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?

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Secretary-General
Global evolution in dispute resolution shall follow market trends and users demands. 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.

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. In the short-term: NEGOTIATION, MEDIATION. In the middle/long-term: ARBITRATION. INCREASE OF DISPUTES: Force majeure and hardship, supply of goods, insurance, debt collection, consumer claims, technology... STATE COURTS: More affected by lockdowns. Subject to regulatory changes. More affected by lockdowns. Subject to regulatory changes.
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.
Future developments in arbitration will include:
- a boom of fast-track proceedings,
- comprehensive and efficient-driven administration by institutions,
- increase in transparency and accountability

**What to expect?**

- **Arbitration rules**
  - Innovation of arbitral institutions

- **Use of technology**
  - Data protection and cyber security

- **Arbitrators**
  - Latam challenges
  - Best practices
  - Diversity
  - More predictability

- **New arbitration hubs**
  - An arbitration-friendly movement

**Presentación de los escritos de forma electrónica y simultánea**
Despite evolution, the fundamental principles of arbitration shall be preserved.

**Fundamental principles:**
- Equal treatment
- Right to be heard
- Flexibility
- Enforceability
- Institutional Arbitration

**Innovations:**
- Efficiency (time and costs)
- Transparency
- Predictability
- Customisation
- Digitalisation/Arbitration-tech
- Hybrid hearings
- Cyber security

**Retained:**
Thank you

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