
ALGORITHMIC DUE PROCESS: REIMAGINING NATURAL JUSTICE FOR AI-ASSISTED INTERNATIONAL ARBITRATION

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ABSTRACT

Artificial intelligence has moved from the periphery of international arbitration to its working core, assisting counsel in document review and legal research, powering predictive analytics, and increasingly shaping the drafting of submissions and even the reasoning of awards. This article argues that the twin pillars of natural justice the right to be heard (*audi alteram partem*) and the rule against bias (*nemo iudex in causa sua*) cannot simply be transplanted onto algorithmic processes without conceptual renovation. Drawing on the arbitration-specific soft law that has crystallised since 2024, the enforcement framework of the New York Convention and the UNCITRAL Model Law (and its Indian counterpart, the Arbitration and Conciliation Act 1996), and the wider literature on algorithmic contestability, it develops a model of *algorithmic due process*: a reframing of procedural fairness around explainability, disclosure, contestability and the non-delegability of the arbitral mandate. The article maps where AI most acutely strains fairness opacity, informational asymmetry, improper delegation, confidentiality and enforcement risk and proposes a principled architecture, anchored in a human-in-command standard, capable of preserving both the legitimacy and the enforceability of AI-assisted awards.

Keywords: international arbitration; artificial intelligence; natural justice; due process; algorithmic contestability; reasoned award; enforceability

1. Introduction

One of the oldest activities of procedural law is the notion that a well-informed, impartial decision-maker must decide the issues of a controversy, using arguments and evidence to which both parties have a meaningful opportunity to present. That commitment has been built into the fabric of international arbitration to the extent that it is one of the few reasons for a final award to be set aside or not enforced.¹ In addition, arbitration is a very difficult forum for the principle. It's not the authority of a state court that makes it legitimate, it's the consent of the parties, which is given in exchange for a promise of finality awards are final on the merits, and only appealable for the narrowest of supervisory reasons. Procedural fairness upsets that finality. It is the commitment that enables people to forgo rights to a court, and it is the remaining standard that a reviewing court has when all other ways of challenging a court have been exhausted.

The technologies coming into the arbitral practice are not made with such a commitment in mind. Generative and predictive systems do not result in deliberative outputs, and often their working process is not understood by the people who use them. Nothing can excuse an assumption of a fit and harmonious development between old principle and new practice, where such systems are used to summarise the record, to predict the likely decision of a tribunal, or to prepare the analysis to be written as an award. The efficiencies aren't only desirable, they're welcome for a process that is often blamed for the money and time it costs; but efficiency is not the beacon of fairness for arbitration.

The arbitration community has been quick to respond. This article aims to clarify one intuition that is shared by these instruments, and which is re-stated or expressed: the protections of natural justice, whether reiterated or expressed, can only serve as a check to the algorithmic process if they are re-stated or expressed. The argument is grounded in a scholarly tradition that make the legitimacy of this argument in this context in terms of the explicability of the decision of the person about whom it is made, and about whom it is contested.

There are three claims in this article. First, that the received concept of natural justice is developed toward human adjudicators reasoning in natural language is an imperfect fit for

¹ Convention on the Recognition and Enforcement of Foreign Arbitral Awards art. V(1)(b), June 10, 1958, 330 U.N.T.S. 3; UNCITRAL Model Law on International Commercial Arbitration arts. 34(2)(a)(ii), 36(1)(a)(ii), U.N. Doc. A/40/17, annex I (1985), amended by G.A. Res. 61/33, U.N. Doc. A/RES/61/33 (Dec. 4, 2006)

systems whose output is not subject to the same means of interrogation. Second, they are known and distinct: the award is opaque; there is informational imbalance between the parties; the arbitrator is predisposed to making a private judgment on exercise of judgment; the award is kept secret; and the award is easily challenged at its enforcement. Third, these pressures are not best met by prohibition, but by the reimagining of a standard, which I call algorithmic due process, and which rests on an explainability, disclosure, contestable and strong rule of non-delegation. It is doctrinal (and not technological) discussion. It is based on the soft law instruments adopted in various parts of the world and, as this journal has always had at its core the interest in the arbitral world in India, on the Arbitration and Conciliation Act, 1996, and the² aspirations of India to become a preferred seat of international arbitration. It is designed to offer the vocabulary that arbitrators, counsel and institutions need to the tools they use.

