VOLUME 6 | ISSUE 1

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

ARBITRATION IN TURBULENT TIMES: NAVIGATING GEOPOLITICAL CROSSFIRES

- Sreejeeta Das & Ritika Srivastava[1]

Abstract

International arbitration, which was once earlier considered as an impartial, apolitical method for the settlement of cross-border disputes, is currently at a pivotal juncture in current time of growing geopolitical instability. In light of growing international power struggles, economic penalties, and legal fragmentation, this research explores the changing nature of arbitration. Enforcing arbitral rulings has grown politically charged due to sovereign nations' growing use of public policy defences, which calls into question fundamental ideas like arbitrator neutrality, party autonomy, and arbitral award enforceability. Further, itfocuses at the ways that nations like Singapore, China, India, and the UK are changing their arbitration systems in order to balance investor confidence with state sovereignty.

The research continues by examining how Global Northdominated arbitrator appointments, and geopolitical "lawfare" have exacerbated the erosion of arbitrator neutrality in Investor-State Dispute Settlement (ISDS) while exploring the disruptive power of mass arbitration, especially in the consumer and employment sectors, as demonstrated by the high-value settlements. This strategy empowers claimants, but in order to maintain consistency and justice, it necessitates procedural recalibration using hybrid models and AI integration.This research makes a significant contribution by integrating legal analysis with geopolitical reality and demonstrating how mass claims, legal nationalism, and sovereign agendas are reshaping arbitration. It distinguishes itself by putting up a workable *"Global Arbitration Resilience Framework,"* which gives practitioners, institutions, and governments useful instruments to protect enforceability and neutrality in a becoming more divisive global dispute settlement environment.

Keywords: *dispute resolution, arbitration, international, enforceability, jurisdiction, settlement.*

Introduction

[1] 4th Year BA LLB Students, Symbiosis Law School, Hyderabad

It is usually preferred that international arbitration be used to make cross border dispute settlement fair enough. It has become the center of international conflict resolution during a period of rising geopolitical tensions, shifting loyalties and the weaponisation of economic and legal instruments. The process of arbitration has traditionally been acclaimed as an unbiased, operative, as well as legally binding process of resolving international business and investment disputes. However, the present atmosphere can be described as unprecedented volatility. At this moment, international dispute settlement was complicated due to trade wars, world sanctions, territorial debates, and nationalism as it raised the alarming questions about the feasibility and impartiality of arbitration in the presence of "geopolitical factors". These underlying provisions of Arbitration, i.e. party autonomy, impartiality of the arbitrators, as well as the enforceability of the arbitral awards, are now being tested as never before. States affected by geopolitical crisis very often overrule the sanctity of arbitration agreement and the applicability of arbitral rulings by the use of unilateral measures that impact on the private parties. This has even further blurred the boundary between politics and law in the adjustment of the arrival of the so-called lawfare whereby governments see the legal institutions as the ones to attain their strategic ambitions. Such an environment is like a minefield of competing interests, ambiguous regulations, and a risk of politicized outcomes of arbitral institutions. This research analyses the changing function of arbitration in a world shattered by geopolitical crossfires in light of this. The research analyses how arbitration, a fundamental component of international dispute settlement, is responding to the geopolitical crossfires brought on by governmental interference, fragmented regulations, and the politicization of the legal system along with adopting measures to curb the changing nature of the arbitration.

Reforms and Policy Shifts in Key Arbitration Jurisdictions

States and arbitral institutions are involved in a new round of change that since the turn of the twenty-first century have re-arranged their arbitration regime. The reforms arise as a result of acknowledging the fact that the modern international arbitration is encountered by the broader social and political scenery. The spread in investor state dispute, increase in litigation, including public interest litigation, concerns over the neutrality of the arbitrators, and the protection of sovereignty have motivated the material institutional as well as legal change in such affluent jurisdictions. All these are premeditated moves aimed at transforming jurisdictions as popular or

independent arbitral locations in the world that is becoming more fragmented, all this in a bid to improve the integrity of the procedures and correct prohibitive political impacts.

