

## Model clause on highly expedited arbitration (HEA)

### Draft model clause

The parties wish to agree on a process that will allow for the resolution of any disputes arising between them in a particularly short timeframe. In full awareness of the risks that shortening the dispute resolution proceedings to such an extent places on their due process rights, the parties hereby agree as follows:

Any dispute, controversy, or claim arising out of or relating to this contract or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the UNCITRAL Expedited Arbitration Rules, with the following modifications:

*[Note: the parties to include some or all of the following, as appropriate]*

- (a) **Option: (i)** The sole arbitrator shall be [name of a person].

The claimant shall communicate the notice of arbitration to the arbitrator, upon which he/she shall confirm the appointment as soon as possible and within [x] days upon receipt.

If for any reason the arbitrator does not confirm his/her appointment within this time period, and the parties cannot reach agreement on a new arbitrator within 7 days from its expiry, then at the request of a party, the arbitrator shall be appointed by the appointing authority defined below as promptly as possible in accordance with article 8(2) of the UNCITRAL Expedited Arbitration Rules.

**Option: (ii)** If the parties cannot reach agreement on a sole arbitrator within 7 days, then at the request of a party, the arbitrator shall be appointed by the appointing authority defined below as promptly as possible in accordance with article 8(2) of the UNCITRAL Expedited Arbitration Rules.

- (b) The appointing authority shall be [name of institution or person].
- (c) Consultation in accordance with article 9 of the UNCITRAL Expedited Arbitration Rules shall take place within 7 days of the constitution of the arbitral tribunal, and the arbitral tribunal shall address any issues proposed by the parties prior to the consultation.
- (d) The period of time for making the award in accordance with article 16 (1) of the UNCITRAL Expedited Arbitration Rules shall be [a short period of time, for example, 60 or 90 days].

**Option (i):** The extended period of time for the making of the award in the sense of article 16(2) and (3) of the UNCITRAL Expedited Arbitration Rules shall not exceed a total of [60 or 90 days, depending on the initial period agreed on by the parties].

**Option (ii):** The extended period of time for the making of the award in the sense of article 16(2) of the UNCITRAL Expedited Arbitration Rules shall not exceed a total of [60 or 90 days, depending on the initial period agreed on by the parties]. Article 16(3) and (4) shall not apply.

**Option (iii):** Article 16(2) to (4) shall not apply.

- (e) The parties may agree, in consultation with the arbitral tribunal, that the arbitral tribunal shall not be required to state the reasons upon which the award is based.
- (f) In accordance with article 2(2) of the UNCITRAL Expedited Arbitration Rules, at the request of a party, the arbitral tribunal may decide to apply the UNCITRAL Expedited Arbitration Rules or the UNCITRAL Arbitration Rules without modification.
- (g) The place of the arbitration shall be.... [town and country]
- (h) The language to be used in the arbitral proceedings shall be....