Advancement of arbitration practice: CAA held the general members meeting

CAA held a general members meeting on December 27, 2012 at Taipei International Convention Center. The meeting was attended by more than 300 delegates. Chairman Nigel N. Y. Li delivered the CAA’s annual performance report to delegates and shares his outlook on the future development of the CAA.

In order to maintain the CAA as the leading arbitral institution in Taiwan, Mr. Li was optimistic that the CAA would continue to provide the professional services and would succeed in becoming an important international arbitration center. With the growing demand for the legal services in Taiwan and China, 2012 has been an eventful and successful year with the expansion of our services, and 2013 is certainly going to be another exciting year for the CAA.

CAA and JNAC aim for progressing jointly

CAA and JNAC (Jinan Arbitration Commission) signed the agreement on February 25, 2013 as two associations agreed to work jointly to strengthen their future cooperation. The agreement signals a new era of bilateral cooperation, and we believe the exchange of experiences on arbitration will benefit both parties.

An insight view:
Arbitration rules in relation to Infrastructure Projects

The conference on “Private Participation in Infrastructure Project” was jointly organized by CAA and Public Construction Commission (PCC), attracting a sizable crowd of over 150 participants. The conference provided basic and yet useful arbitration information to private participants for
handling the disputes regarding the infrastructure projects. The program also included a case study to demonstrate the arbitration procedure as an effective tool to resolve the disputes.

**Call for papers: 2013 CAA International Arbitration Conference**

CAA and the National Taiwan University will jointly hold “2013 Taipei International Conference on Arbitration and Mediation” on August 30-31, 2013 in Taipei, Taiwan. The conference invites arbitration experts and scholars to provide the latest academic findings and case studies on any of the following topics:

1. Quality enhancement of the arbitration and mediation, including qualification, selection, obligations, challenges of arbitrators and mediators;
2. Recent Developments in cross-Taiwan Strait arbitrations and dispute settlement practices;
3. Investor-State investment arbitration; and
4. Recent developments in international arbitration and mediation practices.

Prospective author is requested to submit abstract submission and curriculum vitae in the format of a Word file or PDF file to wtocenter@ntu.edu.tw. For more details, please contact: Yueh-Ling Chao, email: ntucaa@ntu.edu.tw

**Introducing to New Secretary-General**

Mr. Chih-Hsin Wang decided to retire from his present position as Secretary-General of the CAA at the end of February 2013. We appreciated for his strong leadership, and take great pleasure to announce that Mr. Tim H. T. Liu, a former director of legislative Research Bureau at the Legislative Yuan as the successor, effective March 2013.

Mr. Liu studied at the National Taiwan University (LL.B.), the University of Pennsylvania, (LL.M.), Boston University and National Taiwan University (Ph.D. candidate). He started his civil servant career in 1980 and worked from 1981 until 2013 in the Office of the President, Ministry of Economic Affairs, Mainland Affairs Council, and the Legislative Yuan, ROC. The reputation of his work has been widely recognized.

**Official Visits**

**Hong Kong Economic, Trade and Cultural Office visitors**

![A delegation from Hong Kong Economic, Trade and Cultural Office visited the CAA in January, 2013](image1)

**Exchanges with Certified Public Accountants Association, R.O.C.**

![Member of the Certified Public Accountants Association, R.O.C. visited the CAA in December, 2012](image2)
Publication

2012 New issue: CAA journal

Contemporary Asia Arbitration Journal (CAA Journal) is co-published by the CAA and the National Taiwan University. The aim of the journal is to encourage the publication of original papers in relation to international arbitration issues. The 2012 issue covers: Collective Action in Investment Arbitration to enforce small claims, Arbitration under China’s Investment Treaties, Asian Treaty-Markers and Investment Treaty Arbitration, Investor-State Arbitration in China, procedure for Challenging Arbitrators, and Mandatory Arbitration in Taiwan. For subscription, please check our website: http://www.arbitration.org.tw/english/publications.htm

Book review: New York Convention Commentary


Helena H. C. Chen¹ & Winnie (Jo-Mei) Ma ²

The editor of this book, Dr. Reinmar Wolff, is a Professor from the Law School of the University of Marburg in Germany. The contributors include prominent professors and practitioners in the field of international arbitration. Therefore, the book provides a thorough insight into the most recent developments on theories together with an up-to-date application and practice of the New York Convention (“Convention”) by national courts. It is a work of great endeavor and diligence in terms of its contributors’ in-depth research.

