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Good Faith and Ethics in International Arbitration: An Important Initiative by the IBA Arbitration Committee

Alexis Mourre (Castaldi Mourre & Partners) · Tuesday, August 31st, 2010

Is there a duty to arbitrate in good faith? Is there a need for a Code of Ethics in international arbitration? Those are certainly amongst the most important questions for the future development of the law and practice of arbitration. They have been hotly debated in occasion of certain recent and much publicized cases. And in its keynote address to the last ICCA Congress in Rio, Doak Bishop argued that existing codes of conduct for lawyers are not up to the task. There is no doubt that this debate will strongly develop in coming years.

In 2008, the Arbitration Committee of the International Bar Association has formed a Task Force on Counsel Ethics in International Arbitration for the purpose of investigating the different and often contrasting ethical and cultural norms, standards and disciplinary rules that may apply to counsel in international arbitrations. As part of the Task Force's information-gathering mission, it has prepared a survey to solicit the input and experiences of international arbitration practitioners – including the the users of arbitration, members of arbitral institutions, counsel and arbitrators – regarding specific cases where ethical conflicts and other issues arise and whether the lack of international guidelines in counsel ethics undermines the fundamental protections of fairness and equality of treatment and the integrity of international arbitration proceedings.

The survey of the Task Force on Counsel Ethics in International Arbitration is available [here](#) . Answers to the survey should be provided by September 15, 2010.

I urge all practitioners to contribute to this important project.

Alexis Mourre

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