

Outgoing A-G sees place for Singapore in arbitration's evolution

By **GRACE LEONG**

ARBITRATION is going to remain the most important means of international dispute resolution despite potential problems associated with the evolution of the arbitral process, said Singapore's outgoing Attorney-General, Sundaresh Menon.

"I don't see arbitration as a zero-sum game. Its success is a function of the fact that you need neutral venues, neutral rules and neutral parties when you invest heavily in a country," he said in an interview with BT after his keynote address at the 2012 ICCA Congress yesterday.

"My speech is not to suggest that we're having a mid-life crisis but that it's time for the arbitration community to recognise there are problems, talk about it, and figure out how best to solve it so it's good for several decades more before new challenges come."

Mr Menon believes that there is more than enough work for one or two arbitration centres in the region.

"Singapore has a number of natural advantages. We have an excellent reputation for neutrality. We have a strong bench that understands arbitration and is in support of it. We're seen globally as setting the standards on the thinking of the proper relationship of court to arbitration. The government has been extremely responsive to arbitration in leading legislation to ensure our legislative framework is on the cutting edge," he said.

In fact, Singapore intends to position itself not just as a common law arbitration centre, or a centre of arbitration for common law jurisdictions, but as a centre which is (in) the midst

of a number of countries, plenty of which have a civil law system, for those lawyers to also come here and get training, Minister for Law K Shanmugam said at the ICCA Congress yesterday.

Called the Singapore International Arbitration Academy, the event will be hosted by NUS's Centre for International Law and the NUS Faculty of Law from Nov 26 through Dec 14.

"The Academy fills a gap in the training and formation of practitioners by giving them an insight into real-life issues they will encounter with an emphasis on practical learning from a cross-cultural perspective," Mr Menon said.

That Mr Menon has a unique vision of the future of legal services in Singapore, particularly its role as a regional arbitration hub, could be credited in part to the time he spent building a large regional practice.

"During my private practice days, I was heavily involved in arbitration. In fact, for nearly 10 years from 1997 through 2006, I was almost exclusively an arbitration practitioner, and was fortunate enough to build a large regional practice, and I was active in a lot of work outside of Singapore at a time when it wasn't necessarily that fashionable or common. That gave me a very good understanding of possibilities that could be open to Singapore and Singaporean lawyers."

His experience as a private practitioner is one of several perspectives he hopes to bring with him when he takes up his appointment as Judge of Appeal with Singapore's Court of Appeal on Aug 1.

"My career has given me the op-



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portunity to work as a private practitioner with a major local firm, to run it as a senior management lawyer, . . . as a judge for a time, and public prosecutor and A-G with a very good understanding of policy and law. I think those perspectives are what I hope will be valuable in doing my work as a judge," he said.

On High Court Justice Steven Chong's appointment to A-G, Mr Menon said that his successor's background as a client-centred practitioner for 25 years and his three-year tenure as High Court Judge will be very helpful in preparing him for the job.

"The A-G's job is the greatest opportunity a lawyer could have because of the breadth of issues you deal with, and the tremendously complex and fascinating issues you will have the chance to address," Mr Menon said.

"At the end of the day, a large part of the A-G's job is similar to that of a practitioner, in the sense that you service the client. But unlike a practitioner, you service one client, the government. And your interest is driven by public interest, and you're much more interested in public law aspects.