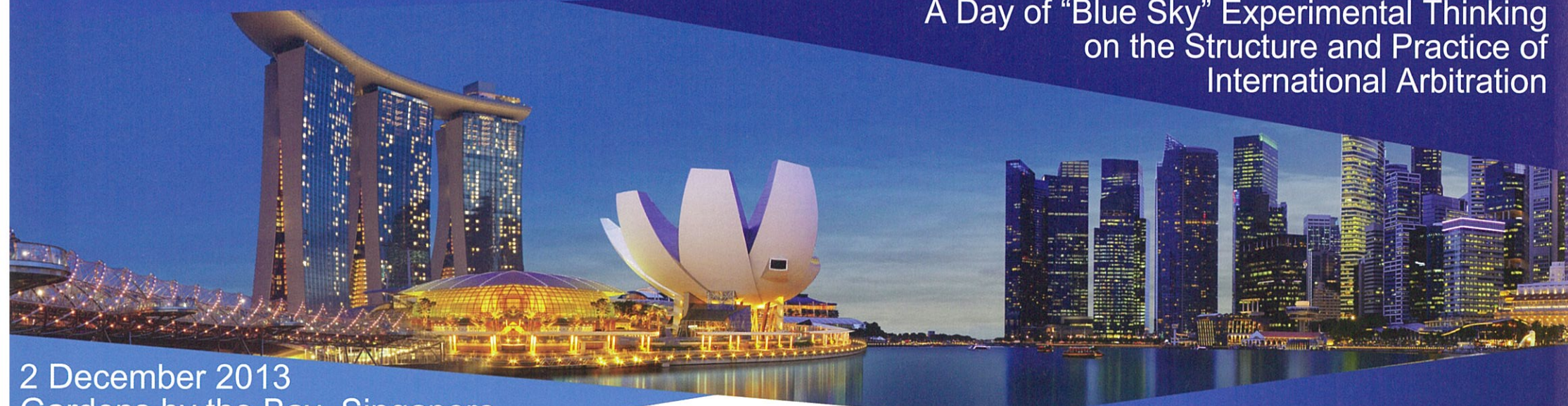




SINGAPORE
INTERNATIONAL
ARBITRATION
FORUM 2013

ADVENTURES WITH BLANK SHEETS OF PAPER

A Day of “Blue Sky” Experimental Thinking
on the Structure and Practice of
International Arbitration



2 December 2013
Gardens by the Bay, Singapore

Keynote Speaker: Toby Landau QC

Speakers include: Lord Hoffmann, Sir Christopher Greenwood CMG QC, CJ (retd) James Spigelman, Justice V K Rajah, Edwin Glasgow QC, Tim Eicke QC, V V Veeder QC, Karyl Nairn QC, Michael Schneider, Lucy Reed, Professor Rolf Knieper, Christopher Thomas QC

Panel Chairman and Closing Address by
The Chief Justice of Singapore **Sundaresh Menon**

Conference outline

Given a truly blank piece of paper, and the task of designing and structuring afresh an optimum dispute resolution system, one is unlikely to arrive at the current model of international commercial and investor-State arbitration.

The modern practice in both fields is now based upon evolved globalised and harmonised standards, which draw from aspects of both the common law and civil law systems. Whatever the arbitral seat, or the arbitral institution, or the arbitral tribunal, or the nature of the dispute, or the background of the parties, the shape and sequence of the arbitral process tends towards one set model, with only slight variations.

But this international model is the subject of increasing criticism. Costs continue to rise; delays continue to lengthen; and many arbitral procedures end up as cumbersome, inefficient processes, inferior to other forms of dispute resolution, and indeed some national Court systems. Further still, the international model is now under particular strain in the field of investor-State arbitration, in which it appears ill-equipped to accommodate the range of interests involved.

As practitioners continue to default to a standardised “Procedural Order No 1”, we are left with a paradox: international arbitration is trumpeted as a flexible, alternative system of dispute resolution, structured by international laws and rules that allow maximum procedural discretion, and yet the process has become singularly inflexible, unimaginative, and limited in its possibilities. And in response to growing criticism, a standardised, formulaic international arbitration conference programme has also now evolved, which tends to generate set-piece interventions, and no more than minor suggested tweaks to the existing system. Rarely is there any fundamental procedural innovation, root and branch re-think, or “thinking out of the box”.

This Conference is intended as a major break in this cycle. In an attempt to stimulate truly “blue sky” and experimental thinking, and to explore the widest possible range of procedural possibilities:

- i. a “blank piece of paper” will be completed by a range of experts in both international commercial and investor-State arbitration, each of whom has been asked to start entirely afresh; to apply all creative skills; and to reconsider each component of the process, unhindered by any preconceptions;
- ii. the results will be discussed by established practitioners in each field; and
- iii. the range of resulting proposals will then be placed before a panel of national Court judges to assess by reference to prevailing standards (including the New York Convention; Washington Convention; and local notions of due process and public policy).

There remains a chance that some of the experimentation may evolve into new guidelines or models. Equally, the outcome may prove that no better alternatives exist. Either way, it is hoped that the process itself will be of value in broadening and refreshing general arbitral thinking.

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To register interest in signing up or sponsorship, please contact Ms Tan Wei Ching at tel: (+65) 6330 6754 or email: secretariat@siaf.sg