Despite the huge volume of information it provides, this comprehensive commentary is very user-friendly. The preliminary remarks offer a quick and concise review of the past, present and future of the Convention. The following chapters provide an intensive and extensive analysis on each article of the Convention in numerical order of the Convention. All the chapters in this book follow a standardized structure, which begins with an overview, identifies the spirit and purpose of the article, reviews the drafting history, and elaborates on the article’s annotation. The standardized structure and detailed table of contents in the beginning of each chapter make it easier for the readers to locate the information that they look for. For ease of reference, the commentary also features a list of abbreviations and acronyms, together with a table of cases and awards conveniently categorized by countries in alphabetical order.

Overall, this book is very useful for arbitration practitioners, academics and students seeking recent and reasoned interpretation and application of the New York Convention.

Mediation Gets More Attention in Taiwan

Gi-hong Li*

Growing Popularity in Solving Disputes through Mediation

Mediation as a means of settling disputes has become more and more popular in Taiwan. Two major developments in the alternative dispute resolution in the past two years have drawn our attention.

Taiwan legislature (i.e. the Legislative Yuan) promulgated the Financial Consumer Protection Act (金融消費者保護法) in mid-2011. The Act provides that disputes between financial service providers and financial consumers which cannot be settled by the parties may be submitted for mediation and/or to the financial ombudsman service (i.e. FOI (金融消費評議中心)). It tends to provide a user-friendly dispute resolution environment for financial consumers, since financial disputes are usually more complicated than other disputes, and financial consumers generally have less information or recourses than the financial service providers, especially when disputes arise.

Separately, Taiwan and Mainland China have concluded the Bilateral Cross-strait Investment
Protection and Promotion Agreement ("BIA") on August 9, 2012. Mediation is one of the options suggested in the BIA to resolve investment disputes concerning compensation between an investor and the host region of such investment under the BIA. If an investment dispute concerning compensation is submitted for mediation through the mediation procedure of BIA, the host region (i.e. the authority) cannot reject the jurisdiction of the mediation organization.

The trend in conflict resolutions is moving toward facilitative mediation in Taiwan, covering a wide range of disputes from minor daily disputes to professional disputes.

**Solve Dispute by Self Decision-making**

From a historical prospective, facilitative dispute resolution processes such as mediation are rather new in the long Chinese legal history. A facilitative mediator leaves decision-making authority to the parties, which is a very different dispute resolution skill. Using facilitative mediation may provide the disputing parties more opportunities to participate in the dispute resolution process and to negotiate with each other.

Meanwhile, it could be easier for both parties to predict the outcome of facilitative dispute resolution and decide whether to stay in or opt out of such procedure.

**CAA Mediation Center Provides Professional Mediators to Solve Professional Disputes**

The Mediation Center of the Chinese Arbitration Association ("CAA Mediation Center") is one of the very first organizations in Chinese society to promote facilitative mediation. In the past few years, CAA Mediation Center has been heavily promoting facilitative mediation by offering mediator training courses on a regular basis, and has successfully established one of the first professional pools of registered mediators to provide professional mediation services. CAA Mediation Center continues to offer mediator training courses in Taiwan, and cooperates with different foreign mediation organizations.

Mediation is becoming one of the major dispute resolution mechanisms for solving professional disputes out of court, and the CAA Mediation Center, with its well trained mediators from various fields, continues to provide professional mediation service in solving a wide range of disputes.

**Up-and-Coming Events**

**June, 2013**
Introductory Mediation Training: Early Registration Open

**August, 2013**
The CAA Annual Speech

**August 30-31, 2013**
2013 Taipei International Conference on Arbitration and Mediation

**Standard Arbitration Clause**

"All disputes, controversies, differences or claims arising out of, relating to or connecting with this contract, or the breach, termination or invalidity thereof, shall be finally settled by arbitration referred to the Chinese Arbitration Association, Taipei ("CAA, Taipei") in accordance with the Arbitration Law of the Republic of China and the Arbitration Rules of Chinese Arbitration Association, Taipei. The place of arbitration shall be in Taiwan. The award rendered by the Arbitrator(s) shall be final and binding upon parties concerned."

The Chinese Arbitration Association. Taipei ("CAA") is a not-for-profit organization based in Taipei, Taiwan, providing wide-range of dispute settlement administration services, including arbitration, mediation and other alternative dispute resolution proceedings. The Association is the leading arbitration institution in Taiwan and one of the important arbitration centers in Asia-Pacific, handling more than 200 domestic and international cases per year.

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