

## ADVANCING THE JOINT PROMOTION OF THE CHINA-AFRICA ARBITRATION CENTER FOR SAFEGUARDING THE BELT AND ROAD INITIATIVE

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### Abstract

*This paper examines the China-Africa Joint Arbitration Center (CAJAC) as a vital institution that supports the Belt and Road Initiative (BRI), by providing a culturally sensitive, efficient, and regionally grounded platform for resolving commercial disputes between Chinese and African stakeholders. The paper also explores CAJAC's role, its challenges and the way forward for safeguarding the Belt and Road Initiative in order to promote legal certainty, mutual trust, and promoting sustainable dispute resolution, all of which are essential for the long-term success of BRI projects across Africa. Using the library instrument of research, findings reveal that, to fully realize CAJAC's potentials, stronger collaboration among governments, legal institutions, and the private sector is imperative. Additionally, significant investments in legal capacity building, the expansion of institutional partnerships, and increased awareness of CAJAC's services are necessary to strengthening its effectiveness. The paper concludes that while CAJAC offers considerable opportunities for advancing economic integration within the context of the BRI, it also faces complex legal challenges. Given China's clear economic and political interests, African stakeholders must approach the initiative with prudence to ensure that it promotes equitable growth and does not become a source of economic or political vulnerability. This balanced approach is crucially recommended for safeguarding Africa's and China's interests while maximizing the potential benefits of the Belt and Road Initiative, among others.*

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**Keywords:** Joint Arbitration, Belt and Road, Dispute Settlement, Safety-Net, International Cooperation

### Introduction

Launched by President Xi Jinping in 2013, the Belt and Road Initiative (BRI) is a global infrastructure strategy, with Africa playing a key role through major investments in sectors like energy, transport, telecom, and mining (Liu & Anyanwu, 2020). Projects such as ports in Djibouti, railways in Kenya, and industrial parks in Ethiopia show the BRI's deep involvement in Africa's development. While it has created economic opportunities and improved connectivity, it has also led to complex legal and commercial disputes over contracts, delays, financing, and regulations (Mmbando, 2021). Traditional dispute resolution through foreign courts or arbitration centers is often costly, slow, and culturally distant. To address the growing legal complexities of Belt and Road Initiative (BRI) projects in Africa, the China-Africa Joint Arbitration Center

(CAJAC) was established in 2015 as a joint effort between Chinese and African legal institutions. CAJAC offers arbitration services tailored to the legal, cultural, and economic dynamics of BRI-related disputes, aiming to enhance legal certainty, reduce risks, and promote trust through accessible, cost-effective, and culturally sensitive dispute resolution (Fulbright, 2016 and Mmbando, 2021).

However, despite its potential, the success of CAJAC and the broader BRI in Africa depend on the development of credible, efficient legal mechanisms capable of resolving disputes fairly. Therefore this presentation evaluates the role of CAJAC's within the context of BRI. It also explores how CAJAC's framework, combining international standards with local legal traditions, helps bridge legal gaps and support long-term cooperation and investment security in Africa.

### **Overview of the Belt and Road Initiative in Africa**

The Belt and Road Initiative (BRI) a monumental global ambitious project, aimed at promoting international collaboration and economic integration. It comprises of two key elements: the Silk Road Economic Belt, focusing on land-based infrastructure across Eurasia, and the 21st Century Maritime Silk Road, centered on maritime trade routes and port development (NDRC et al., 2015). With this initiative, China seeks to establish an expansive network of infrastructure, encompassing network strategically designed to promote economic development across three significant continents: Asia, Europe, and Africa. It signifies China's strategic effort to expand its influence in global trade and investment, especially in the Global South (Zhang, 2018). However, the Belt and Road Initiative (BRI) seeks to develop core infrastructure across the Belt and Road regions to enhance trade and investment. It operates under five key goals centered on boosting global connectivity and collaboration: aligning policies, improving infrastructure links, enabling smooth trade, integrating financial systems, and strengthening people-to-people ties. The BRI serves China's national interests by aiming to internationalize the renminbi, (the official currency of the People's Republic of China) utilize its foreign currency reserves efficiently, export surplus domestic industrial capacity, and advance the economic development of China's western regions.

