在线与链上争议解决

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Kleros和Aragon Court等去中心化争议解决协议，由质押代币并参与投票的代币持有人组成陪审团解决争议，再由智能合约执行结果。它们作出的决定并非仲裁裁决。这些决定缺少仲裁地，缺少法律意义上的仲裁庭，缺少明确当事人的仲裁协议，也缺少《纽约公约》第五条和《示范法》第34条所预设的程序保障。在此类协议中败诉的一方可以在法院重新起诉，而胜诉的一方只拥有智能合约已经执行的结果。新加坡法院尚未就此问题作出裁决。我认为，IAA对仲裁的定义会将此类协议排除在外，因为其中并不存在将争议提交依法律或约定规则作出决定之仲裁庭的协议。

因此，链上机制的实际用途是在传统条款中充当第一层级。当事人约定将低于某一门槛的争议提交链上程序，并在合同上将其结果视为具有约束力，而较大的争议以及对链上结果的异议则提交SIAC仲裁。若干协议基金会已采用这一结构。它使链上结果具有合同约定之专家裁定的效力。除非该裁定受欺诈或明显错误影响，新加坡和瑞士法院会作为合同问题予以执行。对于真正重要的争议，《纽约公约》下的可执行性得以保留。

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