2. Natural Justice as the Normative Spine of International Arbitration

The doctrine of natural justice in arbitration has been distilled down to two maxims, as conventional wisdom has it. *Audi alteram partem* translates as let the other side be heard and means that both parties must have a reasonable opportunity to present their side of the story and to respond to the other party's argument. The second, *nemo iudex in causa sua*, should and must be independent and unbiased.³ The principles are not only aspirational in arbitration, but they are also positivised in the instruments that provide for the recognition of awards. The party to be secured may be refused recognition and enforcement if: The party cannot establish its cause; or it would be contrary to the public policy of the forum.⁴

The guarantees provided to the seat feature in the UNCITRAL Model Law. This principle of equal treatment and equal opportunities to go to court or equal arms is included within Article 18. The same flaws which are unhappy with these provisions provide reasons for setting aside an award at the seat, and the enforcement defenses are identical in other jurisdictions under the Model Law. This is therefore double protection: If the procedure is important to protect, it is also protected during the awarding of the order and at any time in which the person who won the award tries to rely on it. It is a tight, but very real, one-way mirror in a system that demands the final word, and it's the one-way mirror that will be most

² Arbitration and Conciliation Act, No. 26 of 1996; India International Arbitration Centre Act, No. 17 of 2019, amended by the New Delhi International Arbitration Centre (Amendment) Act, No. 17 of 2022

³ GARY B. BORN, INTERNATIONAL COMMERCIAL ARBITRATION ch. 15 (3d ed. 2021)

⁴ Convention on the Recognition and Enforcement of Foreign Arbitral Awards arts. V(1)(b), V(2)(b), June 10, 1958, 330 U.N.T.S. 3

likely to be used for challenging AI-generated awards.

These three elements of the arbitral notion of fairness warrant attention in particular, each of which is swept up in the algorithmic practice. The second is that impartiality is judged objectively in the eyes of a reasonable and informed bystander this is as harmful as an outside influence upon the tribunals' judgment crucial to the influential IBA framework on conflicts.⁵

The third feature is that of providing a reasoned award. A reasoned award is not a courtesy of the style but is the means by which the parties and if the award is subject to review the court is provided with a means to ensure that the dispute has not been decided by a back door. The reasons are because of the perceptible record of the deliberation, because that record is available, because of that availability the losing party is able to accept the result as the product of a process, not of caprice.⁶ These suggest a particular perspective on adjudication, namely that adjudicative argument is conducted in language; and that, in principle, it can be called out and judged. That picture is not a non-essential trick to be thrown away when it's easy. It is that condition which makes the guarantees of natural justice work. The question this article asks is how to translate these guarantees into the case where some of the adjudicative work is performed by systems that are incapable of reasoning in this manner at all.

3. The Algorithmic Turn in Arbitral Practice

At one point there is a continuum that goes from not using AI to using AI and being on the continuum is a first step in any fairness analysis. On the more mundane side, are more mechanical jobs that are essentially assistive or easily checked: technology-assisted review of massive amounts of documentary information, translation, transcription and retrieval, and summarizing of authorities. These functions are assisting lawyers in their work and their products can be checked against a known source by a competent lawyer. In this application, AI does not pose a threat to further exacerbate the inequities between well-resourced and modestly resourced parties and may, on balance, help ensure access to justice.⁷

Predictive analytics are found somewhere in the middle. Platforms based on past awards

⁵ International Bar Association, Guidelines on Conflicts of Interest in International Arbitration (2024)

⁶ GARY B. BORN, INTERNATIONAL COMMERCIAL ARBITRATION ch. 23 (3d ed. 2021)

⁷ Silicon Valley Arbitration & Mediation Center, Guidelines on the Use of Artificial Intelligence in Arbitration (1st ed. 2024); Qerim R. Qerimi, Artificial Intelligence in International Arbitration: A Rule of Law Perspective, Am. Rev. Int'l Arb. (June 26, 2026)

and arbitrator history allege they can forecast the outcome of future cases, calculate the likelihood of an arbitrator making a certain decision, and describe the general trend of an arbitrator's decision-making. Uses don't equal outcomes, but they do inform the process, inform the strategy, and inform the challenge and/or selection of the arbitrators and in doing so raises issues about the quality and representativeness of the data used to make the predictions. However, if the training set for a model is biased or incomplete, then the model could easily learn and then reproduce the very traits of nationality, appointment, outcome that the reform of the arbitral system is seeking to change.

