



3rd Annual SCMA Conference

Wednesday, 4 September 2013

Singapore Supreme Court



Emergence and Development of Singapore as a Seat in International Maritime Arbitration



Guest of Honour
Keynote Speaker
The Honourable,
The Chief Justice
Mr Sundaresh Menon



Closing Session Panel
Discussion Chairperson

Justice Belinda Ang

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Supporting Organisations



This conference is organised by Ascent Secretarial & Consultancy



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Wednesday, 4 September 2013
Singapore Supreme Court Auditorium

Conference Background

It is estimated that some 70% of the world's contracts for maritime commerce use BIMCO drafted contract forms. In Nov 2012, BIMCO announced the adoption of Singapore as a 3rd seat of arbitration alongside London and NY into all of their new and amended forms. This is a game changer for many stakeholders in Singapore's maritime arbitration community.

Asian parties can now choose a seat which is much nearer to their time zone. Singapore plays host to an extraordinary ecosystem of international maritime lawyers, arbitrators, expert witnesses and other service providers to maritime arbitration industry. The industry is in turn supported by purpose built infrastructure, progressive and pro-arbitration legislation and fiscal / judicial support for arbitral process. As the city state stands poised to accommodate the expected rise in case references in the coming months and years, it is timely to pause and examine whether more can be done to enhance its growth and status.

SCMA's annual conference will feature leading practitioners and academics gathered to address issues related to the conference title and the above-mentioned background and to also provide their insights.

Who Should Attend

Arbitrators • Lawyers • Ship Owners • Charterers/Operators • Ship Brokers
Ship Managers • In-house Counsel • Ship Agents • Insurance Underwriters/Brokers
Shipyards • Ship Financing Institutions
Other Stakeholders in the Shipping and Legal Industry



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Speakers/Panelists



Amitava Majumdar (Raja)
Managing Partner
Bose & Mitra, India



Andrew Moran QC
Senior English Barrister
Stone Chambers



Andrew Gray
Partner & Mariner
Hill Dickinson LLP



Prof Anselmo Reyes S.C.
Arbitrator from HK
Former HK High Court Judge



Bazul Ashhab
Senior Partner
Oon & Bazul LLP
Head Dispute Resolution



Chan Leng Sun S.C.
Principal
Baker & McKenzie



Charles Debattista
Barrister and Arbitrator from UK
Former Prof, Uni of Southampton



Lawrence Teh
Partner
Rodyk & Davidson LLP
Head of Shipping



Leong Kah Wah
Equity Partner
Rajah & Tann LLP



Mary Thomson
Barrister & Arbitrator from HK



Murali Pany
Partner, Deputy MD
Joseph Tan Jude Benny



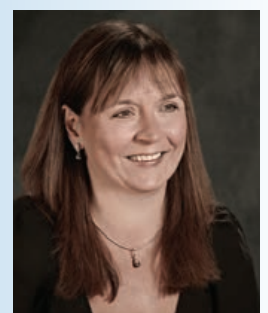
Prof Lawrence Boo
Founder & Managing Partner
TAC



Nick Sansom
Director & General Manager
Charles Taylor Mutual Management
(Asia) Pte. Limited



