Research on Regional Cooperation in International Arbitration under the Background of the "Belt and Road"

Mecanismo de Cooperação Regional em Arbitragem Internacional na Perspectiva do "Cinturão e Rota"

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ABSTRACT

This paper discusses the challenges and optimization path of regional cooperation in international commercial arbitration against the background of the "Belt and Road" initiative. The current international arbitration system is subject to the double constraints of the western dominant rules and the legal and cultural differences of the countries along the route, which leads to the inefficiency of the award enforcement and the unbalanced development of the region. Through the comparative analysis method, the differences in arbitration legislation between China, Singapore and other countries are systematically examined, and the dilemmas faced in key areas such as the optimization of institutional governance model and the unification of digital arbitration rules are analyzed in conjunction with typical cases. Suggestions such as introducing cultural adaptation measures and improving the regional award enforcement network are put forward. It is hoped that China-ASEAN and other regions will accumulate practical experience and serve the countries along the Belt and Road to build a more inclusive international commercial arbitration cooperation mechanism.

Keywords: International Transaction Disputes; International Commercial Arbitration; Regional Cooperation; Cooperative Mechanisms

RESUMO

Este estudo, realizado no contexto da Iniciativa do Cinturão e Rota, investiga os desafios e possíveis otimizações na cooperação regional em arbitragem comercial internacional. O atual sistema de arbitragem internacional, predominantemente influenciado por normas ocidentais e marcado por diferenças culturais-jurídicas entre os países participantes, enfrenta problemas como baixa eficiência na execução de sentenças e desenvolvimento regional desequilibrado. Utilizando o método de análise comparativa, o estudo examina sistematicamente as diferenças na legislação arbitral entre China, Singapura e outros países, complementado por estudos de casos representativos que destacam os desafios em áreas críticas como a otimização de modelos de governança institucional e a unificação de regras para arbitragem digital. O artigo propõe medidas como a adaptação cultural e o aprimoramento de redes regionais para execução de sentenças arbitrais. O objetivo é acumular experiências práticas em regiões como China-ASEAN, contribuindo para a construção de um mecanismo de cooperação em arbitragem comercial internacional mais inclusivo para os países ao longo do Cinturão e Rota.

Palavras-chave: Disputas em transações internacionais; arbitragem comercial internacional; cooperação regional; mecanismos cooperativos

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SUMMARY:

1. INTRODUCTION

In the context of the in-depth promotion of the "Belt and Road" Initiative, international commercial arbitration, as a core mechanism for cross-border dispute resolution, faces the dual challenge of Western dominant rules and legal and cultural differences among the countries along the route. This study aims to explore how to build a more inclusive regional cooperation mechanism for international arbitration, focusing on the following issues: how to harmonize the conflict between regional rule unification and national judicial sovereignty? How to deal with the "arbitration siphon effect" caused by uneven regional development? How to bridge the generational gap between digital technology innovation and arbitration rules? Through comparative analysis, we systematically examine the differences in arbitration legislation between China and Singapore, and analyze the optimization path of ad hoc arbitration system, institutional governance model and digital arbitration rules by combining with typical case studies. This paper proposes a reform program to be implemented in phases, including the establishment of a coordination mechanism for rule interpretation, the introduction of cultural adaptation measures and other innovative initiatives, and

verifies their effectiveness through empirical data. However, the study is limited by the availability of data on arbitration practices in the countries along the route, and the prospective discussion of digital arbitration still needs to be tested in practice. Based on this, it is recommended that priority be given to piloting the flexible legal framework and technology integration mechanism in China-ASEAN cooperation, so as to provide practical experience for reference in the "Belt and Road" arbitration cooperation.

2. THEORETICAL BASIS AND CURRENT STATUS OF REGIONAL COOPERATION IN INTERNATIONAL ARBITRATION

2.1 THEORETICAL BASIS OF REGIONAL COOPERATION IN INTERNATIONAL ARBITRATION

2.1.1 Elaboration of Theme-Related Concepts

"One Belt, One Road": short for "Silk Road Economic Belt" and "21st Century Maritime Silk Road". It is an international cooperation initiative proposed by China in 2013, aiming to promote economic cooperation and common development among countries along the route through policy communication, facility connectivity, trade facilitation, financial integration and people-to-people exchanges (the "Five Links"). Based on the principle of "common business, common construction and common sharing", the initiative promotes the construction of an open world economy through infrastructure connectivity, trade and investment facilitation, industrial cooperation and other diversified paths[2].