On the other side are the uses that are generative, or decision-supportive, which interact with the reasoning itself - uses such as suggesting content to the content writing, suggesting analysis of a contested legal question, or helping the tribunal write the award. They share the same underlying principle as the earlier discussed IBA rules on evidence and the earlier discussed IBA rules on conflicts they are soft law in nature, meaning that they do not enforce anything on their own, but have the function of coordinating the practice across jurisdictions.⁸ All of which is based on the assumption, now well known, that everyone will have to make a good faith effort to understand its limitations, its biases and its risks, and that they will need to check the results themselves, not to any degree be bound by it as law. Such a system is the basis of a prepared award which may not include the content of reasoned decision-making.⁹

It's not something you have in the back of your mind. This is a well-known problem with general purpose language models, and there are numerous examples of the professional record, with lawyers quoting case law that never actually existed. The risk of arbitration is less straightforward than the risk of an invented citation. A model can make up a source; it can fill in a gap in the thinking, and it can provide a sure-fire link between premise and conclusion which the thinking of the human mind never traversed. The defect can be difficult to detect because the output is fluent and formally competent and becomes difficult to detect within the face of the text in the award. What is required by each instrument, of course, is not a warning, but a demand for the integrity of the award, that is, a human check on each of the propositions that the AI is producing.

The importance of this taxonomy (assistive, predictive, generative) is based on the fact

⁸ International Bar Association, IBA Rules on the Taking of Evidence in International Arbitration (2020); International Bar Association, Guidelines on Conflicts of Interest in International Arbitration (2024)

⁹ Chartered Institute of Arbitrators, Guideline on the Use of AI in Arbitration (2025)

that the principles of natural justice are not equally applied throughout it. A predictively used award (one that goes into the thinking of the award) is an act of fair play at its essence; a verifiable, assistive use is a fair play use only tangentially; a predictively, assistive use is a fair play use except in a quality issue and equality of arms. The mistake to be made is assuming that arbitration is okay with the technology; why not the algorithms in adjudication? This article will concentrate on the point(s) at which that assumption fails.

4. Fault Lines: Where AI Pressures Natural Justice

4.1 Opacity and the reasoned award

The first apparent conflict is between the black-box approach of many AI systems and the task of providing a justifiable prize. If a model is used to explain issues in the analysis but a model cannot explain the reasons for a particular conclusion and the reasons are not explained by the arbitrator, then, to that extent, the reasons for the conclusion are unavailable for inspection. This is recognised by the CIArb Guideline which states that many tools are black box tools, and many of these may not allow human input to control accuracy of the output.¹⁰ It is not a drafting problem that can be overcome by writing. Where the reasons for a decision can not be discerned, the constitutional role of the reasoned award has been lost: it can no longer provide evidence that the dispute was truly adjudicated. The Scholarship on automated decision making is exactly on point: explanation and contestation: two sides of a coin of legitimacy.¹¹

4.2 The right to be heard and equality of arms

The other fault line is in the middle of the words, in the middle of the sentence. A tribunal's action is a denial of the right to be heard when it bases its judgment on issues the parties did not get to discuss. The non-disclosure is made worse by the fact that the dominant current soft-law stance does not demand general disclosure of the use of AI systems only disclosure on a case-by-case basis.¹² While this level of flexibility is logical, a party may not be aware of which influence was exerted by an algorithm, which means they can't challenge it. These are straining

¹⁰ Chartered Institute of Arbitrators, Guideline on the Use of AI in Arbitration (2025)

¹¹ Margot E. Kaminski & Jennifer M. Urban, The Right to Contest AI, 121 Colum. L. Rev. 1957 (2021); Henrietta Lyons, Eduardo Velloso & Tim Miller, Conceptualising Contestability: Perspectives on Contesting Algorithmic Decisions, 5 Proc. ACM Hum.-Comput. Interaction art. 106 (2021)

¹² Silicon Valley Arbitration & Mediation Center, Guidelines on the Use of Artificial Intelligence in Arbitration (1st ed. 2024)

equality of arms, given the absence of equality in access to the resources (a party with sophisticated analytics will likely have an informational advantage over his opponent, which can be hard to overcome and difficult to discover and counter due to the opacity of the tools). The structural argument, that is, the one which arises in contestability literature, is when one side cannot see how a determination was reached then the side's capacity to challenge it is hollowed out from within.

