

GLOBAL B2B DYNAMICS
GUIDE TO SUCCESSFUL CROSS-
CULTURAL BUSINESS RELATIONS

INTERVIEW
Q&A WITH PRESIDENT OF THE
ICC COURT CLAUDIA SALOMON

WORLD VIEW
THE RISE OF INTERNATIONAL
ARBITRATION IN CHINA

Resolver

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Autumn 2024 ciarb.org



**A deeper
understanding of
disability can only
improve arbitrations**

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Incredible journey

Professor Cam Wareham's route into ADR (page 20) is arguably more unusual than mine. He did a medical degree in New Zealand, taught at University College London and was an NHS surgeon before he went on a law conversion course to learn more about the legal principles of contract negotiations and disputes between pharmaceutical companies, medical device manufacturers, hospital authorities and patients on which, as a clinical lead, he found he was being increasingly asked to give expert opinions.

So, yes, my journey into arbitration was more conventional, but it has also had its twists and turns. I read law and began a legal career representing, as I sometimes put it, the hapless victims of the criminal court system in England. You couldn't study arbitration on my degree course at Sheffield University, but I did an unusual course in poverty law, which covers social welfare, human rights, domestic violence, children's rights and housing law, and it appealed to me far more than the world of commerce.

But after seven years mainly as a criminal defence advocate, during which I represented a mother charged with the murder of her baby, one of a series of infamous tragic 'cot death' cases (my client was acquitted, but others were initially convicted based on flawed medical evidence) and successfully represented a Hungarian prisoner in Strasbourg under the European Convention on Human Rights against the UK Government (my first role as an advocate), I found I needed a change of direction and decided to switch tracks. Why? I no longer felt fulfilled by the work I was doing and needed a different intellectual challenge. I was 29.

Shortly before I hit 30, I realised my aspirations lay in the international law to which I had been introduced to in the courses on public and private international law I did in the final year of my degree. I was fortunate to land a job with a major maritime, insurance and international trade firm where arbitration was a natural venue for resolving disputes.

In addition to handling these types of disputes, I went on to represent the

UK Government's Export Credit Agency (ECGD) for more than 30 years, handling disputes globally, during which time I came across a different type of arbitration: institutional arbitration such as the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA) and public international law cases before the

International Centre for Settlement of Investment Disputes (ICSID). I began to specialise in arbitration, which brings us up to today.

In the course of my very international career, one of the most rewarding experiences was to devise and teach a course in dispute resolution for the Dar es Salaam law school in Tanzania on behalf of the International Senior Lawyers' Project (not sure I like the word 'senior' in this context, but the cause remains a good one).

There are many routes to the hot seat occupied by an arbitrator – it doesn't have to start with a legal qualification. Many disciplines lend themselves to this role, for which CiArb provides excellent training. I imagine Muhammad Shahzar, who trained as a political scientist before he co-founded Pakistan's ADR centre, MICADR, and whose story is also featured this issue, would agree.

Jonathan Wood FCIArb, President, CiArb



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What's on

Give your career a boost with this selection of training opportunities

FIND AND BOOK COURSES AT www.ciarb.org/courses

SPOTLIGHT ON

The APAC Diploma

In-person: 1–9 March 2025
SGD 9,950 (full price SGD 11,950)
Book by: 29 November 2024

Ciarb's prestigious Diploma has been designed to meet the increasing demands for accredited arbitrators and arbitration practitioners to resolve cross-border disputes in the Asia-Pacific region. Highlights of this in-person programme include:

- Practical group workshops to address a range of problems that may arise in the course of international arbitration.
- A faculty of globally recognised experts.
- The Diploma is held at leading law firms across Singapore and Maxwell Chambers.

There will be considerable opportunities to learn from each other, network with your peers and experts in the industry, and develop relationships. Ciarb's Diplomas are the gold standard in the industry. Candidates who pass the Practice and Procedure examination and the Award Writing examination will be awarded a Diploma of International Commercial Arbitration by Ciarb. Then they can apply for the Fellow Peer Interview to become a Ciarb Fellow. For more information, email secretariat@ciarb.org.sg



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Professional development

FREE for Ciarb professional members through MyCiarb (go to 'Member Resources' then 'Free Courses').

- **Avoiding and Resolving Contractual Disputes**
Open entry **£36**
- **Brand Protection in Times of Disputes**
Open entry **£15**
- **A Guide to Arbitration Award Writing**
Open entry **£150**
- **Principles of Project Management Applied to Arbitration**
Open entry **£15**
- **Webinar: How to Get Your First Arbitrator Appointment**
On-demand **From £30**

ADR

FREE for Ciarb professional members through MyCiarb (go to 'Member Resources' then 'Free Courses').

- **Online Introduction to ADR**
Open entry **£28**
Separate assessment available, open entry **£72**
Student course/assessment bundle **£56**

Mediation

- **Online Introduction to Mediation**
Open entry **£125**
Separate assessment available, open entry **£72**
- **Virtual Module 2 Law of Obligations (note that this module is the same across all pathways)**
29 October **£1,230**
Assessment 15 May 2025 **£342**
- **Module 3 Mediation Theory and Practice**
Open entry **£1,140**

Construction adjudication

- **Virtual Module 1 Law, Practice and Procedure in Construction Adjudication Assessment**
21 November **£174**
- **Virtual Module 2 Law of Obligations**
(see above)
- **Virtual Module 3 Decision Writing in Construction Adjudication Assessment**
6 December **£408**

International arbitration

- **Virtual Module 1 Law, Practice and Procedure in International Arbitration Assessment**
21 November **£174**
- **Virtual Module 2 Law of Obligations**
(see above)
- **Virtual Module 3 Award Writing in International Arbitration**
6 December **£408**

Accelerated programmes

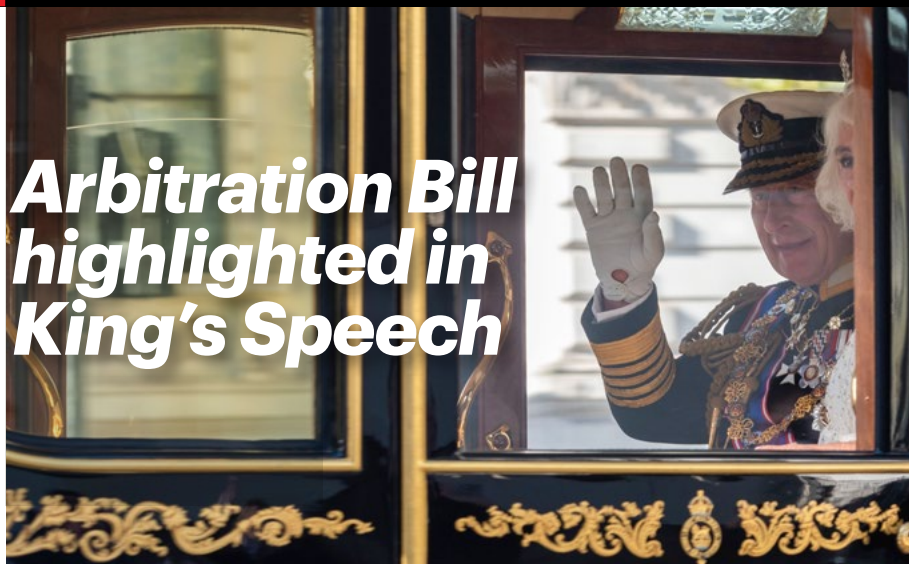
- **Virtual Accelerated Route to Fellowship: Construction Adjudication**
2 December **£1,800**
- **Virtual Accelerated Route to Membership: International Arbitration**
19 November **£1,360**
- **Virtual Accelerated Route to Fellowship: International Arbitration**
2 December **£1,875**



The opener

Arbitration Bill highlighted in King's Speech

LOGEN WANG/SHUTTERSTOCK



The Arbitration Bill was reintroduced as a priority in Parliament in the King's Speech on 17 July.

The Bill was based on last year's UK Law Commission's recommendations to modernise the Arbitration Act 1996. Ciarb submitted three responses to the proposed legislation, which,

according to the Government, aims to "secure London as the global centre for arbitration, as well as ensure decisions made by our arbitrators are enforced in other countries and are recognised by governments".