India has made impressive reforms to its arbitral system of arbitration over the past 10 years driven by rising domestic policy concerns and increased criticism of investor-State dispute settlement (ISDS) processes. India's pro-arbitration judicial position was established by the judgment made in*Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services*[2], which restricted judicial intervention in arbitrations with foreign jurisdictions which is supported by the Arbitration and Conciliation (Amendment) Acts of 2015, 2019, and 2021. The recent growth of arbitral practice and especially in India has quickened the formal recognition of local arbitration institutions. Striking illustration is the International Arbitration and Mediation Centre (IAMC) that was opened in Hyderabad in 2019. This trend comes during the systematic withdrawal of India regarding over sixty bilateral investment treaties, which is based on the discontent related to the Investor-State Dispute Settlement (ISDS) regime, discontent that has grown stronger following the decisions made on the cases of Vodafone and Cairn Energy. In 2016 the Government of India also published a Model BIT that includes such restrictive language as a requirement to exhaust remedies domestically and definitions of "investment" and "investor" that are strictly delineated. Taken together these are signs of a distinct willingness to restore adjudicatory sovereignty by restraining a foreign arbitrator encroachment on areas of public-policy interest. The ensuing alterations represent a politically sensitive doubt about neutrality of arbitrators and credibility of institutions, which is perfectly aligned with opposition against finding against India and foreign influence. Nevertheless, it is crucial that the pro-investor speak be reconciled with the need to maintain sovereign policy space, which is critical unless India is to achieve its vision of being an arbitral seat of choice in the world.

The arbitration strategy of China is firmly attached to its geopolitical agendas, especially when manifested in the Belt and Road Initiative (BRI). Even though as a signatory to the New York Convention, China has traditionally encouraged the use of arbitration by institutional machinery, such as the Beijing Arbitration Commission and the CIETAC, new courts and dispute resolution systems, specifically targeted at BRI-related disputes, such as the China International Commercial Court (CICC), inaugurated in 2018 within the Supreme People Court, have emerged. The independence and governmental involvement of this system has been questioned

[2] Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services, (2012) 9 SCC 552.

by the commentators as there is a high degree of reliance on the control through the government and the supervision of arbitration through the legal courts. Besides, the story of politicised arbitral setting is supported by the authorised regulations like the Anti-Foreign Sanctions Law of 2021 that allows the government to curb the arbitral awards enforcement which do not comply with the national concerns. Instead of reforming the United Nations Commission on International Trade Law (UNCITRAL) or the International Center for Settlement of Investment Disputes (ICSID), China chose to create other parallel mechanisms that would give it added leverage in settling disputes to investments it funds. It ends up in strengthening of the strategic legal autonomy of China, but the universality and neutrality of arbitration are eventually being raised, as the system deliberately deviates on acknowledged principles of arbitral practices.Singapore is a unique model of the state that has successfully reconciled pro-arbitration expansion and geopolitical neutrality. In its institutionalized control of the Singapore International Arbitration Centre (SIAC) that has risen to become a leading seat of arbitration of arbitrations in the Asia-Pacific region, Singapore has sustainedly added to its legal framework to protect arbitration independence. As an interesting note, the jurisdiction has embraced emergency arbitrators, transposed the UNCITRAL Model Law, and shortened judicial interference, thus minimizing courts involvement. Moreover the government has not interfered with its institutions of arbitration. As a result, the Singapore judiciary system which is largely recognized to be tough in enforcing the arbitral awards and has made a point of committing to the party autonomy has managed to ensure that the system of arbitration remains stable despite political nuances.For example, the Singapore Court of Appeal confirmed in *CBX and another v. CBZ*[3] that claims of infringement of public policy must be proven to be serious in order to invalidate awards. Singapore's alterations, which encourage clients from politically unstable jurisdictions with low institutional confidence, are a conscious policy decision to preserve credibility in a multi-polar arbitration regime. The UK has refocused its foreign legal policy, notably its arbitration position, in the wake of Brexit. The UK courts have continuously upheld a pro-arbitration stance, particularly in cases like *Halliburton v. Chubb*[4], which clarified the duty of disclosure by arbitrators without going too far into issues of bias or disqualification. London continues to be a major arbitral seat. The UK still uses ad hoc investor-state arbitration and has voiced doubts

[3]CBX and another v. CBZ, (2020) SGCA 24.
[4]Halliburton v. Chubb (2020) UKSC 48.

about the EU's MIC proposal. However, the UK's Law Commission is examining the Arbitration Act 1996 in light of international changes, with the possibility of including clauses pertaining to cost-effectiveness, secrecy, and arbitrator immunity. Despite growing competition from Paris and Singapore, London's advantages include a strong professional culture, a stable judiciary, and historical reputation. However, the UK must guarantee more diversity and openness in appointments problems frequently brought up in ISDS criticisms in order to uphold this stance in the face of international cynicism regarding arbitrator prejudice.

