

Research on the Modernization of China Foreign Commercial Arbitration: From the Perspective of Building an International Commercial Arbitration Center

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Abstract. Under the background of social change and the great development of "Belt and Road" policy, China's international commercial arbitration is facing a higher level of development needs. In order to solve the existing problems, draw on the experience of the world's advanced international arbitration centers, improve the concept of arbitration, and improve the level of arbitration services, China should take the goal of building a China international commercial arbitration center comparable to the world-class level, and constantly explore the development path of arbitration. This paper analyzes the present situation and trend of international commercial arbitration in China, discusses the connotation and value of China international commercial arbitration center, put forward from government relations, institutional development, system architecture, modernization can assign four aspects to improve the arbitration center construction scheme, and innovatively put forward the horizontal and vertical two lines and special assigned to the development of the framework. Accordingly, China's international commercial arbitration system should be continuously improved, the credibility and discourse power of China's international commercial arbitration should be enhanced, and China should build an international arbitration brand with Chinese characteristics.

Keywords: China Foreign Commercial Arbitration; International Commercial Arbitration; Horizontal and Vertical Special Development Framework; An International Arbitration Brand with Chinese Characteristics.

1. Introduction

The global economy is in a new stage of great recovery and opening up. The digital economy has brought new opportunities for the integrated development of the international economy and society. China's opening up and international cooperation have been deepened, and the Belt and Road initiative has continued to bring benefits. In this context, China's international commercial arbitration cause is facing new challenges, which needs to deal with more diversified, complex and professional international commercial arbitration cases. However, the credibility of international commercial arbitration in China still needs to be improved. The Party and the state have put forward the reform task and development goal of improving the arbitration system and improving the credibility of arbitration, which endows arbitration with an important role and mission as the core of the non-litigation dispute settlement mechanism. The Ministry of Justice has made it an important task to support and foster arbitration centers with global influence. China has officially identified Beijing, Shanghai, the Guangdong-Hong Kong-Macao Greater Bay Area and Hainan Province as pilot areas for building an international commercial arbitration center. [1] In order to implement the party's 20th comprehensive rule of law spirit and meet the deep needs of expanding opening up to the outside world, the accelerated development of China's international arbitration cause has become an inevitable necessity of The Times. In October 2023, the third Belt and Road Forum for International Cooperation further consolidated the concept of openness, inclusiveness, connectivity, extensive consultation, joint contribution and shared benefits, and promoted an open and friendly atmosphere for regional cooperation and unimpeded trade. China's international commercial arbitration will also gather domestic arbitration strength through cooperation and interconnection, and strengthen foreign exchanges, gradually improve the layout of the arbitration market at home and abroad, and enhance the voice of China's international commercial arbitration.

2. Literature Review

At present, China has abundant research on international commercial arbitration, covering international investment arbitration, the revision of the arbitration Law, the confirmation of temporary arbitration, the administration of arbitration institutions, the online dispute resolution mechanism, the emergency arbitrators system, the judicial review of arbitration and many other aspects. In the past two years, China's research on the international development of international arbitration has also increased, but most of the studies only explain the goal and significance of building China International Commercial Arbitration Center, but lack the analysis and summary of specific schemes and paths. Related research mainly includes the following aspects: First, it discusses the necessity and connotation of building China International Commercial Arbitration Center, Believe that the regional arbitration institutions should have their own arbitration philosophy and culture, With a leading influence, And can combine Chinese commercial practice and international advanced arbitration practice; Second, it analyzes the unbalanced and inadequate development of China's international commercial arbitration, It mainly includes the lagging legal level of arbitration in China, The service level of international arbitration institutions is not good and unscientific layout, And China's arbitration cause internationalization progress is slow three aspects; Third, it puts forward reform suggestions on improving China's international commercial arbitration system and service level, Such as revising the arbitration Law, cultivating foreign-related talents, optimizing the judicial review mechanism, and rationally distributing regional arbitration centers.

Research method: This paper uses literature analysis to sort out and evaluate the development process, present situation and trend of China international commercial arbitration, analyzes the positioning, function and characteristics, and the opportunities and challenges; compares the international commercial arbitration system, rules, institutions and cases, and finds out the advantages and disadvantages of China International Commercial Arbitration Center, and proposes the improvement and innovation of China International Commercial Arbitration Center.

