

# SICC NEWS

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## Supreme Court of Singapore Participates in Landmark Forum of Commercial Courts

Singapore joined 28 courts from around the world at the inaugural meeting of the Standing International Forum of Commercial Courts (“the Forum”) in London on 5 May 2017. The Forum aims to enhance judicial dispute resolution services provided to the international business community through fostering and promoting the sharing of experiences and best practices among those participating in the Forum.

Chief Justice Sundaresh Menon, Justice Quentin Loh (Judge-in-charge of the Singapore International Commercial Court) and Deputy Registrar Teh Hwee Hwee (Divisional Registrar of the Singapore International Commercial Court) attended the inaugural Forum.

A consensus was reached at the Forum to pursue the following steps which are of significant relevance and importance to the Singapore International Commercial Court:

- To produce a multilateral memorandum that explains how, under current rules, judgments of one commercial court may most efficiently be enforced in the country of another.
- To establish a working party to examine in further detail how best practices might be identified with a view to making litigation more efficient. This may lead to the promulgation of a further multilateral memorandum, to

be further discussed at a next meeting of the Forum.

- To establish a structure for judges of the commercial court of one country to be able to spend short periods of time as observers in the commercial court of another.
- To consider issues such as practical arrangements for liaison with other bodies, including arbitral bodies, to identify and resolve areas of common concern or difficulty.

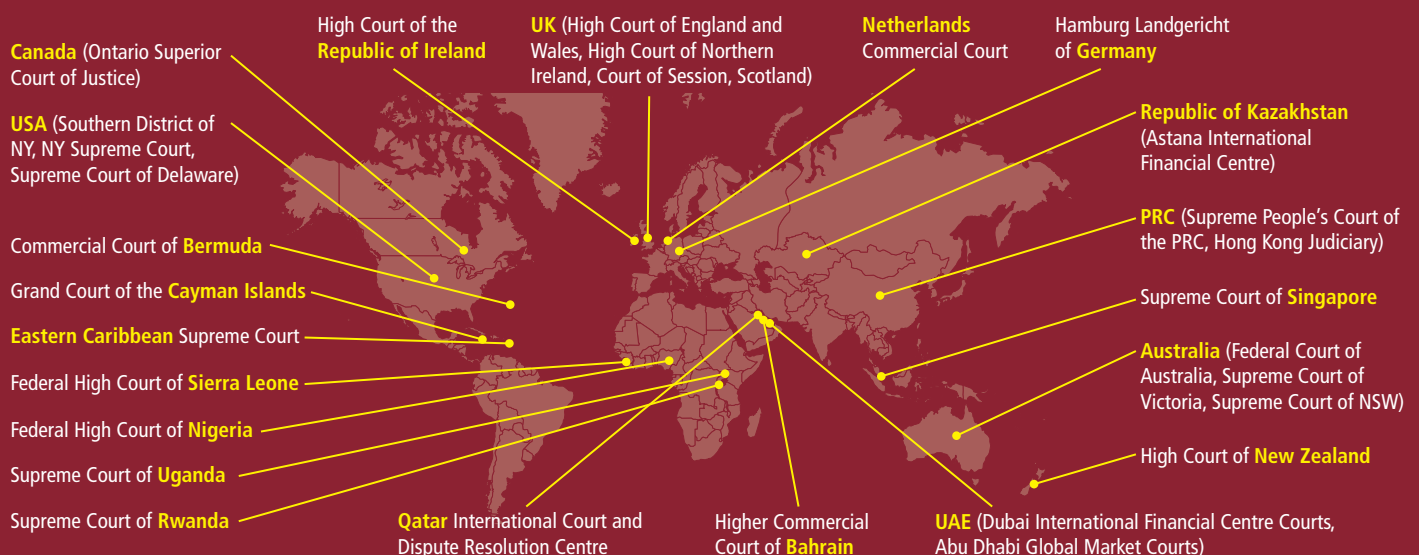
The Forum also agreed to meet again and this is scheduled to take place in New York in the autumn of 2018.

The Supreme Court of Singapore has long been a firm believer in the value of developing networks of and strengthening the links between commercial courts in the region and globally. In October 2013, Chief Justice Sundaresh Menon highlighted, in his LAWASIA Conference keynote address, that:

*“...the courts can no longer operate in jurisdictional silos. It is desirable that the international commercial courts together with courts in the major commercial centers continue to establish links with their counterparts with a view to collectively develop international commercial law in a consistent manner that is supportive of transnational business.”*

(Cont'd on page 2)

### Standing International Forum of Commercial Courts (SIFOCC)



Similarly, when delivering the Commercial Bar Association Annual Lecture in London in November 2013, Chief Justice Menon expressed his optimism on the prospects of harmonising court practices and substantive commercial laws. He advocated, as a starting point, the harmonisation of rules and practices for the recognition and enforcement of judgments. He also emphasised the need to harmonise processes for resolving commercial disputes and, to this end, urged the development of deeper connections and substantive collaboration among commercial courts. As Chief Justice Menon observed:

