



Centro
de Arbitraje

Cámara de Comercio | Lima

Panel Series
UNCITRAL Texts and COVID-19 Response and Recovery

*Panel II: How will international dispute resolution evolve
as a result of the COVID-19 crisis?*

Marianella Ventura Silva
Secretary-General

As businesses and governments evolve into the adoption of new technology, big data, mobile internet, artificial intelligence, cloud computing, new energy supplies, etc. and managers adopt environmental, social and governance responsible practices, dispute resolution mechanisms shall innovate to meet users demands.

Global evolution in
dispute resolution
shall follow
market trends and
users demands



Demand for speed
→
Demand for efficiency
→
Demand for predictability

The Covid-19 crisis
will be followed by
an increase in
disputes and
the search for
ADR mechanisms

INCREASE OF DISPUTES

Force majeure and
hardship, supply of goods,
insurance, debt collection,
consumer claims,
technology...

In the
short-term:
**NEGOTIATION,
MEDIATION**

STATE COURTS
More affected by
lockdowns.
Subject to regulatory
changes

In the
middle/long-
term:
ARBITRATION

In the post Covid-19
stage we will
continue seeing the
consolidation of
arbitration
as the preferred
ADR mechanism

- ✓ *Flexibility* makes arbitration the dispute resolution mechanism more suitable to adapt to the current market trends and users demands
- ✓ *Prior to COVID-19* arbitral institutions were already innovating and embracing technology for the conduct of arbitrations. Upon COVID-19 such process is being dramatically intensified
- ✓ *In the coming stage, changes to arbitration rules and practices* are expected in order to foster efficiency and responsiveness



What to expect?

Future developments in arbitration will include:

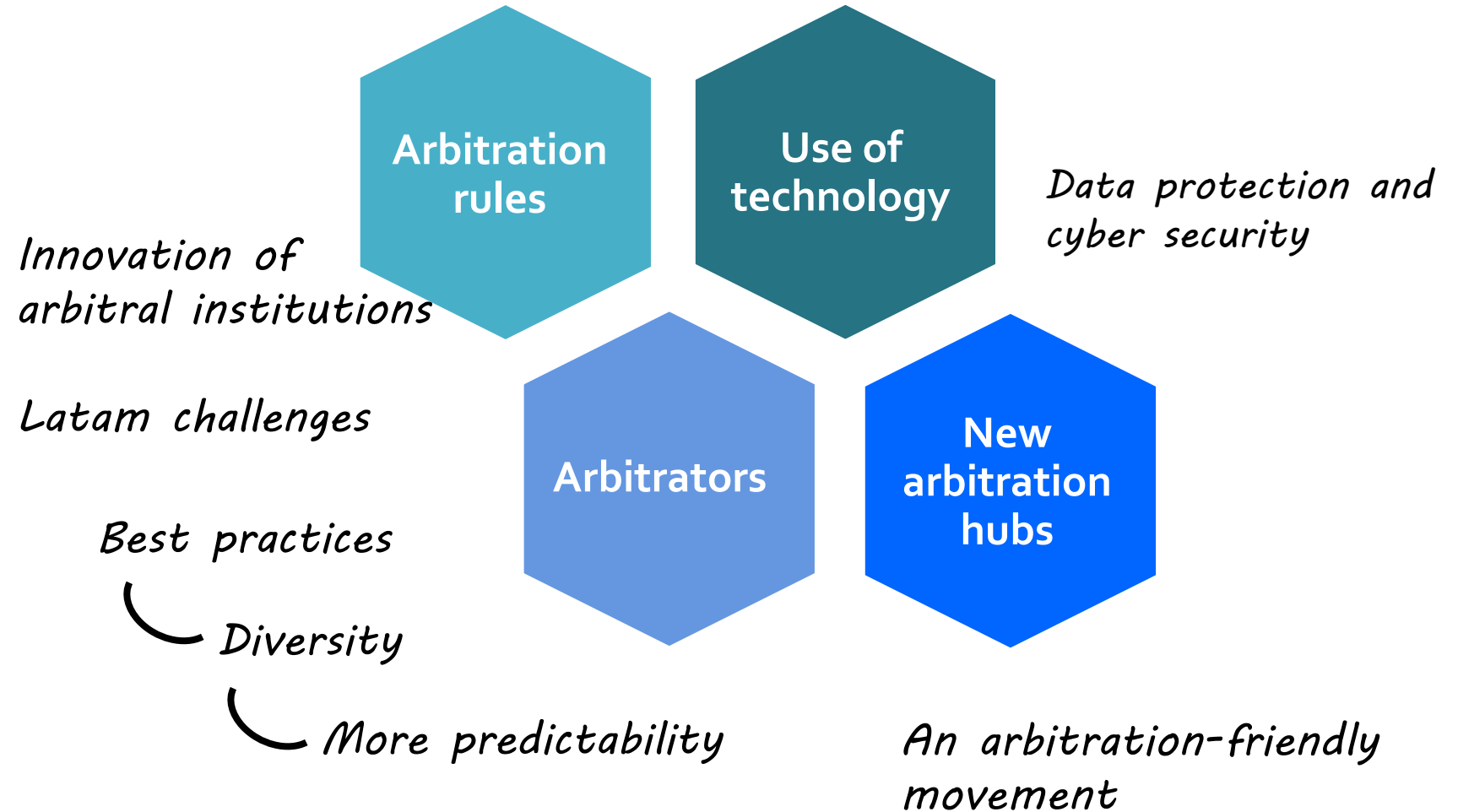
- a boom of

- fast-track proceedings,

- comprehensive and efficient-driven

- administration by institutions,

- increase in transparency and accountability



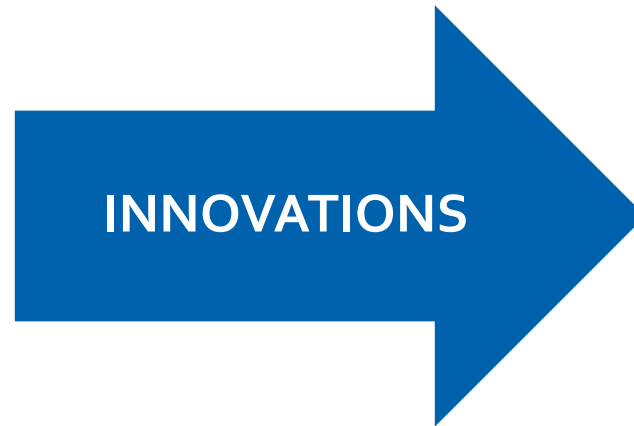
Despite evolution,
the fundamental
principles of
arbitration shall be
preserved

Fundamental principles:

- *Equal treatment*
- *Right to be heard*
- *Flexibility*

Enforceability

Institutional Arbitration



Efficiency (time and costs)

Transparency

Predictability

Customisation

Digitalisation/Arbitration-tech

Hybrid hearings

Cyber security



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Thank you

Marianella Ventura Silva
Secretary-General