3. The Construction Significance of China's International Commercial Arbitration Center

There are two definitions of the international commercial arbitration center: one refers to the arbitration institution, and the other refers to the regional arbitration service center. In this article, the latter, which is to build an international commercial arbitration center with high level and high credibility in China. At present, the world's international arbitration centers mainly include London, Paris, Geneva, Hong Kong and Singapore. China should take this as the goal, build 2-3 key international commercial arbitration institutions brand, and take this as the engine, vertically, with other legal service organizations or organizations in linkage; horizontally, contact with other domestic international arbitration institutions, and cooperate in reform to form aggregation effect. In order to enhance the strength and influence of the external radiation, and optimize the local arbitration legal ecosystem.

[2] Because of its characteristics of confidentiality, efficiency and regional breakthrough, arbitration has become the best choice for international commercial entities to resolve disputes. To become a world-renowned international dispute resolution center is one of the important indicators for a country or a region to become an international trade, shipping and financial center. In recent years, China's arbitration cause has been moving towards the direction of internationalization and modernization. Beijing, Shanghai, Shenzhen and other places are promoting the construction of international commercial arbitration highland, timely revising arbitration rules, and making achievements in talent training and domestic and foreign cooperation. At present, there are still some deficiencies in the international commercial arbitration in China. China's arbitration system started late, with low development level and lag, which cannot meet the needs of economic and social development. [3] Compared with the leading ones, it is weak in neutrality, professionalism and reputation, and gap in practical experience and perfect rules. [4] In the development of overall, China lacks advanced arbitration concepts, vague positioning of arbitration institutions, poor understanding of arbitration culture, inadequate preparation to support and respect arbitration, and attracts insufficient talents. There is still a long way to go before China develops into an advanced international commercial arbitration center.

[5] The international commercial arbitration center means that the domestic arbitration has been widely recognized and accepted by the society, the commercial activities inside and outside the region are very active, the overall level of the national economy is relatively high, and the relevant industrial chain of commercial arbitration is complete. It reflects the level of the development of the national rule of law, including the perfection of arbitration legislation, judicial and supervision and review mechanism, as well as the advanced nature and adaptability of regional arbitration culture and concept. The establishment of the international arbitration center marks the winning position of the national arbitration rule of law in the world. In China, to build an international commercial arbitration system with Chinese characteristics and enhance China's soft power in international economic and trade activities not only reflects China's responsibility as a major country, but also demonstrates China's cultural confidence.

4. The Current Construction and Modernization of China International Arbitration Center

To build China's international commercial arbitration center, we must first make internal merit and meet the basic conditions required for the construction requirements. We will improve China's arbitration legal system, build arbitration institutions with friendship and credibility, formulate advanced arbitration rules, and improve the professional level of arbitration services. Secondly, in terms of the overall framework, we should create an arbitration development model with unique Chinese characteristics, and formulate an optimization and improvement path based on the actual conditions, so as to gradually form a healthy and sustainable arbitration ecosystem. Specifically speaking, it is divided into the following aspects:

4.1. The Government's Support and Guidance

The construction of the international commercial arbitration center cannot be separated from the strong backing of the national government. Local governments and relevant departments should support commercial arbitration through local regulations, government regulations and supporting policies, which is an important factor for the formation and sustainable development of regional arbitration centers. The state has introduced advocacy policies to strengthen the publicity and education of arbitration, and enhance the people's awareness of commercial arbitration. On the legal level, accelerate the revision and improvement of China's arbitration law to provide legal guarantee for the development of arbitration. We will establish the status of legal persons in international commercial arbitration institutions, improve modern systems such as online arbitration and temporary arbitration, and link them with international commercial arbitration rules. At the same time, the supervision and evaluation mechanism should be improved to optimize the judicial environment, and guarantee the autonomy of the parties.

In addition, the relationship between the arbitration institutions and the government should be well grasped to ensure the independence of the arbitration institutions. The administrative management mechanism of some institutions should be gradually cancelled, a unified corporate governance mode and flexible personnel management mechanism should be established, and special regulatory agencies should be set up to carry out macro management. From the experience of Hong Kong and Singapore, the introduction of overseas dispute resolution agencies should first support local dispute resolution agencies. We can learn from the experience of the Singapore International Arbitration Center, play the leading role of the competent government departments, provide sufficient financial support for the arbitration institutions, promote the overseas layout of China's foreign-related arbitration institutions, attract the first-class foreign arbitration institutions to set up branches in China, and introduce more foreign professionals.

