Arbitration discourse across cultures: Asian perspectives

The intensification of commercial exchanges and business relationships between Eastern and Western countries brings with it an increasing need to resolve disputes involving parties from profoundly different and geographically distant regions (Bhatia and Gotti 2015). International commercial disputes are often resolved through Alternative Dispute Resolution (ADR) procedures, the use of which is particularly on the increase in Asia. Consequently, a mutual understanding of the contours that ADR discourse may assume within different legal cultures is crucial.

In this study, the websites of the main arbitration centers operating in Asia are analysed from a textual perspective in order to define how they are discursively constructed and can be used as promotional tools. This investigation can thus help to understand the importance assumed by internationalization processes or by local cultural elements in the promotion of a particular centre as a convenient seat for international arbitration.

While each country represents a dynamic world where rules, practices, conventions and values are subject to constant change, this investigation confirms that the online presentation of arbitration institutions in the Asian region is characterized by a tendency towards standardization, in line with what is happening on a global scale. Thus, it may be argued that, on the one hand, cultural elements play a major role in how laws are executed and practices develop but, on the other hand, harmonization of legal and procedural aspects occurring globally is also influencing arbitration in Asia, and the promotional discourses which characterize the arbitral centres analysed appear to be particularly standardized.

The analysis also serves to illustrate the concept of discursive isomorphism, intended as a process leading to the resemblance or even the replication of specific discursive forms and patterns which emerge across different institutional websites.