Peter McQueen
Barrister & Arbitrator from
Australia AMTAC



Sara Masters QC
Queen's Counsel & Arbitrator
20 Essex Street



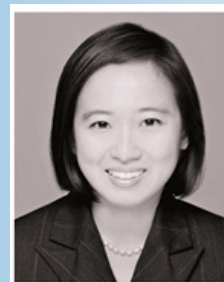
Søren Larsen
Deputy SecGen
BIMCO



Toh Kian Sing S.C.
Partner
Rajah & Tann
Head of Shipping & Admiralty Practice



Vivian Ang
Partner
Allen & Gledhill LLP



Clara Tan
Director
Pan Asia Wikborg Rein LLC

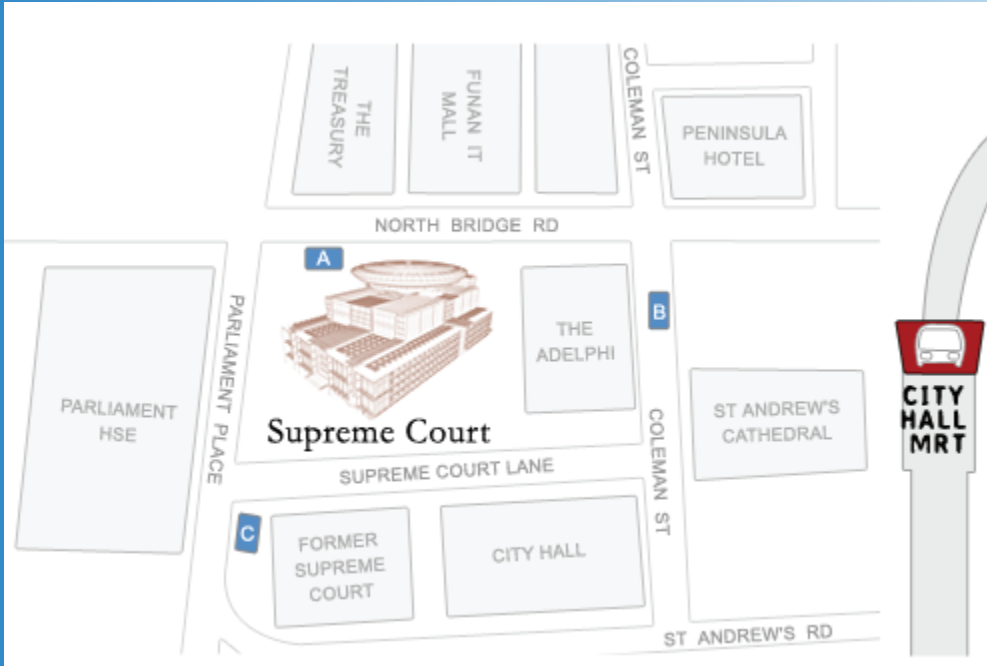


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Singapore Supreme Court Auditorium

Conference Venue



Bus Stop (A) along North Bridge Road
(opposite Treasury Building)

SBS 51, 63, 80, 124, 145, 166, 174,
174e, 197

SMRT 61, 851, 961

Bus Stop (B) along Coleman Street

SBS 130

Bus Stop (C) along Parliament Place
(opposite Parliament House)

SBS 195

SMRT 961

MRT Stands for Mass Rapid Transit
which is the railway network around
Singapore.

City Hall is located at the interchange
of the North South Line (Red) and
East West Line (Green)

The 3rd Annual SCMA Conference is held at the Singapore Supreme Court Auditorium.
The Auditorium is located at basement 2 of the Singapore Supreme Court

Conference Fees

SCMA Member -	S\$600 Per Person
All Supporting Organisations -	S\$650 Per Person
Non Member -	S\$800 Per Person

70% MCF subsidy is available for Singaporean/Singapore PR delegates. Terms and Conditions Apply
Download form at www.scma-conference.com/registration

To register, www.scma-conference.com/register
or email us at shilei@asc-consultancy.com

For more information please contact us at 8163 9197 or email us at
irene.loh@asc-consultancy.com



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Wednesday, 4 September 2013
Singapore Supreme Court Auditorium



Emergence and Development of Singapore as a Seat in International Maritime Arbitration

REGISTRATION FORM

Delegate Details	Details as shown on Conference Badge		Name				
			Position / Title				
			Company Name				
	Please complete and ✓ tick box if claiming CPD Points: <input type="checkbox"/> AAS No (eg: 888/2008): _____						
	Nature of Company Business						
	Tel		Fax		Email		
	Address						
	Town / City		Country		Postal Code		
Nationality							
Delegate Category	<input type="checkbox"/> SCMA Member S\$600		<input type="checkbox"/> Non Member S\$800				
	<input type="checkbox"/> Member/Staff of Supporting Organisation S\$650; Please indicate:						
	<input type="checkbox"/> CIArb <input type="checkbox"/> MPA <input type="checkbox"/> MinLaw <input type="checkbox"/> MLAS <input type="checkbox"/> SiArb <input type="checkbox"/> SMF <input type="checkbox"/> SSA						
Payment	<input type="checkbox"/> Academia/Student of SMA S\$200						
	Payment by cheque to “Ascent Secretarial & Consultancy Pte Ltd”. Post to: 998 Toa Payoh North #07-04 Singapore 318993, Attn: Ms Irene Loh						
	Payment by TT: Account Name: Ascent Secretarial & Consultancy Pte Ltd SGD Current A/c No: 2000275573 Bank Name: CIMB Bank Berhad Bank Code: 7986 Branch Code: 001 International Clearing Code / Swift Code: CIBBSGSG Add: 50 Raffles Place #09-01 Singapore Land Tower S'pore 048623						



CPD Accreditation
5.5 Public CPD Points
Practice Area:
Admiralty Practice / Shipping
Training Level: **General**

Attendance Policy:
Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. This includes signing-in on arrival and signing-out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.org.sg> for more information.

