Experiences of adopting the UNCITRAL Model Law on International Commercial Arbitration in Germany

Seminar and Discussion on the Need for Revisions of the Finnish Arbitration Act

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I. Why did we do it?

II. How did we do it?

III. What were the consequences?

IV. Towards a revision of the revised law/rules (?)

V. Conclusion
I. Why did we do it?

- Arbitration statutes/rules as „marketing tools“
- The „German dilemma“
- The small reform of 1986
- The major reform of 1998
  - Getting the legislator to act: 1989-1997
  - Three reasons for adopting the Model Law
    (i) signalling effect
    (ii) user-friendliness
    (iii) arbitration-friendliness
II. How did we do it?

- The two Working Groups
- The principal drafting guideline: „In dubio pro Model Law“
- Differences between the Model Law and the German Law
  - „One size fits all“:
    1. No limitation to „international“ arbitration
    2. No limitation to „commercial“ arbitration
  - Formal validity of arbitration agreements
  - Modified choice of law provision
  - Provision on arbitrability
  - The courts‘ competence before, during and after the arbitration
III. What were the consequences of the reform?

- 1998 Revision of the DIS Arbitration Rules
- Increased visibility of the German law
- Increased awareness & arbitral know how of the courts
- Moderate increase of number of seats in Germany
- The remaining “DIS” problem
IV. Towards a revision of the revised law/rules (?)

- The Working Group at the Federal Ministry of Justice
- The 2018 DIS Arbitration Rules
V. Conclusion

The lesson to be learnt from the German experience?

Finland needs the „Magic Marketing Mix“:

- Good statute (Model Law)
- Good courts & institutions
- Good marketing campaign
Kiitos mielenkiinnostanne!

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