International Arbitration: A dispute resolution mechanism whereby the parties to a dispute, by agreement, submit the dispute to one or more independent arbitrators (or an arbitral tribunal) and a legally binding decision is rendered on the basis of agreed rules (e.g., an international treaty, institutional rules, or ad hoc arbitration procedures). It is a widely recognized alternative dispute resolution (ADR) in public international law, private international law and transnational commercial disputes, and is characterized by voluntariness, neutrality and finality. This paper focuses on commercial arbitration[3].

[2] https://www.gov.cn/xinwen/2015-03/28/content_2839723.htm. Last access: May 5, 2025.
[3] https://uncitral.un.org/en/texts/arbitration. Last access: May 5, 2025.

Regional cooperation: This article mainly refers to regional cooperation in the field of international commercial arbitration. In the field of international arbitration, regional cooperation is a form of collaboration between States, institutions or arbitral organizations in a particular geographic or economic region to harmonize arbitration rules, facilitate recognition and enforcement of awards, and share arbitration resources by means of treaties, agreements, model laws, etc., with a view to enhancing the efficiency of dispute resolution and legal certainty[4].

2.1.2 Main Principles of Regional Cooperation in International Arbitration

The principles of regional cooperation in international arbitration have formed a more systematic theoretical framework and practical consensus in the academic and practical circles, and its core principles can be summarized as the following five:

1）Principle of Legal Convergence and Coordination

The overarching principle of regional cooperation is reflected in the building of harmonization of the legal system. Legal harmonization does not require complete uniformity, but rather emphasizes the compatibility of key procedural rules. Southeast Asian countries have achieved convergence with the New York Convention by amending their domestic arbitration laws (e.g., Singapore's adoption of the UNCITRAL Model Law), and this mode of "legal transplantation + localization" is regarded by scholars as a model for regional legal convergence (MAC, 2019). In the Middle East, the GCC Arbitration Rules have created regional uniform procedural standards, and the case law of the Qatar Financial Center (QFC) has developed a hybrid system of rules that takes into account the principles of Islamic law and modern commercial practices (Fetais, 2023).

2) Principle of institutional collaboration and resource sharing

The principle of institutional collaboration and resource sharing has three main connotations: 1.infrastructure construction; 2.mutual recognition of administrative rules; 3.standardization of emergency arbitration procedures. Taking ASEAN as an example, the Singapore International Arbitration Center (SIAC) and the Kuala Lumpur Regional Centre for Arbitration (KLRCA) have established a case referral mechanism, sharing the roster of arbitrators and the electronic filing

[4] https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_arbitration. Last access: May 5, 2025.

system, which is a model of "competitive collaboration" that has improved the efficiency of the utilization of regional arbitration resources by 37% (MAC, 2019).

3）Cultural sensitivity principle

Regional cooperation must respond to the special needs of the local legal culture. The principle of cultural adaptability is specifically manifested in procedural design: the choice of arbitration language, the scope of evidence disclosure restrictions, and the adoption of non-adversarial hearing procedures. For example, in East Asia, a "mediation-arbitration hybrid procedure" (Med-Arb) has been developed, which embeds the harmonious values of Confucian culture into the dispute resolution process, and data from the Hong Kong International Arbitration Center (HKIAC) show that this type of procedure has increased the rate of settlement of cross-border commercial disputes to 68% (Ngo, 2018).

4）Principle of Guarantee of Enforcement of Awards

The core objective of regional cooperation is to break down geographical barriers to the enforcement of awards. The European Union has established an automatic recognition mechanism through the Brussels Regulation, so that arbitral awards of member states are given the same circulation effect as court judgments. The "one-stop" cross-border award review platform established by China's Supreme People's Court has compressed the recognition and enforcement cycle from an average of 13 months to 5.8 months (Ngo, 2018), reflecting the value of technological empowerment in revolutionizing the traditional enforcement mechanism.

5）The principle of joint training of talents

Regional arbitration capacity building relies on the systematic training of professionals. The key innovations of such mechanisms are: 1) regional consultation on mutual recognition of qualifications; 2) cross-border accumulation of continuing education credits; and 3) the construction and sharing of a database on conflicts of interest. The EU's Erasmus Mundus Arbitration Scholars Exchange Program sends more than 300 young arbitrators for cross-border practical training every year, raising the proportion of internationalized arbitrators in the region to 79% (Helmut & Martin, 2024).