4.3 Impartiality and improper delegation

The third fault line is the command of the arbitrator. The parties delegated to them the authority to select the people who they would appoint; that authority is personal and cannot be outsourced. The problem is not when the arbitrator just takes the analysis of an AI wife but when the arbitrator simply accepts that analysis without conducting his or her own analysis. This is also consistent and clear within the institutional guidance. AI can be utilized to provide administrative and analytical assistance to arbitrators but arbitrators are not permitted to delegate their function of making decisions. The arbitrators can use AI to aid them in administrative and analytical information functions, but their decisions must be made independently, personally, and with care, and they are not allowed to delegate decision-making to AI.¹³ It is a violation of the rule against an improperly constituted decision-maker for the person who receives the appointed arbitrator's mind to get something other than the arbitrator's mind.

4.4 Bias and the appearance of partiality

Impartiality is connected with the concern to the concern by a fourth fault line. Historical arbitral data used in predictive/generative systems is learned. Any tool that uses this record can skew analysis or prediction in ways that gently push this data into the direction that it has been training. It may lead to the tribunal's own thinking, when it does, it is not deliberative and not conscious, and thus more difficult to detect and correct. In arbitration, the standard of impartiality is one of reasonableness, the type of reasonableness that a reasonable person, knowing that an undisclosed and unaudited algorithm is influencing the arbitrator's thinking, would have to have before he or she would question that impartiality.¹⁴ Algorithmic bias can

¹³ American Arbitration Association–International Centre for Dispute Resolution, Guidance on Arbitrators' Use of AI Tools (2025); Chartered Institute of Arbitrators, Guideline on the Use of AI in Arbitration (2025)

¹⁴ International Bar Association, Guidelines on Conflicts of Interest in International Arbitration (2024)

therefore impact not only in terms of substantive fairness of the outcome, but also on the perception of impartiality that underlies the legitimacy of the award.

4.5 Confidentiality and the integrity of the record

Confidentiality is arguably one of the biggest reasons parties choose to pursue arbitration, and is included in the arbitration rules for several arbitration systems. If a party provides pleadings, evidence or privileged material to a third party generative tool, that evidence or privilege may be accessed by and stored by or be used to train an external system, not intended by the parties to be part of the closed circle, and therefore be made known to that external system. It also becomes an increasing concern with the soft-law instruments, which warn against the use of unsecured instruments containing protected material and becomes even heavier on jurisdictions like India where today, the confidentiality of arbitral proceedings is expressly mandated by statute.¹⁵ Rather than being an offence to natural justice, a lack of confidentiality can act as a disincentive for parties to make their submissions openly and honestly, can impact on the choices made by each party and can, where privileged information is released into the collective informational space, disrupt the equality of arms the process aims to achieve.

4.6 The enforcement horizon

These fault lines become evident in practice when they are enforced, at the point of enforcement. The worry is exacerbated by the fact that regulatory changes have made it possible for an award to be deemed reasoned even if it is founded on considerable, but undisclosed, use of algorithms. The EU Artificial Intelligence Act classifies AI systems used in the administration of justice including in alternative dispute resolution, to research and interpret facts and law and apply law to facts as high-risk, with the relevant obligations phasing in by August 2026; and a working group of the French Cour de cassation has affirmed that adjudication must remain human-led.¹⁶ The direction of travel is unmistakable: enforcing courts are being equipped with both the doctrinal grounds and the normative encouragement to scrutinise AI-assisted awards. The live argument a few years ago is now a live argument and a live argument, whether for good or bad, has an impact on the desire for finality that the

¹⁵ Arbitration and Conciliation Act, No. 26 of 1996, § 42A

¹⁶ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), art. 6(2), annex III, ¶ 8, 2024 O.J. (L 1689) 1

arbitration process provides.¹⁷

5. Reimagining Natural Justice as Algorithmic Due Process

In effect, if the guarantees received don't align well with algorithmic processes, the solution is not to give up on guarantees but to reword the guarantees in the language of technology. The tradition of technological, or algorithmic, due process will provide the template: When a procedural decision is made or influenced by a technological system, procedural fairness must be re-created based on the party's affected capacity to grasp and challenge the decision. In the above taxonomy, the intensity of the four pillars depends on the programme's translation into arbitration, soft for some verifiable assistive uses, harder for some generative uses that come to the reasoning of the award.

