



MILAN
CHAMBER OF
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Arbitration in China

Colloquium on International Arbitration
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The following report summarizes the seventh Colloquia on international arbitration organized by the Milan Chamber of Arbitration. This Colloquium deals with the latest development in arbitration in China with the aim of setting a bridge on the legal and cultural sides of doing business in China. The event was a great success.

Stefano Azzali, Secretary of the Milan Chamber of Arbitration, delivers the welcome speech and explains that this kind of Colloquia focuses on exploring a particular topic related to international arbitration whose audiences are professionals and corporate lawyers. It is also a way to enhance the influence of arbitration to the extent that it contributes to create a new generation of arbitration professionals namely the young workers. Furthermore, as it was a roundtable, participants had the opportunity to contribute to the dialogue, to exchange thoughts and to enrich their network.

The seminar is especially significant as the CAM co-created the Italy-China Business Mediation Center (ICBMC) in order to help the parties to resolve the dispute through mediation. As China is a crucial market for Italy, it was and it is cardinal to promote the Alternative Dispute Resolution.

Stefano Azzali then introduces and thanks Caroline Berube, the guest, for being here today. **Caroline Berube** is a French and Canadian attorney. She is graduated from McGill University and she has completed her studies at the National University of Singapore. As China is a key player around the world, she decided to focus her practice on this country.

She focuses mainly on arbitration in China with two different perspectives: a general background of arbitration in China and the various Chinese arbitration commissions.

Regarding the first issue, Ms Berube underlines that Chinese parties utilize arbitration because it presents some advantages; the most notable is the confidentiality and the fact that you cannot appeal a decision. However, she explains that the national court system is very fast; therefore arbitration is not going to be quicker than the state court. Besides, she underlines that there is no *ad hoc* arbitration as it is prohibited by the draft of SPC 2003 Rules.

Then, the speaker gives some tips in order to have a valid arbitration clause. Some key elements are essential such as the clear consent of all parties or the express mention of the arbitration commission (article 16 of the Arbitration Law). Failing such specification, the agreement is invalid. However, she advises to supplement this minimum content to overcome potential issues, such as the place of the arbitration, the language, the applicable law, the number of the arbitrators, etc.

During the seminar, the issue of arbitration commissions has been carefully examined, especially from foreign parties conducting business's perspective. Thus, she presented the Beijing Arbitration, the Shenzhen Court of International Arbitration, the Shanghai Arbitration Center and the famous China International Economic and Trade Arbitration Commission (CIETAC).

This latter is set up in 1956 and his headquarters is based in Beijing. CIETAC is the main arbitration commission in China chosen for both international arbitration and domestic arbitration. It was formerly known as the foreign trade arbitration commission and after as the foreign economic trade arbitration commission. The CIETAC is therefore present and can organize arbitration in major foreign investment hubs through China. CIETAC has a list of arbitrators that, as now, enrolls around 700 Chinese arbitrators, and some 50 coming from Hong Kong and Macao, the some 20 from Taiwan. It also counts 230 foreign arbitrators.

Also note that the Shenzhen Court of International Arbitration was officially born in May 2013 and is considered as an independent commission approved by the Shanghai's municipal government and agreed by Shanghai's commission for public sector reform. This commission deals with foreign and domestic cases. Eventually, it is regarded as a reliable commission as it is the former Shanghai's CIETAC. The Shenzhen Court of International Arbitration is known for handling arbitration efficiently and independently. However, the SCIA predominantly deals with domestic cases.

The event received great feedback from the audience.

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After completing her first-level Master's degree at the University Cattolica Del Sacro Cuore of Milan, she obtained the second-level Master's degree with a specialization in Arbitration and International Business Law under the supervision of Prof. Thomas Clay, one of the most renowned experts on this area.

In 2012, she participated at the Willem C. Vis Moot and the CIAM (*Concours International d'Arbitrage à Montpellier*), for which she was awarded with the best prize for memorandum.

Currently, Déborah is doing an internship at the Milan Chamber of Arbitration.

This text has been written for the occasion of her participation at the *Colloquium "Arbitration in China"* conducted by Caroline Berube and organized by the Milan Chamber of Arbitration.