



# ReSolution in Brief

## Review of the English Arbitration Act 1996

The United Kingdom anticipates the Law Commissioner's review of the English [Arbitration Act 1996](#). The review is intended to ensure the Act remains effective in reflecting the current practices of international arbitration.

The precise scope of the review has yet to be determined, but the Law Commissioner has indicated possible issue areas include:

- the power to summarily dismiss unmeritorious claims or defences in arbitration proceedings
- the courts' powers exercisable in support of arbitration proceedings
- the procedure for challenging a jurisdiction award
- the availability of appeals on points of law
- the law concerning confidentiality and privacy in arbitration proceedings
- electronic service of documents, electronic arbitration awards, and virtual hearings
- the scope for introducing trust law arbitration

With ongoing institutional changes and legislative reforms enacted in many other jurisdictions, this review is eagerly anticipated. It is expected to modernise the Act, rather than rebuild it.

## Georgia Ratifies Singapore Convention on Mediation

On 4 January 2022, Georgia became the ninth state to ratify the United Nations Convention on International Settlement Agreements Resulting from Mediation ([Singapore Convention on Mediation](#)). The Convention will enter into force in Georgia on 29 June 2022.

The Singapore Convention on Mediation was designed specifically to strengthen access to justice and the rule of law in international commercial mediation. The Convention facilitates *mediation as an alternative and effective method of resolving trade disputes* and guarantees the binding enforcement of international mediated settlement agreements. The addition of Georgia further diminishes the difficulty of cross-border mediation settlements.

## Corruption Perception Index 2021 ranks New Zealand No. 1

Transparency International has newly released the 2021 [Corruption Perception Index](#) (CPI). New Zealand remains ranked number one alongside Denmark and Finland. The CPI illustrates the New Zealand Government's commitment to ensuring transparency and stability. It cautions about the ongoing wrestle with accountability and transparency faced by several countries in the face of a standstill of

global CPI averages. With the ongoing global pandemic, corruption exacerbates threats to freedom and equal access to justice. The smokescreen of the pandemic can shield private interest and wrongdoings. This issue of ReSolution contains a further discussion of the matter, including the impact of COVID-19, complacency in some of the CPI top-ranking countries, human rights abuses, and New Zealand's response to corruption issues specific to it raised by the CPI.

## UNCITRAL Working Group II: Dispute Settlement

The United Nations Commission on International Trade Law's Working [Group II: Dispute Settlement](#) will be holding its 75th session on 28 March 2022. This upcoming "Colloquium on Possible Future Work on Dispute Resolution" aims to *explore the legal issues relating to dispute resolution in the digital economy and to identify the scope and nature of possible legislative work.*

The Colloquium will discuss:

- developments in dispute resolution
- online platforms for dispute resolution
- technology-related dispute resolution
- adjudication

The focus will also be on steps to take in exploratory work to safeguard the effectiveness of dispute resolution in subsequent years. Previous sessions of the Working Group have addressed the impact of COVID-19. Various arbitration institutions shared measures taken to respond to the pandemic, including utilising digital technology to facilitate the hearing and proceedings. Also included have been discussions about the impact of technology on due process and fair conduct of remote proceedings. This can be as diverse as technical problems, environmental distractions, difficulties building rapport and connection with participants online, and power imbalance due to different technical skills. A notable suggestion was a proposal to "stock-take" by monitoring the changing landscape of dispute resolution and assessing evolving practices and relevant developments.

We are witnessing a paradigm shift in dispute resolution triggered by the COVID-19 pandemic and the developing digitalised commercial industry. The accelerated use of online mediation means technology needs to be an advantage and not a distraction.

## NZDRC's complete guide to Model Clauses

Have you checked your model dispute resolution clause lately? Our revised [Model Clauses Guide](#) may assist in helping resolving disputes. Successful dispute resolution can preserve relationships and prevent parties from ending up in court. At the beginning of another busy year there is little room for the unoptimistic event of a dispute in your contractual relationship. Should a dispute arise, it is important that there are dispute resolution clauses within the contract to address this. This may help you stay ahead of the game and get back on track in a timely and cost-effective manner.

Our Guide provides insight on what makes an effective model clause and how this may assist in resolving disputes promptly. Rather than waterfall and multi-tiered clauses, NZDRC's approach is to include agreed rules for arbitration and mediation. Arbitration, mediation, Arb-Med, expert determinations, and early neutral evaluation are recommended model clauses that may be incorporated into your agreement.

### About the author



Jackie Li is a law clerk working in NZDRC's Knowledge Management team. She is currently studying toward her Bachelor of Laws at Victoria University and she is expanding her interest in alternative dispute resolution.