The first pillar is the explainability and traceability. When the contribution of an AI contribution is material, the contribution itself has to be traceable and articulable within the ordinary reasons of the award. This does not mean a release of proprietary source code; it means that the tribunal can be able to state in natural language the reasons for its decision, which would be really its own and not simply an unexamined copy of a model's output.¹⁸ On this view, no use is a full-scale use, without a full-scale reasoned award, on which a full-scale reasoned award can bear.

The second pillar is disclosure appropriate to the right to be heard. A blanket disclosure rule would permit tactical litigation, whereas a no disclosure rule would leave the right to be heard without protections when the algorithmic influence is outcome-relevant. The middle ground disclosure, in which AI has been used in a manner that would have been likely to affect the outcome of the case or the understanding of the case by the tribunal, should be disclosed and comment given by the parties. Disclosure is not an objective in itself but rather a necessary precondition of what the *audi alteram partem* is supposed to ensure, the adversarial testing. The right trigger is materiality, not use; and ensuring that it is settled early, means that the inquiry is kept proportionate.¹⁹

¹⁷ Muhammad Faisal Hayat & Fazeena Hisham Azhar, Can AI-Assisted Arbitral Awards Survive Enforcement Under the New York Convention?, Kluwer Arb. Blog (Apr. 10, 2026)

¹⁸ Chartered Institute of Arbitrators, Guideline on the Use of AI in Arbitration (2025)

¹⁹ Silicon Valley Arbitration & Mediation Center, Guidelines on the Use of Artificial Intelligence in Arbitration (1st ed. 2024); Crowell & Moring LLP, Consideration of Artificial Intelligence in Arbitration Terms of Reference (Jan. 5, 2026)

The third is contestability. Explanation is lifeless without a challenge. The burden of bringing an AI-generated influence onto the reasoning of the action shall be upon the party, and shall have an effective means of introducing such influence to the tribunal in the action or at the setting aside or enforcement stage. In arbitration, this would be to have the whole process be contestable from the start, rather than be added to a procedure order after the decision has been made, and only leave the annulment option.

The 4th pillar is the key stone pillar and it is the non-delegability, which is the human-in-command. This pillar is the most normative since it introduces the possibility of challenging the exercise of judgment, and of holding the reasons for it to account, by means of a human adjudicator to whom the exercise of judgment is entrusted.

These pillars are not mere concepts, they can be achieved by the day-to-day work of arbitral case management. These conditions can be formulated in a well drafted procedural order, agreed at the first procedural conference and recorded in the terms of reference, which provides for the categories of permitted and impermissible use, that it is necessary to disclose any use that may have an effect on the decision and to make it open to comments, and that uploading of protected material onto unsecured tools shall be prohibited and that a part of the decision shall not be delegated to a system to be made, but shall be made by the arbitrators themselves. The basic templates already available can serve as a good starting point and the adoption of these means the four pillars principles are made actionable with the parties committing to the procedures beforehand.²⁰ What is good about the foregoing is that as long as a fair process can be secured, a hearing of the proceedings will not be an issue to be deplored as a ground for annulment after the awards have been made.

When reimagined like this, algorithmic due process is not an abandonment of natural justice, but an accurate extension of it. The three pillars are each aimed at a specific fault line (explainability to opacity, disclosure to not having the right to be heard, contestability to informational asymmetry, and non-delegability to improper delegation), while the confidentiality concern is addressed in the same way as intentional, tool-aware handling of cases. They reaffirm the existing assurances in a quantifiable way by automated processes. Their shared aim is to have a 'human response' at the heart of the process wherever the

²⁰ Chartered Institute of Arbitrators, Guideline on the Use of AI in Arbitration (2025); T. Michael Guiffre, Lily C. Geyer, John Laird & Alicia Clausen, Consideration of Artificial Intelligence in Arbitration Terms of Reference and Procedural Orders, 79 Disp. Resol. J. 515 (2026)

technology is deployed as required by 'natural justice'.

