

JUSTIN D'AGOSTINO TO CHAIR ICC COURT'S NEW BELT AND ROAD INITIATIVE COMMISSION

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Firm news

The International Court of Arbitration of the International Chamber of Commerce ([ICC Court](#)) has announced the establishment of a commission to address dispute resolution potential in relation to China's Belt and Road Initiative.

Justin D'Agostino, Global Head of Disputes at Herbert Smith Freehills and Hong Kong's [alternate member](#) of the ICC Court, has been named commission chair while Mingchao Fan, ICC Director for North Asia, will act as secretary.

Alexis Mourre, President of the ICC Court announced the establishment of the commission during the ICC Court's working session last autumn. The commission will drive the development of ICC's existing dispute resolution procedures and infrastructure to support Belt and Road disputes.

Underscoring that ICC's existing procedures are well-suited to Belt and Road disputes, Justin said: "There is no 'one-size-fits-all' method of resolving Belt and Road disputes. But there is a concerted effort to encourage mediation clauses in Belt and Road agreements, with provision for arbitration if mediation fails. ICC is already a world leading provider of arbitration and mediation services, with tried and tested mechanisms and a strong pool of arbitrators and mediators. It is ideally placed to provide appropriate, effective dispute resolution services to parties all along the New Silk Road."

The Belt and Road Initiative commission has been established to consider how ICC can best respond to dispute resolution opportunities arising from the Belt and Road initiative, which is estimated to have US\$900 billion in projects planned or already underway.

“ICC is unique among arbitral institutions in that it has truly international coverage, with secretariats and/or national committees in over 100 jurisdictions,” Justin said. “Many of these lie along the Belt and Road route, giving ICC the regional expertise to resolve the disputes that will inevitably arise from a construction and infrastructure initiative of this scale.”

ICC is planning a series of events over the next year to spotlight its Belt and Road capabilities. Events are planned in diverse locations including China, Kazakhstan, Kyrgyzstan, Nigeria, Southeast Asia, Japan and Hong Kong, with more to come.

“We recognise the importance of engaging key stakeholders within both corporates and governments all along the Belt and Road, to ensure that we are offering the best possible service to parties on all sides,” said Mr Mourre. “Our main objective is to ensure that where disputes arise, they are resolved efficiently and with minimal damage to the parties’ commercial relationships. The Belt and Road is a long-term initiative; many of these relationships will last for decades.”

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KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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