

# Kluwer Arbitration Blog

## Interviews of Our Editors: “What Does Kluwer Arbitration Blog Mean To You?”

Daniela Páez-Salgado (Senior Assistant Editor) (Herbert Smith Freehills), Ashutosh Ray (Assistant Editor for South Asia), Christine Sim, and Sadaff Habib (Beale & Company LLP) · Saturday, August 1st, 2020

We continue our series with four of our fellow editors sharing their perspectives on working on the Blog and predictions concerning the future of the arbitration world: **Daniela Páez (Assistant Editor for Latin America)**, **Ashutosh Ray (Assistant Editor)**, **Christine Sim (Assistant Editor for Southeast Asia)**, and **Sadaff Habib (Assistant Editor for Africa)**.

**Daniela Páez (Assistant Editor for Latin America):**

*What does Kluwer Arbitration Blog mean to you?*

I was part of the first team of Assistant Editors to join our Blog’s editorial team in January 2015. At the time, I was finishing my master’s degree in the US and was looking forward to settling in New York City for the next few years. As I transitioned into my current role, I was inspired to pursue the opportunity to work for the Blog.

To me, the Blog provides me with an opportunity to closely follow developments in Latin America – a region where international arbitration is very active and continues to gain traction – and then work with the team and authors to produce publications that highlight these trends. I am sometimes surprised with the high number of requests we receive to publish on hot topics in the Latin America. This demonstrates how valuable our Blog’s content is in addressing relevant issues for private practitioners and academics, all of whom are equally eager to share with others the evolution of international arbitration in Latin America.

Through the Blog, I have also built an incredible network of international arbitration practitioners from across the region and world. I am very grateful for the valuable professional relationships I have established with our contributors, which have often led to further collaboration outside of the Blog and serves as an added benefit in my role as a private practitioner.

*Make a guess as to what you think international arbitration will look like in 2030.*

My guess focuses on how the demand for arbitrators will change in the arbitration market. The market will demand more sophistication from and specialization of arbitrators. First, arbitrators will be expected to be aware of cybersecurity issues to ensure transparency and accountability in any data processing they handle as part of the adjudication of a case, alongside being technologically savvy. This will become a key aspect of arbitrator selection and will inevitably raise the stakes for arbitrators who will now have to develop approaches to showcase those qualifications.

Second, with respect to specialization of arbitrators, one of the subject matters that will likely continue to develop is climate change-related disputes. The Paris Agreement (which 189 states have ratified to date) requires each country to outline and communicate their post-2020 climate change action. Naturally, those long-term international commitments will continue to have an impact on national and regional policies, which in turn might affect: (1) commercial relationships between private parties who will have to adapt to states' new policies (i.e. initiatives towards decarbonization of the economies); and (2) foreign investors operating in traditional energy industries which might have to exit certain economies due to a sovereign state's new policy, for example, ordering phase-outs of certain energy sources. When facing these types of controversies, parties are likely to search for an arbitrator with sufficient expertise on these subjects. Therefore, my prediction is that arbitrators will be working on developing a particular expertise on these subjects to be competitive and meet the international arbitration market's demand.

**Ashutosh Ray (Assistant Editor):**

***What does Kluwer Arbitration Blog mean to you?***

It is a privilege and honor to be part of the editorial board of the Blog – the eponymous household name for anyone acculturated to the international arbitration ecosystem. The jurisprudence in international arbitration continues to evolve at a fast pace and the Blog has become a catalyst for facilitating high-quality engagement from across jurisdictions. As an editorial board member, it is intellectually stimulating to be in the midst of such discussions with the contributors and fellow editors. I have come to appreciate a myriad of viewpoints on any given issue through the several submissions that I have an opportunity to review and study. One of the most satisfying bits, perhaps, is when the contributors return to share how their posts have benefited their careers.

It is fascinating that at the Blog I am part of an apparatus that is helping standardization of ever-evolving concepts in the field on one hand and celebrating the diversity of opinion on the other. I have always found myself exceedingly supported by my fellow editors in times of need and their availability alone has been extraordinarily reassuring. The indomitable spirit within our team underpins its success and keeps me on my toes.

***Make a guess as to what you think international arbitration will look like in 2030.***

It won't take rocket science to guess that international arbitration will be more widely used in 2030. That is likely the natural progression for international arbitration. However, international arbitration may certainly look very different in 2030. Following are my musings:

- Full-fledged video hearings will mostly become common by 2030 (imagine VR glasses for a near-life experience!). This would likely receive the spotlight for tackling climate change and reducing the environmental impact while promoting optimum use of time, resources, and energy in international arbitrations. The [Green Pledge](#) is a step in the right direction to achieve carbon-neutrality in conduct of international arbitration.
- As for diversity, while gender diversity would hopefully claim its rightful place by 2030, works on ethnic and geographical diversity would be underway.
- It may not be surprising for parties to employ artificial intelligence (“AI”) to evaluate the probabilities of the success of their matters. Thus, even though AI may not replace arbitrators, it might become an important tool for the parties to make a more scientific decision between arbitrating their disputes and settling them. This exercise may lead to a new breed of service providers providing such AI-based services (let’s call them the AI Assessors) in the arbitration ecosystem.
- The evolution of industries especially that of renewable energy, technology, and pharmacy might give rise to a new genre of disputes requiring further expertise in these areas.
- As discussed [here](#), the Singapore Mediation Convention might have a gestation period owing to the New York Convention, before it kicks off. A decade might be an apposite time to revisit its interplay with the New York Convention.