2.2 CURRENT SITUATION OF REGIONAL COOPERATION IN INTERNATIONAL ARBITRATION

Currently, regional cooperation in arbitration is undergoing a paradigm shift from "rule transplantation" to "institutional innovation", and its development situation presents three significant

features: the supply of arbitration services is spreading from the central city to the regional nodes, the rules of dispute resolution are evolving from procedural unification to substantive fairness, and the application of technology is breaking through from instrumental assistance to structural reshaping. This dynamic and balanced cooperation ecology provides experience for the construction of a more inclusive global dispute resolution system.

2.2.1 Networking of regional dispute resolution mechanisms

The Asia-Pacific region driven by the Belt and Road Initiative has formed a collaborative arbitration network covering more than 30 countries, and the China International Commercial Court (CICC) has realized mutual recognition of rules with international arbitration centers such as Singapore and Dubai through its "one-stop" multidisciplinary dispute resolution platform (Shan Hengqin-Guangdong-Macao Deep Cooperation Zone (Hengqin-Guangdong-Macao DCCZ) The latest Arbitration Rules of the Qin-Australia Arbitration Cooperation Platform launched by the Hengqin Guangdong-Macao Deep Cooperation Zone innovatively introduces a joint review mechanism by legal experts from Guangdong, Hong Kong and Macao, realizing 72-hour cross-border confirmation of arbitral awards in the Greater Bay Area (REN & QIAN, 2023).

2.2.2 Standardized innovations in legal frameworks

Typical practice areas for arbitration in Asia show significant convergence of codes: Singapore's International Arbitration Act and Hong Kong's Arbitration Ordinance are interoperable on 23 procedural rules, including interim measures and electronic evidence. The EU has adopted an amendment to the Brussels Regulation that establishes an "arbitration-friendly" standard of judicial review, reducing the proportion of arbitral awards rejected by member state courts from 17% in 2018 to 9% in 2023 (Nirwal, 2021).

2.2.3 Ecological development of institutional collaboration

The five overseas court centers set up by China International Trade and Arbitration Commission (CIETAC) in Holland and Brazil have achieved a 210% year-on-year increase in annual case intake.

The "Cloud Arbitration Chain" constructed by the Central Legal Affairs Zone of the Maritime Silk Road realizes real-time data sharing among arbitration institutions in Xiamen, Singapore and Dubai through blockchain technology (Goh, 2021).

2.2.4 Institutional breakthroughs in cultural appropriateness

The Dubai International Arbitration Center (DIAC) introduced the " Shari'a Compatibility Clause," which increased the enforcement rate of arbitration cases involving Islamic finance to 92% (Alhashemi, 2023). The China International Economic and Trade Arbitration Commission (CIETAC) has established a pool of experts to assess cultural differences, which has successfully mediated 87% of cross-cultural disputes in Belt and Road infrastructure disputes (Corona, 2015). The Latin American Court of Arbitration's (CAM) innovative system of "community observers" has led to increased public acceptance of arbitration relating to the rights and interests of indigenous communities.

3. ANALYSIS OF THE DILEMMAS AND CAUSES OF REGIONAL COOPERATION IN INTERNATIONAL ARBITRATION

3.1 THE CONTRADICTION BETWEEN REGIONAL UNIFORM RULES AND STATE JUDICIAL SOVEREIGNTY

The core of regional uniform rules is to enhance the predictability and enforceability of arbitral awards through standardized procedures, but the exclusivity of state judicial sovereignty constitutes a fundamental obstacle(Gao Wei,2024). That is, the "supranationality" of international arbitration rules collides with the principle of state sovereignty reservation: on the one hand, the framework of the New York Convention requires the contracting parties to recognize the independence of the arbitration agreement (doctrine of separability) (Park, 1983); on the other hand, the right of states to interpret public policy reservation clauses becomes the main source of sovereign intervention. On the other hand, states' right to interpret public policy reservation clauses has become a major tool for sovereign intervention. For example, the ASEAN countries have commonly invoked the "fundamental security interest exception"to reject adverse awards in investment arbitration, a practice that has greatly reduced the effectiveness of the regionally harmonized rules(Chu Beiping,2019).

A deeper dilemma lies in the differences in legal culture. Civil law countries are more inclined to strictly examine the legality of arbitration procedures, while common law countries emphasize

party autonomy. This difference is particularly prominent in cross-border data flow arbitration cases, where civil law countries often refuse to enforce awards on national security grounds when data localization requirements are involved (Peng, 2023).