4.2. Modernization and Reform of China's Arbitration Institutions

The modernization reform of China's arbitration institutions aims to improve the professional level and overall quality of arbitration services, with the goal of building a high-level arbitration institution and building a professional and flexible arbitration system as the guarantee. The main factors for the improvement of arbitration service level are as follows:

(1) To build an international and compound professional arbitration talent team is the key to improve the quality of arbitration service and build an international dispute settlement highland. Arbitrator ability level, with a solid professional skills, international vision, cross-cultural communication skills and rich experience in international arbitration, we should strengthen the high quality talent reserves and training, at the same time encourage cultivating with financial, intellectual property rights, construction engineering and other special composite talents, in order to solve the diversity of disputes between the parties. In terms of the qualifications of the arbitrators, the regular access restrictions can be increased, and the training and incentives can be increased.

(2) [6] To improve the overall construction level of arbitration institutions, including hardware and software construction, institutional management, case management system construction, arbitration team construction, arbitration service and arbitration image construction, spiritual outlook and style and quality construction, etc. . We should combine the brand building of arbitration service with the construction of social credibility, and strive to build the professional trust and quality trust of the arbitration cause.

(3) Create high-level arbitration rules with Chinese characteristics. We should learn from the experience of internationally renowned arbitration institutions, innovate and optimize the formulation of arbitration rules, so that they are in line with the trend of internationalization and international practices, and meet the needs of parties in different cultures and regions. In order to enhance the market-oriented competitiveness of arbitration institutions and continuously strengthen the market-oriented attributes of arbitration institutions, they can explore the application of arbitration business industrialization schemes, [7] such as introducing the strategy of "marketing arbitration", to achieve their own development through fair and healthy competition . To enhance its core competitiveness with high-quality arbitration services, and to promote the sustainable development of China's international commercial arbitration cause.

(4) To adapt to the new round of scientific and technological revolution and industrial transformation, for the development of more complex e-commerce disputes and new business forms, we should improve the special business handling capacity of international arbitration institutions; and actively popularize the application of online arbitration technology, improve the specific procedural rules of online arbitration, open up international information exchange platform, strengthen the friendly communication with foreign arbitration institutions, and enhance the level and credibility of arbitration in China.

4.3. We will Strengthen the Development of Core Connectivity Mechanisms and Build Systems with Distinctive Features

In 2019, China put forward the development strategy of "promoting the regional development of industrial cooperation and arbitration", aiming to encourage local arbitration commissions to voluntarily unite, integrate resources, complement each other's advantages, establish a regional arbitration work platform, share resources, and promote the regional development of arbitration. In order to build the China international commercial arbitration center, we should maintain the advanced arbitration concept, ensure that the regional arbitration concept and arbitration culture keep pace with The Times, and ensure the openness and inclusiveness of the regional legal culture. Only in this way can we win wide recognition from the public and attract more commercial clients and lawyers at home and abroad. At the same time, we should keep the characteristic elements of local arbitration, and constantly integrate with the concept and culture of the international arbitration. We should actively follow the trend of arbitration cooperation and promote regional and global cooperation among arbitration institutions in the context of the new scientific and technological revolution and industrial revolution.

In order to strengthen the cohesion of our international commercial arbitration institutions, we should make efforts in both horizontal and vertical aspects:

(1) In horizontal aspects, we should strengthen the high-level cooperation between international arbitration brand institutions in different regions, sign cooperation agreements or memoranda, share resources and complement their advantages. We should reach the common goal of strengthening China's international arbitration strength, and gather the strength of regional international arbitration brands in

the way of high-level cooperation and promotion. In the specific path, we can carry out joint training, seminars, seminars and other activities to strengthen close exchanges. We can promote the arbitration rules of various regional arbitration centers to maintain their own advanced nature and characteristics while forming converging links and development forms, establish a sharing mechanism for the roster of arbitrators, and establish a joint online arbitration cloud platform. We can also gradually optimize and innovate the transfer mechanism of arbitration cases, and strengthen the effective and substantive case interaction practice between regions. In addition, we can take advantage of the existing achievements of the "Belt and Road" International Arbitration Cooperation Alliance, constantly learn from the experience and improve the development path of the China International Arbitration Center on the basis of the China International Arbitration Center.

