

Selection of the Place of Arbitration in Chinese-African Trade and Investment Disputes: Also Suggestions to Improve the Arbitral Environment in Africa*

Ka WU

Zhejiang Normal University, P.R. China

Abstract:

The place of arbitration is of great importance to international commercial arbitration, the host states as well as the parties to the dispute. In dealing with Sino-African trade and investment disputes, there exist both advantages and disadvantages for the Chinese and African sides. Whenever selecting mainland China, African countries, Hong Kong or Singapore and the developed countries as the place of arbitration, both sides may select it based on the actual situation, taking efficiency, impartiality and other practical factors into account. For both sides, it seems best not to select the developed countries but rather mainland China or African countries as the place of arbitration, especially those arbitration institutions with Chinese and African arbitrators. Currently Africa's overall arbitration environment has been improving. To be more competitive places of arbitration for African countries, efforts could be made in supplying more policy supports, revising arbitration laws, improving efficiency in arbitration and giving fuller play to the role of regional arbitration institutions of Africa, etc.

Key Words: International commercial arbitration, Place of arbitration, Chinese-African trade and investment dispute, Arbitral Environment

* This article is based on a paper first delivered at the Conference "Legal Seminar between China and Eastern and Southern African Countries on Issues arising from Economic, Trade and Investment Cooperation" held at Xiangtan University, September 17th -19th, 2012.

1. INTRODUCTION

Recent years have been witnessing the rapid growth in trade and investment between China and Africa. In 2011, the volume of trade between two sides has topped 160 billion U.S. dollars.¹ Presently, over 2,000 Chinese enterprises have started business in 49 African countries with a wide range of businesses covering agriculture, fishery, textile, oil production and refinery, etc.² Meanwhile, Sino-African disputes in trade and investment have also been on the rise, although not many African countries and small amounts of money are involved, cases are by no means small in number and are also expanding in areas.³ How to solve these disputes is a realistic task facing both China and Africa. In contrast to other dispute resolutions, especially litigation in national courts, arbitration, owing to its neutrality, flexibility, lower cost and speediness, has been increasingly popular among international traders and investors including Chinese corporations. What's more, nowadays "the worldwide economic downturn has accelerated a rising trend in favour of the use of international arbitration, where the enforceability of awards under the New York Convention gives it a major advantage over litigation in national courts."⁴ In light of these merits above, arbitration should also be a preferred method in solving Sino-African trade and investment disputes.

When it comes to international commercial arbitration, selecting the place of arbitration deserves special attention, since it is important not only to international commercial arbitration itself, but also to the host country and the parties to the dispute. Once arbitration is chosen to solve Sino-African trade and investment disputes, the place of arbitration would also have to be selected or determined. This article will deal with this issue. Starting with a brief introduction to the importance of the place of arbitration, it will then explore how Chinese enterprises select this place in Sino-African trade and investment disputes, including the general considerations in the selection of this place, and the comparison between the advantages and the disadvantages in selecting various places of arbitration. Finally, this author will put forward some suggestions to make African countries more attractive and competitive places of arbitration.

2. THE IMPORTANCE OF THE PLACE OF ARBITRATION

The place of arbitration is referred to as the agreed place of arbitration in arbitration agreement, or where decided to arbitrate by arbitral institution or arbitral tribunal under arbitral rules; it is where the arbitral proceedings and arbitral awards are made, and the juridical seat of the

¹ 'The Value of Trade between China and Africa Has Broken Through US \$160 Billion and Reached A New Level', <http://www.yicai.com/news/2012/06/1811848.html> [2012/6/22].

² Yun Liu and Jing Cui, 'The Characteristics and Relevance of China's Participation in Peace-keeping Operation in Africa', *Journal of Zhejiang Normal University*, 1(2011), 7-13, p.7.

³ Zhiyong Song, 'On Sino-African Trade Conflicts', *Western Asian and Africa*, 8(2006), 40-42, p. 40.