Sign up online at www.scma-conference.com, enquire at irene.loh@asc-consultancy.com or 81639197

3rd SCMA Conference

4 September 2013 at Supreme Court Auditorium
Conference Programme

Emergence and Development of Singapore as a Seat in International Maritime Arbitration

- 9.30am** **Delegate Registration & Networking Coffee**
- 10.00am** **Private Reception with Guest of Honour (Invited Guests Only)**
The Honourable, The Chief Justice Mr Sundaresh Menon
- 10.35am** **Conference Opening**
Opening Keynote Address by **The Honourable, The Chief Justice Mr Sundaresh Menon**

Session One

Chairperson:

Murali Pany - Managing Partner, Joseph Tan Jude Benny LLP

- 11.00am** **The Shape of Maritime Arbitration to Come**
Lawrence Teh, Partner, Head of Shipping, Rodyk & Davidson LLP

Now that Singapore is the third arbitral jurisdiction offered on BIMCO standard forms, what is the shape of things to come? The speaker will survey the scope of maritime transactions under BIMCO forms and compare it with traditional definitions of maritime arbitration. He will ask the audience to consider and suggest how Singapore can offer competence arbitration services for the potentially wide range of disputes that may be arbitrated in Singapore. The presenter will also examine the way in which London has grown as a maritime arbitration centre and study whether Singapore (as an Asian UNCITRAL Model Law nation) can and/or should emulate London.

- 11.20am** **Are the recent legislative developments and changes to the SCMA Rules sufficient to promote Singapore as a leading maritime arbitration venue or more needs to be done?**
Bazul Ashhab, Managing Partner, Head Dispute Resolution, Oon & Bazul LLP

The business community would rank the following factors amongst the most important when deliberating the choice of the arbitration seat: The quality of the Tribunal, speed at which the dispute can be resolved, cost-efficiency, is there a right of appeal against the arbitration award, confidentiality and whether the arbitration award obtained can be effectively enforced.

The presentation will discuss whether Singapore's legal framework has incorporated the above factors in making Singapore the preferred venue for arbitration or more needs to be done?

Reference will be made to recent legislative developments and changes to the SCMA Rules as well as recent case law on this subject.

3rd SCMA Conference

4 September 2013 at Supreme Court Auditorium
Conference Programme

Emergence and Development of Singapore as a Seat in International Maritime Arbitration

11.40am

Promoting Maritime Arbitration in Asia Pacific - The Way Forward

Peter McQueen_{FCIArb}, Chair, Australian Maritime and Transport Arbitration Commission (AMTAC)

Against the economic growth in Asia Pacific region, contracting parties harbour the desire to resolve any disputes arising quickly and cost effectively within seats in the region along with their attendant Rules. There is already a strong ecosystem of knowledge and experience to support this desire. The paper will examine holistically how the ecosystem can be improved through refinement of key elements such as promotion of arbitration clauses, procedures and quality control so that contracting parties can readily recognise the advantages of siting their arbitrations in Asia Pacific.

12.00pm

Panel Discussion

12:15pm

Networking Luncheon

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OOON & BAZUL

Session Two

Chairperson:

Ms Clara Tan, Director, Pan Asia Wikborg Rein LLC

1.40pm

3rd Parties in Maritime Arbitration

Prof Lawrence Boo, Head of Chambers, The Arbitration Chambers

Maritime transportation arrangements often involve diverse parties viz. shipowners, a chain charterers interspersed with shipbrokers. The occurrence of a dispute in the course of the performance or non-performance of the fixture often triggers a similar chain of contentious actions. The strict application of the privity of contract rule however excludes the participation of persons who are not considered "parties" to the contract. This paper will examine why and how certain interested persons (such as brokers) who are otherwise excluded by the privity rule, could nevertheless be considered 'parties' and seek recourse for its losses.

2.05pm

Towards a Competitive and Cost-Effective Regime for Dispute Resolution

Prof Anselmo Reyes S.C., Arbitrator from Hong Kong

The paper will first address concerns that maritime arbitration in Asia is becoming too costly, especially relative to the amounts in dispute. Institutional calls to reduce costs need to be balanced by not compromising of quality. Prof Reyes will briefly touch upon the need to produce well-written awards quickly and offer suggestions on how this might be done.

3rd SCMA Conference

4 September 2013 at Supreme Court Auditorium
Conference Programme

Emergence and Development of Singapore as a Seat in International Maritime Arbitration

Prof Reyes will go on to query the efficacy of typical ways to cut costs and suggest alternative approaches such as for jurisdictions to develop a healthy competition between different modes of dispute resolution, in particular between Court litigation and private arbitration.

Potential impact of Hague Choice of Court Agreements Convention of 2005 - Would adoption and enactment result in making litigation more competitive with arbitration? Where commercial parties have real choices between two competitive options for resolving disputes and enforcing determinations, would market forces force arbitrators to have a closer look at their cost-effectiveness?

