

Some International Arbitration Developments to Watch for in 2017

As a very eventful year draws to a close, we look forward to what the coming year may bring. International arbitration users can expect to see further developments in a number of quickly evolving areas.

1. ISDS: The Investor-State Dispute Settlement System remains under pressure from a number of sources. Persistent concerns about the need for transparency in investment treaty arbitration may see some mitigation as a result of the Mauritius Convention on Transparency (2014) which may soon enter into force, following ratification by Canada just a few days ago. Reverberations from the United Kingdom's "Brexit" vote, and President-elect Trump's apparent hostility to multilateral trade partnerships, mean that international trade and investment issues will be subjects of widespread public and diplomatic discussion in 2017. At the same time, India will no doubt seek to progress negotiations with trading partners based on India's new model BIT. This comes after a year in which India has suffered a number of highly mediatised setbacks in investment arbitration. We expect in 2017 to see a much more concerted effort by the Indian government in to reverse those trends, and to rely more heavily upon the services of experienced arbitration specialists.

2. India – the new hub of regional arbitration?: The process of amending India's arbitration law in 2014 was accompanied by an introspective inquiry into why institutional arbitration had failed to take root in India. In 2016, a number of developments were undertaken to address that issue, including the establishment of an international arbitration institution in Mumbai. In October, in New Delhi the National Institution for Transforming India (NITI Aayog) organised a 3 day conference symposium on "National Initiative on Strengthening Arbitration and



Leigh Crestohl

Senior Solicitor

Leigh.Crestohl@zaiwalla.co.uk

Leigh specialises in International Arbitration, Cross-border commercial disputes and Intellectual Property.

Zaiwalla & Co offers clients a full range of advisory and legal services relating to commercial and investment arbitration. For further information, please contact Pavani.Reddy@Zaiwalla.co.uk or Leigh.Crestohl@Zaiwalla.co.uk

Other Recent News

[Senior Partner, Sarosh Zaiwalla, awarded the "Lifetime Achievement Award"](#)

Enforcement in India", which was well attended by senior Ministers and members of Government, the senior judiciary and the legal profession. We expect that in 2017 the momentum and enthusiasm to establish India as a regional arbitration hub will continue, as a new arbitration friendly culture hopefully begins to permeate. These developments will be carefully watched, particularly in Singapore, which has profited enormously in recent years from arbitration activity involving Indian parties.

3. One step forward, two steps back: A number of jurisdictions have in recent years gone to great lengths to establish or strengthen their credentials as "arbitration friendly" venues. The UAE has seemingly been working towards that goal, after a few years of publicised success stories on the enforcement of international arbitration awards in the UAE. However, a recent amendment to the Penal Code which makes arbitrators potentially subject to imprisonment for breaching the duty of fairness and impartiality has caused widespread concern. It remains to be seen whether this legislation will remain and, if so, whether it will have a chilling effect on arbitration in Dubai and the fortunes of the DIFC-LCIA which introduced new rules that came into force in October 2016.

For more news and articles, please visit our website **MailScanner has detected a possible fraud attempt from "zaiwalla.us12.list-manage1.com" claiming to be** www.zaiwalla.co.uk

© Copyright Zaiwalla & Co 2016. All Rights Reserved

Chancery House, 53-64 Chancery Lane,

London WC2A 1QS

DX 42 Chancery Lane T +44 (0)207 312 1000

E info@zaiwalla.co.uk



Having trouble reading this mail? [View in browser](#)

Not interested? [Unsubscribe instantly.](#)