**Christine Sim (Assistant Editor for Southeast Asia):**

***What does Kluwer Arbitration Blog mean to you?***

To me, the Blog is a great tapestry where the arbitration community’s collective passion for the subject is woven together. It is an incredibly special ground-up initiative, which constantly inspires me in practice, in academic research, as well as in life.

First, the writers who are eager to bring new and regional developments to the attention of the readers and who enjoy thinking deeply about issues in arbitration are like the spinners of threads and yarn. Without the writers contributing their ideas, arguments and analysis, the community would not have such a dynamic space to read and debate the latest issues in arbitration together. I was motivated to start working for the Blog because I wanted to increase the number of posts of talented writers from Southeast Asia and to cover the exciting arbitration developments in this emerging region.

Second, the editors are like the busy weavers. We hold these threads together, try to ensure that the right colors go in the right places, and weave them piece by piece, into a greater piece of art. Without the cooperation, good humor, and passion of each of my fellow editors, I believe our Blog would not have the readership and engagement that it has today.

Third, the readers are like the buyers of the tapestry. They bring pieces of it back with them to their research, their law firms and their homes. They use them in other magnificent pieces of work – as inspiration for longer academic journals, as quick learning opportunities amidst hectic billable hours, and even as bedtime stories to wind down from the day. Perhaps without these buyers, some might speculate that fewer people would be inspired to spin yarn or to keep weaving at all. Yet, the passion of the writers and the editors often sustains itself – through their pride in collectively creating a larger work of art.

***Make a guess as to what you think international arbitration will look like in 2030.***

First, international arbitration will certainly rely on technology far more than it does now. We would find consensus in better and more efficient ways to deal with document production; we would use technology to conduct better hearings and conferences; and we could also use technology to monitor ethical compliance.

Second, arbitration could look very different. Investment arbitration could be vastly different from what it is today. We may have a multilateral court up and running, where a few levels of appeals may be the norm for any case. The citation of precedents would weigh more heavily. Commercial arbitrations could see greater restrictions from legislative changes or the intervention of state courts. If governments grow impatient with private forms of dispute resolution, the scope of arbitrability could shrink and the scope of public policy may correspondingly grow larger.

Third, arbitration will be everywhere. It will grow more and more regionally diverse, as its geographical expansion is an unstoppable tide that has already accumulated great kinetic energy today.

**Sadaff Habib (Assistant Editor for Africa):**

***What does Kluwer Arbitration Blog mean to you?***

I have been practicing in international arbitration for over 10 years now. I am qualified in New York. I practice in the Middle East as counsel and an arbitrator. Throughout my arbitration career the Blog has been my first port of call for any recent development in international arbitration. It offers a wealth of information on latest developments in international arbitration in a clear and concise manner. The level of detail is just right to understand key issues. The Blog also provides a platform for young practitioners who are keen to publish their articles and establish their reputations but sometimes find it difficult to do so.

I joined the Blog as an editor for the Africa region two and a half years ago. It was one of the most exciting news I received because it was an opportunity for me to promote the growth of arbitration in my home continent, to work with practitioners from different parts of the world and to actively participate in the editorial process. The Blog has helped me channel my passion and interest in international arbitration by providing an opportunity to write for the Blog and to work with brilliant minds in the arbitral world – both with the editorial team and with different authors to refine their works.

I am delighted to contribute to and to be part of such a diverse and unique legal platform and look forward to its growing heights.

***Make a guess as to what you think international arbitration will look like in 2030.***

I expect we will see video conferencing and virtual hearings becoming the norm. These might also

pave the way for 3D tele-presence. One of the reasons why video conferencing hasn't gained momentum in international arbitration is because it is difficult to read the body language of witnesses which in itself is an important means of gauging their honesty and credibility. Therefore, I will be little surprised if we have 3D figures being projected across the wires creating a "real virtual arbitration."

As the world evolves, users of arbitration will expect fast and efficient results. It doesn't seem unfathomable for an online arbitration system to be created for dispute resolution, having its own procedural rules and virtual pool of arbitrators. The extent to which such a system will be suitable to different kinds of disputes remains to be seen.

With these developments in technology, procedural law, as applied to arbitration as we know it, will need to be reconsidered. I suspect that the traditional 'seat' of arbitration may be done away with. It does not seem too farfetched to think that the New York Convention may be replaced with a revamped New York Convention on International Procedural Law which would apply and regulate all online and virtual arbitrations. I discussed this further in my chapter in the CI Arb book *A Brand New World: The Evolution and Future of Arbitration*.

Further interviews in this series of interviews with our editors are published [here](#).

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