The ability of arbitration to remain independent in a time of increased political polarisation is essential to its continued viability in global trade and investment. It is crucial to reevaluate arbitral principles and practices as geopolitical tensions have a greater impact on arbitrators' selection, award enforcement, and even parties' involvement[5]. The community needs to protect itself from the deterioration of neutrality in both appearance and content. Arbitration can only fully fulfil its fundamental function as an impartial and equitable forum for settling conflicts during tumultuous times by protecting arbitral procedures against ideological capture and calculated manipulation.

Erosion of Arbitrator Neutrality and Political Influence

In arbitration, neutrality pertains to the institutional structure, procedural decisions, and enforcement procedures in addition to the arbitrator's independence. Parties, however, are increasingly questioning and contesting the impartiality of tribunals in unstable geopolitical contexts, claiming systemic or covert political bias. This is especially clear in investor-state dispute settlement (ISDS), where arbitrators must decide on sovereign regulatory acts that are implemented for foreign policy, national security, and the public good. States have used theories such as the *"right to regulate"* and *"necessity"* to defend themselves against unfavorable arbitral rulings in recent years, which reflects a rising conflict between national sovereignty and international investment protection.

Arbitrators are frequently viewed as ideological actors rather than solely legal decision-makers as tribunals which negotiate these politically contentious issues. This tendency calls into question

[5]Pamela McDonald, *International arbitration: global developments and current trends*, Mar. 14, 2024 at https://www.pinsentmasons.com/out-law/analysis/international-arbitration-global-developments-current-trends

the validity of the arbitral process as well as the confidence of the parties. Arbitral proceedings have been directly impacted by economic sanctions that major nations, especially the US and the EU, have imposed unilaterally or multilaterally. It is difficult for sanctioned firms to hire solicitors, send money to arbitral institutions, or actively engage in proceedings. For instance, Russian parties have been prohibited from taking part in ICC and LCIA proceedings unless special exemptions are given in the wake of sanctions pertaining to the Russia-Ukraine conflict. Due to concerns about violating sanctions or jeopardising their financial and reputational interests, arbitrators may also be discouraged from accepting appointments.

The absence of geographical balance in nominations and decision-making has drawn more and more criticism towards international arbitral organisations like ICSID, ICC, and PCA. The majority of eminent arbitrators and institutional managers have common law credentials and are headquartered in the Global North. One reason why arbitration is perceived as reflecting a Western-centric perspective on law, investment, and development is the under-representation of voices from the Global South. States in Asia, Africa, and Latin America have responded with regional alternatives including the China International Commercial Court (CICC), the OHADA Common Court of Justice and Arbitration (CCJA) in West Africa, and plans for a UNASUR arbitration centre. These initiatives constitute a deliberate separation from what is perceived as a politically biased conflict resolution architecture; they go beyond simple linguistic or logistical changes. With provisions for a permanent bench and appellate procedure, the Multilateral Investment Court idea under consideration by UNCITRAL Working Group III also represents an effort to counteract perceived political and economic inequalities ingrained in the current arbitral system. The enforcement step adds another level of geopolitical interference. Domestic courts frequently turn into political battlegrounds when arbitral rulings contradict the economic or regulatory policies of a host state. Though states have construed the *"public policy"* exclusion broadly to reject awards that deal with politically sensitive topics, enforcement is theoretically governed by the New York Convention. In *Koch Minerals Sàrl v. Bolivarian Republic of Venezuela*[6], for example, the U.S. courts refused to enforce an ICSID verdict on the grounds that Venezuela was no longer a party to the ICSID Convention.

Beyond procedural adjustments, the arbitration system must negotiate these geopolitical crossfires. By broadening administrative appointments, expanding the pool of arbitrators, and

[6]Koch Minerals Sàrl v. Bolivarian Republic of Venezuela, (2023) ARB/11/19.

creating uniform codes of conduct, institutional neutrality must be strengthened. Although they are valuable resources, the IBA Guidelines on Conflicts of Interest and the proposed Code of Conduct for ISDS Tribunals under ICSID-UNCITRAL require wider acceptance and enforcement procedures. Institutions must also establish strong frameworks for handling politically delicate cases, such as policies for handling sanctions, exceptions for national security, and state non-cooperation. Incorporating arbitration with political risk insurance, state-to-state conciliation procedures, or multi-tier dispute resolution procedures that permit some diplomatic leeway prior to formal judgement could also be a proactive approach[7].

