

Award Checklist

Arbitrators shall consult the following when drafting Awards, in order to ensure that it is consistent, intelligible, and enforceable.

1. Formatting and consistency:

- (i) Proof the document against typographical-errors and formatting issues;
- (ii) Check consistency of pages and paragraphs numbering;
- (iii) Check consistency of the table of contents;
- (iv) Check consistency of references and the use of defined terms and abbreviations;
- (v) Provide the necessary translations.

2. Necessary Identifications:

- (i) Make clear reference to the case number;
- (ii) Make clear reference to the nature of the Award (*e.g.*, interim, partial, final);
- (iii) Identify the parties pursuant to Articles 6 and 7 and their representatives;
- (iv) Identify the members of the Tribunal.

3. Applicable Law and Rules:

- (i) Make clear reference to the applicable rules;
- (ii) Make clear reference to the applicable law(s);
- (iii) Identify and quote the Arbitration Agreement as written in the parties' agreement and any amendments;
- (iv) Identify each party bound by the Arbitration Agreement;

- (v) Identify and quote contractual provisions relevant to choice-of-law;
- (vi) Make clear reference to the parties' capacity to enter into the Arbitration Agreement and any agreements related to choice-of-law;
- (vii) Make clear reference to the validity of the Arbitration Agreement under the applicable law;
- (viii) Reference to any decision on jurisdiction;
- (ix) Reference to decisions to extend the time limit to render the Award.

4. Chronology of Events and Reasoning:

- (i) Summarize the principal procedural events prior to the date of the Award, including, without limitation, the commencement of the arbitration, any decisions by the Court, the constitution of the Tribunal, the parties' submissions, the procedural Orders, the Case Management Conference, any hearings, any agreement regarding the method of notification of the Award, any decisions on jurisdiction or preliminary issues;
- (ii) Make clear reference to the arbitration proceeding's compliance with due process and to the fact that the parties had reasonable opportunity to present their cases;
- (iii) Make clear reference to the compliance with the requirements provided for in the Rules, in the Arbitration Agreement, and in any other agreement by the parties for the composition of the Tribunal;
- (iv) Make clear reference to the independence and impartiality of the members of the Tribunal, the neutral and professional conduct of the proceedings, any disclosures made to the parties and the parties' responses, any challenges to members of the Tribunal and any decisions of the Court on challenges to the members of the Tribunal;
- (v) Summarize all factual events relevant to each issue decided on the Award;

- (vi) Provide complete and detailed reasoning for each issue decided on the Award, with reference to the parties' arguments to each of those issues, except for Awards issued by Emergency Arbitrators under Article 35(11) and 35(12), Awards issued in Expedited Proceedings under Article 36, and consent Awards under Article 44;
- (vii) Check whether every issue decided in the Award is within the scope of the Arbitration Agreement, and make reference to it in the Award;
- (viii) Check whether every issue within the scope of the arbitration and each relief sought by the parties has been addressed and decided in the Award, regardless of whether granted or denied by the Tribunal;
- (ix) Check whether every issue decided in the Award is capable of settlement by arbitration, and make reference to it in the Award;
- (x) Check whether every issue decided in the Award is not contrary to public policy considerations, and make reference to it in the Award;
- (xi) In the case of partial or interim Awards, make clear reference to the issues that are being addressed and decided, as well as to the issues that are not being addressed and decided in that Award, and shall be subject to a future Award, providing the reasoning for such bifurcation.

5. Miscellaneous:

- (i) Draft a dispositive section at the end of the Award, with a concise identification of all orders, decisions on all of the dispositive issues, Claims and requests for relief, including with respect to jurisdiction (if applicable);
- (ii) Provide an allocation for the costs of the arbitration and the parties' legal fees, and make clear reference to any agreement of the parties in this regard. Make reference to the allocation of costs in both the body of the Award and in the dispositive section of the Award;

- (iii) Make clear reference to the date of issuance of the Award and to the place of the arbitration;
- (iv) Check the proper collection of the signatures of all of the members of the Tribunal.

