

Strategic Perspectives on Quality Reform in ADR: Insights from Global Engagements

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Basis for Analysis and Recommendations

Professional background

- **Academic:** PhD (UCL) + LLM (Harvard): Professor and Senior Fellow at BIICL
- **Judiciary:** International and Domestic experience: Economic Court of CIS & US Court of Appeals for the DC Circuit
- **Law practice:** Working with dispute resolution practices of major US and UK law firms (Morgan Lewis & Freshfields)

Global engagements

- **Improving Saudi Arabia's Arbitration Climate:** the Centre of Legal Studies and Research, Riyadh
- **World Bank Projects:** Investment protection & rulemaking reforms in Central Asia, Astana
- **UAE Government:** Ministry of Justice & judiciary reform (multiple engagements), Abu Dhabi
- **Kazakhstan:** Ministry of Justice, civil law, foreign investment law framework improvements
- **Dubai Legal Department:** Legal profession reforms
- **Post-Brexit Legal Analysis:** UK and Canada foreign investment regulation

Key Issues Based on my Experience

- Achieving a strategic vision (e.g., Saudi Vision 2030)
- Core functions of ADR
- Smart governance
- Innovation
- Human capital
- Resources and asset management

Vision Achievement

Challenges

- Lack of clear progress tracking
- Overlapping strategic projects
- Judicial system efficiency
- Judiciary vs. ADR reform
- Legislative process complexity

Recommendations

- Improve performance indicators
- Address rule of law factors:
- Reprioritize strategic projects
- Refine core functions
- Legislative process complexity
- Simplify legislative processes and inclusive of stakeholders' interests

Core ADR Functions

Challenges

- Performance management misalignment
- Training gaps
- Partial implementation of collaboration practices with other stakeholders
- Need for comprehensive policy development

Recommendations

- Revise KPIs to reflect stakeholder satisfaction
- Improve engagement of stakeholders in policy development
- Align performance indicators across all levels
- Enhance legislative processes and modernize databases
- Make training more practical and involve practicing lawyers
- Promote ADR and arbitration

Smart Governance

Challenges

- Modest progress in smart governance
- Reliance on external resources
- Performance indicators gaps

Recommendations

- Develop in-house strategic capabilities
- Improve web and digital presence
- Enhance KPI framework

Innovation

Challenges

- Complexity in innovation implementation
- Limited use of data and big data) for future planning
- Inconsistent innovation flow

Recommendations

- Leverage data for future shaping
- Expand innovation training
- Improve public access to innovation
- Conduct comparative studies and exchange experience

Human Capital

Challenges

- Limited strategic role for HR
- KPIs should not focus only on inputs, but also on outputs
- Lack of comprehensive workforce planning
- Skill development methods limited

Recommendations

- Enhance HR's strategic role
- Revise KPIs for HR
- Adopt continuous performance management
- Align performance indicators across all levels
- Expand skill development methods, including through online learning

Resources and Asset Management

Challenges

- Performance management misalignment
- Judicial training gaps
- Lack of agility in federal courts
- Partial implementation of collaboration practices with other state entities
- Need for comprehensive policy development

Recommendations

- Develop forward-looking financial plans
- Implement cost awareness and value metrics
- Increase revenue generation opportunities
- Enhance supplier engagement
- Promote transparency and accountability

Arbitration Climate Recommendations

- Improve feedback channels for court users, track case duration, and adjust processes.
- Guide courts to avoid unrestricted application of foreign law that risks annulment under Sharia principles.
- Promote Saudi Arabia's enforcement record and low annulment risk to strengthen its arbitration hub image.
- Develop a pool of arbitrators, integrating Arabic- and English-speaking professionals.
- Expand training in international arbitration for judges and practitioners.
- Guarantee arbitrator immunity to enhance confidence in Saudi Arabia as a seat.
- Eliminate award requirements exceeding the UNCITRAL Model Law.
- Remove obligations to print and register awards with courts.



get in touch

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