⁴ A. Wells, 'Dispute Resolution: Mediation and Arbitration', *Business Law Review*, 3-61(2011), 61-62.

arbitration is located. Where no place of arbitration has been agreed upon between the parties, the seat of arbitral institution is usually the place of arbitration. This place is of great importance to international commercial arbitration itself, the host states as well as the parties to the dispute.

2.1 The Importance to International Commercial Arbitration

The place of arbitration has great significance to international commercial arbitration itself, “this is mainly because it is closely related both to the procedural law of arbitration and to the substantive law of arbitration, and it also concerns the determination of the validity of arbitration agreement and the nationality of arbitral awards with an effect on the recognition and enforcement of the awards.”⁵

2.2 The Importance to the Host States

The place of arbitration has also great significance to the host countries. A country, which is frequently chosen as the place of international commercial arbitration, often has robust arbitration law, sophisticated arbitral institutions and a pro-arbitration environment, which can not only boost its international business image, but also bring tangible benefits to it, such as attracting foreign investment and improving job opportunities for its legal profession.

2.3 The Importance to the Parties to the Dispute

The law of the place of arbitration is most commonly used to determine the validity of arbitration agreement, especially where the concerned parties fail to choose the law applicable, and the supervision by courts of the place of arbitration to arbitral awards has a direct bearing on the awards’ enforcement. Furthermore, this place also affects the costs and time of the parties to the dispute.

3. HOW TO SELECT THE PLACE OF ARBITRATION IN SINO-AFRICAN TRADE AND INVESTMENT DISPUTE

3.1 General Considerations in Selecting the Place of Arbitration

3.1.1 Impartiality

This factor is mainly reflected in whether there is a sound arbitration law in the place of arbitration and whether the court in the place of arbitration interferes in arbitration to an excessive extent. It is generally recognized in modern arbitration law that a valid arbitration agreement has an effect on excluding the court’s jurisdiction. Where the parties have reached an arbitration agreement on a specific dispute, once either party fails to fulfil the agreement and institutes legal proceedings in the court, the court, after confirming the validity of the

⁵ Shuangyuan Li, *Private International Law*(3rd ed, Beijing University Press, 2011), p.446.

agreement and the dispute's within the scope of the agreed matters for arbitration in the arbitration agreement, should suspend the proceedings so that the dispute can be submitted to arbitration subject to the arbitration agreement. Where no such compulsory obligation is prescribed in the arbitration law of the concerned country, or where national courts intervene in arbitration to an excessive degree, it is then indicated that there could be no sound arbitration law or sufficiently sophisticated arbitration institutions in this country, and that it would be unfavorable to undertake arbitration there.

3.1.2 Efficiency

It chiefly includes the cost and time of the arbitral proceedings and the enforceability of the arbitral awards. Compared to court litigation, arbitration has often been regarded as a more cost-effective and expeditious resolution to disputes, but it differs radically in the cost and time of the proceedings in different arbitral tribunals or arbitration institutions, as such the cost and time are important factors in consideration of the place of the arbitration. The party from the developing country usually prefers arbitration in places near to home rather than in western countries, because of the latter's sky-rocketed expenses. In addition, the enforceability of arbitral awards are another important factor. When the relevant states are not parties to the 1958 New York Convention, the enforceability of arbitral awards made there could be supposed to be unguaranteed. Accordingly, it is necessary to take into account the enforceability of arbitral awards before choosing the place of arbitration.

3.1.3 Other Factors

Apart from impartiality and efficiency, there inevitably involves other practical considerations about the selection of the place of arbitration, such as the parties' familiarity with the language and culture, and willingness of qualified arbitrators to participate in arbitral proceedings in that place.⁶ In addition, the following factors may also be taken into account: proper hearing rooms, hotels with modern recreational, telecommunications and conference facilities, good transportation networks (by train or by air), good telecommunications systems, a supportive body of trained personnel to serve as arbitrators or conciliators, representatives of parties, advisers, experts and assistants, etc.⁷

3.2 Advantages and Disadvantages Comparison in Selecting Places of Arbitration in Sino-African Trade and Investment dispute.

