

MEDIA RELEASE

BAHRAIN AND SINGAPORE COURTS STRENGTHEN BILATERAL TIES WITH COLLABORATION FRAMEWORK TO SUPPORT THE ESTABLISHMENT OF THE BAHRAIN INTERNATIONAL COMMERCIAL COURT, SIGNING OF MEMORANDUM OF UNDERSTANDING AND SIGNING OF MEMORANDUM OF GUIDANCE

The Supreme Judicial Council of the Kingdom of Bahrain (“Bahrain”) and the Supreme Court of Singapore are exploring a collaboration framework to support Bahrain in establishing an international commercial court for the resolution of transnational commercial disputes. Termed the Bahrain International Commercial Court (“BICC”), the BICC will be based principally on the model of the Singapore International Commercial Court (“SICC”).

2 The collaboration arose from a visit led by H.E. Chief Justice S.H. Khaled bin Ali Al Khalifa (“Chief Justice Khaled bin Ali”), Vice President of the Supreme Judicial Council and President of the Court of Cassation, Bahrain to the Supreme Court of Singapore in October 2022, with the intent to better understand Singapore’s experience in building an international dispute resolution hub. During the visit, Chief Justice Khaled bin Ali and The Honourable the Chief Justice Sundaresh Menon (“Chief Justice Menon”) exchanged views on the growing importance of international dispute resolution centres and cross-jurisdictional coordination, and they discussed the establishment of the BICC. To facilitate BICC establishment, Working Groups in the respective courts, led by Justice Philip Jeyaretnam, President of the SICC, and Chief Justice Khaled bin Ali, were established. The Working Groups are collaborating to develop a framework for establishing the BICC, pending an eventual agreement between the two States.

Bahrain’s international commercial dispute resolution hub

3 The BICC’s establishment is a component of Bahrain’s ambition to build an international commercial dispute resolution hub with a state-of-the-art infrastructure that can capitalise on the region’s strong economic growth. The BICC builds on the effective dispute resolution mechanisms already present in Bahrain, particularly, the Bahrain Chamber for Dispute Resolution and the latest amendments to adjudicate commercial disputes in English.

4 Bahrain recently appointed Court of Cassation (Supreme Court of Bahrain) judges that are internationally renowned in commercial dispute resolution. The judges will also sit on applications for the recognition and annulment of high-value arbitral awards and ancillary proceedings related to arbitration.

SICC’s prominence in adjudication of transnational commercial disputes

5 As a forum for the resolution of international commercial disputes, the SICC has established a reputation as a leading and trusted neutral forum for efficient and

effective international commercial dispute resolution. In the Singapore International Dispute Resolution Academy International Dispute Resolution Survey 2022, which surveyed in-house counsel, dispute resolution lawyers, corporate lawyers and corporate executives from 25 countries, the SICC was voted the most used international commercial court globally.

6 The SICC bench is comprised of a diverse panel of eminent international and local Judges from civil law and common law traditions, experienced in adjudicating specialist commercial disputes. Described as “arbitration in litigation”, the SICC combines the best practices of international arbitration with the substantive principles of international commercial law, to offer procedures compatible with, and responsive to, the fast-changing needs and realities of international commerce.

7 Chief Justice Khaled bin Ali affirmed that this unprecedented collaboration between Bahrain and Singapore to support the establishment of the BICC reflects the Bahrain judiciary’s excellent relationship with the Singapore judiciary and advances a common aspiration of both judiciaries to develop and promote efficient dispute resolution mechanisms for transnational disputes. He added, through collaboration with the Singaporean judiciary, it is hoped that the BICC will work alongside the SICC to provide a global approach that maintains parties’ autonomy in its core, and to provide impartial and effective justice that meet the expectations of the international business community. The BICC/SICC collaboration aims to provide a complete ecosystem for regional and international dispute resolution together with arbitration and mediation.

Chief Justice Sundaresh Menon visits Bahrain at the warm invitation of the Supreme Judicial Council of Bahrain

8 During a two-day visit to Bahrain from 8 to 9 May 2023, Chief Justice Menon called on His Royal Highness Crown Prince Shaikh Salman bin Hamad Al Khalifa, Chief Justice Khaled bin Ali and H. E. Nawaf bin Mohamed Al-Moawda, Minister of Justice, Islamic Affairs and Endowments. Chief Justice Menon said: “It was a great honour for me and my entire delegation to receive the warm and gracious hospitality extended to us by our hosts in Bahrain, in particular His Royal Highness Crown Prince Shaikh Salman bin Hamad Al Khalifa and Chief Justice Khaled bin Ali. During this visit, our two judiciaries marked the start of a significant project to enter into a collaboration to support the establishment of the BICC, entered into important instruments that significantly enhance our bilateral judicial cooperation, and engaged in an insightful and topical Roundtable discussion of new and emerging trends in international commercial disputes. These substantial achievements have laid a firm foundation for future collaboration between the Singapore and Bahrain judiciaries.”

