International Dispute Resolution on “One Belt and One Road”
Conference by Renmin Law School

On November 26, 2016, the Centre for Common Law at Renmin University of China Law School held a conference entitled International Dispute Resolution on “One Belt and One Road” in Beijing, China. The conference was jointly organized by Renmin Law School, the Centre for Common Law, and the Great Britain China Centre.

A great number of experts from China’s mainland, Hong Kong Special Administrative Region, Macao Special Administrative Region, the UK and India participated in the event including the former president of the UK Supreme Court Lord Phillips, Founder-Director of the Bingham Centre for the Rule of Law Sir Jeffrey, Chairman of the Bar Council of England and Wales, President of the Law Society of Scotland, President of the Law Society of Hong Kong, President of All China Lawyers Association (ACLA), and high-level representatives from the National Development and Reform Commission of PRC, Ministry of Foreign Affairs of PRC, Shenzhen Lawyers Association, Hong Kong Bar Association, Department of Justice of Hong Kong, Beijing Lawyers Association, Beijing Arbitration Commission, etc.

The Conference was held by Professor HE Jiahong, Director of Centre for Common Law. Director HE briefed the audience of the Academic Advisory Council Meeting of Centre for Common Law held the day before and this conference which is the most important event of the Centre this year. Professor HAN Dayuan, Dean of Renmin Law School, and Sir Martin Davidson, Chairman of Great Britain China Centre provided opening remarks. Together they welcomed the guests to the conference and emphasized on the important role of the Belt and Road Initiative for the development of China and the role the legal academic and practitioners. They also highlighted the implication of the Initiative, which intends to promote the common well-being of people from all the participating countries.

Mr. WANG Junfeng, President of ACLA, delivered the keynote speech in the morning session. President WANG introduced the background of the Belt and Road Initiative and the complexity of the participating countries’ legal systems. WANG stresses that the international commercial arbitration and mediation shall be the major form of dispute resolutions and also, the supplementary role of the WTO dispute resolution mechanism and international investment arbitration shall not be overlooked.

The first session was chaired by Eilidh Wiseman, President of the Law Society of Scotland. HAN Jun, Vice President of Shenzhen Lawyers Association, proposed to establish the unified dispute resolution mechanism for “One Belt and One Road” countries which also provides appeal mechanism, and to establish a legal database which would include all the
statues of law, legal precedents and second legal resources of all the “One Belt and One Road” countries. Professor CHE Pizhao from Tsinghua Law School held that the current dispute resolution mechanism is adequate to resolve disputes arising from the “One Belt and One Road” projects and the changes on the methods of disputes and resolutions would be of no significance. Sam Boyling, Partner of Pinsent Masons, stresses on the importance of risk management before entering into the contract. Associate Professor GUO Rui from Renmin Law School and Associate Professor WANG Qianhua from Shenzhen University also commented in this session.

The second session was chaired by Marina Wheeler QC. Thomas So, President of the Law Society of Hong Kong, advocated to use Hong Kong as a platform for commercial arbitration. Steven Thompson QC, Vice-Chair of the Bar Council’s International Committee and Head of the China Interest Group, promoted English barristers’ practices on dispute resolutions and the professional services they could offer to the participating parties. LIN Zhiwei, Secretary-General of the Beijing Arbitration Commission/Beijing International Arbitration Center, delivered a speech on Chinese arbitration institutions’ role under the Belt and Road Initiative. Antonia Kuan, Executive Vice-President of Macao Association of the “One Belt and One Road,” and Associate Professor HU Tianlong from Renmin Law School, also commented in this session.

Lord Phillips, Former President of the UK Supreme Court, delivered the keynote speech in the afternoon. Lord Phillips elaborated on the contribution of the English common law to the resolution of international commercial disputes and its relevance to the Belt and Road Initiative based on his 55 years of legal practices as a barrister, judge and international arbitrator.

The third session was chaired by Chantal-Aimee Doerries QC, Chairman of the Bar Council of England and Wales. WANG Xuehua, Founding Partner of Beijing Huanzhong & Partners, explained arbitration process under the Belt and Road Initiative and proposed that disputes about cases involving foreign elements should be allowed to be resolved in ad hoc arbitration proceedings. ZHAO Jianwen, Professor & Research Fellow at Institute of Law of Chinese Academy of Social Sciences elaborated on the application of international treaties to resolve disputes arising from the Belt and Road Initiative. Michael Palmer, Emeritus Professor of School of Oriental and African Studies of University of London, offered a comparative exploration of several key issues arising out of developments in the study and practice of mediation over the past four decades. GU Weixia, Associate Professor, Faculty of Law at the University of Hong Kong, explained the public policy and harmonization in the international commercial arbitration from the Asian context under the Belt and Road Initiative. Assistant Professor ZHANG Wenliang from Renmin Law School commented in this session as well.

The fourth session was chaired by Associate Professor JIANG Dong, Assistant Director of the Centre for Common Law. Michael Lok, Barrister of Des Voeux Chambers explained international arbitration process and cross-border insolvency practice in Hong Kong under the
Belt and Road Initiative. PENG Jun, Senior Partner of Jincheng Tongda & Neal, explained the opportunities and challenges for China on the investment arbitration practices to the audience. Nusrat Hassan, Managing Partner of D. H. Law Associates in India, gave the audience an overview of commercial dispute resolution in India. Associate Professor LI Xuan from Central University of Finance and Economics also commented on this session.

At the end, Sir Jeffrey, Founder-Director of the Bingham Centre for the Rule of Law, and Professor HAN Liyu from Renmin Law School delivered a summary of the conference. Sir Jeffrey commented that arbitration will play a major role in dealing with international disputes. Professor HAN Liyu described the relationship between the UK and China on the Belt and Road Initiative by quoting an old Chinese proverb “you as the distinguished friend live in the end of Yangtze River while I am living in the other end.” The UK and China is closely relied upon each other in essence.

Professor SHI Yan’an, Secretary-General of Centre for Common Law and Richard Pascoe, Director of Great Britain China Centre closed the conference by extending gratitude to all participants and stressed that Centre for Common Law will continue to carry out the study relating to the Belt and Road Initiative.

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