

Promoting and Encouraging Trade and Commerce in the Pacific Region Through Dispute Resolution

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Wilmer Cutler Pickering Hale and Dorr LLP and the Centre for Small States, Queen Mary University of London, held a seminar on 16 March in Brussels on promoting and encouraging trade and commerce in the Pacific region. [Gary Born](#), Chair of the [International Arbitration Practice Group](#) at Wilmer Cutler Pickering Hale and Dorr, and Dr. Petra Butler, Co-Director of the Centre for Small States and Professor at Victoria University of Wellington, discussed the importance of an effective, efficient and expert dispute resolution mechanism for Pacific Island countries to foster and enhance cross-border trade and commerce. The focus was in particular on the role international arbitration can play to achieve the Pacific Island countries' goal of increased participation in global trade. Diplomatic representatives from a number of Pacific nations and delegates from other institutions with interests in the region attended.

Mr. Born addressed the audience with an overview and history of international arbitration, details of ongoing reform and capacity-building in the Pacific region and an assessment of likely future development regarding the adoption of arbitration legislation by Pacific Island States. Professor Butler's presentation concentrated on law reform and outlined the challenges of international arbitration law reform in the Pacific Island countries due to the Islands' pluralistic legal systems and the role of custom. She discussed how those challenges could be overcome. Ana Tuiketeti, a Fijian barrister and Visiting Foreign Lawyer at Wilmer Cutler Pickering Hale and Dorr, chaired the discussion.

The seminar followed and complemented the regional international arbitration conference jointly organised by the Asian Development Bank (ADB), the United Nations Commission for International Trade Law (UNCITRAL) Regional Centre for Asia and the Pacific, and the Fiji Government, titled "The Dawn of International Arbitration in the South Pacific." The conference, which took place in February 2018 in Denarau, Fiji, was supported under ADB's technical assistance titled "Promotion of International Arbitration Reform for Better Investment Climate in the South Pacific (more information available [here](#)). The conference, which brought together about 130 attendees comprising over 90 delegates from eleven Pacific Island countries and international arbitration experts, explored the numerous ways international arbitration can assist the Pacific Island countries to better take part in

global trade. Mr. Born gave the conference's keynote address following an opening address by the Solicitor-General of Fiji and the General Counsel of the Asian Development Bank, Christopher Stephens. Dr. Butler facilitated a women in arbitration event which enabled Pacific Island participants to hear from a variety of prominent female international arbitration specialists on the subject of how to forge a career in international arbitration.

Mr. Born had previously provided advice and support to the Fiji government, as part of an international team from the ADB and UNCITRAL, in the drafting of the Fiji International Arbitration Act 2017. This is part of a broader technical assistance project that aims to promote accession to the New York Convention and international arbitration law reform in the South Pacific region. Additional Pacific Island states are in the process of examining the reform of international arbitration legislation in the region.

Following on from the Brussels seminar and the Fiji conference, the particular role international arbitration can play in environment and climate change disputes will be explored at a [conference](#) jointly held by Wilmer Cutler Pickering Hale and Dorr LLP and the Centre for Small States on 6 and 7 September this year in London.



(Gary Born (centre), Ana Tuiketeti and Petra Butler with delegates from Pacific countries at the Brussels seminar.)