The Bill, which now goes to its second reading in the House of Lords, including an amendment to allow arbitrators to make summary awards on claims that have no realistic prospect of success.

Whitehall said this would avoid nuisance claims and make arbitrations more efficient.

Meanwhile, Ciarb has set out its seven key recommendations for the Labour administration.

"As a leading professional body for dispute resolvers, we are delighted that dispute resolution and access to justice is at the forefront of the Government's priorities," said Ciarb CEO Catherine Dixon. "I thank the Law Commission for the review and our members who have contributed to Ciarb's responses to the consultations and call for evidence."

Ciarb President Jonathan Wood described the reintroduction as: "Great news. It shows England and Wales are leading the way as a major seat for international arbitration. The hard work of Professor Sarah Green and her team at the Law Commission has paid off. And I was delighted to support in my position as President of the Chartered Institute of Arbitrators by giving evidence to the House of Lords committee."

The Hague welcomes Nigeria Branch members

Four members of Ciarb's Nigeria Branch have been appointed to the Permanent Court of Arbitration at the Hague.

Professor Paul Obo Idornigie SAN PhD C.Arb FCIArb, Professor Emilia Onyema PhD SFHEA FCIArb, Yakubu Chonoko Maikyou SAN FCIArb and Funmi Roberts C.Arb FCIArb were appointed to the court by the Nigerian Government.

"The Permanent Court of Arbitration is one of the oldest arbitral bodies in the world," said Professor Obo Idornigie, who teaches ADR at Veritas University, Abuja, Nigeria.

"It is an honour to be one of the representatives of the Federal Government of Nigeria in this body. I believe that my membership of the PCA will widen the scope of my practice of arbitration."

Onyema, Professor of International Commercial Law at SOAS Arbitration and Dispute Resolution Centre, said: "I am grateful to the Nigerian Government for this appointment and I look forward to working with my co-appointees and other members of the PCA Court."

Funmi Roberts said: "I am deeply honoured and privileged to be



Ciarb President Jonathan Wood (left) with Professor Paul Obo Idornigie

appointed as a member of the Permanent Court of Arbitration, representing my country. I am humbled by the trust placed in me and recognise the significance of this esteemed institution in promoting international justice and dispute resolution."

The opener



Global Diploma 2024 ends a roaring success

Professor Dr Mohamed S. Abdel Wahab C.Arb FCIArb has completed his last term as Course Director of Ciarb's Global Diploma in International Commercial Arbitration. He will now focus on his upcoming 2025 Ciarb Presidency.

Professor Abdel Wahab commented: "It was indeed a great privilege to have served as the Director of Ciarb's flagship Diploma Course for six years. "Ciarb has long been known for its world-class Diploma Course with

stellar past directors and faculty. I am particularly proud that the Diploma Course has grown from strength to strength during those six years and was able to adapt and embrace global changes."



New Course Director

Dr Crina Baltag FCIArb announced as new Course Director of the Global Diploma in International Commercial Arbitration

Ciarb is delighted to welcome Dr Crina Baltag FCIArb as the new Course Director of the Global Diploma in International Commercial Arbitration.

Dr Baltag practises as an arbitrator and is a qualified attorney-at-law with over 20 years' experience in international commercial and investment arbitration, international dispute resolution, and private and public international law. She is Professor Assoc. in International Arbitration Law and the Academic Director of the LLM in International Commercial Arbitration Law at Stockholm University.

Dr Baltag is widely recognised as a leading international dispute resolution academic, and is frequently invited to speak on topical issues in international arbitration and dispute resolution. She has been part of Ciarb's Global Diploma in International Commercial Arbitration faculty in previous years.

THE INTERVIEW

Claudia Salomon FCIArb

Claudia Salomon FCIArb is the first female president of the International Court of Arbitration of the International Chamber of Commerce (ICC Court). On 6 November, she will deliver the 2024 Alexander Lecture.



more efficient and cost-effective, a particularly attractive proposition for low-value disputes.

The ICC Guide on Disability Inclusion in Arbitration and ADR was the first document of its kind to address disability issues: why was this topic important for you and how can other institutions build on it?

The focus on disability inclusion grew out of my experience working with a colleague who has Type 1 diabetes. During long days at our law firm and at hearings, it was eye-opening to see how he managed his condition in the most intense work situations. As the pandemic recedes, we have a unique opportunity to reshape how we work to ensure that all skilled practitioners – including those with disabilities – can fully participate. I've come to learn that even small gestures concerning inclusion and diversity are meaningful, such as simply asking during a case management conference whether there ▶

Your lecture is entitled *Guardian, Gatekeeper or Guide?* and will discuss the role of arbitral institutions in protecting the integrity of the arbitral process, promoting the rule of law, and providing access to justice. What made you choose the topic?

It is a truism that an arbitration is only as good as the arbitrator. Is it also true that an arbitration is only as good as the arbitral institution? With the proliferation of arbitral institutions worldwide, parties today have many choices. And because that choice matters, I wanted to explore with this lecture how the various approaches used by different arbitral institutions could impact the arbitral process. I also wanted to dive more deeply into the assumptions about the role arbitral institutions play in both preventing and resolving disputes to ensure we are meeting the rapidly evolving needs and expectations of the global business community.

What role does – and should – arbitral institutions play for arbitrators?

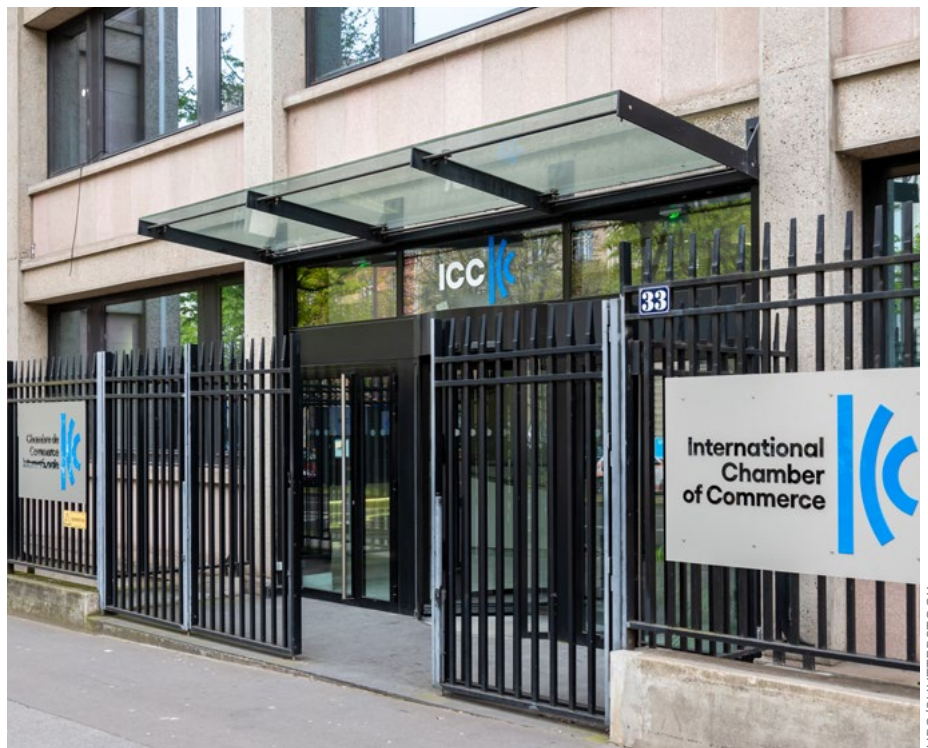
The needs of the parties, not the arbitrators, must be the primary consideration. An arbitral institution must also ensure clear communications between all stakeholders and operate efficiently so the arbitrators can do their job and feel supported.

There have been seismic shifts in arbitration over the last few years – what does the future look like? What are you most excited about?

As evolutionary technological advances impact every aspect of arbitration, we must be prepared to apply and integrate technology

into case management and how we deliver services. With this in mind, the ICC Court launched its online case management system in October 2022 and plans to release a new platform at the end of this year that offers fully digitised dispute resolution services. And we can't ignore the advent of artificial intelligence (AI), which is already becoming an integral component of our work. AI has the potential to make arbitration

Simply asking during a case management conference whether there are any disability inclusion issues to be addressed is meaningful



HJBC/SHUTTERSTOCK

are any disability inclusion issues to be addressed.

