



The Asia-Pacific Arbitration Review

2025

Preface

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The Asia-Pacific Arbitration Review 2025 contains insight and thought leadership from 50-plus pre-eminent practitioners from the region. It provides an invaluable retrospective on what has been happening in some of Asia-Pacific's more interesting seats.

This edition also contains think pieces on private equity, investor state arbitration, mining valuation, and energy disputes.

All articles come complete with footnotes and relevant statistics.

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Preface

David Samuels

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Welcome to *The Asia-Pacific Arbitration Review 2025*, a Global Arbitration Review special report. For any newcomers, Global Arbitration Review is the online home for international arbitration specialists the world over. We tell them all they need to know about everything that matters in their chosen professional niche.

Throughout the year, we strive to deliver pitch-perfect daily news, surveys and features; lively events (under our GAR Live banner); and innovative tools and know-how products, such as the Arbitrator Research Tool, and its companion Primary Sources (arbitral awards from the GAR archive), not to mention newer projects such as our Academy, where you can learn the skills of international arbitration in the privacy of your office or home.

In addition, assisted by external contributors, we curate a range of comprehensive regional reviews that go deeper into local developments than the exigencies of our journalism allow. *The Asia-Pacific Arbitration Review*, which you are reading, is one such volume.

It combines the insight and thought leadership 50-plus pre-eminent practitioners, across 20 chapters. All contributors are vetted for their standing and knowledge before being invited to take part.

Together they have captured and interpreted some of the most pertinent international arbitration developments coming out of the Asia-Pacific region, complete with footnotes and lots of statistics. These pieces should be required reading for anyone seeking to get on top of the potential of a particular country as a seat.

This edition covers Australia, China, Hong Kong, India, Japan, Malaysia, Singapore, and Vietnam and several helpful overviews. A common thread through several of those this is ISDS.

As so often with these annual reviews, a close read yields many gems. On this occasion for this reader, they include that:

- There's likely to be a lot more international arbitration seated in China, owing to a change in where Chinese companies are raising finance (from inside China much more often) meaning international investors have to invest, now, through local 'structures' (rather than things off-shore); that spells interesting times;
- Another wave of Australian LNG and LNG-construction related claims seems imminent;
- Since 2019 more Asian investor-state cases DIDN'T go to ICSID, than did;
- Under a market-valuation approach, a comestibles business would currently be 20 per cent more valuable if it was classified as "beverage company" rather than "food products business";
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Vietnam's main arbitral provider saw 30 per cent more new cases in 2023 (at 346 new requests for arbitration);

- The hospitality industry has a particular need for privacy around its disputes (hence routinely uses arbitration); and
- India, after a run of supportive, highly pro-arbitration court decisions has just suffered, well, possibly the setback of all setbacks, although the full impact remains to be seen.

I hope you enjoy the volume and get as much from it as I did. If you have any suggestions for future editions, or want to take part in this annual project, my colleagues and I would love to hear from you. Please write to insight@globalarbitrationreview.com.

David Samuels
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David Samuels

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