6. The Emerging Institutional and Regulatory Architecture

The above mentioned pillars are not only attainable, but can already be seen in various forms in the instruments that have been produced since 2024. The principle behind the SVAMC Guidelines, which is that they shall be used if both parties and/or the tribunal wish to use them: All tools used must be understood by all parties and verified, disclosure to be assessed on a case by case basis.²¹

The CIArb Guideline is more specific than the Principles in its level of detail providing template agreements and a model procedural order which can be used to set out the ground rules at the start of a reference²² – an application of the principle of contestability. The four principles stated in the AAA-ICDR guidance have some similarities with the analysis in this article, namely: accuracy and reliability, fairness and due process, independent decision making, and transparency with parties.²³

Hard law of increasing impact exists parallel with this soft law. There are also telling differences between national stances: some countries caution that AI tools need to be used with the guidance of a governed human; others are more rigid in their stance that an AI adjudication must be led by a human in command, and this gap will likely manifest itself in the standards enforcement courts.

The interest of India is special. The recent amendments to the Arbitration and Conciliation Act, 1996 and the establishment of an institutional centre (the flagship) is an intentional effort towards India becoming a principled ground for international arbitration.²⁴ That is perhaps a strong argument for Indian tribunals and courts to have a consistent and predictable approach

²¹ Silicon Valley Arbitration & Mediation Center, Guidelines on the Use of Artificial Intelligence in Arbitration (1st ed. 2024); Elliot Friedman, Marta García Bel, Veronika Timofeeva & Desmond Chong, AI and Arbitration: The Silicon Valley Arbitration and Mediation Center Guidelines on the Use of AI in Arbitration, Freshfields Risk & Compliance Blog (June 5, 2024)

²² Chartered Institute of Arbitrators, Guideline on the Use of AI in Arbitration (2025); Charlie Morgan, Didon Misri & Elizabeth Kantor, AI-volution in Arbitration: The New Chartered Institute of Arbitrators (CIArb) Guidelines, Herbert Smith Freehills Kramer Arbitration Notes (Mar. 26, 2025); Amy Joan Armitage, Sam Bamford & Courtney Rodda, The Chartered Institute of Arbitrators' New Guideline on the Use of AI in Arbitration, Norton Rose Fulbright (July 2025)

²³ American Arbitration Association–International Centre for Dispute Resolution, Guidance on Arbitrators' Use of AI Tools (2025)

²⁴ Arbitration and Conciliation Act, No. 26 of 1996; New Delhi International Arbitration Centre Act, No. 17 of 2019

to awards made with the help of AI: parties will not want to find themselves in a tribunal or court that grants awards which they have a high likelihood of having overturned on the grounds of fairness to AI, or a court which the parties perceive as indifferent or systematically hostile to AI. A calibrated Indian approach, one that would allow the use of verifiable AI tools that would make work more efficient, but also call for explainability and materiality-based disclosure, and human command, would be more suited to the hub ambition than prohibition or laissez-faire.

These are not to be underestimated in terms of having limits to this architecture. Soft-law instruments are non-binding and opt-in, and even when intentionally open-textured can guide practice as they have done in the past, but do not compel it, and cannot on their own respond to the questions that can be raised at the enforcement stage when a losing party claims inappropriate algorithmic influence. Their true value is in their expressive and coordinating nature which establishes a common language and general expectations of this behaviour that tribunals can test and parties can invoke. They can help to make the four pillars of explainability, disclosure, contestability and human control more real. However, what remains to be addressed is a mechanism which will make these expectations a reality in practice, such as in the interpretation of the New York Convention and the Model Law by the national courts in their judgments. A process that will be, at least for now, left to the national courts to fill in, using the interpretation of the NY Convention and Model Law in situations where they have not been drafted for.

7. Conclusion

Rather than establish new rules for international arbitration, AI is a tool to determine if the existing rules can be upheld in new circumstances. Natural justice guarantees exist for human judges, who are to decide in language, and have always been based on the assumption that they will do so. The guarantees do not expire, but must be repeated, if they are to take effect, of the part that is performed in a non-reasoning system.

