

Propositions pertaining to the doctoral thesis

THIRD-PARTY FUNDING IN INTERNATIONAL ARBITRATION: A TRANSNATIONAL
STUDY OF ETHICAL IMPLICATIONS AND RESPONSES

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1. The integrity and fairness of international arbitration depends on the ethical conduct of the participants involved therein, including, for example, the arbitrators, parties, lawyers or other party representatives, and third-party funders.
2. Providing clearer ethical norms and reliable implementation mechanisms for the participants in international arbitration helps to address the ethical implications of third-party funders for the professional conduct of arbitrators and lawyers representing clients involved in third-party funding.
3. Mandatory disclosure of the existence and identity of third-party funders in international arbitral proceedings is a prerequisite to ensure that arbitrators are able to conduct effective conflict of interest checks.
4. Lawyers' independence is crucial for protecting the interests of the funded client and is also relevant to maintaining the professionalism and integrity of the legal profession itself and protecting the integrity and fairness of the arbitral process.
5. The introduction of the appropriate regulation for third-party funders by national authorities helps to avoid the risks posed by third-party funders to the administration of justice and the interests of the parties to the dispute as well as to increase the wider acceptance of third-party funding in the legal profession.
6. The modernization of the Arbitration Law of the People's Republic of China requires the explicit recognition of the Competence-Competence doctrine and the adoption of the concept of the 'seat of arbitration'.
7. Cooperation between arbitral institutions, while ensuring competition, can better promote continuous procedural innovations, optimize the international arbitration practice and provide a higher level of quality of service.
8. Promoting diversity in the community of arbitrators and arbitral tribunals is conducive to maintaining international arbitration as a modern, viable and desirable method of dispute resolution.
9. Online hearings have become a daily reality in international arbitration, but if a party objects to online hearings, the arbitrator will need to decide whether to order online hearings by making a dynamic assessment of all relevant facts and circumstances with the premise of the true equal treatment of the parties.
10. By complementing the system of arbitration under local arbitral institutions, international commercial courts can become an ally to international arbitration in achieving simplified enforcement, setting aside proceedings and court assistance in support of arbitration.
11. Learning and growing is an eternal melody of humanity.