3.2.1 Mainland China

Mainland China is definitely the most desirable place of arbitration for Chinese businesses in that, apart from the gradual sophistication of arbitration institutions, the increasing

⁶ Paul Friedland and Bing Yan, 'Negotiating and Drafting Arbitration Agreements with Chinese Parties', *Journal of International Arbitration*, 28(2011), 467-484.

⁷ Alan Redfern and Martin Hunter, 'Law and Practice of International Commercial Arbitration' (4th Ed, London: Sweet & Maxwell, 2004), para.6-13.

improvement of arbitration laws and the intensifying trend of the court's pro-arbitration there, familiarity with the language and culture, relative cost-effectiveness and convenience of participation in arbitration are often important considerations for Chinese businesses. The African side, however, may have misgivings about the inconvenience of participating in arbitration in mainland China, the higher expense of arbitration and unfamiliarity with local language and culture. Furthermore, the enforceability of arbitral awards made in mainland China may be called into question since the awards in favor of the Chinese side are very likely to have to be requested to be enforced in the African country in which the African side or the property is located. The Chinese side may lack knowledge of the legal culture of the African country, and the African country being a non-party to the 1958 New York Convention may not recognize and enforce the awards.

3.2.2 African Countries

For the African side, it is certainly more favorable and acceptable to arbitrate in Africa, in which the disputes happen, because of the advantages of convenience, lower cost and familiarity with language and culture, while the Chinese side may have the misgivings about the unsound arbitral law, the judicial interventions in arbitration and the unenforceability of arbitral awards outside these African countries. In view of these misgivings, the Chinese side may not be willing to select Africa as the place of arbitration. Conversely, when the Chinese side has confidence in the African arbitration environment which, as discussed below, has actually been improving, it's entirely possible for him to select Africa as the place of arbitration, for arbitrating in Africa has the advantages of lower cost, more convenient participation in the arbitration and increased ease of arbitral awards being recognized for Chinese businesses in Africa. Furthermore, some rosters of arbitrators in African arbitration institutions, such as those in Nigeria and Mauritius, have included Chinese arbitrators, so the Chinese side may well, because of the increase of trust, give preference to these African countries when choosing the place of arbitration.

3.2.3 Hong Kong or Singapore

If impossible to arbitrate in mainland China, or if the Chinese side is unwilling to arbitrate in Africa, Hong Kong or Singapore are also good choices, for Chinese enterprises, of the place of arbitration in Sino-African trade and investment disputes. These places are in the advantageous position of being neutral third party, and the Chinese side has mental closeness to them because they are major parts of the Chinese cultural circle. In addition to that, the arbitral awards made there, compared to the awards made in mainland China, are more likely to be recognized and enforced by African countries. Although being attractive as the neutral third party, these two places still have disadvantages for the African side, such as the inconvenience of participation in the arbitration, the unfamiliarity with local language and culture and higher costs compared to arbitration in mainland China or Africa.

3.2.4 The Developed Countries

The developed countries, especially the “Big Four” England, France, Switzerland and the United States, are historically important places of international commercial arbitration. These countries are famous for their sound arbitral laws, fully developed and highly neutralized arbitration institutions and availability of the recognition and enforcement of arbitral awards outside them. For both Chinese and African sides, however, the major problem is the high cost and increased inconvenience of participation in the arbitration there.

On the basis of the above analysis, it concludes that there exists both advantages and disadvantages for the Chinese side and the African side whenever selecting mainland China, African countries, Hong Kong or Singapore and the developed countries as the place of arbitration, and both sides may select it according to actual situation, taking efficiency, impartiality and other practical factors into account. Here this author suggests that, for both sides, it seems best not to select the developed countries for the sky-rocketed cost, but rather mainland China or African countries as the place of arbitration, especially those arbitration institutions with Chinese and African arbitrators. If both sides cannot reach such an agreement, they can alternatively select Hong Kong or Singapore as the place of arbitration.

