

## **HANDOUT FOR SILE PART B COURSE**

### **LAW AND PRACTICE OF INTERNATIONAL ARBITRATION IN SINGAPORE**

#### **Contact Session 1 (2 hours)**

You are expected to have reviewed at least sections 1 to 3 of the study notes. At the contact session, I will take any questions those sections in the study notes (20 minutes).

##### **1. Navigating soft law instruments (20 minutes)**

I will explain during the contact session how different laws come into play in an international arbitration. For that purpose, please download and have a look through the latest version of the following soft law instruments:

- IBA Rules on the Taking of Evidence in International Arbitration / Prague Rules
- IBA Guidelines on Conflicts of Interest
- CIArb Protocol for the Use of Party-Appointed Expert Witnesses in International Arbitration
- IBA Guidelines on Party Representation in International Arbitration

Please also download and look through the latest version of the following UNCITRAL/UN instruments:

- UNCITRAL Model Law on International Commercial Arbitration 1985 and 2006
- UNCITRAL Arbitration Rules
- UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention)

##### **2. Selecting DR Forum and Drafting DR clauses (60 minutes)**

You receive the following email from your client. Prepare a substantive response which you may be asked to present during the contact session.

*Dear Associate*

*Happy New Year!*

*Thank you for providing my company, India Bittal Heavy Industries, with all your guidance to date.*

*As we know, we now have large scale highway construction in Bangladesh, Sri Lanka, Thailand, Cambodia and Indonesia, all of which I oversee in my role as Asia GC.*

*In 2023, we are especially excited because we are in the process of discussing a large contract with China's Sino Steel for them to supply specialized rolled steel products to support our ongoing construction projects.*

*I am now in the process of negotiating a master contract with Sino Steel. Some of our orders with Sino Steel may be modest (eg US\$ 1 or 2m), but some of our orders may be large (US\$10m).*

*I need your advice on what dispute resolution clause to insert into the contract. I have heard a lot about commercial courts such as the SICCC, but do not know whether they are necessary better for us? I have also heard a lot about multi-tiered dispute resolution clauses, but again do not know if they are too cumbersome (although as you know every company will want to resolve disputes amicably if given a choice). In relation to arbitration, we would also be grateful for your advice on which institution and seat to choose?*

*I am looking for succinct and practical advice, which should include the recommended dispute resolution clause itself. Please do not incur more than S\$3,000 in time costs.*

### 3. Drafting Request/Notice of Arbitration (20 minutes)

Please familiarize yourself with the key elements of a Notice/Request of Arbitration in the latest version of the SIAC and ICC Rules (which you should download).