

ARTIFICIAL INTELLIGENCE IN INTERNATIONAL ARBITRATION: THE GUIDELINES THAT ARE TRANSFORMING DISPUTE RESOLUTION

HOW SHOULD ARBITRATORS, ATTORNEYS, AND PARTIES USE
ARTIFICIAL INTELLIGENCE IN ARBITRATION PROCEEDINGS?

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Executive Summary:

Since 2024, several international arbitration institutions have developed guidelines and standards addressing the use of artificial intelligence in arbitration proceedings. While their approaches vary, they converge on key principles such as transparency, confidentiality, verification of AI-generated outputs, and human responsibility in decision-making. This article examines the main guidelines published to date and their relevance for arbitrators, attorneys, parties, and companies as AI tools become increasingly integrated into international arbitration.

At a time when artificial intelligence is transforming virtually every aspect of the legal profession, international arbitration is no exception. Since 2024, several of the world's leading arbitration institutions have published a series of guidelines and directives aimed at establishing a framework of best practices for the responsible, ethical, and efficient use of AI tools in arbitration proceedings.

This article provides an overview of these guidelines, their content, and their relevance for legal professionals in Ibero-America.

THE STARTING POINT: SVAMC (APRIL 2024)

The Silicon Valley Arbitration & Mediation Center (SVAMC) marked one of the first milestones by publishing, on April 30, 2024, the *Guidelines on the Use of Artificial Intelligence in Arbitration*. These guidelines, developed by a task force composed of experts from various jurisdictions, constitute one of the first international standards on the subject.

The SVAMC Guidelines take a principles-based approach and are organized into three chapters: one with general guidelines applicable to all participants in the arbitration process, a second aimed specifically at parties and their representatives, and a third with specific considerations for arbitrators. Among their most relevant provisions, they prohibit the delegation of decision-making authority to AI tools, require transparency in disclosing the use of these technologies, and emphasize the arbitrator's responsibility to independently and critically evaluate information derived from AI. The Guidelines also include a model clause for incorporation into procedural orders.

THE SCC GUIDE: FLEXIBILITY AND CONFIDENTIALITY (OCTOBER 2024)

In October 2024, the Stockholm Chamber of Commerce (SCC) Arbitration Institute published its *Guide to the Use of Artificial Intelligence in Cases Administered Under the SCC Rules*. The SCC opted

for a brief document aimed primarily at arbitral tribunals.

The SCC Guide focuses on four pillars: confidentiality, quality, integrity, and non-delegation of the decision-making mandate. Regarding confidentiality, it warns that the use of certain AI tools may have unintended consequences for the confidentiality of the arbitration and therefore urges participants to inform themselves about how the data entered into these tools is used and processed. Regarding integrity, it encourages arbitral tribunals to disclose any use of AI in the investigation and interpretation of facts and the law.

AAA-ICDR: FROM THE GUIDE FOR ARBITRATORS TO THE "AI ARBITRATOR" (MARCH AND NOVEMBER 2025)

The American Arbitration Association and its International Center for Dispute Resolution (AAA-ICDR) made two significant contributions in 2025. In March of that year, it published its *Guidance on Arbitrators' Use of AI Tools*, a document designed to help arbitrators adopt AI technology while upholding their professional obligations under the Code of Ethics for Arbitrators in Commercial Disputes.

This guidance establishes guidelines around five key areas: (i) the accuracy and reliability of AI-generated information, (ii) the maintenance of fairness and due process, (iii) independence in decision-making, (iv) transparency with the parties, and (v) the safeguarding of confidential information. It emphasizes the obligation of arbitrators to verify AI results against primary sources and to disclose the use of generative AI tools when such use materially impacts the process or the reasoning behind their decisions.

In November 2025, the AAA-ICDR took another step forward by launching the "AI Arbitrator," deploying an AI tool to generate drafts of arbitral awards. This system, trained on more than 1,500 actual awards, operates on a voluntary (*opt-in*) basis. The process also operates on a "human-in-the-loop" model: the parties upload their materials, the AI system generates summaries that the parties validate, and it subsequently produces a draft award that is reviewed, refined, and issued by a human arbitrator.

CIARB: THE MOST COMPREHENSIVE GUIDE (MARCH 2025)

In March 2025, the Chartered Institute of Arbitrators

(CIARB) published its *Guideline on the Use of AI in Arbitration*. Updated in September 2025, this guide is structured in four parts: benefits and risks of using AI in arbitration; general recommendations; arbitrators' authority to issue instructions regarding the parties' use of AI; and the use of AI by the arbitrators themselves.

What sets the CIARB Guide apart is its practical scope: it includes a model agreement on the use of AI in arbitration and two model procedural orders that tribunals can adapt to the circumstances of each case. The guide stipulates that participants must not delegate decision-making responsibilities to AI and must assume authorship and responsibility for the results produced with the assistance of these tools. It also provides for sanctions for failure to comply with disclosure obligations.

VIAC: NOTE ON DIALOGUE BETWEEN PARTIES (APRIL 2025)

The Vienna International Arbitration Center (VIAC) published its *Note on the Use of AI in Arbitration Proceedings* in April 2025. The VIAC Note encourages arbitrators to use AI tools responsibly, in accordance with ethical standards and professional duties, while maintaining confidentiality and procedural fairness. Its aim is to provide arbitrators with a comprehensive framework for managing the use of AI throughout the proceedings, including regulating its use by the parties, counsel, and other participants—for example, in connection with the production of evidence.

ICC: PRINCIPLES-BASED GUIDE (MARCH 2026)

The International Court of Arbitration of the International Chamber of Commerce (ICC) established a Task Force on AI in International Dispute Resolution with the objective of "*providing guidance and thought leadership on balancing the opportunities presented by AI with the need to protect the fundamental principles underlying international dispute resolution in the face of the risks associated with its use.*"

CONCLUSION

The ongoing development of international standards reveals a clear trend: arbitral institutions are actively responding to the challenge of integrating AI into their proceedings, seeking a balance between efficiency

and procedural safeguards.

Companies and attorneys who understand these guidelines, keep up with the publication of new standards, and prepare to apply them in arbitration proceedings will be better positioned to navigate the technological transformation of international arbitration, safeguarding both procedural efficiency and the integrity of awards.

Roberto Fernández del Valle M.
Partner
rfernandez@s-s.mx