4. SOME SUGGESTIONS TO MAKE AFRICA A MORE COMPETITIVE PLACE OF ARBITRATION

African countries have long been viewed as unfavorable places of arbitration by international investors and traders, and the ICC International Court of Arbitration’s 2009 Statistical Report on the most commonly chosen places of arbitration worldwide made no reference to any African country.⁸ The primary reason for this is that African countries are often considered to be short of sound national legal frameworks for arbitration as well as developed and neutral arbitration institutions, and so on. As a result, African countries are certainly at a disadvantage in attracting international trade and investment.

But what deserves special mention here is that the African arbitral environment has been improving. “The impact of the (UNCITRAL) Model Law, the establishment and importance of the newer arbitration institutions, including the CRCICA and the KLRCA, were mentioned as factors making cities in some less developed countries attractive as venues for international arbitrations.”⁹ A recent survey shows that a significant number of arbitration laws in Sub-Saharan Africa are modern and contain internationally recognized principles of arbitration relevant to arbitral awards.¹⁰ Some African countries, such as Rwanda, Nigeria and Mauritius,

⁸ 2009 Statistical Report, ICC 20. Bull.12 (No. 1, 2009)

⁹ Amazu A. Asouzu, *International Commercial Arbitration and African States*, (London: Cambridge University Press, 2001), p. 106

¹⁰ David Butler, ‘The State of International Commercial Arbitration in Southern Africa: Tangible Yet Tantalizing Progress’, *Journal of International Arbitration*, 21(2004), 169-203, p. 169.

have been aware of the benefits of hosting international arbitration and adopting measures in favor of arbitration. For example, only months after the adoption of the 1958 New York Convention, Rwanda has taken steps towards establishing a new regional arbitration center in Kigali; and Nigeria has also enacted two new arbitration laws in 2009 expecting the country's capital to become the arbitration center in the West African region. Also in 2009, Mauritius enacted its International Arbitration Act on the basis of the UNCITRAL Model Law. Furthermore, thanks to its perceived neutrality and strategic geographical position, Mauritius has been expected to become a regional arbitration center, in particular for disputes arising out of investments in India, and Chinese investments in mineral and energy concessions in Africa.¹¹ Another outstanding aspect about the amelioration of African environment for arbitration is some regional arbitral centers have been set up in Africa aimed at solving commercial disputes mainly through arbitration. For example, currently Cairo Regional Centre for International Commercial Arbitration (CRCICA), Lagos Regional Centre for International Commercial Arbitration (LRCICA) and Kuala Lumpur Regional Centre for International Commercial Arbitration (KLRCICA) has been established and operated under the aegis of Asian-African Legal Consultative Committee (AALCC) "with the object of providing a system for settlement of international commercial disputes by arbitration". That is, their chief aim is to provide commercial parties with efficient, expeditious, fair and relatively inexpensive dispute resolution mechanisms. Doing so will generally minimize the need to have recourse to institutions outside the Asian-African region, which are not without difficulties and inconvenience. These Centres perform comprehensive functions as follows: (a) providing international commercial arbitration where appropriate; (b) promoting international commercial arbitration in the region; (c) coordinating and assisting the activities of existing arbitral institutions particularly among those within the region; (d) assisting in the enforcement of arbitral awards, etc. The jurisdiction of these Regional Centres is global, namely the Centres are intended to serve all AALCC member states in the Asian-African region as well as non-members. These Centres have independent international legal personality in the host countries with attendant privileges and immunities due to the functional necessities.