Since its launch in 2013, the Belt and Road Initiative (BRI) has emerged as a key instrument of China's international economic and diplomatic strategy, with Africa serving as a pivotal region in this vision. The initiative primarily targets infrastructure development to bridge Africa's infrastructure gap and strengthen regional and global connectivity of which China had signed over 200 Belt and Road Initiative (BRI) cooperation agreements with more than 150 nations and 30 international organizations across all five continents. Major examples in Africa include the Mombasa-Nairobi Standard Gauge Railway in Kenya, which enhances trade and transport efficiency, and the Addis Ababa-Djibouti Railway as a critical trade route linking Ethiopia to a key port on the Red Sea. In maritime infrastructure, China has financed and built significant port facilities in Djibouti and Tanzania, improving Africa's access to global shipping networks. In the energy sector, Chinese-backed projects such as hydroelectric dams in Angola, solar plants in Sudan, and power transmission lines in Zambia are contributing to energy access and grid stability. Moreover, China's influence extends into digital infrastructure, with companies like Huawei and ZTE expanding telecommunications networks across the continent, highlighting the BRI's growing role in Africa's digital transformation. These projects not only enhance physical and digital connectivity but also reflect China's broader goal of fostering deeper economic ties with African nations. Importance of stable legal frameworks to attract investment

However, the rapid growth of cross-border commercial activities under the Belt and Road Initiative (BRI) has significantly increased the potential for disputes between Chinese investors and African stakeholders. These conflicts often stem from legal system incompatibilities, cultural differences, project delivery delays, and concerns related to environmental and social impacts (Wu, 2019). For instance, disagreements over land use or labour practices have arisen in projects like the Lamu Port development in Kenya and hydropower projects in Ethiopia, highlighting the complexity of navigating local regulatory frameworks. Without reliable dispute resolution mechanisms, such issues can cause project delays, financial setbacks, and reduced investor trust (Zhang, 2018). In Nigeria, projects such as the Abuja-Kaduna Standard Gauge Railway and the Zungeru Hydropower Project, both financed and constructed by Chinese firms, have faced criticism and controversy. Issues have included allegations of non-compliance with local labor laws, environmental risks, and transparency concerns in contract execution. For example, there have been public complaints about compensation for displaced communities and the use of foreign rather than local labor on major BRI-linked infrastructure projects (Ovigwe, 2020). Thus, ensuring the long-term viability of BRI projects in Africa depends not only on successful infrastructure delivery but also on the creation of neutral, efficient legal institutions capable of resolving disputes. The China-Africa Joint Arbitration Centre (CAJAC) addresses this need by offering a regionally focused platform for arbitration and mediation, thereby fostering confidence among both African and Chinese parties (CAJAC, 2023).

### **Understanding the China-Africa Joint Arbitration Centre (CAJAC)**

The China-Africa Joint Arbitration Center (CAJAC) was created in 2015 to handle the growing number of commercial disputes and investments between China and African countries, especially under the Belt and Road Initiative (BRI). It was established through collaboration between key arbitration institutions from both regions to address the legal, cultural, and economic complexities of Sino-African partnerships. CAJAC aims to provide a cross-jurisdictional dispute resolution framework that enhances investor confidence and supports stable international cooperation. The China-Africa Joint Arbitration Center (CAJAC) was created to provide a culturally sensitive, impartial, and accessible platform for resolving disputes between Chinese and African business partners. Its three main objectives are: to respect the diverse legal, cultural, and business norms of both regions; to ensure neutrality by avoiding political or institutional bias; and to offer a more affordable alternative to traditional arbitration centers, which can be financially and logistically challenging for many African stakeholders. As an innovative dispute resolution mechanism, CAJAC plays a vital role in supporting the long-term success of the Belt and Road Initiative (BRI) in Africa. By offering a fair and reliable legal forum tailored to the complexities of China-Africa commercial relations, CAJAC strengthens the legal infrastructure necessary for sustainable economic cooperation and helps build trust among investors and governments involved in BRI projects.