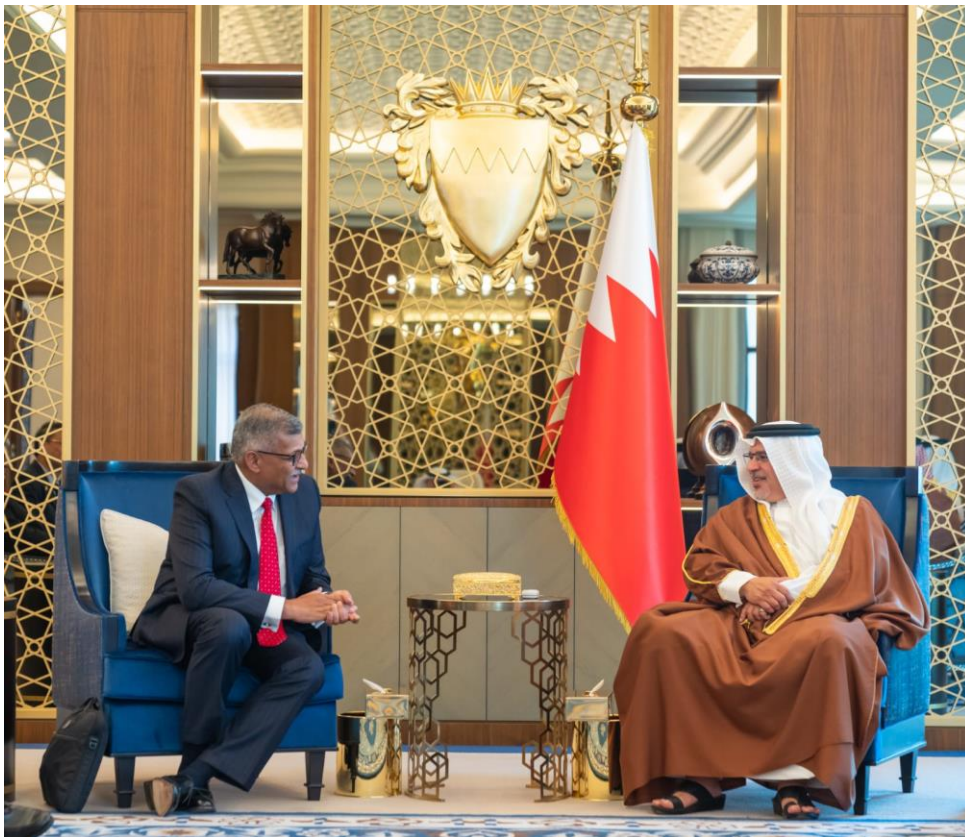
9 During the visit, Chief Justice Khaled bin Ali and Chief Justice Menon signed a Memorandum of Understanding (“MOU”) on Cooperation and a Memorandum of Guidance (“MOG”) as to the Enforcement of Money Judgments. The MOU and MOG are the first signed between the Supreme Judicial Council of Bahrain and the Supreme

Court of Singapore, further strengthening the ties between the respective judiciaries and countries.

10 The MOU enhances cooperation between the respective judiciaries to promote the efficient administration of justice. It affirms both parties' commitment to exchange experiences and develop institutional and judicial capacity to ensure the effective resolution of cross-border commercial disputes, including alternative dispute resolution. The MOU also aims to strengthen collaboration in judicial training by facilitating mutual visits. The MOG seeks to establish guiding principles for the procedures and requirements to enforce money judgments issued by the Courts of each country in the Courts of the other.

11 On the second day of his visit, Chief Justice Menon delivered a lecture entitled "The Transnational System of Commercial Justice and the Place of International Commercial Courts". In his lecture, Chief Justice Menon addressed the rise, role and features of the transnational system of commercial justice ("TSCJ"), and explained the central place of international commercial courts ("ICCs") within the TSCJ, and how ICCs can transform their jurisdictions into key nodes of dispute resolution in the TSCJ.

12 A copy of Chief Justice Menon's speech can be found in Annex A. Photos of the visit can be found below.



Singapore Chief Justice Sundaresh Menon calling on His Royal Highness Crown Prince Shaikh Salman bin Hamad Al Khalifa during a visit to Bahrain on 8 and 9 May 2023

Photo credit: Courtesy of Bahrain Courts



*Chief Justice Menon delivering the address “The Transnational System of Commercial Justice and the Place of International Commercial Courts” on 9 May 2023
Photo credit: Courtesy of Bahrain Courts*

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About Bahrain Courts

The Judicial authority in the Kingdom of Bahrain constitutes one of the three branches of government: the legislature, executive and judicial. The separation of powers is in line with the Constitution of Bahrain and guarantees the independence of the judiciary to administer justice and uphold rights and freedoms. The Bahraini courts are comprised of the Civil, Commercial, Criminal and Shari'a courts and the Court of Cassation, which serves as the highest court. We, at the Supreme Judicial Council, believe in expanding the applications of justice in its broadest sense, aspiring to achieve effective and efficient mechanisms for resolving disputes inside and outside the courts while employing modern technology to enhance the access to justice in a manner that guarantees the principle of equality for all before the law.

About Singapore Courts

The Singapore Courts - comprising the Supreme Court, State Courts and Family Justice Courts - is one of the three constitutional pillars of government in Singapore. Known collectively as **SG Courts**, we are integrated and coordinated to serve as one judiciary. As an organ of state, the judiciary's function is to independently administer justice. Headed by the Chief Justice, we are a forward-looking, innovative and trusted judiciary. Built on judicial professionalism and transparency, we maintain the highest standards of integrity in safeguarding our community. We pledge to ensure equal and continuous access to justice, and we are committed to deliver justice that is fair and impartial.