as a Procedural Guarantee

Transparency is best conceived as a means of protecting procedural rights rather than as an end in itself. Disclosure is justified if it allows a party to comprehend, contest, or react to material AI-assisted reasoning or evidence. It should therefore be proportionate to the function to be performed, to the sensitivity of the information and to the impact on the proceedings. This is more in line with existing institutional guidance than a blanket rule of disclosure.

7. CONFIDENTIALITY, DATA PROTECTION AND CYBERSECURITY

Confidentiality is a key arbitration issue and one of the most often cited AI risks. The use of third-party AI tools may involve transmission, storage and processing of case information under contractual terms that are different from the parties' arbitration arrangements. The legal consequences will depend on the arbitration agreement, institutional rules, applicable privilege and confidentiality law, data protection regimes and the technical and contractual safeguards of the provider.

7.1 Risk Mechanisms

The risk is not uniform across all artificial intelligence systems. Enterprise tools with contractual restrictions, controlled environments, limited retention and specified data processing arrangements present a different risk profile than public consumer tools. CIArb, SCC, CIETAC and NSW guidance all stress the importance of understanding how data is processed before entering confidential material. The article therefore treats 'AI confidentiality risk' as a governance issue,

which requires tool-specific evaluation rather than as a characteristic of all artificial intelligence systems.

7.2 Institutional Responses

Current guidance relies heavily on risk assessment, procedural orders and personal accountability. CIArb offers model agreement and procedural-order language; SCC encourages users to consider how data is used and to undertake appropriate review; CIETAC encourages procedural discussion and disclosure where appropriate. Such mechanisms may be implemented without assuming that a separate AI clause is necessary in every arbitration.

7.3 Cross-Border Data Transfers and Cybersecurity

Cyber security and data-protection issues are related, but not the same. AI tools may increase the number of systems through which arbitration data will pass, and cross-border processing may implicate data-protection rules independently of arbitration confidentiality. The legal analysis should therefore determine the applicable data controller/processor relationship, transfer mechanism, contractual restrictions and retention policy if personal data is involved. A general reference to the GDPR or other regimes is not to be taken as universally applicable, applicability depends on the parties, processing activity and jurisdiction.

7.4 Mitigation in Practice

A practical framework should require: (1) tool-specific due diligence before uploading confidential material; (2) a procedural discussion when material AI use is contemplated; (3) limits on placing privileged or restricted material into public tools; (4) independent verification of substantive outputs; and (5) preservation of a record adequate to explain material AI use if the issue later becomes relevant to a challenge or enforcement proceeding. These measures adapt established principles of confidentiality and case management to a new technological context.

Table 1

Institutional Guidance for AI in International Arbitration: A Comparative Analysis

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.
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; taxonomy of risks.
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; covers use by tribunals and parties.
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 AI-specific rules	As of 2026	Rely on general efficiency and procedural-discretion provisions (e.g., ICC Art. 44; LCIA Art.

Institution / Body	Instrument	Date	Core Approach
			14.1(ii); SIAC Rule 3.5) rather than AI-specific text.

Note. The author compiled this from primary institutional publications and official materials cited in the text. The table is descriptive; the characterisations are analytical shorthand rather than official classifications.

8. COMPARATIVE LEGAL APPROACHES

The four jurisdictions provide useful comparative evidence but none should be regarded as establishing an international arbitration rule simply because their courts or judicial bodies have provided AI guidance. The comparison focuses on how legal systems implement human verification, confidentiality, disclosure and restrictions on AI-assisted adjudication. The results of the lessons are then assessed in relation to the instruments and institutional rules of international arbitration.

8.1 United Kingdom

The UK position is of particular relevance because AI-generated legal authorities were expressly dealt with in *R (Ayinde) v London Borough of Haringey*; *Al-Haroun v Qatar National Bank* [2025] EWHC 1383 (Admin). The Divisional Court held that lawyers using generative AI for legal research have a professional duty to verify the output against authoritative sources, and stressed leadership responsibility within the profession. It is a decision concerning court proceedings rather than arbitration, but its principle of personal professional responsibility has an analogy readily applicable to arbitral advocacy.

The UK judiciary's AI guidance stresses confidentiality, verification and human responsibility. These materials support a model for arbitration in which AI is allowed as an assistive technology, and the tribunal and counsel remain accountable for the accuracy and procedural consequences of what they submit to the tribunal. However, the UK cannot be said to have developed a comprehensive arbitration-specific AI regime.