Sovereign Immunity and Arbitral Awards Enforcement

Enforcement of arbitral awards against states as being a barrier facing arbitral awards enforcement is not easier even in light of the Sovereign Immunity concept, especially when it comes to investor-state disputes as to how states take shelter from execution by taking advantage of their sovereignty. This jurisdictional immunity doctrine, that many criticized as being similar to a "legal apartheid system," where States were given carte blanche immunity from being pursued in foreign courts (jurisdictional immunity) and had their assets immune from being enforced against them (execution immunity), has developed over time from an absolute immunity to a restricting immunity[8]. The restrictive theory makes a distinction between the acta jure imperii and acta jure gestionis and the execution is permissible against the property used with a commercial end. However, commercial activities are often structured by the states via legally distinct organizations, such as stateowned enterprises and sovereign wealth funds, making asset identification and attachment difficult[9].

The impact of judicial interpretation of sovereign immunity is highly asymptomatic across jurisdictions, while results in disunity in its implementation. General Dynamic v. The court of Libya[10] interpreted the phrase in the Libya arbitration agreement “wholly enforceable” as having

[7]Fanuel Rudi, *Cross-Border Conflicts: How Global Trends are Reshaping Resolutions,* 2024 at *https://viamediationcentre.org/readnews/MTc0MA==/Cross-Border-Conflicts-How-Global-Trends-Are-Reshaping-Resolutions*

[8] Shu Shang and Wei Shen, When the State Sovereign Immunity Rule Meets Sovereign Wealth Funds in the Post Financial Crisis Era: Is There Still a Black Hole in International Law? 31 LEIDEN J. INT’L. 915, 916 (2018).

[9] XIAODONG YANG, STATE IMMUNITY IN INTERNATIONAL LAW 75 (Cambridge University Press 2012).

[10] General Dynamics United Kingdom Ltd v. State of Libya [2024] EWHC 472 (Comm)

expressly waived the execution immunity of the Republic of Libya and could allow its commercial assets to be seized within UK jurisdiction. This decision is a step in the right direction, which affirmed the wide execution immunity not based on asset-based inquiries, but rather showing the lack of credulity of Colombia as an enforcement venue. Equally, 'the Delhi High Court in India in KLA Const. Technologies v. Embassy of Afghanistan, held that State that deals in commercial matters loses immunity automatically. The rule laid down that no prior consent is needed from the Central Government under Section 86(3) of the Code of Civil Procedure, to enforce the arbitral awards against the respondents.'[11] A Foreign state cannot claim a Sovereign Immunity against enforcement of an arbitral award arising out of a commercial transaction. The court emphasized that arbitration clauses in commercial contracts constitute an implicit waiver, reinforcing a dual waiver theory that aligns procedural codes with modern arbitral practice. Domestic immunity laws further shape enforcement outcomes. The U.S. Foreign Immunities Act of 1976[12] allows exceptions for commercial activities, as demonstrated 'in Crystallex v. Venezuela, where a U.S. Court permitted seizure of Venezuela's PDVSA shares to satisfy an arbitral award.'[13] The UK State Immunity Act, 1978 similarly permits enforcement against commercial assets, but courts demand clear evidence of commercial use, as seen 'in Orascom v. Algeria, where Algerian embassy accounts were deemed immune.'[14] Geopolitical dynamics exacerbate enforcement challenges. For the instance, Russia's complex asset structures delayed enforcement in Sedelmayerv. Russian Federation[15], highlighting the difficulty of identifying executable assets. The U.S. Senate's 2022 proposal to designate Russia as a state sponsor of terrorism, if enacted, could expand FSAI exceptions, facilitating enforcement against Russian assets for terrorism related claims.

To overcome these barriers, award creditors employ strategies such as pre - enforcement asset tracing through forensic accounting, third - party funding to mitigate financial risks and anti suit injunctions to prevent states from delaying proceedings as seen in NextEra v. Spain[16]. A novel

[11] KLA Const Technologies Pvt. Ltd. v. The Embassy Islamic Republic of Afghanistan, AIRONLINE 2021 DEL 1605

[12] Foreign Sovereign Immunities Act of 1976, Pub. L. No. 94-583, 90 Stat. 2891.