As the first female President of the ICC Court, how do you make sure that you're not the last? How can we instil the values of diversity in dispute resolution?

At the ICC Court, we have gone beyond slogans by taking concrete steps and initiatives to expand diversity, equity and inclusion in all aspects of dispute prevention and resolution. We recognise that diversity is key to the legitimacy of international arbitration. Representation of decision-makers is an essential element of the rule of law, and business leaders rightly expect the arbitration community to reflect their diversity and values.

I am proud that last year over 40% of all arbitrator appointments made by the ICC Court were women, the highest level to date. As part of our ambitious diversity and inclusion efforts, we also launched an LGBTQIA+ network at the ICC Court and then opened it up to the wider dispute resolution and prevention community.

Yet there is still more to be done. The ICC Court appoints only about one in four arbitrators worldwide, while the parties involved nominate the rest. We have seen that women are much less likely to be appointed arbitrators when nominated by the parties or by the co-arbitrators when they nominate the president of the arbitral tribunal.

One way to increase arbitrator diversity is for the parties to insist that their outside counsel provide more diverse lists of arbitrators. Both in-house and outside counsel have a pivotal role to play in ensuring that arbitrators in ICC cases reflect the growing diversity of the global business community.

For this reason, the ICC Court has also recently introduced standardised language in its model letters to parties and co-arbitrators that encourages diversity when nominating arbitrators. Additionally, the ICC Court will generally not appoint the same individual as arbitrator again for 12 months to assure that a wider pool of arbitrators are being appointed. And to increase transparency and the flow of information, the ICC Court also maintains a freely accessible directory of ICC arbitral tribunals.

I am proud that last year more than 40% of all arbitrator appointments made by the ICC Court were women, the highest percentage to date



The ICC Court is always focused on appointing the best arbitrator for the case. Some critics wrongly suggest that quality will suffer by increasing the number of women in arbitration, but the presence of so many talented and experienced women in the field proves otherwise.

You were recently reappointed for a second three-year term in July 2024. Congratulations! Has your focus or your objectives changed?

Our mission remains the same: at a time of increasing international trade and commerce, we strive to provide the best arbitral and dispute resolution services to the global business community. That's why we are revising and modernising the ICC Rules of Arbitration, effective on 1 January 2026, to account for the latest developments in law and practice. We are doing this with the help of all members of the ICC Commission on Arbitration and ADR, and ICC Commission Task Forces that have made recommendations for changes.

At Ciarb, our members are most interested in career advice. Do you have any tips for aspiring arbitrators?

When parties and institutions make arbitral appointments, they look not only at the prospective arbitrator's arbitration experience, but also at the governing law, language, region, industry or other areas of experience and level of complexity, among other factors. I recommend an aspiring arbitrator to build their career and reputation as a stellar advocate, by developing substantive industry experience that would make them viewed as someone who has the requisite skills for the role.

And, finally, what do you enjoy most about your job?

This job involves a tremendous amount of travel, but I love hearing from people around the world about how they live and work, so I can have a better understanding of the issues they face and the goals they have. ■

■ **Register for the Alexander Lecture 2024 [here](#)**

The case for arbitral institutions

Although *ad hoc* arbitration has its advantages, we must ensure that arbitral institutions continue to play a vital role in dispute resolution

This year's Ciarb Alexander lecture will be delivered by Claudia Salomon FCI Arb, the President of the International Court of Arbitration. She will explore the role of arbitral institutions in preventing and resolving disputes, and what they need to do to ensure that they continue to deliver for the parties.

The effectiveness and legitimacy of the arbitral process can depend greatly on the integrity of the arbitral institution that oversees it.

We are seeing a significant increase in the number of arbitral institutions globally and it will be important to ensure that these fledgling organisations continue to maintain the crucial role of safeguarding the integrity of the arbitral process by establishing and enforcing rules and procedures that ensure fairness and transparency.

The International Federation of Commercial Arbitration Institutions (IFCAI), on which I am a Council member and of which Ciarb is an ancillary member, can play a vital role in supporting arbitral institutions by facilitating relations between institutions and sharing information on laws, rules, awards and court decisions.

Ciarb also has an important role to play by delivering gold-standard training for arbitrators, ensuring that all our members sign Ciarb's Code of Conduct and by drafting guidelines on best practice that are used as soft law globally to inform best practice.

Institutions often provide administrative support to parties involved in arbitration, such as appointing arbitrators, setting timelines for proceedings and maintaining records of the arbitration process. By setting high standards for conduct and professionalism, arbitral institutions help to maintain the credibility of arbitration as a reliable and effective method of dispute resolution.

Arbitral institutions offer several advantages over *ad hoc* arbitration, which is arbitration conducted without the administrative support of an established institution. Advantages include administrative support to parties involved in arbitration, established rules and procedures that govern the arbitration process, providing mechanisms for enforcing arbitral awards, such as



ABOUT THE AUTHOR

Catherine Dixon
MCI Arb is Chief Executive Officer of Ciarb. She is a Solicitor and an Accredited Mediator.

through the courts, and by maintaining a list of qualified arbitrators who have been vetted for their experience and expertise. Ciarb qualifications, particularly FCI Arb (Fellowship), are very often taken into account by institutions when determining whether an arbitrator should be included on their list of qualified arbitrators.

Institutions can play a significant role in promoting the rule of law by upholding legal principles and standards in the arbitration process. Many have codes of conduct that arbitrators must adhere to, ensuring that decisions are made in accordance with the law and that parties' rights are protected. Ciarb also has a Code of Conduct that members must comply with. By enforcing these standards, Ciarb and arbitral institutions contribute to the development of a legal framework that supports the resolution of disputes through arbitration, thereby enhancing the rule of law in society.

In addition to protecting the integrity of the arbitral process and promoting the rule of law, arbitral institutions also play a key role in providing access to justice for parties involved in disputes. Arbitral institutions can help to facilitate this access by providing guidance and support throughout the arbitration process, ensuring that parties are able to navigate the complexities of arbitration effectively.

However, there are also some benefits to choosing *ad hoc* arbitration that may be appealing to the parties, including flexibility in designing the arbitration process according to parties' specific needs and preferences. With *ad hoc*, parties have the freedom to tailor the procedural rules, select arbitrators of their choice, and determine the timeline and location of hearings.

Some also consider that *ad hoc* arbitration, in comparison to other arbitral institutions, can be more cost-effective for parties, may offer greater confidentiality and privacy for the parties, offers the potential for a faster resolution of the dispute compared with arbitration through an institution, and can allow parties to select arbitrators who are truly independent and impartial, without any potential bias or influence from an arbitral institution. It is clear, though, that arbitral institutions have a pivotal role to play in ensuring arbitration is a credible, trusted, and effective means of resolution, facilitating access to justice and upholding the rule of law.

We are excited to hear Claudia's expert views and I look forward to seeing you at this year's Alexander Lecture on 6 November 2024 – whether that's in person at our headquarters in London, or virtually. Register [here](#). ■

“By setting high standards for conduct and professionalism, arbitral institutions help maintain the credibility of arbitration as a reliable method of dispute resolution”

Global B2B dynamics: the truth

Three organisations have joined forces to produce a comprehensive six-part guide to navigate the complex relationships that underpin international cross-cultural interactions, as Jus Connect's Clémence Prévot explains

In an increasingly interconnected world, international business relationships are more complex and nuanced than ever before. Success in cross-cultural business-to-business (B2B) interactions requires more than just market knowledge and legal expertise. It demands a deep understanding of the cultural and emotional factors that influence decision-making and building relationships. To address these challenges, a groundbreaking six-part report series titled "[The Truth About Cross-Cultural B2B Relationships](#)" offers crucial insights for business leaders and legal professionals alike.

This comprehensive report series is the result of collaboration between three organisations: the [International Chamber of Commerce \(ICC\)](#), [Jus Connect](#) and [McCann Truth Central](#). Together, they have drawn on extensive research involving over 1,700 business leaders and legal professionals across nine countries. The result is a collection of strategies designed to help professionals navigate the complexities of global business interactions more effectively.

