

Belt and Road Initiative: One Vision of Justice



By Mark Beer, Chief Executive, Dispute Resolution Authority

In 2017, the United Arab Emirates and Kazakhstan celebrated 25 years of friendship and diplomacy. The UAE is Kazakhstan's largest Arab trade partner, with close to \$643 million in bilateral trade recorded in 2017. Over the last decade, the UAE has made substantial investments, exceeding \$2 billion in a wide array of economic sectors in Kazakhstan, financing projects in strategic areas, such as oil and gas and food security.

Announced by Chinese President Xi Jinping at Nazarbayev University in Astana in 2013, the re-birth of the Silk Road as the Belt and Road Initiative (BRI) has spurred nations into hyper-connectivity mandates across trade, investment, energy and infrastructure. BRI includes the most ambitious infrastructure project the world has ever known - and the most expensive. Its expected cost is just under one trillion dollars and when complete, the Belt and Road will connect 65% of the world's population and 30% of its GDP.

The UAE and Kazakhstan are both acutely aware that, with a supply chain composed of land and sea routes running from China to Scandinavia and the Middle East, an innovative, flexible and global legal network to support commercial rule of law is crucial. BRI should not only create opportunity, but it should also enable progressive justice in terms of security, protection and certainty that people and businesses need to trade and innovate securely.

In recent weeks, DIFC Courts and a delegation from the Supreme Court of Kazakhstan met in Dubai to discuss their role as Courts of the Future, the Fourth Industrial Revolution, China's Belt and Road initiative and the need for the world's courts to collaborate to provide greater access to justice.

Whilst such collaboration between institutions might be viewed as exclusively underpinning the commercial rule of law and trade, the trickle-down effect cannot be overlooked. Measures being taken by both the UAE and Kazakhstan to improve the effectiveness of justice feed into larger national plans for creating more sustainable and diversified economies. For the UAE, it is Vision 2021, and for Kazakhstan, it is Plan of the Nation - 100 Concrete Steps.

The myriad of technological advancements that define the fundamental re-shaping of businesses in the 21st century make it essential for high-level connectivity and innovation. Expectations from the private sector increasingly require the bold engagement of public service and of regulatory agencies. The DRA's ambition, through continued outreach to global judicial systems, is to contribute in creating a level-playing field between BRI participants, by re-engineering the way commercial justice is designed and delivered.

As goods and services travel across the world along the BRI, they will seamlessly cross borders, so we need a seamless judicial platform that can do the same. The answer is to make sure that when the dispute comes into the "real world," the court system can understand that virtual supply chain and deliver a decision that can be executed around the world. The creation of a court that focuses on connectivity and the enforceability of its judgments will ensure the success of the BRI by facilitating the quick resolution of disputes in a neutral forum. The future of courts will be one of supporting supply chains operating virtually, with dispute resolution encoded into the blockchain, with virtual currency and with the most likely dispute being one of coding. Those supply chains will develop and advance to the point that smart contracts will replace traditional contracts, and

we'll see them become ubiquitous even for small- and medium-sized enterprises (SMEs) operating on a public blockchain. Soon we'll see not only the contract encoded into the supply chain, but also the applicable laws and regulations. At that point, it will be the blockchain itself which resolves most contractual disputes.

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