

**SPEECH BY MR K SHANMUGAM, MINISTER FOR FOREIGN AFFAIRS AND  
LAW, AT THE ARBITRATION DIALOGUE ON 10 JUNE 2012 (SUNDAY), 2 PM AT  
MAXWELL CHAMBERS**

Chairman SIAC, Professor Michael Pryles,  
Distinguished Guests,  
Ladies and Gentlemen.

1. Welcome (to Singapore)
2. Singapore aims to be –
  - (1) A legal services hub; and
  - (2) A centre for international arbitration.
3. For arbitration:
  - Have come a long way
  - New cases handled by SIAC
    - 58 in 2000; 188 in 2011
4. Growth of arbitration sector has occurred in tandem with liberalisation of the legal services sectors
  - Will share more tomorrow
5. Our success as an arbitration hub - attributable to five main factors:
  - (1) Supportive legislative framework, in the form of the International Arbitration Act (IAA), which is built on the Model Law;
  - (2) Commercially experienced Judiciary which has developed a pro-arbitration jurisprudence;
  - (3) Neutral venue, straddling East and West ;
  - (4) Connectivity to the region and the world;
  - (5) Supporting infrastructure, in the form of Maxwell Chambers.
6. Government's approach in this area
  - Driven by industry needs
  - Industry partners are consulted actively and regularly
  - If need arises, law and policies can be swiftly changed
7. Illustration: How we have updated IAA, especially in recent years
  - Since 1995, our law has been based on the Model Law

- Internationally accepted standard for arbitration legislation
- Adjustments over the years, in response to industry feedback
- Examples:
  - Updating the definition of an arbitration agreement to reflect commercial realities (2009, 2012)
  - Empowering the court to order interim measures in support of foreign arbitrations (2009)
  - Allowing judicial review of negative jurisdictional rulings (2012)
  - Recognising emergency arbitrators and foreign interim measures (2012)
- In one case, we clarified the law within seven months after a High Court judgment threw the position into doubt<sup>1</sup>
- Similarly, we moved quickly to recognise emergency arbitrators, in response to feedback by SIAC and industry

8. Our aim:

- Not to be market leader in novel legislation
- Rather, to support industry in a way it needs and is comfortable with
- If industry takes a conservative view, so will we
- For example:
  - 2006 amendments to the Model Law – widened definition of arbitration agreement
  - Not favoured in early days
  - Held back
  - Views changed by 2011
  - Amendments made early this year

9. Our general philosophy towards the legal services sector is the same

- Liberalise in a way which best benefits the industry

10. Moving forward:

- Arbitration – competitive business
- MinLaw has an active programme of industry engagement, to remain relevant
  - Last year, hosted a Dialogue with Singapore-based arbitrators here
  - Today, International Council for Commercial Arbitration (ICCA) gives us the opportunity to tap on the expertise of the world's top arbitration experts

11. Today's discussion

- Wide-ranging
- Covers all aspects of legal services and arbitration in Singapore

---

<sup>1</sup> *Dermajaya Properties Sdn Bhd v Premium Properties Sdn Bhd* [2002] 1 SLR(R) 492.

**[Embargoed until after delivery at 2.10 pm on 10 June 2012 (Sunday)]**  
**[Please check against delivery]**

12. Glad to see many industry leaders from Singapore and abroad
13. Look forward to your views

National Archives of Singapore