



Public CPD Points: 1.5



EARLY BIRD DISCOUNT:
Register and Pay by
13th June 2014

Arbitration in Singapore – Some Recent Developments

Intelloffices – Level 3, 146 Robinson Road, Singapore 068909
 Wednesday, 2 July 2014, 5.30 – 8.15pm

About this Seminar:-

As Chief Justice Sundaresh Menon had so accurately put, the “golden age of arbitration” is upon us. Long gone are the days where Singapore was considered too small to be the seat of choice for cross-border arbitration agreements. For instance, where the Singapore Arbitration Centre had only 2 international cases in 1991, this has grown to 259 international cases in 2013 (with an active caseload of 619 cases); a clear recognition of how far the arbitration scene in Singapore has come. Many reasons have been cited for the phenomenon - geographical convenience, costs, neutrality, excellent support infrastructure, and the widely recognized pro-arbitration stance of the Singapore judiciary. It is in this context that the speaker will share his observations on how the latest developments in arbitration (including the following) align with Singapore’s objective of being the hub of arbitration in Asia.

Topics to be covered include:

1. The latest amendments in the SIAC Rules (5th Edition), which have been updated to reflect a new governance structure.
2. The recent release of the International Swaps and Derivatives Association Arbitration Guide in 2013, which provides guidance on the use of arbitration clauses in finance transactions. Notably, it includes Singapore law and the SIAC as one of its recommended governing laws/arbitral institutions in its Master Agreements, which are market standard form agreements for documenting swaps and other derivative transactions.
3. A number of significant cases in 2013 and 2014 which includes:
 - a. The Singapore Court of Appeal’s decision in *Burgundy Global Exploration Corp v Transocean Offshore International Ventures Ltd and another appeal* [2014] SGCA 24, where the effect of different dispute resolution clauses in inter-related contracts was considered.
 - b. The Singapore High Court’s decision in *R1 International Pte Ltd v Lonstroff AG* [2014] SGHC 69, where the power of Singapore courts to grant a permanent anti-injunction suit in support of local and foreign international arbitrations was discussed.
 - c. Two Singapore High Court decisions, *TMM Division Maritima SA de CV v Pacific Richfield Marine Pte Ltd* [2013] [2013] 4 SLR 972 and *BLB and another v BLC and others* [2013] 4 SLR 1169, which touch upon the standard of review a local court should uphold in determining whether an award should be set aside.
 - d. Finally, to showcase the limits of the local judiciary’s otherwise pro-arbitration stance, the Singapore Court of Appeal’s decision in *International Research Corp PLC v Lufthansa Systems Asia Pacific Pte Ltd and another* [2014] 1 SLR 130, which underscores Singapore’s highest court’s strict interpretation on multi-tier clauses.

Seminar Programme:-

5.30 – 5.45pm	Registrations
5.45 - 6.00pm	Opening Remarks by Chairperson <i>Mr Steven Lim - Managing Director, Clasis LLC; Partner, Clyde & Co Clasis Singapore</i>
6.00 - 7.00pm	Arbitration in Singapore – Some Recent Developments <i>Mr. Francis Xavier SC – Executive Committee Partner & Head, Dispute Practices, Rajah & Tann LLP</i>
7.00 - 7.15pm	Q&A Session
7.15 – 8.15pm	Wine & Cheese Networking

About the Speaker:



Francis Xavier SC heads the regional Disputes Practices of Rajah & Tann and was appointed Senior Counsel in January 2009. He practices in the areas of cross-border commercial litigation and international arbitration. He specialises in corporate and commercial disputes especially in the areas of company, banking, property and financial and investment related claims. He also specialises in aviation law and advised in the class-action suit resulting from the crash of the SilkAir flight in Indonesia in 1997 and the Taiwan SIA crash. He is currently sitting as a party-nominated arbitrator by Khaitan Holdings (Mauritius) Limited in a bilateral investment treaty dispute with the Government of India (under the auspices of ICSID). He has also recently been appointed as counsel for an Asean government in an ICSID arbitration involving a European state investor.