***“[a]n international community of commercial courts will represent a practical solution to multinational businesses which require a reliable, neutral, and legitimised mechanism for dispute resolution, and in so doing transform the anxiety over uncommon laws of commerce into an opportunity for further integration between law and commerce.”***

In 2010, the Supreme Court of Singapore entered into a Memorandum of Understanding on References of Questions of Law (“MOU”) with the Supreme Court of New South Wales, under which the Supreme Court of Singapore may refer questions of New South Wales law to the Supreme Court of New South Wales, and vice versa. The Supreme Court of Singapore has subsequently entered into similar MOUs, as well as Memoranda of Guidance as to Enforcement of Money Judgments, with other commercial courts.

The Singapore International Commercial Court is therefore encouraged by the inauguration of the Forum to bring together like-minded jurisdictions. We are optimistic that the collaboration will contribute towards an international legal infrastructure that will have a positive impact on cross-border investment and trade.

## Perspectives

# Meet Philip Bambagiotti, a Registered Foreign Lawyer of the SICC



*By Philip Bambagiotti, Barrister at Law,  
Tenth Floor, St James Hall Chambers*

I am a commercial barrister, based in Sydney, Australia, and associated with chambers in London. I am also a registered foreign lawyer (RFL) with the SICC. I have a particular interest in international arbitration

and international commercial dispute resolution.

I learnt about the SICC in 2013, when it was suggested. I considered it to be a great facility in the region and a wonderful step forward in international dispute resolution. Just as business and commercial activity operates without being tied to states and jurisdictions, so the provision of legal services, and particularly advocacy services, must be multi-jurisdictional to meet those needs.

A court that embraces activity in different states, and utilises the expertise of jurists from around the world, while not being anchored to a particular jurisdiction provides a glimpse into the future. It brings dispute resolution to the realities of dispute. The melding of court jurisprudence with the ethos of international arbitration (and without the constraints of arbitration agreement) provides new possibilities and opportunities.

As an Australian counsel, the opportunities of engaging with regional bodies such as the SICC are always welcome, as it enhances the service offering, as well as stamping the international focus to my practice.

Since its establishment, the question: ‘are you registered with the SICC?’ became one of the first questions asked of overseas arbitration counsel who are serious about Singapore. In my view, the SICC should be supported by all lawyers, particularly advocates that are serious about a multi-jurisdictional practice and playing a role in multinational dispute resolution.

I encourage anyone who is participating in this space, or looking to, to register with the SICC and be part of this process. It is in its early stages at present, but the opportunities are great and obvious.

### Registered Foreign Lawyers

As at 31 July 2017, the SICC has 78 RFLs on its register. Foreign lawyers are welcome to apply to be registered with the SICC. To view the full list of RFLs and find out more about registration, please visit [www.sicc.gov.sg/ForeignLawyer.aspx?id=101](http://www.sicc.gov.sg/ForeignLawyer.aspx?id=101)

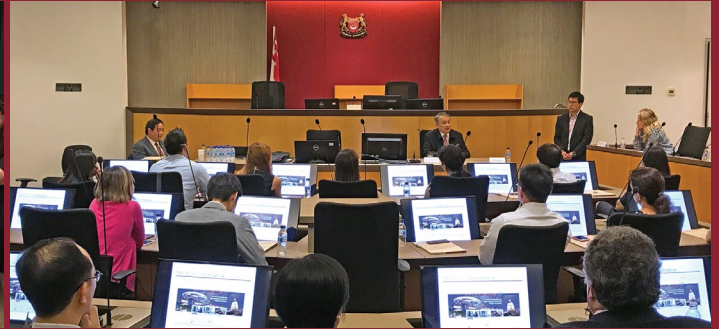


### The SICC Brochure has a new look!

We have refreshed the design and updated the content of the SICC brochure. For example, the section on the “Enforcement of SICC Judgments” has been revised to include the 2005 Hague Convention on Choice of Court Agreements. You may view or download it at [www.sicc.gov.sg/documents/docs/SICC%20Brochure.pdf](http://www.sicc.gov.sg/documents/docs/SICC%20Brochure.pdf)

Besides meeting with law firms and their clients, the SICC has also been sharing with in-house counsel and other representatives of multi-national companies and businesses about how they can have their disputes heard in a trusted neutral forum.

### An Evening with Members of the Association of Corporate Counsel



The SICC, together with the Singapore Chapter of the Association of Corporate Counsel (ACC), hosted and organised an informative and enlightening session on 24 May for about 30 ACC members. Held at the Supreme Court of Singapore, the guests kickstarted the evening with some light bites and drinks at the Viewing Gallery. They then proceeded to the SICC-designated court, Court 4A, which is also a technology court, to learn about the SICC and how it can better serve their respective organisation's legal needs, especially in the area of dispute resolution.