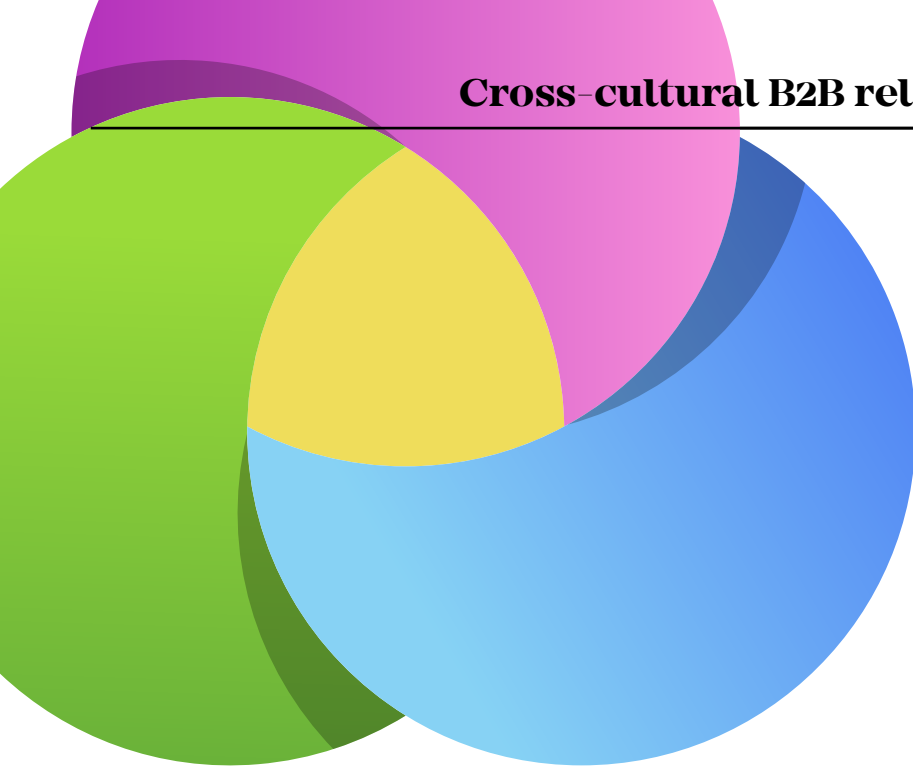
THE POWER OF COLLABORATION

The organisations behind this report bring a wealth of diverse expertise to the table.

The ICC, with its representation of over 45 million companies across more than 170 countries, provides invaluable insights into the intricacies of international trade and dispute resolution. Its extensive experience in facilitating global business interactions has been instrumental in shaping the report's findings.

Jus Connect, a leading platform for connecting legal professionals with clients, focuses on fostering meaningful relationships between businesses and legal experts. By leveraging its extensive network and innovative technology, Jus Connect plays a crucial role in ensuring that the insights and strategies in the series are grounded in real-world legal practices, making them highly relevant and actionable in today's dynamic legal landscape.

McCann Truth Central, the global intelligence unit of McCann Worldgroup, contributes deep expertise in ▶



understanding cultural behaviours and global marketing trends. Its research-driven approach has helped illuminate the often-overlooked emotional and psychological factors that play a crucial role in B2B relationships.

This collaboration has produced a report series that goes beyond theoretical analysis, offering practical guidance to improve cross-cultural B2B interactions. The research combines both quantitative surveys and in-depth interviews, revealing how cultural fluency and emotional intelligence can enhance business outcomes and reduce the risk of conflicts.

WHY THE REPORT MATTERS

For legal professionals engaged in international arbitration and dispute resolution, *The Truth About Cross-Cultural B2B Relationships* offers essential guidance. In today's global economy, effective legal practice requires more than just expertise – it demands a deep understanding of the diverse cultural landscapes in which businesses operate. As globalisation continues to break down barriers, the ability to navigate these complexities is increasingly critical.

The report series emphasises the necessity for cultural fluency and emotional intelligence

in legal practice, advocating for a more proactive and integrated role for legal professionals throughout the B2B process. By leveraging the insights provided, legal practitioners can better understand the emotional and cultural dynamics that influence B2B relationships, enabling them to foresee potential challenges, craft culturally sensitive solutions, and support their clients in building and sustaining successful international partnerships.

In the realm of international arbitration, where disputes often stem from cultural misunderstanding or misaligned expectation, these insights are invaluable. Legal professionals equipped with a nuanced understanding of their client's cultural context are better positioned to offer effective counsel, to foster smoother, more productive business relationships, and to prevent conflict from escalating.

PART ONE: EMOTION IN BUSINESS – A CRITICAL EXAMINATION

The first instalment of the series, *Emotion in Business*, was released earlier this year, and challenges the conventional wisdom that B2B relationships are purely rational and functional. Instead, it reveals that these relationships are deeply emotional, with significant fluctuations in sentiment throughout the B2B journey.

1 Emotional influence in B2B The report highlights that emotions play a critical role at every stage of the B2B relationship, from initial engagement to long-term partnerships. Contrary to the belief that B2B interactions are driven solely by objective criteria such as price and performance, the study finds that emotions such as trust, excitement and even fear significantly influence decision-making processes.

Emotions can affect how companies perceive potential partners, negotiate deals and manage ongoing relationships. For example, trust is often cited as a cornerstone of successful B2B relationships. Without it, even the most advantageous deals can fall apart. On the other hand, fear – whether of losing a deal, damaging a reputation or encountering unforeseen risks – can lead to overly cautious behaviour that stifles innovation and growth.

2 The emotional journey The research identifies eight key stages in the B2B relationship, ranging from the identification of a business need to the potential renewal or ▶

■ For more information about Ciarb's partnership with Jus Mundi, visit [here](#)

Legal professionals equipped with a nuanced understanding of their client's cultural context are better positioned to offer effective counsel, to foster smoother, more productive business relationships

termination of contracts. Each of these stages is marked by distinct emotional highs and lows. For example, the initial identification of a business need is often accompanied by excitement and optimism as companies look forward to new opportunities. However, as the relationship progresses and challenges arise, these positive emotions can be replaced by frustration, anxiety or doubt.

Understanding these emotional dynamics is crucial for business leaders and legal professionals alike, as it can inform more effective communication and relationship management strategies. By recognising when emotions are likely to shift, professionals can proactively address concerns, reinforce trust and maintain a positive trajectory throughout the relationship.

3 The role of legal counsel Another significant finding of this part is the evolving role of legal counsel in the B2B journey. The report advocates for a more integrated role for legal teams, suggesting that they should be involved not only in drafting and reviewing contracts, but also in managing an ongoing relationship. Further, by staying engaged throughout the B2B process, legal professionals can help mitigate risks and resolve disputes before they escalate.

This expanded role requires legal professionals to move beyond their traditional functions, and engage more deeply with the strategic and operational aspects of their clients' businesses. By doing so, they can offer more comprehensive support, helping to align legal strategies with broader business objectives and ensuring that legal considerations are integrated into decision-making processes from the outset.

PART TWO: BUSINESS CULTURE FLUENCY – REDUCING FRICTION

The second instalment of the series, titled *Business Culture Fluency Reduces Friction*, will delve into the importance of understanding and adapting to different business cultures to prevent misunderstandings and conflicts in B2B relationships.

1 Cultural fluency as a business imperative In today's globalised business environment, where companies often operate across multiple countries and cultures, the ability to navigate cultural differences is essential. This report will provide a framework for understanding these differences and offer

practical strategies for integrating cultural intelligence into business operations.

Cultural fluency involves more than just understanding language or etiquette. It requires a deep appreciation of the underlying values, norms and assumptions that drive behaviour in different cultural contexts. For example, some cultures prioritise hierarchical decision-making, while others value consensus and collaboration. Misunderstanding these fundamental differences can lead to miscommunication, damaged relationships and even legal disputes.

2 Anticipating and addressing cultural differences By remapping the world according to business culture rather than geographic or economic criteria, businesses can better anticipate the needs and behaviours of their international partners. This proactive approach can significantly reduce friction in business interactions, leading to smoother discussions and more effective conflict resolution.

One practical strategy that will be highlighted in the report is the use of cultural mapping tools. These enable businesses to visualise and compare the cultural profiles of different regions, helping them to identify potential areas of misalignment and develop strategies to bridge these gaps.