Francis has been recognised as a leading lawyer by *Asia Pacific Legal 500* (2001/2002, 2002/2003, 2003/2004, 2004/2005, 2008/2009, 2010 / 2011, 2012 / 2013), *AsiaLaw Profiles* (2007), *Asia Law leading lawyers* (2009), *Chambers Global* (2010/2013), *Global Arbitration Review* (2010), *Chambers Asia* (2011 / 2012 / 2013) and the *Fifth Edition of Best Lawyers in Singapore Practice area of Litigation* (2013). He is on the Panel of Arbitrators of the Singapore International Arbitration Centre, the Kuala Lumpur Regional Centre for International Arbitration and the Kigali International Arbitration Centre (Rwanda). He currently appears both as counsel and arbitrator in a number of significant international arbitrations.

About the Chairperson:



Steven Lim is the Managing Director of Clasis LLC and a Partner with Clyde & Co Clasis Singapore. Steven has more than 20 years’ experience in international commercial disputes and arbitration. He has represented clients in large and complex international arbitrations before several arbitral institutions, including the ICC, LCIA and SIAC and under the UNCITRAL rules. Steven also sits as an arbitrator. He is a member of the ICDR’s International Panel of Arbitrators, the SIAC Panel of Arbitrators and the KLRCA Panel of International Arbitrators and sits as an arbitrator for ICC cases. Steven has been appointed an emergency arbitrator by the SIAC. He is a fellow of the Singapore Institute of Arbitrators. Steven has experience with a broad range of commercial disputes covering private equity investments, M&A, banking, insolvency, hotel management, trading, energy, oil and gas, offshore services and engineering, ship building and construction disputes.

Steven has received recognition as a leading individual in international arbitration and in international dispute resolution in Singapore, Hong Kong and Asia-wide in the Chambers Global and Chambers Asia directories where he has been described as “a prominent counsel in arbitration”, “is well known as a high quality individual”, for his “very extensive arbitration experience both as counsel and as an arbitrator...and is respected for his incisive mind and in-depth research”, “a pragmatic international arbitration professional who turns out quality work every time”, “an excellent



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communicator - he identifies the salient issues to pursue and lets you know what the game plan is. He focuses people's minds on those issues", "meticulous, technically minded and excellent at assessing the merits of a client's position", and "well known for energy disputes, and commended as a lawyer who strives to better his understanding of client needs", and also in Asia Pacific Legal 500 and Global Arbitration Review.

REGISTRATION CLOSING DATE: <u>25 June 2014</u>	FEES (includes refreshments & materials, if any)	
Membership	Early Bird Rate <i>(Valid only until 13th June 2014)</i>	Regular Rate
SI Arb Members	S\$ 80.00	S\$ 90.00
Members of: Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore International Arbitration Centre (SIAC); Society of Construction Law Singapore (SCL (S))	S\$ 110.00	S\$ 120.00
Others	S\$ 130.00	S\$ 150.00

REGISTRATION FORM (Please use 1 form per participant)

I am a: (please select as appropriate)

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Name (*Prof / Dr / Mr / Mrs / Ms): _____

Company: _____

Address: _____

Designation: _____

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Check if CPD points are required AAS no. _____ (for practicing lawyers requiring CPD points)

❖ **Mode of Payment (Please tick one):** [] Cheque [] Cash [] Credit Card

❖ Please return the registration form below, together with your cheque or cash, if applicable, made payable to "Singapore Institute of Arbitrators" and mail to c/o Intellitrain Pte Ltd, Level 3, 146 Robinson Road Singapore 068909" or **Fax to (65) 3151 5797** (no 6 prefix required)

❖ **Credit Card** : Please visit http://www.siarb.org.sg/event_registration_payment.html
 Go under Payment for Other Events. Enter "Arb in SG" as name of event, your full name, and the amount payable as above. Click "Update" and enter your credit card details.

For further enquiries, please contact: Singapore Institute of Arbitrators

Tel: (65) 6372 3930/31

Fax: (65) 3151 5797 (no 6 prefix required)

E-mail: secretariat@siarb.org.sg

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