Hailing from a wide spectrum of industries like finance, electronics, information technology and even toy manufacturing, the group of in-house counsel also had the privilege of having their questions answered by Justice

Quentin Loh, Judge-in-charge of the SICC. He responded to queries regarding the Judges' panel, enforcement of SICC judgments and more.

*"It was a very insightful session for our members. With the SICC, local and regional corporate counsel now have a trusted neutral option to consider for commercial dispute resolution. Having a Singapore High Court judge share his perspectives was certainly icing on the cake for the attendees, including myself."*

– Caroline McConnon of ACC Singapore Chapter

### A Masterclass in International Conflict Resolution



The Association of Dutch Business People partnered with Singapore Management University Executive Development (SMU ExD) on 25 May 2017 for a seminar titled "A Masterclass in International Conflict Resolution: Minimising Loss and Maximising Gain When Businesses Run into Trouble". The session had senior business executives and managers learn about managing cross-border disputes. The SICC was offered as an appropriate forum that could efficiently and reliably hear disputes. Representatives from the Singapore International Arbitration Centre (SIAC) and Singapore International Mediation Centre (SIMC) also participated in the engaging panel discussion that was moderated by Asst Prof Eunice Chua from SMU School of Law.

#### Latest Judgments

- [17 July 2017] Judgment for **CPIT Investments Ltd v Qilin World Capital Ltd and Anor**: [www.sicc.gov.sg/documents/judgments/2017\\_SGHC\(I\)\\_05.pdf](http://www.sicc.gov.sg/documents/judgments/2017_SGHC(I)_05.pdf)
- [25 July 2017] Judgment and determination of the issues in the second tranche for **BCBC Singapore Pte Ltd & Anor v PT Bayan Resources TBK & Anor**: [www.sicc.gov.sg/documents/judgments/2017\\_SGHC\(I\)\\_06.pdf](http://www.sicc.gov.sg/documents/judgments/2017_SGHC(I)_06.pdf)
- [15 August 2017] *Ex Tempore* Judgment in respect of an application for a stay of execution of a previous judgment for **CPIT Investments Ltd v Qilin World Capital Ltd and Anor**: [www.sicc.gov.sg/documents/judgments/2017\\_SGHC\(I\)\\_07.pdf](http://www.sicc.gov.sg/documents/judgments/2017_SGHC(I)_07.pdf)

The SICC continues to embark on exchanges of best practices with judiciaries from around the world. The past months saw the team meet with a couple of its Southeast Asian counterparts, who were eager to understand more about the SICC.

### Myanmar's Ministry of Planning and Finance



On 9 June, a 13-member delegation from Myanmar visited the SICC, with His Excellency U Kyaw Win (*far left*), Minister of Planning and Finance, leading the group. They were in Singapore for the Joint Ministerial Working Committee Meeting, which was co-chaired by Singapore's Minister for Trade and Industry, Mr Lim Hng Kiang, and Minister Kyaw Win. Besides the Ministry of Planning and Finance, officials from other Ministries including Education and Construction, and the Union Attorney General's Office were present too.

The SICC shared about its establishment, flexible procedures, and other unique features like its panel of international judges. Minister Kyaw Win expressed interest in how the Court was set up, and believed that Myanmar would benefit if a similar infrastructure was put in place. He was also keen to explore further knowledge exchanges with the SICC.

### Vietnam's Ministry of Justice



Director General of the Department of International Cooperation, Ministry of Justice, Mdm Dang Hoang Oanh (*third from right*), led a four-person delegation from Vietnam to learn more about the various dispute resolution institutions in Singapore. They visited the SICC on 19 July and were intrigued by its procedures, ability to cater to both common and civil law jurisdictions, and even lauded the make-up of the judges' panel. Mr Tran Van Thu (*far right*), Deputy Director General - International Cooperation Department of the Supreme People's Court of Vietnam, expressed keen desire to establish more frequent exchanges of knowledge and best practices with the SICC, especially in the areas of judicial training. This is also in line with the Memorandum of Understanding on Judicial Cooperation signed between the Supreme Court of Singapore and Supreme People's Court of Vietnam earlier this year.

### International Dispute Resolution Training Programme



The Singapore International Dispute Resolution Academy (SIDRA) ran an inaugural three-day programme for a group of close to 30 senior government officials from developing countries. On 22 June, SICC, SIAC, SIMC and Singapore International Mediation Institute (SIMI), were invited to provide the attendees with an overview of the dispute resolution framework in Singapore, as well as introduce them to the appropriate forums available. "The participants, who were mostly legally-trained, were fascinated by the notion of using litigation before the SICC for dispute resolution, especially since it is flexible in its procedures and still reasonable in costs. Having the platform for such conversations to take place is crucial for our learning and exposure to changes and trends within the legal sector," concluded Professor Nadja Alexander, Academic Director, SIDRA.