(2) In the vertical aspect, we should establish a regional arbitration work platform, integrate resources, and promote the development of regional arbitration cause. Representative by the brands of international arbitration institutions within the region, we will drive the coordinated development of arbitration institutions within the surrounding areas, establish a cooperation mechanism for exchange between the brands of arbitration institutions and other arbitration institutions, and promote cooperation in arbitration research, information exchange, personnel training and other aspects. We can increase the exchange and training activities for lower-level arbitration institutions, improve the professional level of arbitrators, and exchange experience in the application of relevant new technologies. On this basis, we can gradually expand the depth and breadth of cooperation, increase the scope of cooperation institutions, and further optimize the allocation of regional arbitration resources. In addition, within the scope of the regional legal development of legal resources and the legal culture, we can promote regional open inclusive, friendly and mutual aid of the rule of law environment, attract mediation association, deployment, well-known law firms, accounting firms and consultancy together in the downstream legal service chain , to form a regional close arbitration cooperation center.

[8] Under the development path of these two lines, we have not only gradually built a high-level and integrated arbitration legal ecology in the region, but also established a first-class development system of close contact and friendly cooperation between regions. There are also some arbitration institutions with characteristic and professional arbitration elements in China. We should promote the integration of their characteristic business service resources to form the advantage agglomeration effect. For example, Xi'an Arbitration Commission (XAAC) specializes in the fields of high-tech industry, aerospace and machinery manufacturing; Beijing Arbitration Commission (BAC / BIAC) resolves disputes in the fields of Internet and domain name and finance; Shenzhen International Court of Arbitration (SCIA) makes specialized and innovative breakthroughs in the fields of intellectual property and cross-border e-commerce. For these arbitration organization centers, we should further increase the publicity and gathering of resources; integrate the inflow of corresponding professional resources; optimize the allocation of professional resources among the arbitration institutions; improve the transfer mechanism; provide the coordination and guidance service for the parties; and link the arbitration system with online arbitration to provide more flexible, professional and convenient arbitration legal services.

Through these measures, we can continuously enhance the strength of regional arbitration, strengthen the concentration of special characteristic resources, integrate the regional arbitration legal ecological center, and continuously enhance the aggregation advantages to build a China international commercial arbitration center. At the external level, we can continue to increase exchanges and contacts with foreign dispute settlement, constantly learn from excellent international arbitration concepts and advanced systems, and grasp the wind direction of the international dispute settlement mechanism. We can promote the export of Chinese arbitration institutions to enhance China's voice in the field of dispute settlement, explain China's position, and realize China's expression.

4.4. Modernization Level Promotion, Brand Construction, the Guarantee of Public Credibility.

[9] We should actively transform the challenges of The era of industrial transformation into strategic opportunities for future development. Nowadays, the rapid development of 5G, big data, blockchain,

artificial intelligence and other digital technologies provides the necessary conditions for the intelligent and digital development of arbitration services . International arbitration should keep up with the pace of The Times, promote the deep integration of science and technology with international arbitration, and enhance the digital, network and intelligent level of international arbitration.[10] International arbitration has become one of the most frequent and active legal fields interacting with science and technology . China should also gradually improve the centralized management of case data and information in practice, and pay attention to the security and transparency of arbitration data and information.

Our country should be built suitable for Chinese characteristics of international commercial arbitration, development model, we should be rooted in the "compatible" of the rule of law culture, play a "area" initiative under the great practice of human destiny community value, in perfecting the "area" legal construction of arbitration community at the same time to our country into an advanced international commercial arbitration center. In foreign level, we should actively expand the international arbitration cooperation "friends", promote the international arbitration institutions facing the world, to the Chinese and foreign parties provide fair, efficient, professional dispute resolution service, at the same time strengthen the cooperation with relevant international organizations and the world famous arbitration institutions, the construction of Internet arbitration service platform, gradually build China international arbitration brand, promote China international commercial arbitration.

5. Conclusion

From the perspective of international commercial arbitration center, this paper discusses the modernization path of foreign-related commercial arbitration in China. This paper analyzes the current situation and development direction of international commercial arbitration in China, and puts forward the necessity and connotation of building China international commercial arbitration center. Secondly, this paper analyzes the construction plan of China International Arbitration Center from four aspects of government relations, institutional development, system architecture and modernization empowerment, and summarizes the construction framework and development path of horizontal and vertical lines and special empowerment, and at the same time, endows the connotation of "Belt and Road" initiative and the rule of law culture with Chinese characteristics. This paper hopes to provide some reference and enlightenment for the theoretical research and practical reform of foreign commercial arbitration in China.

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