

### **President's Message**

As arbitrators, we seek to establish the truth. Some say that it is so only in one tradition, while in the other one seeks only a relative truth. Some say that one tradition is more inquisitorial than the other. I have never understood which tradition is which. If one looks closer, the traditions hardly differ on these matters.

But do we follow our own commitment to truth? Consider this: Even though we know better, we still keep in arbitration rules unrealistically short deadlines. Not to scare away business people, one says. Less than candid.

When we render an award, we tend to claim that it is in accordance with "the legitimate expectations of the parties". Yet we know that the parties had no expectations, legitimate or otherwise. We simply hide that we make the decision ourselves. Not intellectually honest.

We say that in international arbitration, one applies business usage. Business people love to hear that. But we do not tell them that there is rarely any business usage around that might be followed. Not straightforward.

Many proclaim that arbitration is confidential. Surely the members of an arbitral tribunal have such an obligation, and members of the legal professions and possibly other professions have such obligations also. But the parties themselves? Has anybody come across a provision that says so? Is this not just a myth?

Cynics will say that the world likes lies. Perhaps so, but it is not good for us to repeat them until we believe them ourselves.

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