
The appeal mechanism: arbitration

Arbitration is considered a process of resolution of disputes between the parties taking into consideration the arbitral tribunal that is being appointed by the parties committing disputes after a party request to it. It is also considered as an alternative method for litigation of resolving the disputes the parties to a dispute agree to submit their dispute to a third party who is considered as an arbitrator. Based on this arbitration process, arbitral awards are being given to the arbitrator who settles the disputes. An arbitral or arbitration award is considered as a determination based on the merits of arbitration by an arbitration tribunal as well as is analogous with the judgment provided under consideration of the rule of law in international law. In traditional disputes settlement, arbitration was actually used by the states in order to settle the disputes among them peacefully.

However, in modern dispute settlement, it has proved to be a very common method that helps in settling all the conflicts involved in investor-state as well as commercial disputes among the private parties. It has been identified that an arbitration process, a party might not be happy with an arbitral award being laid out. If any of the disputes parties are not happy with the awards or the decision, that party has the right to make an appeal for an award under the Court of Law. The global arbitration law is based on the English Arbitration law. According to the Rule of Law in international law related to Arbitral Awards, the party for resolution of disputes may or may not have the right to claim or appeal for an arbitral award that has been issued by arbitral tribunals without the legal ad jurisdiction of it. This is discussed in details below with support to various legal rules and regulation of arbitration as well as some court cases held before on this arbitration.

According to the Rule of law in international law related to arbitral awards that are International Arbitration Act 1974, UNCITRAL, International Centre for the Settlement of Investment Disputes (ICSID), CETA as well as ICS the appeal mechanism of arbitral awards may be compatible or may not be. However, in the decision of compatibility or non-compatibility, the individuals face the issue in making an appeal of arbitral awards. A third party who tries to claim an award from the dispute parties may or may not be applicable to perform arbitration. The main issue that has been described in this paper is that whether an individual has the right to appeal for an arbitral or arbitration awards of their own under the jurisdiction of arbitral tribunal after resolution of disputes based on their merits. An arbitral tribunal is considered as a panel of one or more adjudicators which help in resolving a dispute through the process of arbitration.

The Rule of Law in international law related to Arbitral Awards states that the parties recommending the third person for resolution of disputes may or may not have the right to claim

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or appeal for an arbitral award. They can claim or appeal these awards only under the jurisdiction of arbitral tribunals as the award is basically issued by arbitral tribunals only. Parties, who cannot make an appeal based on their merits, have the right to choose one of the principles laid out in the international arbitral law, the principle of finality. It is considered that against arbitral awards, there may or may not occur any provision of appeal irrespective of the jurisdiction of arbitral tribunals. This states that the parties might or might not have the right to appeal against an arbitral award based on their merits. Not only had the parties, even the arbitral tribunal had no right to interfere on those merits.

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