8.2 Australia

Australia has a more complex approach at the court level. NSW Supreme Court Practice Note SC Gen 23 commenced in February 2025. It prohibits some uses, such as GenAI-generated material in affidavits and witness statements, and requires verification of AI-assisted written submissions. Judicial guidelines accompanying the rules forbid judges from using GenAI for writing reasons or assessing evidence, but allow for limited research provided it is verified. In April 2025, however, the Federal Court of Australia stated that parties are responsible for material filed, that AI use must comply with existing obligations, and that disclosure is required if requested by a judge or registrar. The measures are targeted regulation rather than a uniform national ban.

The Australian comparison is important for arbitration because it demonstrates that the governance of artificial intelligence can be calibrated by function. It also warns against the wholesale importation into arbitration of court-specific restrictions, where party autonomy, arbitral procedure and institutional rules operate differently. The lesson is therefore a methodological one: first find the function and risk, then choose the least intrusive procedural response that will protect the rights of the parties.

8.3 Canada

Canada has produced national judicial guidance through the Canadian Judicial Council's 2024 Guidelines for the Use of Artificial Intelligence in Canadian Courts. The Federal Court of Canada subsequently released interim principles and guidelines stating that it will not use AI for

judgments or orders without public consultation, and separate tribunal guidance provides that the parties bear responsibility for the accuracy of AI-assisted submissions. These are court and tribunal materials, not arbitration rules. Their comparative value is the focus on judicial independence, human responsibility, verification, and controlled use.

Thus, the Canadian materials are consistent with a risk-based framework for the article, but not with a settled national arbitration position on AI. The absence of a directly applicable arbitration rule must be stated expressly and not inferred from judicial guidance.

8.4 India

India provides remarkably direct evidence of the consequences of hallucinated legal authorities in adjudication. In *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, the Supreme Court set aside the affected decisions where the NCLT/NCLAT relied upon six authorities that were non-existent or misattributed or were accompanied by fabricated paragraphs. In *Vijay Ghanshyam Gadiya v. Union of India*, the Supreme Court likewise quashed a customs order that rested on authorities that did not exist or were misattributed. The cases show that AI-created legal materials cannot substitute the adjudicator's duty to verify legal authority.

The Indian cases should, however, be used with caution in the arbitration context. They are state adjudications and do not resolve the interpretation of the New York Convention or an arbitration statute. They are relevant, analogically, in showing how a court can treat fabricated authority as an integrity problem in decision-making. Whether an arbitral award affected by similar material would be annulled or denied enforcement would still depend on the applicable arbitration law, the procedural background and the relevant Convention ground.

So the comparative lesson is not that one jurisdiction has figured out AI in arbitration. Different institutional mechanisms are operationalising the same underlying values – accuracy, human responsibility, confidentiality and the right to be heard. International arbitration can use those mechanisms without treating them as binding international law.

Table 2

UK, Australia, Canada and India: Regulatory Approaches to AI in Adjudicative Settings – A Comparison

Jurisdiction	Representative Instrument(s)	Governing Philosophy
United Kingdom	Judiciary AI Guidance for Judicial Office Holders (Oct. 2025); Bar Council and Law Society guidance; <i>Ayinde v. London Borough of Haringey</i> [2025] EWHC 1383 (Admin)	Supervised use with strong verification responsibility.
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)	Differentiated court-level controls.
Canada	Canadian Judicial Council Guidelines (2024); Tribunals Ontario Practice Direction (2025); Federal Court of Canada AI policy (2025)	Principle-based judicial guidance.
India	Kerala High Court AI Policy for the District Judiciary (2025); Supreme Court judgments in <i>Pooja Ramesh Singh v. J&K Bank Ltd.</i> (2026) and <i>Vijay Ghanshyam Gadiya v. Union of India</i> (2026)	Strong judicial response to unverified authorities.

Note. Compiled by the author from official materials of national courts, tribunals and judicial councils. The 'governing philosophy' descriptions are the author's analytical characterisations, not official classifications.