3 Case studies and practical applications The upcoming report will also include case studies and real-world examples that illustrate the successful application of cultural fluency in B2B relationships. These examples will show how businesses that prioritise cultural intelligence can enhance their effectiveness, forge stronger partnerships and ultimately achieve better outcomes in their international dealings.

One case study focuses on a multinational corporation that successfully navigated a complex merger by investing in cultural training for its leadership team. By understanding the cultural differences between the merging companies, the corporation was able to develop a unified

Businesses that prioritise cultural intelligence can enhance their effectiveness, forge stronger partnerships and ultimately achieve better outcomes in their international dealings

vision and strategy that respected the unique strengths of each entity, leading to successful integration and long-term growth.

WHAT TO EXPECT IN THE REMAINING REPORTS IN THE SERIES

This *Truth Report* series will continue to explore the complexities of cross-cultural B2B relationships with four more instalments, all of which will be released before the end of the year. Each report will build on the insights provided in the previous instalments, offering a comprehensive guide to understanding and managing the diverse factors that shape international business interactions.

Below is a preview of the upcoming reports, giving you a glimpse of what to expect in the coming months:

PART THREE: CONTRACTS VS RELATIONSHIPS This report will examine the differing perspectives on contracts across cultures. In some cultures, a contract is seen as a rigid framework that locks in scope and terms; in others, it represents a flexible agreement that evolves with the relationship. Understanding these differences is crucial for legal professionals who draft and negotiate international contracts.

This report will explore how legal teams can bridge these cultural divides by crafting contracts that are both clear and adaptable, balancing the need for legal certainty with the flexibility required to accommodate evolving business relationships.

PART FOUR: THE PREFERENCE FOR NON-LEGAL DISPUTE RESOLUTIONS

This instalment will focus on the growing preference for amicable, non-legal resolutions to disputes in B2B relationships. This trend reflects a broader shift away from adversarial legal proceedings toward collaborative, interest-based negotiation strategies. The report will explore how businesses can adopt win-win strategies that prioritise maintaining long-term relationships over short-term legal victories, highlighting the benefits of mediation, arbitration and other ADR methods.

PART FIVE: THE INTEGRATION OF SILOED DEPARTMENTS

The series will also address the need for greater integration of traditionally siloed departments, such as legal and marketing teams, into the B2B journey. By involving these teams earlier and more consistently, businesses can ensure that their expertise is leveraged at critical points in the relationship, leading to more

successful outcomes. The report will provide practical guidance on how to break down these silos and foster a more collaborative, cross-functional approach to managing B2B relationships.

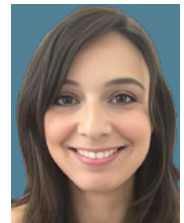
PART SIX: TAILORING STRATEGIES FOR DIVERSE MARKETS The final report will emphasise that a one-size-fits-all approach to B2B relationships does not work in today's diverse global marketplace. It will explore the need for tailored strategies that consider differences in gender, age, profession and other factors within and across different countries. This report will offer insights into how businesses can develop more nuanced, customised approaches to international B2B interactions, ensuring that they are responsive to the unique needs and expectations of their global partners.

CONCLUSION: A COMPREHENSIVE GUIDE FOR THE FUTURE OF B2B RELATIONSHIPS

The Truth About Cross-Cultural B2B Relationships series represents a significant step forward in understanding the complex dynamics that underpin international business interactions. For the legal community, it offers invaluable insights that can enhance their practice by incorporating further cultural and emotional intelligence into their strategies.

As businesses continue to expand their global reach, the ability to navigate cultural differences and manage emotional dynamics will be essential for building successful long-term partnerships. *The Truth Report* series provides the tools and frameworks necessary for business leaders and legal professionals to thrive in this increasingly complex landscape. ■

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ABOUT THE AUTHOR

Clémence Prévot is a New York and Paris qualified lawyer and Legal Content Marketing Manager at Jus Mundi. She is the Editor-in-Chief of Daily Jus, Jus Mundi and Jus Connect's blog on all things arbitration.

'A deeper understanding of disability can only improve arbitrations'

Dr Todd Weiler FCIArb co-chaired the ICC International Court of Arbitration's recently published guide on disability inclusion in ADR. He explains why he expects the document to be well received

Iwould never have expected that someone with diabetes would need to hide it – even in the competitive world of law.”

Weiler is referring to the time ICC President Claudia Salomon FCIArb was overseeing an arbitration and one of the participants, someone with diabetes, suddenly rushed out of the room to inject themselves with insulin. “It gave us an idea of how far the fear of being different can lead,” he says.

Last year, the ICC International Court of Arbitration published a guide on disability inclusion in alternative dispute resolution intending to provide practical guidance in an area that had, so far, received little attention in the arbitral community. Weiler, a co-chair of the guide, says the incident was a fillip.

The Canadian lawyer has been involved in dispute resolution since 1999, serving as counsel, consultant, testifying expert and arbitrator. He is also, he says, one of the few people in the arbitral community who openly admits they have attention deficit hyperactivity disorder (ADHD). Diagnosed with the condition in his 30s, he realised it was impacting his career when another arbitrator described his behaviour as “crazy”.

“That was concerning because as counsel and/or as an arbitrator, I do not want people questioning my sanity, judgement or legitimacy,” says Weiler. “I took it simply as meaning that the behaviour that I exhibited as someone with ADHD is less reserved than [that of] your average lawyer and that had an impact on him.”



Considerable stigmas surround both disability and neurodiversity, and Weiler wants to do what he can to dismantle it. His biography goes some way to explaining this. Weiler's son, eight, is autistic in addition to having ADHD. He also lost his first wife, who was bipolar, to suicide in 2005.

"For all these reasons, I have had to learn a lot about neurodiversity," he says. "But it also meant I had a package of experience to offer the ICC's disability guide Task Force." He applied and was invited to be its co-chair.

MINDFULNESS

Some of the obstacles faced by disabled people are not, he says, because of their disabilities, but because of a lack of consideration or what he calls mindfulness. For example, historic buildings are often selected for arbitrations because they are seen as prestigious. However, they are not always easily accessible for people who can't

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walk. "If you are mindful of other people's needs, you might consider whether the location has a ramp or not."

In an attempt to improve mindfulness in the arbitral community, the Task Force came up with five short statements that highlighted potential pitfalls in this area and to provide three questions that, if asked, might avoid them.

"We recommended that the exercise is reviewed every six months," he says, noting that unless practitioners actually witness incidents in the way his colleague Saloman did, it is easy to remain unaware, to simply not notice others' disabilities. "It is understandable and forgivable not to think about other people's special needs all the time – we all have a lot on our minds," he says. "This is why we thought mindfulness would be a good approach."

He also notes that the competitive nature of ADR means that some practitioners may have neither the inclination, nor the time, to attend workshops and the like on disability inclusion. "On the other hand," he adds, "people around my age and older are often more confident and secure in our careers so we are looking to give back. We think we can help make the improvements necessary for our profession to thrive."

Accepting that the law can be a "cut throat" profession, he also notes that it is "simultaneously, and perhaps inconsistently, seen as a learned profession that has an obligation to remedy societal wrongs or weaknesses. There is lots of research that shows diversity leads to better decision-making. I think that it would behave organisations to look at hiring people from a neurodiverse background," he says.

Weiler believes that younger generations, particularly Millennial and Gen Z, are more likely to be aware of neurodiversity and be more open about diagnoses. "I think we will probably see more understanding in the future, but now there are a lot of stigmas. Arbitration is an older profession in the sense that the leaders are all in their 50s and above. It is crucial to include new people, but I also think we need to work with what we've got.

"ADR is a profession that celebrates age and experience, which is a good thing. We are dealing with a system where old folks are still important. I don't think saying 'well, we just need more young arbitrators' is going to cut it. I think that if people have goodwill and open minds, we can make progress with the people who are going to be in the workforce for another few decades, as well as the younger generations."

"A deeper understanding of disability in the context of arbitrations can only improve arbitrations"

PO1 CLAUSE

The guide's disability inclusion toolkit includes recommendations such as language for inclusion in the agenda for the first case management conference, and/or Procedural Order No. 1 (PO1) to facilitate the disclosure of disabilities and provide for reasonable accommodation:

“At any point during the proceedings, but ideally as soon as practicable, either party may advise the arbitral tribunal of a person who, by reason of disability, requires reasonable accommodation to facilitate their full participation in the arbitration, including site visits and oral hearings. In considering such requests, the arbitral tribunal will take account of the privacy rights of such persons against the unnecessary disclosure of their disability. For the purposes of this provision, disability means any physical or mental health condition that – without accommodation – would impair a person’s ability to participate in work related to an arbitration.”