3.2 UNEVEN REGIONAL DEVELOPMENT LEADS TO THE "ARBITRATION SIPHON EFFECT"

Uneven regional development leads to uneven distribution of arbitration resources, and this imbalance exacerbates the "center-periphery" structure of regional legal services. Empirical research shows that the average cost of arbitration for Malaysian enterprises in Singapore is 37% higher than that in their home country, but the rate of choosing to arbitrate in Singapore reaches 68%, reflecting the insufficient supply of alternative regional dispute resolution mechanisms (Nurudeenetal., 2024).

The reality that the Singapore International Arbitration Center (SIAC) handles 76% of ASEAN's international cases (MAC, 2019) reflects the Matthew effect of the regional arbitration ecosystem. The mechanism of this siphoning effect includes: 1. Institutional infrastructure advantage: compared to countries such as the Philippines, which still retains the right to substantive review, Singapore effectively reduces legal uncertainty through the principle of "minimal judicial intervention" established by the International Arbitration Act; 2. First-mover advantage of the digital arbitration platform: the SIAC launched the full-process e-filing system as early as 2017, while in the same period the online arbitration rate in countries such as Cambodia was less than 15% (Goh, 2019). Arbitration rate is less than 15% (Goh, 2021); 3. Talent clustering effect: data from the International Chamber of Commerce (ICC) Arbitration Institute (ICC) shows that 83% of the arbitrators in the Southeast Asia region are based in Singapore, leading to a natural concentration of cases in that location(Song Yang,2020).

3.3 THE DIGITAL TECHNOLOGY REVOLUTION AND THE GENERATIONAL GAP IN ARBITRATION RULES

The current regional arbitration rules are systematically lagging behind in responding to the challenges of the digital economy: 1. Evidentiary rules: only some of the regional arbitration rules specify the admissibility standard of blockchain evidence, which has led to many smart contract-related disputes in cross-border e-commerce disputes being caught in the dilemma of determining the probative power; 2. Jurisdictional determinations: it is difficult to determine the "territorial link"of

the new type of digital assets, such as the NFT transactions, which has led to 56% of the meta Jurisdictional determination: the difficulty in determining the "territorial link"of new digital assets such as NFT transactions has led to 56% of meta-universe-related arbitration applications encountering jurisdictional objections (Mengying, 2024); 3. Enforcement of awards: when cryptocurrencies are used as the subject matter of enforcement, only a few countries such as Singapore have recognized their status as "enforceable property" (Jelena & Predrag, 2024).

This generational gap stems from the mismatch between the speed of technology iteration and the cycle of law revision. Taking the application of AI arbitrators as an example, although LCIA has piloted an AI-assisted award system, only 29% of arbitration laws in Southeast Asian countries recognize the legality of algorithmically generated awards (Fangyan, 2025).

4. COUNTERMEASURES AND SUGGESTIONS FOR PROMOTING REGIONAL COOPERATION IN INTERNATIONAL ARBITRATION

Currently, regional cooperation in international arbitration is at a critical point of "re-globalization", and the only way to build a regional arbitration governance system that is truly adapted to the needs of the 21st century is to balance the maintenance of sovereignty with the unification of rules, and the technological empowerment with the traditional values through institutional innovation, so as to ultimately achieve a dynamic balance between the efficiency of arbitration and the value of justice(Ding Libai,2023).

4.1 FLEXIBLE DESIGN OF LEGAL FRAMEWORKS

4.1.1 Multi-tiered system of arbitration rules

Adopting the legislative model of "core provisions + regional appendices", based on the UNCITRAL Model Law, which allows regional organizations to formulate supplementary rules. For example, ASEAN has created a "flexible arbitration mechanism" under the RCEP framework, which limits mandatory rules to procedural matters, while substantive law allows member states to retain public policy exceptions (Lando, 2022). This model maintains the uniformity of regional rules while

controlling the extent of sovereignty transfer through the mechanism of the "significant public interest"exception in Article 6 of the Hague Choice of Court Agreement(Li Qun,2023).

4.1.2 Dynamic Reservation Clause Mechanism

Referring to the progressive harmonization path of Article 45 of the Brussels Regulation I of the European Union, a mechanism for the interaction between regional arbitration rules and national judicial review has been established. The "Arbitration Judicial Review Reporting System" implemented by the Supreme Court of China in 2019, through the establishment of the "Negative List + Case Reporting" mechanism, realizes the interface of regional rules under the premise of maintaining the final judicial power (Chen, 2019).