Africa ADR also deserves special attention. Africa ADR, which was just established in 2009, is a neutral, independent and non-profit dispute resolution administering authority providing comprehensive and complete administrative services for the resolution of regional and international disputes whether by way of arbitration, mediation or conciliation. It constitutes a corporate partnership between participating African arbitral institutions, businesses and the legal profession that aims to facilitate trade and commercial interaction between countries in

¹¹ Alison Ross, 'PCA to Appoint Representative in Mauritius', *Global Arbitration Review*, May 1, 2009.

the region and investors. To date, the Democratic Republic of Congo, Mauritius, Mozambique and South Africa have joined it.¹² “Africa ADR now makes it possible for African businesses to resolve disputes without having to travel to Europe or the United States for arbitration hearings even when the disputes originated in Africa.”¹³ Michael Kuper SC, the Chairman of The Arbitration Foundation of Southern Africa, stated that “Africa ADR is to be the arbitral link between those who invest in Africa, and those who trade in Africa; between the business communities of Africa and abroad and between the international community. Africa ADR will foster the culture of alternative dispute resolution in Africa and will oil the wheels of international trade and commerce.”¹⁴

Although great progress has been made in the African arbitral environment, there is still a long way to go for Africa to become a more competitive place of arbitration for foreign enterprises including Chinese businesses. To fulfil this goal, Africa can take measures as follows:

4.1 Fully Understanding the Importance of Arbitration and Providing More Policy Support

The reason why arbitration is preferential to other dispute resolutions in international trade and investment dispute is that it is deemed as more flexible, economic and expeditious than domestic courts, and that arbitral awards are considered to be easier to enforce. Thus, African countries caught in the web of international transactions have to recognize the virtual inevitability of accepting international commercial arbitration as the prerequisite for attracting foreign investment and technology and conducting economic and trade cooperation.

It is necessary for African countries to supply arbitration with more support so as to build national and regional pro-arbitration environments. First, it may be recommended that an arbitration clause should be included in each agreement or contract as a major method to solve disputes. Second, there is also a need for increased publicity of arbitration laws, arbitration institutions and arbitral activities, and for active guide and promotion of foreign businesses to arbitrate nearby in Africa. Third, there should be an urgent need to train and develop arbitrators from African countries, changing the present situation in which the number of arbitrators from developed countries in major arbitrations is overwhelming those from Africa.

4.2 Introducing Modern Arbitration Rules to Update National Arbitration Laws

Influenced by the UNCITRAL Model Law, a great many African countries have amended their arbitration laws to adapt to the development of modern arbitration rules. Doing this has heightened these countries’ international commercial images and improved their environment

¹² See Africa ADR, available at <http://www.africaadr.com/index.php?a=r/home/2>.

¹³ Alison Ross, ‘African Group Launches Regional Institution’, *Global Arbitration Review*, Oct 19, 2009.

¹⁴ See Africa ADR, available at <http://www.africaadr.com/index.php?a=r/home/1>.

for arbitration. But there are still some countries, owing to various reasons, whose arbitration laws have not been updated and thus widely considered outdated and inadequate. South Africa Arbitration Act (SAAA) is such an example.

The SAAA, which can date back to 1965, is partially based on the former English Arbitration Act, which in 1996 was itself extensively revised. There are at least two following aspects about the SAAA leading to its being widely criticised: On the one hand, under section 6(2) of the SAAA, a South African court enjoys wide discretion to stay the proceedings and refer a dispute to arbitration on application by a party even when a binding arbitration agreement exists, unless it is satisfied that there is “sufficient reason” against such a referral. As a result, when a party in South Africa tries to avoid arbitration by taking the dispute to court, the court may refuse to refer the dispute to arbitration when merely “sufficient” reasons are given by such party. On the other hand, under section 3(2) of the SAAA, a South African court has discretion to compel parties with a valid arbitration agreement to arbitrate, since a court “may” annul such agreement upon “good cause” shown by a party. Accordingly, when a party attempts to avoid arbitration proceedings, it can request the court for an order setting aside the arbitration agreement regardless of its validity. Such a party would only have to prove that good cause exists for the annulment of the arbitration agreement.