For Weiler, the inclusion of the PO1 clause is the main takeaway of the guide and to this end he has already requested chairs use it in arbitrations in which he has been involved.

He would also like to see disability-friendly hearings. The guide provides examples of scenarios that might occur in an arbitration that would warrant reasonable adjustments – such as sign-language interpretation, accessible entrances and hybrid hearing formats. Weiler stresses that these are not anecdotes drawn from real life, simply examples of how to accommodate disability within the context of the arbitral process.

He also notes that a deeper understanding of disability in the context of arbitrations can only improve arbitrations. “Arbitrators often develop reliable skills including being able to tell who is being truthful or not, and that is going to work for 90% of the population. However, neurodiverse people are often caught on the wrong side of that test. In the context of trying to evaluate the witness before you, if they look like they’re avoiding eye contact that is seen as ‘avoidance behaviour’. One thing all arbitrators have in common is that what they want to do is make the best decision they can. It is in their interest not to get tripped up by assumptions that are easily made. As an arbitrator, you have an improved chance of getting a better decision because you are getting the proper information to make your decision. The focus in this case is on being a better arbitrator.”



NEXT STEPS

Weiler suggests that the guide is a good starting point for organisations because they don't have to “start from scratch, but simply pick up the baton and run with it”.

But it does not, he notes, include a roadmap, which means there is still work to be done.

“Look at the recommendations and think of creative ways to implement them. Do the mindfulness exercise and decide whether they are effective enough. Is there a better way of doing it? The question now is: what are we going to see in terms of initiatives from other organisations? Arbitral institutions must make sure that they don't put up barriers or other impediments to inclusion.”

“Basically, people need tools,” says Weiler. “Assume good faith because it is disability, but also assume that there are oversights that need to be addressed.”

Weiler is fiercely optimistic about the future for disability inclusion thanks to the tremendous amount of goodwill available. “It is easier for us to work on changing people's minds as we're just opening their minds. If what we propose is not complicated or hard to implement, I think that we're going to make progress.” ■

[Read the ICC Guide on Disability Inclusion in International Arbitration and ADR here.](#)

“It's easier for us to work on changing people's minds as we're just opening their minds. If what we propose is not complicated or hard to implement, I think that we're going to make progress”



ABOUT TODD WEILER

Dr Todd Weiler FCI Arb is an independent arbitrator of more than 25 years standing who specialises in both public and commercial international economic disputes.

A pioneer in the field of investment treaty arbitration, he also serves as a consulting expert in disputes between states and foreign investors.

He joined Artibra International in 2021, and splits his time between London, Washington and his home in London, Ontario.

The scale of ambition



BROOKGARDNER/SHUTTERSTOCK

The Chinese judicial system is increasingly supportive of arbitration and the country's arbitral institutions are accepting a growing number of international cases. **Ming Wu FCIArb reports**

The history of modern international arbitration in China starts in 1956, the year in which the China International Economic and Trade Arbitration Commission (CIETAC) was established in Beijing. In 2013, Chinese top leadership launched the 'Belt and Road' Initiative, and in just over a decade it signed 206 cooperation agreements with 141 countries and 32 international organisations to make this vision a reality. With large-scale investments by Chinese enterprises along the Belt and Road, cross-border disputes have emerged. This has prompted China's

leaders to focus on alternative methods for resolving these disputes, primarily international arbitration. As a result, China has been actively encouraging the development of international arbitration, domestically advocating for greater involvement in setting international rules, building top-notch arbitration institutions and boosting China's influence in international legal circles.

LEADERSHIP SUPPORT FOR ARBITRATION

Over the past decade, China's leadership has consistently supported the development of arbitration, as evidenced by the friendly rules and policies published by the Chinese Government. In 2014, the Central Committee of the Communist Party of China (CPC) released a decision calling for "improving the arbitration system and enhancing its credibility".¹ In 2018, the General Office of the

China's leadership has supported the development of arbitration, as evidenced by the friendly rules and policies published by the Chinese Government

¹ Decision of the CPC Central Committee on Major Issues Pertaining to Comprehensively Promoting the Rule of Law 2014.

CPC Central Committee and the General Office of the State Council issued several opinions laying out specific requirements for the development of the Chinese arbitration industry.² In November 2020, President Xi Jinping stressed the need to cultivate internationally recognised arbitral institutions and law firms. He called for better legal support and services for international business activities.³ On 27 November 2023, President Xi delivered a speech in which he stressed the need to strengthen the legal framework for international matters and create a favourable legal and external environment.⁴ He reiterated the importance of advancing foreign-related legal services and fostering internationally renowned arbitral institutions and law firms. These statements indicate that to further engage with and utilise international rules, China will continue to promote the development of arbitration, thereby participating more actively in international rule-making.

DEVELOPMENTS IN ARBITRATION LEGISLATION

The current People's Republic of China (PRC) Arbitration Law, enacted in 1994, is considered outdated and not aligned with contemporary arbitration practices. When compared with the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration (the 'Model Law'), the PRC Arbitration Law exhibits notable differences. For example, the Model Law requires that the contents of the arbitration agreement must be recorded in any written form, while PRC arbitration law requires that the arbitration agreement must be concluded in written form; PRC Arbitration Law primarily adheres to institutional arbitration, with limited allowance for *ad hoc* arbitration; and the Chinese arbitration system is institution-centric, granting more authority to arbitral institutions than to arbitral tribunals. These distinctions hinder the alignment of the Chinese

². Several Opinions on Improving the Arbitration System to Improve Arbitration Credibility 2018.

³. 'Firmly following the path of socialist rule of law with Chinese characteristics and Providing a strong guarantee of the rule of law for the comprehensive construction of a modern socialist country' (*China Court Network*, February 2021), accessed 27 June 2024. chinacourt.org/article/detail/2021/02/id/5825278.shtml

⁴. 'Strengthening the foreign-related legal system and creating favourable conditions for the rule of law and the external environment' (PRC Government, November 2023) accessed 27 June 2024. gov.cn/yaowen/liebiao/202311/content_6917473.htm

In response to the global trend towards arbitration convergence, China aims to update the PRC Arbitration Law to better align with international standards



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arbitration system with international norms, affecting its credibility and influence.

In response to the global trend towards arbitration convergence, China aims to update the PRC Arbitration Law to better align with international standards. On 30 July 2021, the Ministry of Justice of China released the Arbitration Law (Draft Revisions).⁵ These draft revisions comprehensively update the existing PRC Arbitration Law, incorporating many internationally accepted rules from the Model Law. Notable changes include introducing the concept of the 'Seat of Arbitration', expanding the scope of arbitration, adding provisions for *ad hoc* arbitration, empowering arbitral tribunals to issue interim measures and regulating the establishment of arbitral institutions. These updates aim to bridge the gap between the Chinese arbitration system and international practices, enhancing the credibility and global standing of Chinese arbitration.

As of now, the draft revisions are open for public feedback, with no set timeline for legislative approval. In addition to amending the Arbitration Law, China has also enacted regulations to converge with the draft revisions. For instance, regarding *ad hoc* arbitration, China's accession to the New York Convention without reservations to Article 1(2) obliges it to recognise and enforce *ad hoc* arbitral awards made abroad. However, the current PRC Arbitration

⁵. Arbitration Law of the People's Republic of China (Revisions) (Draft for Public Comments) 2021.

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Law does not cover *ad hoc* arbitration, creating a legislative gap. To address this, the Supreme People's Court set out its position in December 2016, allowing enterprises in free-trade zones to arbitrate at "a specific place" according to "specific arbitration rules" by "specific personnel".⁶ This marked the initial application of *ad hoc* arbitration in China's free-trade zones. Later, in December 2023, the Shanghai Municipal People's Congress issued regulations to support *ad hoc* arbitration, allowing it to be conducted by specific personnel in Shanghai according to specific rules.

JUDICIAL PRACTICE SHIFTS

In China, the relationship between litigation and arbitration, as well as between courts and arbitration institutions, has evolved through three key stages.

