

Model Bilateral Arbitration Treaty Released for Public Comment

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We are pleased to announce the publication of a Model Bilateral Arbitration Treaty for comment by interested governmental, commercial and other parties. Comments can be sent to WHBilateral_Arbitration_Treaty@wilmerhale.com or [posted for public review here](#).

The Model Bilateral Arbitration Treaty ("BAT") provides a default arbitration mechanism for the resolution of defined international commercial disputes. The mechanism would utilize the UNCITRAL Arbitration Rules, providing an expert, efficient and enforceable means of resolving commercial disputes when nationals from contracting states had not agreed upon an alternative means of dispute resolution. Awards made pursuant to the BAT would be subject to recognition in the contracting states pursuant to the terms of the New York Convention and, subject to additional arrangements, in all New York Convention contracting states.

Gary Born, Chair of the International Arbitration Group at Wilmer Cutler Pickering Hale and Dorr LLP commented: "The proposed Bilateral Arbitration Treaty is a novel and exciting new development in international dispute resolution. I am enthusiastic about the response it has received in capitals around the world, and in the business community. We welcome comments and proposals for amendments or additions to the draft as the concept of a Bilateral Arbitration Treaty moves off the drawing board and into practice."

The draft Model BAT can be [accessed by clicking here](#). A commentary on the Model BAT's provisions can be [accessed by clicking here](#). Further details about the Model BAT and its rationale can be found in an article which can be [accessed here](#) or in a speech at the University of Pennsylvania Law School by Professor Gary Born, which can be [viewed here](#).