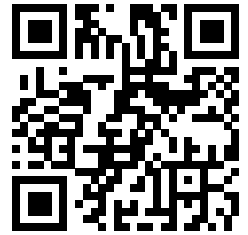


Title:

XIII.2.1 - Number of arbitrators



Content:

No. XIII.2.1 - Number of arbitrators

- (a) The number of arbitrators shall be one or three. The parties are free to determine the number of arbitrators.
- (b) Failing such determination, the number of arbitrators shall be determined by the applicable arbitration law.

Commentary:

1 The parties can always select the number of arbitrators. Typically, the number is one or three, which avoids a deadlock in the voting of the arbitral tribunal.

2 If the arbitration clause does not contain an agreement on the number of arbitrators, Art. 10 (2) [UNCITRAL Model Law](#) provides that the tribunal shall consist of three arbitrators. The same numerical preference is contained in Art. 5 UNCITRAL Arbitration Rules and Art. 6 (1) Swiss Rules. Art. 5.4 LCIA Arbitration Rules, however, follows s. 15 (3) 1996 English Arbitration Act and provides, for reasons of cost effectiveness, for the appointment of a sole arbitrator unless the parties have agreed otherwise. Section 8 (2) ICC Arbitration Rules provides that absent an agreement of the parties, the ICC Court of Arbitration shall appoint a sole arbitrator, save where it appears to the Court that the dispute is such as to warrant the appointment of three arbitrators. A similar rule is contained in Art. 5 ICDR International Arbitration Rules. This flexible rule makes sense in revealing that the number of arbitrators is not a matter of principle, but depends on the complexity of the dispute and other particularities of the case.