6. Opinions of the Supreme People's Court on Providing Judicial Guarantee for the Building of Pilot Free Trade Zones 2016.

In 2023, the Beijing Arbitration Commission (BAC) and Shenzhen Court of International Arbitration (SCIA) became institutions with an annual caseload exceeding 10,000

According to the author's observation, Chinese judicial practices have historically tended to excessively intervene and regulate arbitration. Around 2010, the Chinese judicial attitude towards arbitration began to shift towards a more supportive approach with moderate intervention. By 2016, Chinese judicial support for arbitration had strengthened.

Judicial intervention in arbitration typically involves reviewing arbitration agreements to determine their enforceability. Whether a country adopts a strict standard for evaluating the enforceability of arbitration agreements or embraces the principle of 'maximising their effectiveness' reveals the primary approach toward arbitration in both legislation and judicial review.⁷

From 2012 to 2022, 91% of 193 foreign awards reviewed by Chinese courts were recognised and enforced. A further 7% were partially recognised and only 2% were refused. Along with this high rate of support for foreign arbitral awards, efficiency in enforcement has also improved. Most cases of recognition and enforcement are concluded within 360 days, with only a small percentage taking more than 720 days to wrap up.

INTERNATIONALISATION

There are 280 Chinese arbitral institutions registered with the Ministry of Justice of China and their internationalisation is directly reflected by the number of international arbitration cases they accept. Between 2020 and 2023, the caseloads of five Chinese international arbitral institutions continued to increase.⁸ In 2023, the Beijing Arbitration Commission (BAC) and Shenzhen Court of International Arbitration (SCIA) became institutions with an annual caseload exceeding 10,000 (BAC with 12,222 cases⁹ and SCIA with 12,004 cases¹⁰). In addition, Chinese arbitral institutions are following closely the changes and innovation of international mainstream arbitral institutions' arbitration rules. On 5 September 2023, the China International Economic and Trade Arbitration Commission (CIETAC) released the 2024 edition of its arbitration rules. The new rules benchmark the highest international arbitration

7. Lili Jiang, 'Innovative Exploration of Judicial Review in Arbitration and Its Understanding and Application: A Review of the Supreme People's Court's 36th Batch of Guiding Cases', (2023) 8 People's Court Daily 7

8. Ronghui Li, Minmin Zhang, Zhouquan Lu, Yanfei Qian, 'Recognition and Enforcement of Foreign Arbitral Awards by China Courts from 2012 to 2022: Review and Comment' (*Zhong Lun Website*, May 2023) zhonglun.com/research/articles/9616.html accessed 28 June 2024.

9. 'China's International Commercial Arbitration Institution is Gradually Expanding Its International Influence' (China Government Legal Information Network, September 2023), accessed 28 June 2024. moj.gov.cn/pub/sfbqw/fzqz/fzqzggflfwx/fzqzggflfw/202309/t20230911_486092.html

10. Beijing Arbitration Commission/Beijing International Arbitration Centre 2023 Annual Work Report (Beijing Arbitration Commission, February 2024), accessed 28 June 2024. bjac.org.cn/news/view?id=4714

11. Shenzhen Court of International Arbitration 2023 Data Overview (Shenzhen Court of International Arbitration, February 2024), accessed 28 June 2024. sciajm.org.cn/news/news/2580.html



Practitioners of international arbitration from across the globe have travelled to China to engage in discourse on the most pressing issues

standards, closely following the trends in international arbitration practice. On 7 November 2023, the Shanghai International Arbitration Center (SHIAC) also released its 2024 Arbitration Rules, which incorporate significant experiences from managing cases over the past decade, addressing key issues in arbitration proceedings. Besides, Chinese arbitral institutions also expand overseas, where they apply Chinese international arbitration rules to manage international arbitration cases, which mostly involve Chinese parties. The first instance of a Chinese international arbitral institution establishing a branch overseas was the establishment of the CIETAC Hong Kong Arbitration Center in 2012. SHIAC also opened its first offshore branch in Hong Kong in May 2024.

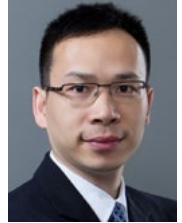
Meanwhile, China continues to roll out new friendly policies and further open its legal services market, allowing foreign arbitration institutions to establish their substantial entities in specific areas, such as certain free-trade zones, and conduct substantive arbitration business within those regions. Take Shanghai for instance. In July 2019, the State Council further issued

a Framework Plan, which allows well-known foreign arbitration institutions to establish business presence in the Lingang New Area of the Shanghai Free Trade Zone to conduct substantive international arbitration business.¹¹ In April 2019, the Shanghai Government established SHIAC in the Shanghai Qiantan World Trade Center where the ICC Shanghai Representative Office, the SIAC Shanghai Representative Office, and the Korean Commercial Arbitration Board (KCAB) Shanghai Representative Office have settled in.

Overall, besides the aforementioned practice in China, there has been a notable surge in the number of international arbitration forums and seminars held in China over the past three years. This growth has been bolstered by the robust support of various arbitration institutions, which have facilitated the advancement and dissemination of international arbitration. Practitioners of international arbitration from across the globe have travelled to China to engage in discourse on the most pressing issues in international arbitration.

Over the next decade, the field of international arbitration in China is expected to undergo further development, with several leading international arbitration institutions with a global reputation emerging from Beijing, Shanghai and Shenzhen. Chinese arbitration practitioners will also have the opportunity to participate in international arbitration, contributing to the advancement of this field on a global scale. ■

¹¹ Framework Plan for the New Lingang Area of China (Shanghai) Pilot Free Trade Zone 2019.



ABOUT THE AUTHOR

Ming Wu FCIArb is a Senior Partner in Dacheng Law Offices LLP (Shanghai) where he is the leader of its international dispute resolution practice. He is also Head of Dacheng Shanghai Cross-border Arbitration Practice Study Center. Admitted to practise in China, England and Wales, in 2023 he was appointed a judge of the Independent Employment Tribunal of the intergovernmental organisation Square Kilometre Array Observatory. The arbitration cases in which he has been involved include joint venture contract disputes, shareholders' disputes, equity transfer disputes, corporate control disputes, disputes on international construction and engineering projects, and private equity fund repurchase disputes.

Putting the world to rights

The types of organisations and industries that need dispute resolvers are as varied as the people who work in dispute resolution. We speak to five of them about their very different journeys



Professor Cam Wareham LLM
FCI Arb uses private dispute resolution in clinician and life science disputes

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My biggest passion is supporting the next generation of ADR practitioners. I believe there should be more focus on bringing aspiring neutrals into tribunals and hearings, and exposing them to arbitral decision-making. It is mandatory for medical consultants to take on trainees, and there's a very clear requirement for senior people at the bar and in firms to take on pupils and trainees in the law,

but the same cannot be said of arbitration. Why is ADR different? Is it because it's not seen as a true profession in its own right, but as a 'side gig' to a legal practice or another professional job?

My route into arbitration was an unusual one. After undertaking a medical degree in New Zealand, I moved to the UK to follow my passion for surgery. After stints teaching at Durham and University College London (UCL), I became an NHS surgeon in London and East Anglia. During my time as a head of department, I developed an appreciation of the disputes that frequently arise between providers of care, users, hospital systems, pharmaceutical companies, research companies and medical device manufacturers. ▶

As a clinical lead, I often became involved in providing expert opinion or evidence. It was different to the 'day job', and something I began to enjoy.

As I learned more about law, dispute resolution, contract negotiations, and performance and mediations with providers and teams, I became well known as a go-to amongst my peers and later the wider profession. However, I quickly learned that while I knew the technical aspects of the subject matter, I needed to know more about the legal principles that underpinned them.

I went on a law conversion course. Then my career took a turn when I was offered a professorship in Australia at the University of Western Australia (UWA). My new position enabled me to branch into teaching medical law to medical students. Having worked closely with teams developing new techniques, drugs and heading research partnerships, my interests widened from issues of clinical negligence into the world of intellectual property, breaches of research partnership agreements, delivery issues, and design flaws and protection of secrets. It gave me a different perspective about the issues that can come up in life science and healthcare law.

