

Kluwer Arbitration Blog

ICCA Hong Kong 2024: Technological Horizons

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This is the fourth post in ICCA's series of reports on the [ICCA 2024 Congress](#) ("Congress"). It reports on the last day of the Congress on Wednesday, 8 May 2024, which looked at the present and into the future to determine how new technologies may shape the human experience in international arbitration.

International Arbitration: An AI Endeavour

The Congress' last panel discussed new developments surrounding artificial intelligence ("AI"). The moderator, [Michael McIlwrath](#), guided the debate between panellists [Christopher Bogart](#), [Maxim Osadchiy](#) (winner of the Young ICCA Essay Competition), [Emily Hay](#), [Rahim Moloo](#) and [Winnie Tam SC](#). They focused on recent off-the-shelf products that aim to assist lawyers in building cases and strategies, such as [Thomson Reuters' CoCounsel](#), [vLex's Vincent AI](#), [DISCO's Cecilia](#), [Jus Mundi's Jus AI](#), [MetaLaw](#), as well as the Shenzhen Court of International Arbitration ("SCIA")'s AI assistant.

The panel was developed around two key premises: first, that AI is here to stay; and second, that those who are not capable of using and integrating these technologies into their practice might eventually lag behind in the market. As put by McIlwrath, "AI is not going to take your job. It's people who use AI who are going to take your job."

To gauge the presence of AI in arbitration, the panel conducted an informal survey on the use of AI with 11 arbitral institutions. The survey results, presented by Osadchiy (and as published in a [previous post](#)), indicate that most respondents still do not use AI in any form, although they were open to the possibility of integrating it into their activities. Among those that do use it, they often resort to generative AI to make internal processes such as marketing more efficient.

Bogart explained that AI is already used to assist third-party funders in making better decisions. Drawing from his own experience, he noted that AI cannot replace human reasoning. However, it may help humans make better and quicker decisions by providing them with insights from large data pools in seconds. Tam also provided an example of the practical use of generative AI in the context of arbitration cases. Drawing from her experience as an arbitrator at the SCIA, Tam reported on the use of AI to prepare templates of decisions and correspondence. These templates would make arbitrators' work more efficient by identifying essential information in case materials

while at the same time ensure that the autonomy and responsibility of decision-making remain with the arbitrator.

Hay highlighted common concerns regarding the use of AI, in particular the lack of information and understanding of how algorithms work. These concerns are currently being addressed by initiatives that show the rational steps followed by machines in a way that can be easily understood by human users. These demonstrations give users a better understanding of the potential of AI and of its limitations.

On the issue of limitations of AI, Moloo contributed by noting the importance of human input. While AI may improve efficiency and consistency in cases, it cannot grasp subjective issues that permeate arbitration. In particular, he noted that arbitration requires a human perception of justice that cannot be grasped or reproduced by an algorithm, however smart it may be. Moloo further added that humans would always want complex and nuanced cases to involve human judgment, which raises the dilemma of how to balance the efficiency of AI and these human subjectivities in practice.

Closing Remarks

The panel was followed by closing remarks by [Professor Richard Susskind OBE KC](#). Introduced by the ICCA Programme Co-Chairs, [Chiann Bao](#) and [Audley Sheppard KC](#), Professor Susskind's talk highlighted the potential of technology and innovation to transform the future of dispute resolution as well as the legal profession.

Professor Susskind remarked that, in his many years of studying the impact of technology on international law, he has never seen the speed of technological progress as we are currently experiencing. He noted that, while technology has, for several years, assisted in the *automation* of tasks in legal work, including international arbitration, these technologies have so far mostly assisted lawyers in improving their traditional practices. However, the increased capabilities and the improvement of technologies such as neural networks may soon empower true *innovation* in the field's practices. He suggested that AI's impact on dispute resolution, including the potential for machine-generated determinations, will soon reshape arbitration practice.


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