The China-Africa Joint Arbitration Center (CAJAC) functions as a decentralized network through collaborations with leading arbitration institutions in China and Africa, including the Shanghai International Economic and Trade Arbitration Commission (SHIAC), the Nairobi Centre for International Arbitration (NCIA), and the Arbitration Foundation of Southern Africa (AFSA). This multi-jurisdictional framework enhances accessibility and impartiality in dispute resolution services for cross-border commercial matters between the two regions (AFSA, 2017; UNCTAD, 2018). CAJAC's legal structure is grounded in globally accepted norms, notably the

UNCITRAL Arbitration Rules, while also incorporating regional legal customs to strengthen its credibility and applicability. This blended model allows CAJAC to align international procedural rigor with local legal realities. Its arbitration panels include experts in both Chinese and African commercial laws, equipping them to handle complex, cross-border disputes with cultural and legal sensitivity (Liu & Anyanwu, 2020; UNCTAD, 2018).

### **The Role of CAJAC in the Belt and Road Initiative**

Belt and Road Initiative (BRI) projects often encounter complex dispute resolution challenges due to their high value, multi-party and cross-border nature, and involvement of state interests. These complexities are further heightened by the cultural, political, and legal diversity across participating countries and the varying reliability of legal systems. Disputes typically arise between commercial entities, investors and states, or between states themselves. The China-Africa Joint Arbitration initiative addresses these issues by offering a neutral and culturally attuned forum for resolving disputes, thereby promoting legal certainty, building investor trust, and facilitating the effective implementation of BRI projects in Africa in the following ways.

#### **i. Minimizing Legal Risks for Investors and Contractors**

One of the major risks facing Belt and Road Initiative (BRI) projects in Africa particularly in Nigeria is the legal uncertainty foreign investors and contractors face when navigating complex and unpredictable legal systems. The China-Africa Joint Arbitration Center (CAJAC) helps reduce these risks by providing a neutral, structured, and internationally accepted platform for dispute resolution, based on standards like the UNCITRAL Arbitration Rules (Liu & Anyanwu, 2020). Several high-profile Chinese-financed projects in Nigeria, such as the Abuja–Kaduna Standard Gauge Railway, the Zungeru Hydropower Project, and the Kano–Kaduna Railway, have encountered issues ranging from land compensation and environmental disputes to funding delays and contract disagreements. In these contexts, CAJAC offers a culturally sensitive alternative to local courts, promoting confidence in a fair and enforceable resolution process for both African and Chinese stakeholders as in this case: In 2021, a Chinese construction firm entered into a contract with a government agency in East Africa to build a highway under a BRI-financed project. Midway through construction, disagreements arose over cost overruns and delays caused by unforeseen environmental regulations. Instead of resorting to the local court system, which the Chinese firm viewed as slow and unpredictable—both parties turned to **CAJAC Nairobi** for arbitration. CAJAC offered a neutral venue and a clear dispute resolution process based on international standards, helping both sides resolve the matter efficiently and avoid costly litigation.

#### **ii. Building Confidence in China-Africa Legal Systems**

The China-Africa Joint Arbitration Center (CAJAC) strengthens trust in Chinese and African legal systems by providing a culturally and regionally grounded alternative to distant venues like London or Paris. Built through partnerships with institutions such as AFSA and SHIAC, CAJAC enhances local arbitration credibility and encourages dispute resolution within the region. This is especially important in Nigeria, where major BRI projects like the Lekki Deep Sea Port have faced legal challenges related to contract enforcement, local engagement, and environmental compliance (AFSA, 2017). A South African mining company and a Chinese equipment supplier had a dispute over the quality and delivery schedule of machinery used in a joint mining venture

in Zambia. In the past, such disputes might have gone to arbitration centers in Europe or Asia. However, both companies agreed to use CAJAC Johannesburg. Which operates under the auspices of the Arbitration Foundation of Southern Africa (AFSA) the arbitrators—selected jointly from African and Chinese legal professionals—helped resolve the issue in a manner both parties found fair. This built confidence in regional legal institutions and demonstrated that African arbitration bodies could deliver internationally credible decisions.

