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JURIS
www.arbitrationlaw.com
ISSN: 1934-3310
BOOK REVIEW

SINGAPORE LAW ON ARBITRAL AWARDS
BY CHAN LENG SUN SC, ACADEMY PUBLISHING, 2011
PP. 326. INDEX.

David D. Caron*

From Chan Leng Sun SC comes the first book to date on arbitral awards under Singapore Law. Leng Sun’s first book, Singapore Law on Arbitral Awards, published in 2011 is an excellent tool to guide arbitrators, lawyers and judges through the process of ensuring that an arbitral award made in Singapore or elsewhere meets all requirements to be effectively enforced in Singapore. A close read of the book will also allow those contesting an award to raise successful defenses. It is important to note that this book does not cover investment arbitration.

Singapore Law on Arbitral Awards is particularly relevant as Singapore has become a center for arbitration with cross-border disputes increasingly being resolved through the mechanism of arbitration. Indeed, the Maxwell Chambers dispute resolution complex, which is featured on the cover of the book, was opened in Singapore in 2010 to accommodate the growing number of disputes being arbitrated there and to respond to parties seeking enforcement of arbitral awards in Singapore.

Chan Leng Sun brings a very high level of practical insights to the reader. Leng Sun co-heads the Dispute Resolution Practice Group of the Singapore office of Baker & Mackenzie - Wong & Leow. He is qualified in Malaysia, Singapore and England and was appointed Senior Counsel in January 2011. Leng Sun is also an arbitrator and adjudicator on the panel of leading dispute resolution institutions. He is chairman of the Singapore Law Society ADR Committee and vice-president of the Singapore Institute of Arbitrators. He was a SIAC-CIAC observer to the UNCITRAL Working Group on Arbitration and his work with the Law Reform Sub-Committee led to recommendations for reform

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World Arbitration & Mediation Review (WAMR), Vol:6, No:3, 695-698, copyright ©JurisNet, LLC
of Singapore’s arbitration laws, which have been accepted in a bill that is now before Parliament. Leng Sun also served as a legal officer of the United Nations Compensation Commission in Geneva, where I had the pleasure of making his acquaintance.

The scope of Leng Sun’s study is clear from the first pages of the book. He chose to focus on Singapore law on arbitral awards from the perspective of awards resulting from arbitrations seated in Singapore and awards made elsewhere that are being enforced in Singapore. He thereby consolidates major developments in the field of arbitral awards in Singapore Law.

_Singapore Law on Arbitral Awards_ contains 7 chapters each divided into concise numbered paragraphs that serve as a roadmap to arbitrators, lawyers and students interested in learning about the enforcement of arbitral awards in Singapore. The book is easy to navigate and the table of contents and index allow a reader to quickly locate the relevant portions of the book. Leng Sun also carefully included detailed citations. Within each chapter, the author thoroughly and meticulously informs and proposes solutions to issues that have arisen or could arise along the way.

In the first part of the book, Leng Sun sets forth Singapore’s legislative framework on arbitral awards. The reader is introduced to the two governing arbitration statutes: the Arbitration Act and the International Arbitration Act. Leng Sun refers to these two texts throughout the book and they are included in their entirety in the Appendix. Leng Sun also explains that these acts are largely based on an adaptation of the UNCITRAL Model Law on International Commercial Arbitration and incorporate the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention).

In order to prepare the reader for the core topic of his study, Leng Sun begins by defining what an award is; a step often neglected by the legislature that is crucial in the enforcement of arbitral awards. The author then presents the form and content that should be followed in the making of valid awards. Leng Sun provides useful guidelines to ensure that the arbitral award a party is seeking to enforce is one that has effectively terminated the proceedings and is thus “final and binding.” I believe that
these first chapters are extremely useful for arbitrators, lawyers and judges working on arbitral matters in Singapore Law as it helps them ensure that they are creating an enforceable award.

Leng Sun begins the second part of the book by methodically dividing his study of the enforcement of awards between those made in Singapore and those made elsewhere. The interactions and dynamics between the courts and arbitral tribunals are exposed in great detail. Firstly, Leng Sun exposes the necessary steps to successfully enforce an award made in Singapore under current Singapore Law. Secondly, he offers alternatives to enforce awards made elsewhere in Singapore under the International Arbitration Act. Where the rules are unclear under the Law of Singapore or have not been determined, Leng Sun offers solutions derived from other international conventions and case law. This gives him the opportunity to highlight the pros and cons of each approach and suggest which one would be best suited in the context of Singapore Law.

In my opinion, both the author’s exhaustive research and strong analytical skills are the most apparent in the final chapters. In Chapter 6, Leng Sun explores available recourses against an award. Complex and ambiguous concepts that many legal systems and courts have difficulties defining, such as the logical stages for setting aside an award, the issue of public policy, and requests for leave to appeal are well explained. This section would be useful not only to those interested in Singapore Law, but to all interested in arbitration in general given that Leng Sun refers to important international case law and mainly UK decisions to illustrate his developments.

In the last chapter, Leng Sun offers examples on how to resist recognition and enforcement whether the award was made in the scope of the New York Convention or not. By using a clear system of step-by-step reasoning, he reaches conclusions to solve hypothetical situations illustrated by clear and relevant case law.

I recommend this sophisticated study by Leng Sun to anyone interested in international arbitration in Singapore and seeking to enforce their arbitral awards in Singapore. Practitioners and students alike will undoubtedly benefit from adding this book to their collection.
DAVID D. CARON

David Caron is the C. William Maxeiner Distinguished Professor of Law at the University of California at Berkeley. He has served as arbitrator, lead counsel and expert in both private and public international arbitral proceedings. He is included as a leading international arbitrator from the United States in CHAMBERS USA since its inaugural edition in 2005, and in THE INTERNATIONAL WHO'S WHO OF COMMERCIAL ARBITRATION. He served as Chair of the Advisory Board for the Institute of Transnational Arbitration of the Center for American and International Law from 2005 to 2009. From 1996 to 2003, he served as a Commissioner with the Precedent Panel (E2) of the United Nations Compensation Commission in Geneva resolving claims arising out of the 1990 Gulf War. Over a series of nine installments, the E(2) Panel addressed several thousand corporate claims in the construction, insurance, banking, transportation, export, tourist and aviation sectors.

David Caron served as President of the American Society of International Law from 2010 to 2012, and is presently a member of the Executive Council of the American Bar Association Section on International Law. He also is a member of the Board of Editors of the AMERICAN JOURNAL OF INTERNATIONAL LAW and is a Co-Editor in Chief of WORLD ARBITRATION AND MEDIATION REVIEW. He serves as a member of the U.S. Department of State Advisory Committee on Public International Law, and is member of the group of Advisers to the American Law Institute on the Restatement 3rd of the U.S. Law of International Commercial Arbitration. He is a member of the Bars of the State of California and of England and Wales, and is a Barrister with Chambers at 20 Essex Street.

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