



Where The World  Arbitrates
Annual Report 2019

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SIAC sets a New Record in 2019

2019 saw SIAC set a new record with 479 new case filings. Of the 479 cases, 454 (95%) were cases administered by SIAC, which is also an all-time record. The remaining 25 (5%) cases were *ad hoc* appointments. This is the third consecutive year that SIAC's caseload has exceeded 400.

SIAC's total sum in dispute for 2019 was USD 8.09 billion (SGD 10.91 billion) which was a 14.6% increase from 2018.

Parties from 59 jurisdictions chose to arbitrate at SIAC in 2019. While India, China and USA retained their top foreign user rankings, other significant contributors to SIAC's caseload included new entrants from Brunei, the Philippines and Thailand, as well as parties from Switzerland, UAE and UK, which is testament to SIAC's global appeal to users from diverse legal systems and cultures.

The following are some highlights from 2019.

SIAC Year in Review 2019

New SIAC Court Members

In June 2019, SIAC was pleased to announce the appointment of fourteen new Court members to the SIAC Court of Arbitration, which continues under the leadership of Mr Gary Born as its President, and Ms Lucy Reed and Mr Cavinder Bull, SC, as Vice Presidents.

The new Court members are as follows:

Name	Law Firm / Chambers
1 Mr John P. <u>Bang</u>	Bae, Kim & Lee LLC, South Korea
2 Ms Yas <u>Banifatemi</u>	Shearman & Sterling, France
3 Ms Julie <u>Bedard</u>	Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates, USA
4 Mr K. Minh <u>Dang</u>	YKVN, Vietnam
5 Ms Jessica <u>Fei</u>	King & Wood Mallesons, China
6 Mr Eri <u>Hertiawan</u>	Assegaf Hamzah & Partners, Indonesia
7 Mr Tejas <u>Karia</u>	Shardul Amarchand Mangaldas & Co., India
8 Mr Fernando <u>Mantilla-Serrano</u>	Latham & Watkins LLP, France
9 Ms K. Shanti <u>Mogan</u>	Shearn Delamore & Co., Malaysia
10 Ms Shaneen <u>Parikh</u>	Cyril Amarchand Mangaldas, India
11 Mr Philippe <u>Pinsolle</u>	Quinn Emanuel Urquhart & Sullivan, LLP, Switzerland
12 Mr Michael E. <u>Schneider</u>	Lalive, Switzerland
13 Ms Abby Cohen <u>Smutny</u>	White & Case LLP, USA
14 Mr Thomas <u>Snider</u>	Al Tamimi & Co., UAE

The 33-member SIAC Court is comprised of eminent international arbitration experts from Australia, Belgium, China, France, India, Indonesia, Japan, Malaysia, Singapore, South Korea, Switzerland, United Arab Emirates, United Kingdom, United States of America and Vietnam.

New SIAC Overseas Representatives for South Asia, North East Asia and China

In 2019, SIAC welcomed new overseas representatives to its Mumbai, Seoul and Shanghai offices.

The new overseas representatives are Ms Shwetha Bidhuri, Head (South Asia), Ms Michele Park Sonen, Head (North East Asia), and Ms Sophia Liu Jianying, Co-Deputy Head (China).



Ms Shwetha Bidhuri



Ms Michele Park Sonen



Ms Sophia Liu Jianying



Left to Right: Mr Gary Born, Prof Bernard Hanotiau, Mr Daryl Chew and Mr Alastair Henderson at the SIAC Academy in Singapore



Left to Right: Ms Loh Jen Wei, Mr Jonathan Lim, Prof Lucy Reed and Mr Alan Thambiyah at the SIAC Academy in Singapore

The SIAC Academy

Following the success of the first edition of the SIAC Academy titled “Time and Cost Savers at SIAC: Emergency Arbitration, Expedited Procedure and Early Dismissal”, the second edition of the SIAC Academy titled “The Making of an Advocate and an Arbitrator” was held in Singapore on 18 and 19 November 2019.

Mr Gary Born, SIAC Court President, chaired the teaching faculty which included Prof Lucy Reed, SIAC Court Vice President, members of the SIAC Court of Arbitration, Prof Bernard Hanotiau and Mr Alan Thambiyah, Mr Chong Yee Leong, SIAC Board member as well as other leading international arbitration practitioners and arbitrators.

The first edition of the SIAC Academy was held overseas in Jakarta, Kuala Lumpur and Manila in 2019, with Mr Cavinder Bull, SC, SIAC Court Vice President, Mr Chan Leng Sun, SC, Deputy Chairman of SIAC, and Mr Alan Thambiyah, SIAC Court member as faculty chairs.