### iii. **Harmonizing Chinese and African Legal Systems**

China and many African countries have differing legal systems—China follows civil law, while many African nations use common or mixed legal systems, creating challenges in cross-border dispute resolution. The China-Africa Joint Arbitration Center (CAJAC) helps bridge this gap by appointing arbitrators familiar with both traditions and offering flexible procedures tailored to the parties' legal and cultural contexts (Mmbando, 2021). A case of practical illustration is thus: A Chinese engineering company operating in Ghana faced a contract interpretation dispute involving Ghanaian common law principles that conflicted with the firm's expectations based on China's civil law system. In a CAJAC arbitration, the panel included experts in both legal traditions who were able to explain and apply relevant legal concepts in a way that both parties understood. The resulting award took into account the mixed legal context, preventing misinterpretation and ensuring the outcome was respected by both sides.

### iv. **Fostering Sustainable Partnerships**

Beyond resolving disputes, CAJAC fosters long-term cooperation and sustainable development under the BRI by ensuring fair conflict resolution that maintains business relationships and project continuity. It plays a crucial role in supporting public-private partnerships and promotes legal stability, institutional growth, and governance reforms in Africa, key to advancing the BRI's sustainable development goals (Norris, 2018) as in the case of: In a renewable energy project in Kenya jointly funded by Chinese and African investors, a dispute emerged over technology transfer obligations and local labour sourcing. Rather than allowing the conflict to derail the project, the parties turned to CAJAC for mediation and arbitration. The dispute was resolved amicably, with the arbitrators encouraging renegotiation clauses that supported local capacity building. This preserved the partnership and allowed the project to continue, contributing to Kenya's sustainable energy goals while maintaining Chinese investor engagement.

## **Promoting CAJAC for Belt and Road Initiative (Opportunities and Benefits)**

The China-Africa Joint Arbitration Center (CAJAC) offers key benefits for Chinese and African stakeholders in BRI projects by providing accessible, reliable, and mutually acceptable dispute resolution as cross-border investments and partnerships grow through:

### i. **Advancing African Role in BRI Disputes**

The China-Africa Joint Arbitration Center (CAJAC) enhances African agency in resolving BRI-related disputes by involving local arbitration institutions and legal experts. This reduces reliance on foreign forums and ensures African legal perspectives are prioritized. For example, in Nigeria's Lekki Free Trade Zone project, CAJAC helped address contractual issues by integrating Nigerian legal practices with Chinese standards, fostering trust and cooperation (Liu

& Anyanwu, 2020). Other examples include: A dispute arose between a Chinese infrastructure firm and a Nigerian government agency over contract terms in a railway project. Instead of referring the matter to international arbitration in China or Europe, the parties chose to resolve the dispute through the Lagos Arbitration Center under CAJAC's framework. This allowed Nigerian legal experts to play a central role in the process, promoting African leadership in managing BRI disputes.

In South Africa, a dispute between a local construction company and a Chinese investor in a port expansion project was submitted to CAJAC Johannesburg. African arbitrators led the case, ensuring that local legal practices and interests were respected, which helped increase confidence among African stakeholders in the BRI partnership.

## **ii. Inspiring Alternative Dispute Resolution (ADR) Culture**

CAJAC promotes alternative dispute resolution (ADR) methods such as mediation and arbitration, which are quicker, less adversarial, and more cost-effective than traditional litigation. This encourages greater use of ADR among African and Chinese BRI businesses, reducing court caseloads and fostering cooperative conflict resolution essential for lasting international partnerships (Mmbando, 2021). In Kenya Mediation session organized by CAJAC Nairobi helped resolve a conflict over delayed payments in a Chinese-funded solar power project in Kenya. The parties reached an amicable settlement without resorting to formal arbitration, illustrating how ADR methods can save time and maintain business relationships.

Furthermore, in Ethiopia, a Chinese equipment supplier and an Ethiopian manufacturing firm used CAJAC's arbitration-mediation hybrid process to settle a disagreement over product specifications. This approach promoted cooperation and encouraged a shift away from adversarial litigation towards collaborative problem-solving.

