

GUIDELINES FOR ADAPTING THE PERMANENT
COURT OF ARBITRATION RULES TO DISPUTES
ARISING UNDER MULTILATERAL AGREEMENTS
AND MULTIPARTY CONTRACTS

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The various Permanent Court of Arbitration optional arbitration rules can be adapted for use in resolving disputes arising under a multilateral treaty or convention (e.g., Optional Rules for Arbitrating Disputes between Two States; Optional Rules for Arbitration Involving International Organizations and States) or a multiparty contract (e.g., Optional Rules for Arbitrating Disputes between Two Parties of Which Only One Is a State; Optional Rules for Arbitration between International Organizations and Private Parties). All of the provisions in the Rules are appropriate, except that modifications are needed in the mechanisms for naming arbitrators and sharing costs.

Particular care should be taken in drafting the provisions for appointing arbitrators where there may be so many parties in the arbitration that the tribunal would be of impractical size or structure if each party appointed an arbitrator. One solution sometimes considered in multiparty arbitrations is for the parties to agree that the appointing authority will designate all of the arbitrators if the parties do not do so within a specified period.

Modifications may also be needed in the provisions for sharing the costs of the arbitration.

It is recommended that parties that contemplate including an arbitration provision in a multilateral agreement or multiparty contract consult in advance with the Secretary-General Permanent Court of Arbitration concerning the drafting of that provision, in order to ensure that the proposed modifications are appropriate in the context of the Rules and that the functions of the Secretary-General and the International Bureau can be carried out effectively.

