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The Arbitrator's Dilemma: Balancing Impartiality and Disclosure

How far should arbitrators go in disclosing potential conflicts? And at what point does rigorous disclosure become an obstacle to justice? These thought-provoking questions framed a distinguished lecture I had the privilege of attending last week at [The Cairo Regional Centre for International Commercial Arbitration \(CRCICA\)](#)

The session featured Professor [Georges Affaki](#), an eminent international arbitrator, judge, and professor, who shared deep insights on "The Arbitrator between the Duty of Impartiality and the Duty of Disclosure." Moderated by Dr. [Ismail Selim](#), Director of CRCICA, the discussion explored the ethical and procedural complexities surrounding arbitrators' obligations in international disputes.

• Key Insights & Thought-Provoking Questions from the Lecture

- **Balancing Disclosure & Impartiality:** Professor Affaki critically examined the tension between these fundamental duties, shedding light on how excessive disclosure requirements might impact an arbitrator's credibility and the overall legitimacy of the arbitral process.
- **Judicial Trends & Diverging Approaches:** The lecture analyzed recent court decisions that have shaped global arbitration practices, questioning whether stricter disclosure standards serve justice or create unnecessary rigidity.

It also raised key questions:

- When should an arbitrator recuse themselves, and how can they safeguard their ethical obligations?
- What truly drives parties when selecting arbitrators, and how does this interact with conflict-of-interest assessments?
- Should we rethink how challenges against arbitrators are handled to ensure that the right to challenge does not become an unfair tool that deprives the other party of their chosen arbitrator?

• Beyond the Lecture: Insights & Networking

One of the most enriching moments of the evening was a post-lecture discussion with Professor Affaki himself. He encouraged us—early-career professionals—to leverage our academic training and field experiences to contribute to ethical developments in arbitration. His insights reinforced the importance of critical thinking and principled decision-making in dispute resolution.

Beyond the academic discourse, this event was a great chance to reconnect with my

dear colleague [Noran Khorsheed](#)—an inspiring lawyer, amazing friend, and beautiful soul. I also had the pleasure of meeting [Nahla Essam](#), a talented lawyer, and we exchanged insights on navigating the early stages of a legal career.

• Final Thoughts

Attending this lecture was an eye-opening experience that deepened my understanding of arbitration ethics and its practical implications. Bridging the gap between academic principles and real-world applications is a crucial step for the next generation of legal professionals. I look forward to further engaging in discussions that challenge conventional norms and contribute to meaningful progress in the field.

Afficher la traduction