Therefore, the SAAA allows parties to a dispute to gravely abuse local courts as a delaying tactic and allows for excessive judicial intervention in arbitration.¹⁵ Having recognized the inadequacies of the SAAA and their negative effects, the South African Law Commission has proposed a draft Bill amending the SAAA, which largely adopts the UNCITRAL Model Law with “a minimum of alternation”. The Law Commission put forwards two major reasons for this: (1) a primary object of the UNCITRAL Model Law is to promote harmonization and uniformity of national laws pertaining to international arbitration procedures, and (2) it would make South African law more user-friendly and attractive to foreign parties and their representatives.¹⁶ Regretfully, the Bill has not been adopted in South Africa for certain reasons. However, it may be expected that once the Bill or other similar document is adopted, South Africa’s arbitration law will advance to such an extent that it would be able to meet the requirements of the development of modern international commercial arbitration.

4.3 Reducing Judicial Interventions in Arbitration and Enhancing the Efficiency of Arbitration.

The arbitral proceedings cannot run smoothly without the judicial support of the place of arbitration, and the recognition and enforcement of arbitral awards can’t do without the

¹⁵ Stephan Wilske and Jade G. Ewers, ‘Why South Africa should update its International Arbitration Legislation’, *Journal of International Arbitration*, 28(2011), 1-13, p. 5.

¹⁶ South African Law Commission, ‘Project 94 on Arbitration: An International Arbitration Act for South Africa’, www.Justice.gov.za/salrc/reports/r_prj94_july1998.pdf, para.2.4, at 36

confirmation of binding force by the court in the place of arbitration. Accordingly, the judicial interventions in arbitration are necessary. The interventions should, however, be moderate and limited to those that are absolutely necessary to make the arbitral process effective or to maintain its integrity as a fair and just dispute resolution mechanism, or the interventions would be too unduly to be conducive to arbitral process and the development of arbitration. To reduce judicial interventions in arbitration, increasing judicial independence is inevitable. One of the important reasons for the lack of attractiveness of developing countries as the place of arbitration is that these countries' courts are considered to lack a tradition of independence and justice. For African countries, intensifying judicial independence is essentially important in a bid to be more attractive and competitive places of arbitration.

Improving arbitration efficiency is not only the goal which arbitration pursues, but a necessary measure to make African countries more attractive place of arbitration. To this end, African countries can imitate Article 1 of English Arbitration Act 1996 and Article 17 of the UNCITRAL Arbitration Rules, providing in their national arbitration laws that the arbitral tribunal shall conduct its proceedings to avoid unnecessary delay and expense. What's more, arbitration institutions, compared to the parties to the dispute and the arbitrators, seem to be able to play a greater role in improving arbitral efficiency by adopting efficiency provisions in the arbitration rules. They may, for example, exert wider discretion to the arbitral tribunal in the arbitration rules as Article 17(2) of the UNCITRAL Arbitration Rules has done, giving the arbitral tribunal the power to control the progress of arbitral proceedings by extending or abridging certain periods of time where appropriate. Arbitration institutions may also adopt, in their arbitration rules, Article 20 of UNCITRAL Arbitration Rules 2010, requesting the claimant in his statement of claim "should as far as possible be accompanied by all documents and other evidence relied upon by the claimant, or contain reference to them". This incentivizes the claimant to submit their notice of arbitration in a sufficiently detailed fashion, sparing the claimant the trouble of coming up with a supplementary statement of claim.¹⁷ As to the respondent, Article 4 of the UNCITRAL Rules introduces a requirement to communicate to the claimant a response to the notice of arbitration within 30 days of the receipt of the notice of arbitration. Pursuant to the Article 4, the respondent is also required to respond to certain information contained in the notice of arbitration. All these articles above aim to improve arbitral efficiency and they are worth being considered to be adopted when African countries upgrade their arbitration laws or rules.

