

2023 CIBEL-SIDRA Joint Webinar

Dispute Resolution in the Belt Road Initiative – A New Model of Economic Governance?

Event Details

- Event Date:** Wednesday, 31 May 2023
Time: 12:00pm-2:00pm AEST / 10:00am-12:00pm SGT / 10pm-12:00am EDT
Format: Virtual webinar via Microsoft Teams Live
Duration: 2 hours
Registration Link: [Click here](#)

Overview:

UNSW Law & Justice's [China International Business and Economic Law \(CIBEL\) Centre](#) and Singapore Management University's [Singapore International Dispute Resolution Academy \(SIDRA\)](#) are pleased to jointly present a webinar discussing ***Dispute Resolution in the Belt Road Initiative—A New Model of Economic Governance?***

China is promoting a new model of transnational economic governance through the Belt and Road Initiative (BRI), a high-level policy framework shaping China's outward economic activities. China's modes of governance under the BRI reflect some extent of complexity and internal inconsistency. China is both taking an increasingly strong position in existing international governance institutions, as well as finding new ways of governing and influencing through informal mechanisms. In dispute resolution, China also aims to play a more important role. Through its pragmatic and flexible approach, and the use of law as soft power and informalism as a form of ordering, China is developing a model that offers an alternative to the US-led model. On the other hand, China also appears to be taking a more legalized approach, not only by furthering its participation in established dispute resolution mechanisms but also by building its own dispute settlement institutions. This panel will explore the features of China's dispute resolution approach in the BRI from different perspectives and discuss the implications of the China-led international economic order.

Agenda

Investor-state mediation and China's foreign investment complaints system

Assistant Professor Mark McLaughlin

Global Visiting Assistant, Singapore Management University and SIDRA



Assistant Professor Mark McLaughlin's research focuses on dispute resolution, the Belt and Road Initiative, and international economic law. Mark has published articles and book chapters on the Chinese approach to investor-state arbitration, the interaction between state-owned enterprises and international investment law, and the legal infrastructure of investor-state mediation. He holds an LL.B. from the University of Glasgow and a Ph.D. from the China University of Political Science and Law, where he was a lecturer in international investment law. Mark was awarded a Chinese Government Scholarship from 2016-2019.

Development of a Beijing-based international investment dispute resolution hub

Professor Mark Feldman

Peking University School of Transnational Law



Mark Feldman is Professor of Law at Peking University School of Transnational Law. He previously served as a member of the T20 Saudi Arabia Task Force on Trade, Investment and Growth, as a member of the E15 Initiative Task Force on Investment Policy (World Economic Forum/ICTSD), and as Chief of NAFTA/CAFTA-DR Arbitration in the Office of the Legal Adviser at the U.S. Department of State. As Chief, he represented the United States as a Respondent or non-disputing Party in more than a dozen investor-State disputes and provided legal counsel supporting the negotiation of U.S. bilateral investment treaties and investment chapters of free trade agreements (including TPP and U.S.-China BIT negotiations). His government experience also includes service as a law clerk to Judge Eric L. Clay on the U.S. Court of Appeals for the Sixth Circuit and as a Peace Corps volunteer in Lesotho during South Africa's transition to democracy. In the private sector, he practiced law for several years at Covington & Burling.

Soft power of Chinese Law

Associate Professor Matthew Erie

Faculty of Asian and Middle Eastern Studies, University of Oxford



Matthew S. Erie (J.D., Ph.D.) is a Member of the Law Faculty, Associate Professor of Modern Chinese Studies in the Oriental Institute, and Associate Research Fellow of the Socio-Legal Studies Centre at the University of Oxford. Professor Erie's interdisciplinary work combines law and anthropology to expand the theoretical bases and empirical borders of comparative law, with a particular focus on Asian law. Specifically, he has written on Chinese law, Islamic law, and international law.

Professor Erie previously held academic positions at Princeton University and New York University Law School, and he was a visiting scholar at the National University Singapore Law Faculty. He practiced law at Paul Hastings LLP in New York and Beijing, and is a member of the National Committee on U.S.-China Relations and Co-Chair of the American Society of International Law's

Asia-Pacific Interest Group.

China-Africa dispute settlement

Professor Won Kidane

Seattle University School of Law



Professor Kidane is a Fulbright Scholar and Full Professor of Law at the Seattle University School of Law. He teaches and writes in the areas of international arbitration, transnational litigation, international and comparative law, international investment law, and public international law.

Before joining the Seattle University Law School in 2008, Professor Kidane taught at Penn State Dickinson School of Law for three years. Prior to joining the Penn State School of Law, Kidane practiced law in Washington D.C. with the Law firm of Piper Rudnick (now DLA-Piper), and later Hunton & Williams for four years. His practice focused on international arbitration and litigation. He continues to

practice international investment and commercial arbitration under a variety of rules including UNCITRAL, ICC, LCIA, PCA, and GAFTA. He also serves as an arbitrator and is on the roster of arbitrators of a number of international arbitral institutions including the Hong Kong International Arbitration Center (HKIAC), China International Economic Arbitration Commission (CIETAC), Cairo Regional Center for International Arbitration (CRCICA), and the Saudi Center for Commercial Arbitration (SCCA).

China's informalism in dispute resolution of the BRI

Associate Professor Kun Fan

Member, China International Business and Economic Law Centre, UNSW Law and Justice



Kun Fan is Associate Professor of UNSW Law and Justice's China International Business and Economic Law (CIBEL) Centre. She was named [Norton Rose Fulbright Faculty Scholar](#) in Arbitration & Commercial Law in 2017 and received numerous awards in recognition of her academic contribution. She held academic positions at the Faculty of Law, McGill University, the Chinese University of Hong Kong, and was also a Visiting Scholar of the Harvard Yenching Institute (2012-2013) and a Visiting Scholar at Singapore International Dispute Resolution Academy (SIDRA) (2023). She also has extensive experience in ADR practice, having worked as counsel, legal expert, secretary for the arbitration tribunal, arbitrator and domain names panelist, and deputy counsel at the ICC International Court of Arbitration. She is called to the New York Bar, an Academic Council Member of the Institute of Transnational Arbitration, a Domain Names Panelist of the HKIAC and the ADNDRC, an Accredited Mediator of the HKMAAL, and an Arbitrator of a number of arbitration institutions.

Q&A

Moderator: Associate Professor Kun Fan