My interest in medicolegal issues led to a number of roles within the medical profession, many of which concentrated on disciplinary matters. While these were often interesting and necessary, I wanted to concentrate on developing a dispute resolution practice with an interest in healthcare and life sciences. Having an LLM in International Arbitration and Dispute Resolution from the University of Aberdeen assisted me greatly. It meant I was able to qualify in international arbitration and mediation, becoming a Fellow at Ciarb as well, which was a pivotal point in my career direction. The knowledge gained during that time was immense and enabled me to gain the skills needed to undertake and conduct arbitral proceedings with confidence.

I now combine a career as an arbitrator and mediator with a professorial role in the Faculty of Law at the University of Sunderland. It means I am able to contribute to the broader thinking of where dispute resolution can assist these types of disputes, while also practising in the area. While I practise independently, I'm fortunate to do that with the support of Chambers. I'm also lucky to have a number of fantastically talented and experienced colleagues at ArbDB Chambers – people I can reach out to for advice if needed. And because we are professionally diverse, there aren't many areas of practice that Chambers doesn't cover.

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“I qualified in international arbitration and mediation, and became a Fellow at Ciarb, which was a pivotal point in my career”
Professor Cam Wareham LLM FCI Arb



Magdalena Prus FCI Arb is an architect who works as an expert witness and a forensic architect

My journey into alternative dispute resolution was an atypical one. My background is in architecture. An architecture degree is divided into three parts, and during the third you learn about managing your practice, legal aspects, potential claims and liabilities. I quickly realised that construction law was where I wanted to end up and so I joined a firm as a forensic architect, a technical expert in architecture.

Typically, the architect's journey into ADR is joining a practice and then becoming a forensic architect. I did it the other way around. We conduct investigations and provide opinions and advice on technical issues in buildings on anything from its external envelope to its internal construction, fittings and finishes. We can investigate and offer expert comment on anything from the role of an architect on a project to the project's drawings, specification and contract documents. We conduct site investigations to establish the cause of problems, and then provide our opinion in the form of a report and, when necessary, briefing notes for adjudication, litigation and arbitration. ▶





Muhammad Shahzar Ilahi is a political scientist and co-founder of the Musaliha International Center for Arbitration and Dispute Resolution (MICADR) in Pakistan

Pakistan's judicial system is under significant strain, with 2.4 million pending cases and only 13 judges per million people to handle them. On average, it takes 15 years to resolve a civil dispute, with 85,000 new cases filed every month. However, mediation is emerging as a powerful solution, now legally enabled across all provinces with dedicated mediation laws. These laws ensure confidentiality, enforceability of mediated settlement agreements, and are both time and cost effective. Experienced professionals and community leaders can be trained as mediators – my organisation, the Legal Aid Society, has already trained over 300 mediators across Pakistan, including tribal elders who are now championing amicable settlements.

Additionally, young lawyers and law students can enhance their careers by becoming trained mediation advocates, representing parties more effectively in mediation processes. A young lawyer might find it daunting to fight a case in court, but representing a

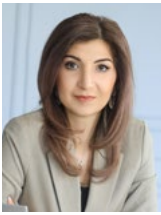
party in a relatively amicable forum such as mediation is less so – and you are still getting paid for it. On our two-day course, senior law students and young lawyers can acquire the basic skills to represent a party in mediation.

Looking ahead, I envision Pakistan's mediation ecosystem maturing significantly over the next five to 10 years, with every district becoming mediation-enabled. For example, our Musaliha International Center for Arbitration and Dispute Resolution (MICADR) has handled over 200 cases in just the last six months, achieving a 7% success rate. In addition, in the next year or so, Pakistan will become a signatory to the Singapore Convention. The future for mediation in this country is looking bright. ▶

“Young lawyers and law students can enhance their careers by becoming trained mediation advocates, representing parties more effectively in mediation processes”

Muhammad Shahzar Ilahi





Fidana Alieva is a mediation practitioner in workplace conflicts and commercial disputes in Central Asia and Europe

I began my ADR career 12 years ago by mediating in family disputes, but I soon shifted to commercial and workplace mediation and in 2014 I established one of the first mediation centres in the Kyrgyz Republic. Today I mediate regionally and internationally for companies, embassies and banks, including the Asian Development Bank.

Over the years, I have visited 16 countries to learn about the history and practice of mediation. I've been trained at ADR institutions including in the US at the Straus Institute for Dispute Resolutions at Pepperdine University in Los Angeles and the Mediation Training Institute at Eckerd College in California. In 2018, I spent three months learning at JAMS: Mediation, Arbitration and ADR Services, the largest private provider of alternative dispute resolution services worldwide.

I am a judge and mediator for several international mediation competitions, including the ICC International Commercial Mediation Competition and CDRC Vienna. Young would-be neutrals can take part in these competitions in teams and as coaches among other routes, and I strongly recommend they do, as they are an excellent way of learning and networking.

Being open-minded, curious and courageous is crucial in mediation. In 2013, I tried out being a mediator in different settings before choosing mine. And all the time, I read and listened to other practitioners from across the globe. I tried different mediation approaches too: facilitative, evaluative, transformative and combinations of them all. If you invest in your growth and professional development, it will pay off and it might happen that, based in a developing country, you mediate international cases online.

When it comes to mediating in the banking industry, my experience in mediating commercial and



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“Don’t be afraid to experiment. Mediating international cases online in a developing country might require a different approach from mediating face to face in a developed one”

Fidana Alieva

workplace cases was very useful. A couple of years ago the Asian Development Bank, which has branches across the globe, decided to integrate mediation into the framework of the Office of Professional Ethics and Conduct, and selected 14 international mediators, including me, for the work.

If young people want to work in this field, they should be prepared for a thorough screening process to demonstrate their skills in simulation and to come with at least minimal experience. With its different stakeholders, service providers and clients, and numerous organisational departments, the mediation territory is complex, involving many procedural steps. And when you are mediating in international banking, you need a keen awareness of different cultural mores and how to approach the people who embody them. Sharply honed mediation skills on their own are not enough. ■



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Speakers will explore the multifaceted influences that can affect the quality and useability of expert witness evidence in proceedings, particularly in arbitration and adjudication. They will offer practical insights and techniques they use to increase the effectiveness of expert evidence in ADR.

Let's Discuss AI Self-regulation Essentials
17 October 2024 | 12:00 GMT+1 | Virtual

How is the growing impact of artificial intelligence (AI) affecting the legal sector? How much does AI cost – financially and otherwise? What tools are available – and suitable – for ADR practitioners? If you want to know the answer to these questions, join us for the next Let's Discuss session in our 'AI and ADR: Theory and Practice' series.

**Guardian, Gatekeeper or Guide?
Alexander Lecture 2024
6 November 2024 | 18:30 GMT
In-person and virtual**



Claudia Salomon, the President of the International Chamber of Commerce (ICC), will take us through the role of arbitral conferences in the twenty-first century.

Claudia is an independent arbitrator, specialising in international, investor-state and complex commercial disputes. She is widely recognised as one of the leading arbitration practitioners of her generation. Known for her sound judgement, effective case management and ability to quickly reach the crux of an issue, she became the first female President of the ICC International Court of Arbitration.

**Let's Discuss How to Maximise the Effectiveness of Expert Witness Evidence in ADR
27 November 2024 | 12:00 GMT | Virtual**

What do counsel, neutrals, and expert witnesses want and need from each other to maximise the effectiveness of expert witness evidence in ADR? This Let's Discuss event is a platform to discuss and learn from each other on what works and what does not work in the management of expert witnesses, the production of reports, joint processes, oral evidence and other duties of the expert witnesses in ADR, particularly in arbitration and adjudication.

Visit ciarb.org/events for more details.

Event recordings

Many of our events are available to watch on our YouTube channel. Some of our past events include the popular 2024 Roebuck Lecture 'Access to Arbitral Justice for Local Communities' by Professor (Dr) Emilia Onyema FCI Arb LLB LLM PhD. Watch at YouTube.com/ciarb

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There's lots going on at Ciarb, and we don't want you to miss out. Our monthly newsletter, eSolver, is sent to members mid-month. Full of our events, training, opportunities, news and announcements, it's not to be missed.

Haven't received eSolver? Email us at marketing@ciarb.org.

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We're now on TikTok – follow us [@_ciarb](#) to find out what happens behind-the-scenes in ADR.