

## APRAG Conference 2023

### Programme

#### Conference Theme:

International Arbitration in Changing Times: Meeting Challenge, Bridging Divide

#### Conference Date:

November 13rd-15th, 2023

#### Day 1: Monday 13rd November 2023

14:00-16:00 **Meeting of APRAG Representatives** (for APRAG Representatives only)

16:00-18:00 **Conference Registration**

18:00-20:00 **Dinner** (for APRAG Representatives only)

#### Day 2: Tuesday 14th November 2023

8:30-9:30 **Conference Registration**

9:30-09:50 **Welcome Remarks**

Moderator: Representative from BAC

Representative from the People's Government of Beijing Municipality

APRAG President

9:50-10:10 **Opening Remarks**

Representative from the PRC Ministry of Justice

Representative from UNCITRAL

10:10-10:15 **Opening Ceremony**

10:15-10:35 **Keynote Speaker**

Representative from the PRC Supreme Court

10:35-10:45 **Coffee Break**

10:45-12:15 **Session 1: The Continued Rise of International Arbitration in Asia-Pacific:  
Evolving Rules, Innovative Practices and Latest Cases**

The recent growth of arbitration institutions in the Asia-Pacific region is evidenced by their steady efforts to revise arbitration rules and enhance competitiveness, successively achieving new heights in terms of case fillings and disputed amounts. The domestic courts in different jurisdictions also have published numerous

landmark decisions, clarifying views on fundamental issues in arbitration. Meanwhile, the role of soft law in arbitration proceedings has played an increasingly important role in bridging divisions and fostering consensus among different jurisdictions. This session will review the continued rise of international arbitration in the Asia-Pacific region over the past decade. The panel will explore evolutions and innovations in rules and practices of international arbitration, leading arbitration cases rendered by courts, and the increasing prominence of soft law in promoting the development of international arbitration in the Asia-Pacific region. The panel will also assess critical areas that require further development by reflecting on past achievements and examining the current progress and challenges.

Key points:

- Vital rule evolutions of arbitration institutions in the Asia-Pacific
- Significant practice innovations of arbitration institutions in the Asia-Pacific
- Review of landmark decisions in arbitration cases rendered by the courts in Asia-Pacific
- Changes in judicial review and the latest judicial practices regarding the recognition and enforcement of foreign arbitral awards
- The application and impact of “soft law” in international arbitration

Moderator:

Speaker:

Speaker:

Speaker:

Speaker:

12:15-13:15 **Network lunch**

13:15-14:45 **Session 2: Arbitration Reform: Key Changes and the Way Ahead**

In recent years, many jurisdictions in the Asia-Pacific region have made great strides in promoting arbitration, including through legislative reforms and the enhancement of judicial assistance, in order to modernize and internationalize their legal frameworks for arbitration. Such initiatives have engendered widespread debates on how to balance internationalization with localization on the one hand, and uniformity with diversity on the other, especially on controversial issues such as the scope of arbitrability, boundaries of party autonomy and judicial review. Arbitration reform is not limited to improvements of legal infrastructure alone. Profound changes in the external environment, ESG, economic sanctions and other factors have been influencing the jurisdiction, merits and award enforcements in international arbitration cases. In this session, the panel will focus on arbitration law amendments

and legislative developments, and further explore the impact of changes in the external environment on arbitration reform.

Key points:

- Overview of arbitration law reforms in crucial jurisdictions of Asia-Pacific
- Key changes in arbitration reform: arbitrability, scope of arbitral tribunal powers, judicial review, etc
- Balancing uniformity and diversity in the amendments of arbitration law
- Templates for arbitration law reform in Asia-Pacific: UNCITRAL Model Law and other options
- Impact of sanctions and ESG on the reform and future development of the international arbitration regime

Moderator:

Speaker:

Speaker:

Speaker:

Speaker:

14:45-16:15 **Session 3: Revisiting the Expectations of Arbitration Users: Potential Challenges and Practical Options**

The expectations and demands of arbitration end-users are important issues that arbitration rules and practices need to address, and it is also imperative for lawyers to pay attention to them if they are to enhance the quality of legal services. In this session, the panel will re-examine the expectations of arbitration users concerning arbitrators, arbitration institutions, lawyers, and arbitration procedure. The panel will share the core concerns of businesses in the appointment of arbitrators and selection of lawyers. Additionally, cost and expense control in international arbitration has been a perennial concern for arbitration users. This session will discuss how arbitration expenses can be reduced through mechanisms such as contingency fees, third-party funding, and other arrangements. Furthermore, emerging trends indicate that arbitration users are increasingly inclined to use a combination of dispute resolution methods to resolve disputes efficiently and effectively, bringing into focus the integration of arbitration with other dispute resolution methods, including high-level negotiations, mediation, and dispute boards.

