

THE PROMOTION AND DEVELOPMENT OF INTERNATIONAL COMMERCIAL ARBITRATION BETWEEN PRIVATE PARTIES THROUGH FREE TRADE AGREEMENTS—THE WAY FORWARD FOR TAIWAN

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ABSTRACT

FTAs and international commercial arbitration both aim to encourage and facilitate international trade and transactions. FTAs are therefore a fitting vehicle to promote and develop international commercial arbitration. As seen in Article 2022 of the North American Free Trade Agreement and similar FTAs, there seems to be a growing trend for FTAs to include provisions to encourage and facilitate the use of arbitration for the settlement of international commercial disputes between private parties.

The author is of the view that Taiwan would benefit a great deal from promoting and developing international commercial arbitration through its FTAs, and that this would be in line with its recent initiatives and reforms to transform itself into a dispute resolution hub similar to Hong Kong and Singapore. Going forward, Taiwan can perhaps go further in its FTAs with regard to the Parties' obligations.

KEYWORDS: *FTA, NAFTA, Advisory Committee, commercial arbitration*

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