## **iii. Breed Faster BRI Dispute Resolution**

Timely dispute resolution is vital for large infrastructure projects to avoid costly delays. CAJAC offers accessible, culturally aware arbitration that reduces delays common in distant centers, helping protect BRI investments in Africa ( Fulbright, 2016). In Nigeria, projects like the Lekki Free Trade Zone and Abuja–Kaduna Railway have used CAJAC frameworks to resolve conflicts quickly, minimizing losses and ensuring smoother progress, demonstrating CAJAC's key role in managing BRI disputes. Others include a dispute over delays in the construction of a hydroelectric dam in Zambia was resolved within six months through CAJAC Lusaka's expedited arbitration procedures, significantly faster than typical litigation, enabling the project to resume promptly (China-Africa Joint Arbitration Center Annual Report, 2024).

## **iv. Capacity Building for African Legal Professionals**

CAJAC plays a vital role in strengthening the skills of African legal professionals through joint training programs, workshops, and practical arbitration experience, thereby improving dispute resolution quality and enhancing Africa's attractiveness as an investment destination under the Belt and Road Initiative (BRI). Complementing this, the Chartered Institute of Arbitrators Nigeria Branch (CI Arb Nigeria) offers specialized courses across major cities to develop expertise in international arbitration. CAJAC also partners with the Nairobi Centre for International Arbitration to train lawyers and judges on international arbitration standards, and

collaborates with Chinese arbitration bodies to facilitate exchange programs that expose African professionals to procedural best practices and promote cross-cultural understanding in arbitration.

### **Challenges of the China-Africa Arbitration Initiative within the BRI Framework**

Although the China-Africa Joint Arbitration Center (CAJAC) offers valuable opportunities for resolving Belt and Road Initiative (BRI) disputes, it faces several challenges and constraints that affect its effectiveness, some of which are:

#### **i. Low Awareness & Recognition**

Despite its potential, CAJAC remains little known among many African and Chinese legal professionals and businesses, with most preferring established centers like the ICC or LCIA. A 2019 survey found less than 30% of East African multinational firms were not aware of CAJAC, limiting its use.

#### **ii. Concern Over Marginalization**

A key challenge for CAJAC is the perception among some African parties that it may be biased toward Chinese investors, undermining trust and deterring use. For example, a 2020 dispute between a Chinese firm and a Kenyan supplier avoided CAJAC over concerns of partiality, choosing an international tribunal instead. In Belt and Road Initiative (BRI) projects have emerged in various countries, including Nigeria and Sri Lanka. In Nigeria's Mambilla Hydroelectric Power Project, local contractors and communities expressed frustration over their limited involvement in decision-making and dispute resolution, which were largely controlled by Chinese firms, raising issues of fairness and equitable participation. Similarly, in Sri Lanka, BRI projects have been marred by corruption allegations and political backlash, culminating in the controversial 2017 decision to grant China a 99-year lease on the strategic Hambantota port after Sri Lanka failed to repay a massive loan—fueling fears of undue Chinese influence and loss of national sovereignty.

#### **iii. Legal System Diversity and Incompatibility**

Africa's complex legal landscape—including civil, common, customary, and Islamic law traditions—poses significant challenges for CAJAC in ensuring consistent arbitration procedures across jurisdictions. Variations in national arbitration laws, with some not aligned to international standards like the UNCITRAL Model Law, create procedural uncertainty and legal fragmentation. These challenges are compounded by cross-border legal differences with China, which have caused delays in dispute resolution, as illustrated by a Ghana-China arbitration case. Broader BRI-related legal and governance issues are evident in high-profile project failures: Nepal canceled a \$2.5 billion hydro project, Myanmar halted a \$3.6 billion dam, and Indonesia's \$5.5 billion railway remains stalled—largely due to legal, financial, and political complications. Similar resistance and project withdrawals have occurred in Afghanistan, Kyrgyzstan, and Kenya, highlighting the impact of legal discord and local opposition on BRI implementation.

#### **iv. Institutional Capacity and Geopolitical Dynamics**

CAJAC faces significant institutional challenges, including limited funding, staffing, and infrastructure, which hinder its ability to manage increasing caseloads and deliver consistent arbitration services. Many African countries also lack robust arbitration institutions, trained professionals, and judicial expertise in international arbitration, leading to court interference and procedural delays. The shortage of bilingual or dual-trained arbitrators familiar with both Chinese and African legal systems further undermine fairness and efficiency. These issues are compounded by the BRI's vague and expansive scope across over 60 countries, raising concerns about strategic coherence and amplifying legal, cultural, and geopolitical tensions. Resistance from regional powers and local communities, along with fears over foreign control, continue to challenge efforts to create unified legal frameworks for BRI dispute resolution.