Key points:

- Expectations and requirements of corporate users regarding arbitration institutions and procedures.
- Perspectives of corporate users: joint representation in international

arbitration, appointment of arbitrators, and selection of lawyers.

- Cost mechanisms to alleviate the pressure of arbitration expenses: contingency fees, third-party funding, etc.
- Practical solutions to enhance efficiency and reduce costs in arbitration cases.
- Integration of arbitration with other dispute resolution methods.

Moderator:

Speaker:

Speaker:

Speaker:

Speaker:

16:15-16:30 **Coffee Break**

16:30-18:00 **Session 4: Building an International Arbitration Hub: Coordinated Development of Local Legal Ecosystems and International Arbitration**

In recent years, benefiting from the dynamic economic development in the Asia-Pacific region and the collective efforts of arbitration practitioners, arbitration institutions in the Asia-Pacific region have consistently ranked among the top in terms of caseload growth and popularity globally. Attention has thus turned to how to further enhance the competitiveness of the Asia-Pacific region as a new destination for international arbitration. In addition to the institutional development and service quality of arbitration institutions themselves, key factors for establishing international arbitration centers include the support of local courts and judicial departments for arbitration, the neutrality and fairness of the local legal system, the reserve of international legal professionals, and supporting legal service resources. In this session, the panel will further explore how the local legal ecosystem can support the establishment of international arbitration centers and how legal practitioners and relevant legal service providers can coexist and thrive in the process of developing these centers.

Key points:

- Institutional reform, mechanism development, and talent cultivation in arbitration institutions.
- Judicial support for arbitration from local courts.
- Facilitation measures supporting arbitration: immigration management, cross-border transactions, tax incentives, etc.
- Cultivation of international legal talents and opportunities for young lawyers.
- Resource support from the local legal ecosystem: lawyers, notarization, translation, etc.

Moderator:

Speaker:

Speaker:

Speaker:

Speaker:

19:30-22:00 **Gala Night**

**Day 3: Wednesday 15th November 2023**

8:15-9:15 **Sponsor Breakfast Symposium**

9:30-11:00 **Session 5: Investor State Dispute Settlement Reform: Where do the Asia-Pacific Stakeholders' Interests Lie?**

With the advancement of international cooperation initiatives, notably the “Belt and Road” and the Regional Comprehensive Economic Partnership (RCEP), there is a noticeable intensification of economic and trade interlinkages in the Asia-Pacific region. This progression has led to an increasing demand for investment arbitration. However, the existing ISDS mechanisms have raised many concerns, such as lack of consistency in awards, lack of transparency in arbitration procedures, excessive duration and costs, and concerns regarding the independence, impartiality, and diversity of arbitrators. In this session, the panel will explore the core interests and concerns of stakeholders of the Asia-Pacific region in the ISDS reform and discuss new directions in light of recent cases, latest rules and practices in the Asia-Pacific region, revisions to the ICSID Rules and the current deliberations in Working Group III of UNCITRAL. By promoting the rule of law in international investment, it aims to uphold multilateralism and free trade and promote regional economic integration.

Key Points:

- Main interests and concerns of host states in the Asia-Pacific region and other stakeholders regarding ISDS reform.
- Review of recent investment arbitration cases, latest rules and practices.
- Updates on the amendments to the ICSID rules and the progress of the UNCITRAL Working Group III.
- How to enhance the involvement of arbitration practitioners in the Asia-Pacific region in investment arbitration cases.
- Code of conduct for arbitrators in investment arbitration and arbitrator diversity.

Moderator:

Speaker:

Speaker:

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Speaker:

11:00-11:15 **Coffee Break**

11:15-12:45 **Session 6: Disputes of Tomorrow: Arbitration in the Era of Artificial Intelligence & Big Data**

AI-assisted case management is proliferating in international arbitration. Advanced technologies in big data not only process massive amounts of information instantaneously but also directly extract and integrate key information, providing strategic advice for arbitration decision-making. However, while artificial intelligence enhances the efficiency of case management, it also presents significant challenges to arbitration confidentiality, procedural fairness, and flexibility. The designation of data security as a matter of national security has led to renewed attention towards compliance with data regulations in the exchange of international arbitration documents. Looking towards the future, technology is likely to become a "fourth party" in the arbitration process alongside the claimant, respondent, and arbitrators. In this session, the panel will explore how arbitration practitioners can respond to the new changes and norms in international arbitration brought about by artificial intelligence and big data.

Key Points:

- Application of artificial intelligence in arbitration and related legal issues.
- Legitimacy and ethics of AI arbitration.
- Artificial intelligence and arbitrators: friends or foes?
- Drafting awards: AI arbitrators vs. human arbitrators.
- Document exchange and data compliance in international arbitration.

Moderator:

Speaker:

Speaker:

Speaker:

Speaker:

12:45-13:45 **Closing Remarks**

Moderator:

Speaker: Representative of the All China Lawyers Association

Speaker: Next APRAG President