

FRANCE-SINGAPORE LEGAL SYMPOSIUM
OPENING REMARKS

Friday, 17 January 2020

The Honourable the Chief Justice Sundaresh Menon
Supreme Court of Singapore

His Excellency Marc Abensour, Ambassador of France to Singapore,

Mr Olivier Cousi, President of the Paris Bar Association,

Distinguished Guests,

Ladies and Gentlemen,

1. A very good morning to everyone. I am delighted to welcome you to the inaugural France-Singapore Legal Symposium, jointly organised by the French Embassy and the Singapore Academy of Law. This collaboration was first conceived in a conversation between Ambassador Abensour and myself sometime in May 2018. We recognised at that time that despite some differences between the legal traditions of France and Singapore, there were significant similarities between our legal cultures and philosophies, not least in terms of our common respect for the rule of law and our shared aspiration to serve as the regional legal gateways to Europe and Asia respectively. We therefore hoped that through an event bringing together the leading legal and business thought leaders in Singapore and France, we might jumpstart a conversation about the ways in which we could more closely collaborate and inject greater vibrancy into our respective legal sectors.

2. It is with this in mind that I must commend the organisers from the French Embassy and the Academy for their efforts that have culminated in bringing the idea to life, and for the thoughtful programme that they have put together.

3. There are three main themes that this Symposium seeks to explore. The first is relatively uncontroversial, and it relates to the unique role of France and Singapore as the gateways to significant regional economic blocs. France is situated at the heart of the European Union, a single market with more than 500 million consumers. Given its proximity and historic and other ties with its non-European neighbours, France is also an important springboard for businesses seeking to expand into markets in North Africa and parts of the Middle East. Singapore, on the other hand, is the gateway to the rest of Asia. We are close, both geographically and in many ways culturally, to China and India, and we are located at the centre of the ASEAN Economic Community, which is home to more than 600 million people and a rapidly expanding labour force. There is no question that these are unique geopolitical advantages that both France and Singapore enjoy, and these advantages have significantly aided our ambitions to serve as regional and global centres of economic and legal activity.

4. The second theme, which follows from the first, is the recognition by both France and Singapore that our economic attractiveness would be enhanced by facilitating and harnessing a trusted and effective alternative mechanism

for the resolution of commercial disputes, that is, commercial arbitration. France has had an illustrious and pioneering tradition in this field. The International Court of Arbitration (“ICA”) which forms part of the International Chamber of Commerce (“ICC”) in Paris was first established in 1923 and now has more than 45 million members from more than 100 countries. Indeed, the ICA has long been considered the *grande dame* in the resolution of international commercial disputes. At the same time, Singapore has also seen tremendous growth over the past three decades in the quality and popularity of our arbitration services. Singapore now ranks as the third most preferred arbitral seat worldwide, after London and Paris. The flagship arbitral institution in Singapore, the Singapore International Arbitration Centre (“SIAC”), has since 1991 provided exceptional arbitration services to the global business community, and is now regarded as the most preferred arbitral institution in Asia despite its relative youth.

5. The third theme that this Symposium seeks to explore is how our jurisdictions may more closely collaborate on strategic legal aspects and achieve a greater degree of legal convergence. In today’s era of economic globalisation, it cannot be seriously doubted that thoughtful convergence and cooperation between France and Singapore will reduce the incidence of incoherence and regulatory arbitrage, and provide our businesses with greater consistency, certainty, and efficiency. We have already made some progress in this regard. One example concerns the recognition and enforcement of

each other's judgments by the French and Singaporean courts. In October 2016, Singapore joined the European Union and its constituent States in ratifying the Hague Convention on Choice of Court Agreements. To date, Singapore remains the only country in Asia to have done so.

6. However, although there has been some degree of collaboration and legal convergence, there remains more that can be done. One possible area for greater cooperation between France and Singapore in the field of commercial arbitration, for instance, is the establishment of a procedure for "cross-institutional" consolidation of arbitral proceedings that are subject to different arbitral rules under different arbitral institutions. Although both the ICC Court of Arbitration Rules 2012 and the SIAC Arbitration Rules 2016 presently provide for the consolidation of related disputes and the joinder of third parties, there exists no mechanism for "cross-institutional" consolidation or joinder. This is unfortunate especially in cases where a single economic undertaking is governed by several different contracts providing for different arbitral rules and institutions. In such cases, the absence of such a consolidation mechanism can lead to the inefficient and costly fragmentation of any dispute arising from that undertaking. Recognising this issue, the SIAC Academy has proposed a cross-institutional consolidation protocol which arbitral institutions could incorporate as part of their arbitral rules, and this, I think, is a proposal that merits closer consideration and discussion.

7. The three themes that I have outlined may appear rather disparate but they are in fact all underpinned by a single fundamental concern – how we may better protect and promote the economic prosperity of France and Singapore, and harness our geopolitical advantages and strengths in dispute resolution, through greater collaboration and convergence in strategic legal areas. This is a question that begets no easy answers, and I look forward to hearing your views.

8. Thank you all very much, and I wish you a fruitful conference ahead.