4.4 Giving fuller play to the role of regional institutions of Africa

In Africa, some regional institutions like AALCC and Africa ADR are providing available, relatively cost-effective and fair resolution mechanism for regional commercial disputes. These

¹⁷ Jeff Waincyner, 'The New UNCITRAL Arbitration Rules: An Introduction and Evaluation', *Vindobona Journal of International Commercial Law and Arbitration*, 14(2010), 223-248, p. 239..

institutions basically adopt rules based on or influenced by UNCITRAL arbitration rules which can guarantee party autonomy, procedural flexibility, efficacy and neutrality as well as arbitrator independence and impartiality. “Thus, most of the reasons (or, rather, excuses) often proffered for the preference of venues outside these states for international arbitral proceedings can no longer stand and could, accordingly, be courageously jettisoned”.¹⁸

These institutions are able to play a more active and greater role in making Africa more attractive and competitive place of arbitration. To raise their prestige and influence and encourage foreign investors including Chinese businesses to solve disputes in the institutions, these institutions are supposed to make continued efforts to publicise themselves, in particular to foreign businesses in the locality. They can also add arbitrators from countries such as China to the roster of arbitrators to increase foreign enterprises’ trust and interest in the institutions. Institutions and the host states are also recommended to ensure the permanence, impartiality and independence of the institutions, not taking any action that might endanger the international legal status of the institutions.

5. CONCLUSION

The desire of foreign businesses for flexible, cost-effective and expeditious resolution to disputes as well as the eagerness for foreign funds and technology of African states has fueled the preference for and development of international commercial arbitration in Africa. Being the place of arbitration is of great significance to international arbitration itself, the host states and the parties to the dispute. For both Chinese and African sides, there exist both advantages and disadvantages whenever selecting mainland China, African countries, Hong Kong or Singapore and the developed countries as the place of arbitration, and both sides may select it in light of actual situation, considering efficiency, impartiality and other practical factors. It is also suggested that, for both sides, it seems best not to select the developed countries because of much higher cost, but rather mainland China or African countries as the place of arbitration, especially those arbitration institutions with Chinese and African arbitrators. If both sides cannot reach such an agreement, alternatively they can select Hong Kong or Singapore as the place of arbitration. Although having made great progress in overall environment for arbitration, African countries still have much to do to become more attractive and competitive places of arbitration, and to fulfil this goal, they are recommended to take some necessary measures, such as providing more policy supports, revising arbitration laws, improving arbitral efficiency and giving fuller play to the role of regional arbitration institutions of Africa, etc.

REFERENCES

¹⁸ Supra note 8, 452.

-
- [1] Yun Liu and Jing Cui, 'The Characteristics and Relevance of China's Participation in Peace-keeping Operation in Africa', *Journal of Zhejiang Normal University*, 1 (2011), 7-13.
- [2] Zhiyong Song, 'On Sino-African Trade Conflicts', *Western Asian and Africa*, 8 (2006), 40-42.
- [3] Shuangyuan Li, *Private International Law* (3rd Ed), Beijing University Press, 2011.
- [4] Wells, A., 'Dispute Resolution: Mediation and Arbitration', *Business Law Review*, 3 (2011), 61-62.
- [5] Friedland P. and Bing Yan, 'Negotiating and Drafting Arbitration Agreements with Chinese Parties', *Journal of International Arbitration*, 8 (2011), 467-484.
- [6] Redfern A. and Martin Hunter, *Law and Practice of International Commercial Arbitration* (4th Ed), Sweet & Maxwell, 2004.
- [7] Asouzu, A. A., *International Commercial Arbitration and African States*. Cambridge University Press, 2001.
- [8] Butler, D., The State of International Commercial Arbitration in Southern Africa: Tangible Yet Tantalizing Progress, *Journal of International Arbitration*, 21 (2004), 169-203.
- [9] Ross, A., PCA to Appoint Representative in Mauritius, *Global Arbitration Review*, May 1, 2009.
- [10] Wilske, S. and Jade G. Ewers, 'Why South Africa should update its International Arbitration Legislation', *Journal of International Arbitration*, 28 (2011), 1-13.
- [11] Waincyner, J., 'The New UNCITRAL Arbitration Rules: An Introduction and Evaluation', *Vindobona Journal of International Commercial Law and Arbitration*, 14 (2010), 223-248.