**v. Legal Ambiguity and Education Outreach**

Despite the Nairobi Centre for International Arbitration's efforts to promote awareness, many legal practitioners in rural Kenya and Northern Nigeria remain unfamiliar with the CAJAC arbitration framework. This lack of knowledge leads to overburdened courts or costly foreign arbitration, causing delays and increased dispute resolution expenses. Additionally, linguistic and cultural differences complicate engagement with Chinese investors. Legally, the Belt and Road Initiative (BRI) operates on flexible, non-binding agreements like memoranda of understanding, which grant China strategic influence but result in legal uncertainty and uneven implementation across participating regions.

**vi. Enforcement and Sovereignty Issues**

Although many African countries are signatories to the New York Convention, enforcement of CAJAC awards can face resistance from local courts, especially when awards clash with domestic laws or public policy, and sovereign immunity often blocks cases involving state-owned enterprises or government entities in sensitive sectors like mining and infrastructure, undermining arbitration's credibility. Meanwhile, the Chinese government promotes Chinese arbitration centers—such as the Wuhan Arbitration Commission's dedicated Belt and Road court—for BRI-related disputes, but concerns over neutrality and Chinese party influence have raised doubts about fairness, prompting calls for truly neutral third-party venues to better handle sensitive cases.

**Conclusion**

The China-Africa Joint Arbitration Center (CAJAC) plays a crucial role in supporting the Belt and Road Initiative (BRI) by providing a culturally sensitive, efficient, and regionally grounded platform for resolving commercial disputes, thereby enhancing legal certainty and fostering mutual trust between Chinese and African stakeholders. This promotes sustainable dispute resolution essential for the long-term success of BRI projects across Africa. However, to fully realize CAJAC's potential, stronger collaboration among governments, legal institutions, and the private sector is necessary, alongside investments in legal capacity building, expanded partnerships, and increased awareness of its services. While the BRI represents a bold vision for global economic integration, it also brings complex challenges in international trade dispute resolution. Given China's clear economic and political interests, African stakeholders must engage with reasonable care and caution to ensure the initiative benefits their development goals and does not become a potentially harmful force.



## **Policy Recommendations**

### **i. Enhance Awareness and Trust through Outreach and Capacity Building**

Many African legal professionals and businesses remain unaware of CAJAC, often favouring established arbitration centres like the ICC or LCIA. To increase CAJAC's utilization, it is essential to launch targeted awareness campaigns, particularly in rural areas, and to build trust by ensuring impartiality and local representation in arbitration panels. Collaborations with institutions such as the Nairobi Centre for International Arbitration can facilitate these efforts

### **ii. Standardize Arbitration Rules and Address Legal Diversity**

Africa's diverse legal systems pose challenges for consistent arbitration procedures. CAJAC should work towards harmonizing arbitration rules across jurisdictions and aligning them with international standards like the UNCITRAL Model Law. This standardization would mitigate procedural uncertainties and enhance the credibility of arbitration outcomes.

### **iii. Strengthen Institutional Capacity and Legal Infrastructure**

Limited funding, staffing, and infrastructure hinder CAJAC's ability to manage increasing caseloads effectively. Investing in the development of robust arbitration institutions, training programs for legal professionals, and the recruitment of bilingual arbitrators familiar with both Chinese and African legal systems is crucial. These measures would improve the quality and efficiency of dispute resolution.

### **iv. Improve Enforcement Mechanisms and Legal Clarity**

Enforcement of CAJAC arbitration awards often faces resistance due to conflicts with domestic laws or issues of sovereign immunity. To address this, it is recommended to establish clear legal frameworks that recognise and enforce CAJAC awards, possibly through bilateral agreements or regional treaties. Additionally, promoting the adoption of binding agreements over non-binding memoranda of understanding in BRI projects can provide greater legal certainty.

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