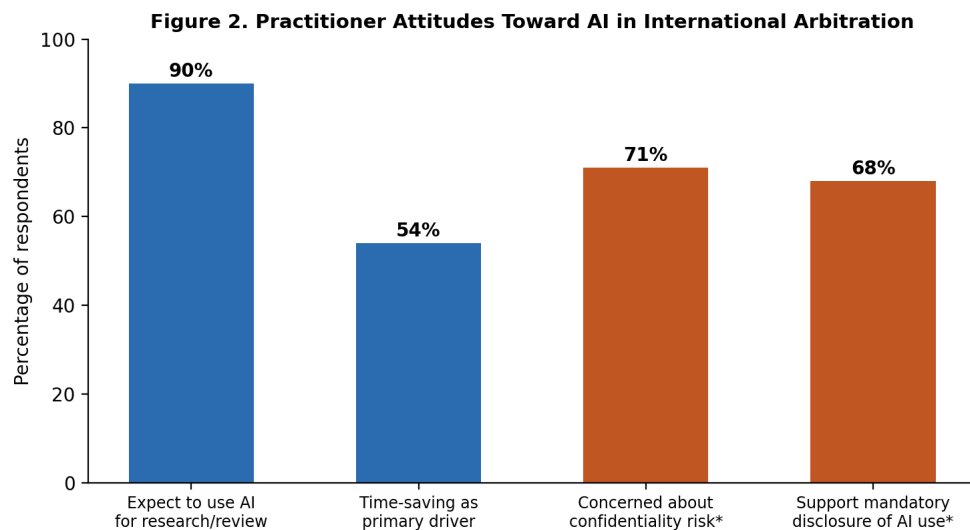


Figure 2. Practitioner attitudes toward AI in international arbitration. The first two figures (90% expecting to use AI for research, data analytics and document review within five years, and 54% citing time-saving as the primary driver) come from the 2025 Queen Mary University of London–White & Case International Arbitration Survey (Queen Mary University of London & White & Case, 2025). The 71% and 68% figures (marked with an asterisk) are not survey results but summaries of qualitative themes compiled by the author and should not be treated as independently measured empirical data.

9. RECOGNITION AND ENFORCEMENT OF AWARDS MADE WITH THE AID OF AI

The New York Convention does not contain an AI-specific ground of refusal. Therefore, an AI-related challenge must be related to one of the grounds in Article V or the relevant national law applicable to recognition. The analysis must also differentiate between an application to set aside an award at the seat and a follow on application for recognition or enforcement elsewhere. The fact that an award was assisted by AI does not in itself mean refusal; the question is whether the specific use involved a flaw covered by an existing legal ground.

9.1 Article V(1)(d): Tribunal Composition and Procedure

Article V(1)(d) provides for a refusal where the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, the law of the seat. If the use of AI were contrary to the agreed composition of the tribunal or the applicable procedural law and involved a serious delegation of the tribunal's decision-making function, this provision could potentially apply. That is an argument, not a settled rule. AI-supported drafting by itself cannot be equated with faulty composition of tribunals.

9.2 Article V(1)(b): Failure to Present One's Case

Article V(1)(b) may apply where AI-assisted reasoning has raised material factual or legal issues on which a party had no reasonable opportunity to comment. The doctrinal emphasis is still on the party's ability to make its case, not on the use of AI per se. The same ground may arise from any undisclosed extraneous material which materially affected the award. AI matters because it could accelerate the speed, volume and opacity of such external research.

9.3 Article V(2)(b): Public Policy

Public policy may apply where a defect relating to AI undermines a fundamental principle of adjudicative integrity recognised by the enforcing state. The threshold is high and varies between jurisdictions. The Indian Supreme Court's approach to decisions tainted by fabricated authorities may be instructive, but it does not suggest that any AI-related error in an arbitral award constitutes

a breach of international public policy. What must be distinguished is an isolated slip in citation which does not impact the result and reliance upon fabricated material which fundamentally undermines the adjudicative process.

9.4 Article V(1)(e): Setting Aside at the Seat, and Award Drafting

Article V(1)(e) relates to an award which has not yet become binding or has been set aside or suspended by a competent authority of the country in which, or under the law of which, the award was made. So a defect relating to the AI might first have consequences at the seat under the relevant arbitration statute and only later at the enforcement stage. Annulment and enforcement should not be treated as a single question. Practical safeguards – checking the authority and facts, keeping a record of material AI use, and preserving the tribunal’s independent reasoning – reduce evidentiary and procedural risk at both stages.

