**Singapore Centenary Conference 3 – 4 September**

**Closing Remarks**

**Charles Brown**

**President CIArb**

Good afternoon Ladies and Gentlemen,

It is my pleasure to wrap up this centenary conference in Singapore, but before doing so let me offer my thanks to the sponsors without whom conferences of this sort are simply not possible, and to Paul Sandosham, Richard Tan, Francis Xavier and all the organising committee of the CIArb Singapore branch who have worked so hard to make this conference such a success.

We started yesterday with a typically robust Keynote speech from the Honourable, the Chief Justice of Singapore and our Patron, Sundaresh Menon who set out the role of the courts . He ended with the observation that there is perhaps much to be said for the “Territorial” approach to applications to enforce where an award has already been set aside by the court of the arbitral seat. This comment set the tone for the response delivered by “ the leader of the opposition”, Gary Born, who made an even more robust defence of the need for enforcemen,t arguing that this is the primary obligation of every signatory state to the New York Convention.

The other eminent speakers in session 1 were Michael Hwang Chief Justice DIFC, Alexis Mourre for the ICC and India Johnson of the AAA who made a plea for contract drafters to include provision for arbitration. This is one of my own pet topics and one the CIArb is addressing – the education of lawyers. Legal training in most jurisdictions now includes ADR but in my experience the level of understanding of senior and junior lawyers alike, beyond the litigation or dispute resolution departments of the major law firms, remains depressingly low. The comment “*Oh ADR – you mean mediation*” is still all too familiar among commercial lawyers. The Institute has trained and accredited arbitrators for most of the last 100 years, but I would suggest the time has come to educate a wider spectrum of the legal community about the attractions of arbitration and all the other forms of private dispute resolution.

Our second panel looked at the rise of international arbitration in Asia and the blending of the Civil and Common law traditions. The general view was that the blending process continues to evolve with Asia borrowing the best elements from both. Clearly uncontrolled disclosure of documents and witness evidence is an indulgence modern international commercial arbitration cannot usually tolerate, but witness evidence may be an important part of a fair and balanced determination of the factual issues in a dispute.

Session 3 was a debate as to whether arbitration should be more predictable rather than more flexible and rapidly turned into the Stephen Moriaty and Gavin Kealey insult trading competition and the revelation that Gavin has a black book of bad arbitrators!

Session 4 could have degenerated into “*my arbitral institute is better than yours”* but the speakers rose above such playground antics and it was good to hear that being a Fellow of CIArb is either a highly relevant criteria or a requirement, in the selection of an arbitrator by the leading arbitral institutions. This enables me to deal with a popular misconception I have encountered as I travel around the CIArb branches as president. One typical comment is “*How is CIArb getting on with ICC/SIAC/ LCIA etc*”. *“Very Well why do you ask?*” “ *Well because they are our competitors!”* The reality is that CIArb is not in competition with the international administered arbitral institutions. The unique feature of CIArb, one which attracted me to membership 35 years ago is that we seek to promote and develop all forms of private dispute resolution as alternatives to litigation and do so by training practitioners and educating about the benefits and virtues of ADR. We are the agnostics of the ADR world, believers yes, but not committed to one creed, so we can introduce Guidelines of Best Practice as we have today or “Principles” for the selection of a “safe” arbitral seat as we did at the London centenary conference in July, and do so with the self confidence that by doing so we stimulate debate and hopefully help the development of arbitration and the other forms of dispute resolution in the “ADR tool kit”.

Our first day ended with something of a rarity at such conferences – the views of the Users of arbitration – the paymasters! – at least in the form of the in-house counsel of some of the leading companies in Asia and indeed the world. Their message was clear, innovate if you want us to use arbitration to resolve our disputes, innovate if you want us to instruct you or your firms as counsel and please provide us with cost effective, timely procedures that are fit for our purposes.

Today, our second day, we started with an introduction to the new CIArb International Arbitration Rules which was given by the Chairman of the Practice and Standards Committee of CIArb, Tim Hardy, who introduced a panel of experts comprising Kian Sing Toh, Albert Monichino, Dr Christopher Boog, Karen Mills and the 2017 president of CIArb Nayla Comar-Obeid. They set out to offer a first review of the first three in a series of Best Practice Guidelines dealing with jurisdictional Challenges, Interim measures and Security for Costs. The Guidelines which by the end of 2016 will cover 15 topics, are I suggest of particular value as a starting point to all practitioners especially the less experienced when faced with the practical issues that have to be confronted when acting as an arbitrator.

I regularly sit as a 28 day construction adjudicator, and it is not at all unusual within an hour of notifying the parties of appointment to receive a jurisdictional challenge – often entitled “Jurisdictional Challenge No 1”! Guidelines as to best practice can be invaluable in such situations.

After lunch Richard Susskind joined us by video link from Israel to illustrate the use of technology to enhance arbitration and on 18th September my own home branch, S E England, will be conducting a witness examination and procedural hearing with the New York branch by video link.

The remainder of session 10 looked at innovation in funding dispute resolution, the use of technical expertise and expert witness hot tubbing and the promise of cost budgeting in international arbitration.

The 11th session split into alternative offerings comprising the judicial view of arbitral award enforcement in Asian jurisdictions or the Young Arbitrators (those in the conference aged under 93yrs were classified as young for this purpose!) plea for access for young practitioners to obtain international experience. I would also like to add that we must redouble our efforts as an organisation to redress the terrible and unacceptable gender imbalance that exists in the appointment of arbitrators in international disputes.

I was delighted to see that the Young Arbitrator’s session played to a packed house with standing room only.

Our final session looked at the management of investment treaty arbitrations and the differences with commercial arbitration.

It is a privilege to be the President of CIArb at 100 years and to be able to meet so many of our 14,000 members as I attend branch centenary events all over the world. The success of this conference is a further indication of the pride and self confidence of our members and branches. We face great challenges as we go into the first decade of our second century to ensure our Institute remains relevant and at the cutting edge of global dispute resolution.

In 1915, two lawyers, two construction professionals and an accountant set out to raise Arbitration to the status of a profession. I think if the 5 were in Singapore today they would think we had made a good start but still have a long way to go.

In addition to the professional benefits of membership the other feature of membership of the CIArb that I found in 1980 and which I believe is worth the annual subscription alone, are the friendships that are made at conferences and other events. The friendships made with members of this Institute are friendships that last a lifetime.

Enough talking, let us go to dinner and a fitting end to a great conference. Thank you Singapore. Thank you members of the branch, and thank you all for attending.

Charles Brown FCIArb

President CIArb

4th September 2015