[13] Crystallex International Corporation v. Bolivarian Republic of Venezuela, ICSID Case No. ARB(AF)/11/2

[14] Orascom TMT Investments S.à r.l. v. People's Democratic Republic of Algeria, ICSID Case No. ARB/12/35

[15] Mr. Franz Sedelmayer v. The Russian Federation, Decision of the Swedish Supreme Court

[16] NextEra Energy Global Holdings B.V. and NextEra Energy Spain Holdings B.V. v. Kingdom of Spain, ICSID Case No. ARB/14/11

proposal involves embedding "sovereign immunity waivers" in bilateral investment treaties and arbitration agreements, explicitly designating executable assets classes (e.g., commercial bank accounts) and enforcement jurisdictions. Complementing this, international escrow mechanisms could also simplify enforcement by allowing states to deposit money as security during the arbitration process. The UNCITRAL Working Group III's 2025 conversations on investor-state dispute settlement reform indicate increased interest in these types of mechanisms, proposing model clauses to improve predictability. To increase the chances of enforcement, award creditors should give priority to jurisdictions that have very restrictive immunity doctrines, for example, France or the U.S., and not to those that have expansive interpretations, like Colombia or Russia.

Collective redressal Mechanisms and Mass Arbitration

Mass arbitration is the form of collective redress which transformed consumer and employment rights, therefore, enabling claimants to suit corporations, depending on arbitration provision to avoid the class actions. In contrast to class arbitration, whereby individual cases are combined into a single proceeding, mass arbitration is an operation by individual claims that are harmonized, and, therefore, they can have a tremendous effect by imposing high financial pressure on respondents by using the arbitration cost structure. As an example, 'Uber received over 60,000 driver claims in 2019 and, therefore, it spent millions of dollars in the fees to file at American Arbitration Association (AAA) and that way it ended up paying money to the tune of a 146 million dollar settlement.'[17] In a similar fashion, 'Amazon proved that mass arbitration can also serve the purpose of corporate accountability when it resolves 75,000 claims by drivers in 2021'[18]. 'This method seems to be very successful particularly in industries that comprise a widely dispersed workforce like gigs and low-wage retail industries where the conventional organization is problematic due to the absence of physical work places. Low value claims are economically unviable through the exclusion of collective actions in arbitration clauses which often have class waivers.'[19]"Over 95 percent of the federal job-discrimination and base-wage-

[17]Alison Frankel, *Uber Sues AAA to block $100 Million Frees in 'Politically Motivated' Arbitration*, Reuters (Sept.20,2021) <https://www.reuters.com/legal/government/uber-sues-aaa-block-100-million-fees-politically-motivated-arbitration-2021-09-20/>

[18]Sara Randazzo, *Amazon Faced 75,000 Arbitration Demands. Now It Says: Fine, Sue Us*, Wall St. J. (June 1,2021)

[19]The *realistic* alternative to a class action is not 17 million individual suits, but zero individual suits, as only a lunatic or a fanatic sues for $30." AT&T Mobility LLC v. Concepcion, 563 U.S. 333, 365 (2011) (Breyer, J., dissenting) (quoting Carnegie v. Household Int'l, Inc., 376 F.3d 656, 661 (7th Cir. 2004) (Posner, J.)).

and-hour claims in the United States rely on nonpublic action since the government has restrictions with this enforcement."[20]'The lack of unions to the workers exposes them to the poor litigation costs, fear of reprisals, and stigmatization in the job market leading them to lack the capacity to initiate individual cases, thus, creating the need of the collective mechanisms to enhance the economic sense and influence to the system.'[21] These obstacles are eliminated through mass arbitration because plaintiff-side attorneys can create mass claims, which were proven in the example of the litigation against Intuit and Airbnb where the employment of arbitration clauses reversal helped to obtain settling. There are still some logistic and ethical issues in mass arbitration. The Supplementary Rules of Multiple Case Filings by the AAA and the 2023 protocols proposed by JAMS assist in making the procedure easier by designating process arbitrators in case of common disputes, but the problem of arbitral selection and awards remains the same because of the lack of precedence in the case of arbitration. The case of opening the arbitration with DoorDash in 2024 resulted in contrasting awards on similar gig-work claims, hence bringing out the issue of fairness. A fee to file (e.g. $200-$400 per claim) is also seen to be a burden especially on the people paying it and on claimants who are low-income earners, and even those who supply it may be omitted arousing the need to be a marginalized person. Even corporate changes like the 2023 Uber proposals to limit the amount of arbitration claims are unconscionable (see Uber BV v. Aslam)[22]. However, on the one hand, there are new plans and the response of courts, which, in addition to the changes, cause uncertainty of the existence of the mass arbitration, i.e., Uber, 2024).

