

**ESSAY
COMPETITION**
“WHAT PROCESS
IS DUE TO PARTIES IN
INTERNATIONAL
ARBITRATION”

CAD / 2017

IN CONNECTION WITH THE CAMBRIDGE ARBITRATION DAY 2017, CAMBRIDGE UNIVERSITY GRADUATE LAW SOCIETY AND DECHERT LLP INVITE STUDENTS TO PARTICIPATE IN AN ESSAY COMPETITION. THE TOPIC AND INSTRUCTIONS FOR THE ESSAY ARE BELOW. THE WINNER OF THE COMPETITION WILL BE ANNOUNCED ON ARBITRATION DAY (18 MARCH 2017) AND RECEIVE A CASH PRIZE OF £ 250. STUDENTS MUST BE REGISTERED FOR THE CAMBRIDGE ARBITRATION DAY TO BE ELIGIBLE TO PARTICIPATE IN THE ESSAY COMPETITION.

TOPIC

In international arbitration proceedings, due process is meant to ensure fairness in the determination of the parties' rights. Due process may require, among other things, a party's right to timely notice of claims or counter-claims; a party's right to be heard, including sufficient time and opportunity to prepare their cases, obtain documentary evidence from the other side, and examine and cross-examine witnesses and experts; the right of a party to challenge arbitrator appointments when there are legitimate doubts about the arbitrators' independence and impartiality; and equal treatment of the parties on such matters of procedure. Indeed, if an arbitral tribunal fails to accord due process to the parties, then under the New York Convention and the ICSID Convention the resulting award could be vulnerable to set-aside or annulment, respectively. However, some practitioners and scholars have suggested lately that some parties may be overreaching in their invocation of "due process rights." Playing on the fears of tribunals that their eventual awards might not be enforceable, some parties may be attempting to bully tribunals into granting excessive requests on myriad matters of procedure or to complicate or delay the proceedings as a point of strategy. Arbitrators and practitioners today are seeking guidance on what due process does, and does not, require in international arbitration?

ELIGIBILITY & GUIDELINES

In an essay of 3,000 to 4,000 words, please answer the question, *What process is due to parties in international arbitration?* You are encouraged to focus your essay on one of the particular due process rights mentioned above, and to discuss the treatment of that right by specific awards, judgments and scholarly articles. Essays should be typed, double-spaced, 12-pt font, Times New Roman. Proper citations to sources and authorities should be made in footnotes. Essays may be submitted via email to Ryan Mellske at Dechert LLP, ryan.mellske@dechert.com. Please indicate "EssayCompetition" (one word) in the subject line of your email. The deadline for submission of essays is **SUNDAY 12 March 2017**.