

NCCR Trade Regulation Brown Bag Series

Dr Fan Yang, Director of the International Dispute Resolution Academy

Arbitration in China: An Overview

Wednesday, 9 November 2016, 12.30 – 13.30

Anna Nussbaum Auditorium, World Trade Institute, University of Bern
Hallerstrasse 6, 3012 Bern, Switzerland

Abstract

Arbitration in China warrants attention because of its practical importance for those participating in business transactions that involve Mainland Chinese elements. According to the Chinese government's official data, in 2015 the total number of arbitration cases processed by the 244 arbitration commissions in China reached 136,924, a 20% increase over the 2014 figure. The total value of arbitration disputes reached 4,112 billion Renminbi, a 55% increase over the previous year. Since the introduction of the PRC Arbitration Law in 1995, there has been on average an annual 30% increase in the number of arbitration cases and the value of disputes in arbitration in China. This trend is likely to continue, if not increase in future years. In terms of the arbitration caseloads and the value of disputes in arbitration, China is one of the biggest arbitration jurisdictions in the world. Yet, current Mainland Chinese arbitration law and practice does not fully comport with international arbitration law and practice, as reflected in the UNCITRAL Model Law. It is of great practical importance to have a concise analysis that brings out the different features of arbitration law and practice in Mainland China and the Model Law jurisdictions.

This overview will explain the current legal framework in Mainland China, how the New York Convention is implemented and to what extent the UNCITRAL Model Law is followed. It will also

discuss court intervention and salient features of arbitral proceedings conducted in Mainland China, as well as the Chinese government's experience in investment arbitration.

Biography of the Speaker

Dr Fan Yang is one of very few legal academics to have successfully dedicated their career to building bridges between Chinese and other legal systems. She looks forward to continuing to do so particularly in her chosen field of International Commercial Contracts and Arbitration. She has studied, researched, taught and practised law in many places around the world. She was the first Mainland Chinese to be called to the Bar of England and Wales, according to Sir Andrew Morritt (Treasurer of Lincoln's Inn – 2005).

She has more than ten years of experience in international commercial and investment arbitration. Her areas of expertise include complex commercial contracts, sale of goods, letter of credits and carriage of goods by sea.

Dr Yang is a CEDR and HKMAAL Accredited Mediator. She is on the Panels of Arbitrators and Mediators of the Kuala Lumpur Regional Centre and a listed arbitrator of the Hong Kong International Arbitration Centre. She is an Elected Committee Member and currently Vice Chair of the China Committee of the Chartered Institute of Arbitration (CI Arb) East Asia Branch.

**Participation is free of charge, no registration is needed.
We warmly welcome you to join our seminar at the World Trade Institute!**

NCCR Trade Regulation Brown Bag Seminars are 30-minute presentations, given by external or in-house researchers. The presentations are followed by a 30-minute Q&A session. The Brown Bag concept comes from the US; it means that people bring their own lunch and eat it during the presentation.