Such issues could be addressed using an alleged hybrid arbitration framework to give a combination of mass arbitration and class action advantages. This principle is introduced by a two-tier mechanism (whereby the lead arbitration determines the free-issue legal questions by means of a non-binding precedent, and the individual arbitration of the damages is simplified). 'The 2025 task force on collective redress established by the International Chamber of Commerce (ICC) intends to implement pilot programs in the sphere of consumers and the

[20]42 U.S.C. §§ 2000e to 2000e-17; J. Maria Glover, *The Structural Role of Private Enforcement Mechanisms in Public Law*, 53 WM. & MARY L. REV. 1137, 1148–49 (2012).

[21]Mark J. Levin, *New AAA Consumer Fee Schedule Addresses Mass Arbitration Costs*, BALLARD SPAHR (Mar. 1, 2021), <https://www.consumerfinancemonitor.com/2021/03/01/new-aaa-consumer-fee-schedule-addresses-mass-arbitration-costs> [https://perma.cc/PYJ2-TMEY].

[22] Uber BV & Ors v. Aslam and Ors [2021] UKSC 5

environment, so, they are going to reduce expenses and ensure the same movement.'[23] Arbitral organizations are also fit with AI-enabled case management tools, where the AAA expects a 30 percent reduction in 2024 in processing times. Regulators might ask low-income claimants to be waived a fee or subsidize one, and corporations might pursue the premature arb program, as Amazon is in 2024.

Conclusion

International arbitration is considered to be the firmest source of fair and binding settling of dispute but the situation has been altered dramatically and the arbitration is now at stake of geopolitical instability, activities controlled by state and reform of collective redress mechanism. The issues of geopolitical disagreements, state immunity, and mass arbitration are an example of how changes in this situation require modification so that one day it will be possible to preserve the integrity and validity of arbitrating. The arbitration which used to be commended by its neutrality, its efficiency and its enforceability is now in the midst of a scenario characterized by a complex network of political influence, diversity of legal regimes and an institutional problem of credibility. The key ideas of the arbitration mainly the party autonomy, independence of the arbitrators and the enforceability of the awards continue to be challenged not only by the states whose sovereign interests are being advanced but also by the novel form taken by the challenges of such developments as the lawfare, the use of sanctions regime, and the of selective enforcement that are based on the exceptions of the public policy. Judicial changes in India, China, Singapore, and the UK leave a mark of a global redesign that the entire world is experiencing. The Model BIT of India and the CICC of China are heavily informed by understood concept of the sovereign control and Singapore and the UK primarily emphasize the autonomy of arbitral control that they wish to retain. International arbitration is considered to be the firmest source of fair and binding settling of dispute but the situation has been altered dramatically and the arbitration is now at stake of geopolitical instability, activities controlled by state and reform of collective redress mechanism. The issues of geopolitical disagreements, state immunity, and mass arbitration are an example of how changes in this situation require modification so that one day it will be possible to preserve the integrity and validity of

[23]Eugene Sokoloff & Eric Posner, *Collective Redress Directive: A New Text under Proposal*, Lexology (Digests), Apr. 2024.

arbitrating. The arbitration which used to be commended by its neutrality, its efficiency and its enforceability is now in the midst of a scenario characterized by a complex network of political influence, diversity of legal regimes and an institutional problem of credibility. The key ideas of the arbitration mainly the party autonomy, independence of the arbitrators and the enforceability of the awards continue to be challenged not only by the states whose sovereign interests are being advanced but also by the novel form taken by the challenges of such developments as the lawfare, the use of sanctions regime, and the of selective enforcement that are based on the exceptions of the public policy. Judicial changes in India, China, Singapore, and the UK leave a mark of a global redesign that the entire world is experiencing. The Model BIT of India and the CICC of China are heavily informed by understood concept of the sovereign control and Singapore and the UK primarily emphasize the autonomy of arbitral control that they wish to retain.