

The enforceability of interim measures granted by an emergency arbitrator in international commercial arbitration

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Propositions accompanying the thesis

**The Enforceability of Interim Measures Granted by an Emergency Arbitrator in
International Commercial Arbitration**

Junmin Zhang

1. The emergency arbitrator mechanism is based on a common framework in most arbitral institutions, providing a fast-track procedure for interim measures before the constitution of an arbitral tribunal under urgent circumstances in international commercial arbitration.
2. Different jurisdictions have different approaches to deal with the emergency arbitrator mechanism. The tendency is that more and more jurisdictions gradually recognize the interim measures granted by an emergency arbitrator.
3. The legal status of an emergency arbitrator is similar to the status of a regular arbitrator in international commercial arbitration. An emergency arbitrator is both jurisdictional and contractual in nature.
4. The criteria for an emergency arbitrator to render interim measures may include the following elements. Firstly, an emergency arbitrator has a *prima facie* jurisdiction regarding the request of interim measures. Secondly, an applicant needs to present a good arguable case. Thirdly, sufficient urgency has to be proven in the dispute. Lastly, an emergency arbitrator has to consider proportionality when issuing interim measures.
5. Under the current legal framework of international commercial arbitration, the enforceability of interim measures granted by an emergency arbitrator is possible.
6. Harmonization in international commercial arbitration is beneficial and inevitable. A harmonized approach regarding the emergency arbitrator mechanism can be reached through mandatory ways, such as international conventions. It can also be achieved through alternative ways, such as unified interpretations, model laws, guidelines, or proposals by academics.
7. The enforceability of interim measures granted by an emergency arbitrator is a procedural problem. Still, it has a substantive influence on the practice of international commercial arbitration.
8. A good cup of coffee named Heavenly Hazel is perfect for researching in international commercial arbitration.