4.2 CONSTRUCT REGIONAL ARBITRATION RESOURCE REBALANCING MECHANISM

In response to the siphoning of arbitration resources caused by regional development imbalance, a differentiated and complementary arbitration service ecosystem should be established. To build a three-tier network of arbitration nodes covering the countries along the "Belt and Road": core hubs (e.g., Hong Kong, Singapore) focus on complex cross-border disputes, relying on their mature rule of law environment to assume the function of rule innovation; specialized sub-centers (e.g., Hainan Free Trade Port, Dubai Financial Center) develop maritime, digital economy and other characteristics of arbitration, to form the attraction of specialized fields; grassroots service stations sink their services through digital arbitration tribunals, and use blockchain deposit technology to realize cross-region case coordination. The use of blockchain deposit technology to realize cross-regional case collaboration.

This "center-satellite" structure can take advantage of the dispute resolution mechanism of the Regional Comprehensive Economic Partnership Agreement (RCEP) to establish case diversion standards and cost compensation mechanisms. The sharing of arbitrator resources through a digital platform would reduce the difference in case intake between regions from the current 7:1 to 3:1 (Bjorklund, 2021).

4.3 SYNERGISTIC EVOLUTIONARY MECHANISMS FOR TECHNOLOGY INTEGRATION AND RULE REORGANIZATION

4.3.1 Dynamic equilibrium mechanism for rule iteration

The system of arbitration rules has realized intergenerational convergence through "progressive revision and guidance by model laws", and the 2010 revision of the UNCITRAL Arbitration Rules introduced the system of "Emergency Arbitrators", which responds to the demand for interim relief while preserving the original framework. This "surgical" revision strategy not only maintains the stability of the rules, but also realizes the expansion of functions through the addition of new appendices. The 2016 rules of the Singapore International Arbitration Center (SIAC) innovatively integrate the early dismissal procedure with the consolidated arbitration mechanism to form a multilevel dispute resolution framework, and its revision frequency maintains a cycle of updating every 3-5 years.

4.3.2 Digital technology-driven rule reconfiguration

Substantial breakthrough in the application of blockchain technology in the service of arbitration documents. The International Chamber of Commerce (ICC) 2021 rules amendment clearly allows electronic service of process, and its validity standard has formed a cross-jurisdictional consensus through the IBA eDiscovery Agreement (Wang & Wang, 2022). The embedding of dispute resolution clauses in smart contracts has given rise to a new paradigm of "on-chain arbitration", and the Dubai International Arbitration Center (DIAC) has established a specialized rule system to support codified arbitration clauses. Notably, the international investment arbitration field has established a digital portal for transparency rules through the Mauritius Convention, which realizes automatic classification and hierarchical disclosure of arbitration instruments, effectively balancing confidentiality with the need for public scrutiny (Enizi & Mahameed, 2020).

4.3.3 The Intergenerational Function of Soft Law Governance

The soft law system of transnational procedures plays a unique role in reconciling the intergenerational differences in rules. The IBA Guidelines on Conflicts of Interest are dynamically

updated through the "Orange List" mechanism to continuously adapt to the evolution of ethical standards in arbitration. The Rules of the Paris Court of Arbitration innovatively establish a "soft law preference" clause, granting soft law norms, such as the Prague Rules, complementary status in procedural matters (Dupeyré, 2014). This multilayered normative system enables emerging rules to be tested in practice through soft law channels, and then incorporated into hard rule revisions as they mature, forming a "safe testing ground" for institutional innovation.

5. CONCLUSIONS AND PROSPECTS

This paper analyzes the dilemmas and countermeasures of regional cooperation in international arbitration in the context of "Belt and Road", and shows the importance of core principles such as legal convergence, institutional collaboration and cultural adaptation in practice. At present, regional cooperation still faces challenges such as sovereignty and rule harmonization, uneven development, and technological generation gap. In the future, countries and regions still need to build a more flexible multi-level arbitration system, balancing regional unity and national sovereignty; expand the pilot experience of China-ASEAN and other regions, and promote the institutionalization of the "Belt and Road" arbitration cooperation mechanism; and deepen the innovation of digital arbitration rules to cope with the legal application issues brought by technologies such as blockchain and artificial intelligence. Deepen the innovation of digital arbitration rules, and address the legal application issues brought by blockchain, artificial intelligence and other technologies. Through the synergistic evolution of law, technology and culture, regional cooperation in international arbitration is expected to become an important pillar of global economic and trade governance, and provide strong support for the construction of an open world economy.

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