10. REGULATORY ALTERNATIVES

There are three regulatory options: maintaining the use of technology-neutral rules supplemented by soft law; amending rules specific to the institution; and longer-term clarification via UNCITRAL or other international instruments. The answer depends on whether the problem can be addressed by existing procedural powers or whether inconsistent national approaches create a material enforcement problem.

10.1 Option One: Soft Law under Existing Rules

Soft law is the fastest mechanism for the development of practice today. CIArb, SVAMC, SCC, VIAC and CIETAC show that institutions and professional bodies can issue guidance without waiting for amendment of the treaty. The key weakness is the non-binding nature and variation between the instruments. It is therefore more useful for the identification of good practice, model procedural orders and risk categories than for the creation of new ground for invalidity or refusal of enforcement.

10.2 Option Two: Institutional Rule Amendment

Selected elements of current guidance could be formalised in institutional rules, in particular tribunal responsibility, procedural directions, confidentiality and disclosure. The benefit is the clearer application in administered arbitrations; the disadvantage is fragmentation should institutions adopt materially different standards. There is no specific provision for AI in the 2026 ICC Rules, which entered into force on 1 June 2026. However, the LCIA Rules 2020 already give tribunals broad procedural powers and permit the use of technology to improve efficiency. These rules hint at why institutions often already have the power to govern AI, even without any AI-specific language.

10.3 Option Three: Reform at the Model Law or Convention Level

International reform would lead to more harmonisation but it must be approached with caution. The 2026 UNCITRAL colloquium reflects active exploration, rather than a settled reform agenda or draft amendment. An interpretive instrument in the future may explain how technology-neutral concepts can be applied to concrete AI use without leading to a basis for enforcement that is specific to a technology. The argument for reform is strongest if divergent national approaches start to produce inconsistent results for materially similar AI-related defects.

10.4 A Risk-Based Hybrid Approach

The preferred analytical framework is sequential rather than categorical. The first thing to do is identify the function of AI. Second, classify the risk: administrative risk, research/analytical risk,

evidentiary risk, reasoning/drafting risk, or autonomous adjudication risk. Third, consider whether the use affects confidentiality, evidence, the right to be heard, equality of arms, independence of the tribunal or agreed procedure. Fourth, require verification and proportionate disclosure if the use is material. Fifth, when an award is challenged, identify the seat-law or Convention ground and do not treat AI use as an independent defect. This framework maintains technological flexibility and human responsibility for the adjudicative act.

11. CONCLUSION

International arbitration law does not need a special rule for AI before it can govern AI use. Technology-neutral principles on equal treatment, right to be heard, tribunal procedure, decision-making, confidentiality and enforcement are already found in the New York Convention, the UNCITRAL Model Law, institutional rules and national arbitration laws. It is therefore a matter of application and proof of evidence and not a complete absence of legal standards.

But the analysis does show a major difference in types of AI assistance. Administrative and organisational uses can generally be dealt with through normal case-management powers. Research and drafting assistance needs independent verification. Use of probative evidence, substantive reasoning, or a party's opportunity to respond may require disclosure and additional procedural safeguards. The most serious problem is that of autonomous or effectively autonomous adjudication, which raises questions of the personal mandate of the tribunal, the agreed procedure and the integrity of the award.

Recent institutional guidance and national adjudicative materials support a common principle of human responsibility, but do not yet create a uniform international arbitration standard. *LaPaglia* is a procedural dispute, not an AI-vacatur precedent; Indian Supreme Court rulings are potent analogies on verification, but not arbitration authorities; UNCITRAL's 2026 colloquium is evidence of continued exploration, not completed reform. So calibrated disclosure, tool-specific confidentiality safeguards, independent verification and model procedural guidance are the right immediate response. Longer term rule reform should be evidence driven and harmonised where there is genuine cross border inconsistency.

The main contribution of this article is a risk-based legal framework that links the function performed by AI to the procedural and enforcement consequence that may follow. It takes a middle ground between the two extremes of treating all AI-assisted tasks as illegitimate and all technological assistance as legally neutral, regardless of its impact. International arbitration can accommodate AI, but the tribunal cannot delegate the adjudicative responsibility for which the parties chose it, and parties cannot delegate their professional responsibility for the accuracy of the material they present.

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◆ Data Availability Statement

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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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