This article has consistently maintained that they should be repeated in the form of algorithmic due process, meaning explainability to keep the reasoned award in the foreground, disclosure in relation to the materiality of the decision, contestability to ensure that a party subject to the algorithmic decision can contest the influence and most of all a human-in-command principle that would render the arbitrator's task a personal and non-delegable one.

This is not something that technology has removed from natural justice, it is natural justice itself, in a state that can be driven by an algorithm. Many parties come to arbitration by keeping their cards close to their chest and that same careful, instrument-savvy arbitration management assures their confidentiality.

The unification of the arbitration institutions of the SVAMC, CIArb and the AAA-ICDR and the tightening regulatory framework already indicate this fusion, as do the fact that they are advocating the same proposition, that AI can assist but only human arbitrators can make the decision. Once this work is done, the efficiency of AI can be recorded through arbitration without compromising its legitimacy as an arbitration process or the legitimacy of the underlying agreements, which is based on mutual recognition and consent. In such cases, AI can be adopted in arbitration without compromising its efficiency or the mutual recognition and consent of the parties. What can help you to be efficient can also be the most effective way to give you awards that are not enforceable if not done properly.

BIBLIOGRAPHY

Primary sources — treaties, legislation and instruments

Arbitration and Conciliation Act, No. 26 of 1996, INDIA CODE (1996)

Convention on the Recognition and Enforcement of Foreign Arbitral Awards art. V, June 10, 1958, 330 U.N.T.S. 3.

New Delhi International Arbitration Centre Act, No. 17 of 2019, INDIA CODE (2019), amended by New Delhi International Arbitration Centre (Amendment) Act, No. 17 of 2022, INDIA CODE (2022)

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), 2024 O.J. (L 1689)

UNCITRAL Model Law on International Commercial Arbitration, U.N. Doc. A/40/17, annex I (1985), amended by G.A. Res. 61/33, U.N. Doc. A/RES/61/33 (Dec. 4, 2006)

Soft-law instruments and institutional guidance

American Arbitration Association–International Centre for Dispute Resolution, Guidance On Arbitrators’ Use Of AI Tools (2025)

Chartered Institute Of Arbitrators, Guideline on The Use Of AI In Arbitration (2025)

International Bar Association, Guidelines On Conflicts Of Interest In International Arbitration (2024)

International Bar Association, Iba Rules On The Taking Of Evidence In International Arbitration (2020)

Silicon Valley Arbitration & Mediation Center, Guidelines on The Use Of Artificial Intelligence in Arbitration (1st Ed. 2024)

Books

GARY B. BORN, INTERNATIONAL COMMERCIAL ARBITRATION (3d ed. 2021)

Journal articles and reports

Margot E. Kaminski & Jennifer M. Urban, The Right to Contest AI, 121 COLUM. L. REV. 1957 (2021)

S. Landau et al., Recommendations for Government Development and Use of Advanced Automated Systems to Make Decisions About Individuals (2024)

Henrietta Lyons, Eduardo Velloso & Tim Miller, Conceptualising Contestability: Perspectives on Contesting Algorithmic Decisions, 5 PROC. ACM HUM.-COMPUT. INTERACTION, art. 106 (2021)

Commentary and electronic sources

AI-volution in Arbitration: The New CIArb Guidelines, HERBERT SMITH FREEHILLS (Mar. 26, 2025)

Artificial Intelligence in International Arbitration: A Rule of Law Perspective, AM. REV. INT'L ARB. (June 26, 2026)

Can AI-Assisted Arbitral Awards Survive Enforcement Under the New York Convention?, KLUWER ARB. BLOG (Apr. 11, 2026)

Consideration of Artificial Intelligence in Arbitration Terms of Reference, CROWELL & MORING (Jan. 5, 2026)

Elliot Friedman, Marta García Bel, Veronika Timofeeva & Desmond Chong, AI and Arbitration: The SVAMC Guidelines on the Use of AI in Arbitration, FRESHFIELDS RISK & COMPLIANCE BLOG (June 5, 2024)

The Chartered Institute of Arbitrators' New Guideline on the Use of AI in Arbitration, NORTON ROSE FULBRIGHT (2025)