2.25pm **SEDOCCS - Presentation of SCMA Expert Determination of Collision Claims Service**
Andrew Gray, Partner, Hill Dickinson LLP

Whilst many collision claims are rightly processed through the courts, classes of collisions involving smaller quantum in damages or not involving multiple cargo interests may find apportionment of liabilities better served through arbitration. SEDOCCS is a solution optimised for resolution of such cases.

2.45pm **Calling a Hearing: Who Calls the Shots and Who Carries the Costs?**
Charles Debattista,
Stone Chambers, London and Singapore,
Formerly Professor of Commercial Law, University of Southampton

Arbitrators typically leave it to the parties to decide whether the reference is conducted through a hearing or on a documents-only basis. Situations may arise, however, where a tribunal wishes to call a hearing on its own initiative. When might it be wise to do so; and ought the reasons to be spelt out in the relevant Order or the eventual Award; and what impact does this decision have on the costs of the arbitration? A review of the position under different institutional and legislative rules.

3.05pm **Panel Discussion**

3.20pm **Afternoon refreshments and networking**
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The Standard 

3rd SCMA Conference

4 September 2013 at Supreme Court Auditorium
Conference Programme

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Session Three

Chairperson:

Vivian Ang, Partner, Allen & Gledhill LLP

3.50pm **Ship me East of Suez – Lessons for London Maritime Arbitration**
Sara Masters Q.C., 20 Essex Street

Traditionally London and New York were seen as the world-wide centres for maritime arbitration. However, they are increasingly seeing competition from new or (at least “newish”) kids on the block, such as Singapore.

This presentation will focus on the present state of London maritime arbitration and will also discuss some topical concerns, not the least whether the present predominantly “arbitrator led” model is effective or whether a more institutional regime would be desirable, and also the perennial problem of increasing legal costs and how this might be addressed.

4.10pm **Managing Cultural Differences in Maritime Arbitration**
Toh Kian Sing S.C., Partner, Head of Shipping & Admiralty Practice, Rajah & Tann LLP

Paper will address the importance of recognizing the impact of cultural differences and expectation in arbitration and how arbitrators can fine tune their approach to make the process more readily acceptable to Asia Pacific parties.

4.40pm **Singapore - Third Pillar for Maritime Arbitration in BIMCO Contracts – Why?**
Søren Larsen, Deputy Secretary General, BIMCO

The paper will examine Singapore’s request to be listed as the third venue for maritime arbitration in BIMCO contracts and trace the chronology and reasoning of initial rejection, subsequent re-consideration of the rejection and eventual acceptance over competitive requests from other Asian venues such as Shanghai, HK & Tokyo.

The paper will also explore the future of BIMCO’s Dispute Resolution Clause and other BIMCO approved arbitration clauses

5.05pm **Welcome and Introduction of The Honorable Justice Belinda Ang**

3rd SCMA Conference

4 September 2013 at Supreme Court Auditorium
Conference Programme

Emergence and Development of Singapore as a Seat in International Maritime Arbitration

5.10pm

CLOSING SESSION PANEL on

The Recognition and Enforcement of Arbitral Awards

Chairperson:

Justice Belinda Ang, Supreme Court of Singapore

Justice Ang will begin by making some introductory remarks on the session theme and then move on to a discussion with the panelists on various topics, including:

1. How recognition and enforcement of awards in different jurisdictions may differ
2. Costs awarded at arbitrations – any room for court supervision of costs awards in different countries?
3. Whether a filter process before, or immediately after arbitration is commenced be introduced in the arbitral process to minimise arbitration costs?
4. Enforceability of agreements arising from either the use of multi-tiered clauses or med-arb clauses

Panelists:

Søren Larsen, Deputy Secretary General, BIMCO

Prof Anselmo Reyes S.C., Arbitrator from Hong Kong

Andrew Moran Q.C. - Senior Queen's Counsel, Arbitrator and deputy High Court Judge

Peter McQueen FCArb Chair, Australian Maritime and Transport Arbitration Commission (AMTAC)

Prof Lawrence Boo, Head of Chambers, The Arbitration Chambers

Chan Leng Sun S.C., Principal, Baker & McKenzie.Wong & Leow

Leong Kah Wah, Deputy Head, Admiralty and Shipping Practice Group, Rajah & Tann LLP

Amitava Majumdar, Managing Partner, Bose & Mitra, India

Nicholas Sansom, Director, Standard Club

Mary Thomson, Barrister, Arbitrator & Mediator, Hong Kong

6.25pm

Closing speech by Chairman, SCMA

Goh Joon Seng, Chairman, Singapore Chamber of Maritime Arbitration

6.30pm

3rd Annual SCMA Conference 2013 Cocktail Reception

Supreme Court Level One Foyer

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 **Keppel Offshore & Marine**

8.00pm

End of Conference