Mr Davinder Singh, SC at the SIAC Academy in Singapore



Left to Right: Mr Cavinder Bull, SC and Mr Kevin Nash at the SIAC Academy in Jakarta



Left to Right: Ms Angela Yap and Mr Francis Xavier, SC, PBM at the SIAC Academy in Kuala Lumpur



Left to Right: Mr Enrique V. Dela Cruz, Jr., Mr Herman Jeremiah, Mr Ricardo Ma. P.G. Ongkiko, Mr Siraj Omar, SC and Prof Mario E Valderrama at the SIAC Academy in Manila



Left to Right: Ms Sheila Ahuja, Dr Michael Hwang, SC, Mr Toby Landau QC and Mr Andre Maniam, SC at the SIAC India Summit



Left to Right: Mr Chris Bailey, Mr Braden Billiet, Mr Chan Hock Keng, Ms Sue Hyun Lim, Mr Michael Lee, Mr Rob Palmer and Mr Eugene Tan at the SIAC-KCAB Seoul Conference

SIAC Conferences and Partnerships

In 2019, SIAC held its annual overseas conferences in Bangalore, Bangkok, Chennai, Delhi, Jakarta, Kuala Lumpur, Manila, Seoul, Shanghai and Tokyo. SIAC partnered with the Japan Association of Arbitrators (**JAA**), Korean Commercial Arbitration Board International (**KCAB International**), the Shanghai International Arbitration Center (**SHIAC**), the Thailand Arbitration Center (**THAC**), the Society of Construction Law (**SCL**) Malaysia and the Malaysian Institute of Arbitrators (**MIArb**) for its events in Tokyo, Seoul, Shanghai, Bangkok and Kuala Lumpur.



Mr Ravi Shankar Prasad, Minister of Communications, Law & Justice and Electronics & Information Technology, India at the SIAC India Summit



Mr K Shanmugam, SC, Minister for Home Affairs and Minister for Law, Singapore at the SIAC India Summit



Hon'ble Mr Justice Rohinton F. Nariman, Judge, Supreme Court of India at the SIAC India Summit



Hon'ble Justice B.N. Srikrishna, Retired Judge, Supreme Court of India at the SIAC India Summit



Left to Right: Mr Steven Burkill, Mr Prakash Pillai and Mr John Rainbird at the SIAC-THAC Bangkok Conference



Left to Right: Ms Delphine Ho, YA Dato' Mary Lim, Ms Janice Tay and Ms Sharon Chong at the SCL-SIAC-MIArb Seminar

SIAC held joint seminars with the China International Economic and Trade Arbitration Commission (**CIETAC**), the German Arbitration Institute (**DIS**), the New York University School of Law (**NYU**) and the Shenzhen Court of International Arbitration (**SCIA**) in Singapore.



Left to Right: Mr Peter Heckel, Ms Lijun Chui, Mr Peter Wolrich, Mr Christopher Boog, Mr Christopher Lau, SC, Ms Francesca Mazza and Ms Gerui Lim at the SIAC-DIS Seminar



Left to Right: Prof Lawrence Boo, Mr Zhang Yulin (Jerry), Ms Qian Wu, Dr Wang Junfeng and Ms Lu Fei at the SIAC-CIETAC Seminar

In 2019, SIAC signed various Memoranda of Understanding (**MOU**) with the Beijing Arbitration Commission/Beijing International Arbitration Center (**BAC/BIAC**), JAA, Japan International Dispute Resolution Center (**JIDRC**), New York International Arbitration Center (**NYIAC**) and SHIAC. MOUs were also signed with the East China University of Political Science and Law (**ECUPL**) and the University of Malaya (**UM**).



Left to Right: Mr Chong Yee Leong, Ms Lim Seok Hui, Mr Yoshimitsu Aoyama, Mr Hiroyuki Tezuka, Mr Yoshimasa Furuta and Ms Chieko Tsuchiya at the MOU signing at the SIAC-JAA Conference



Left to Right: Mr Li Zhigang, Ms Chen Jingying and Mr Chan Leng Sun, SC at the MOU signing at the SIAC-SHIAC Conference

New YSIAC Committee

In February 2019, SIAC welcomed the members of the new YSIAC Committee, led by co-chairs, Ms Wendy Lin and Mr Ramesh Selvaraj.

The 31-member Committee comprises young arbitration practitioners from Brazil, China, Hong Kong SAR, India, Indonesia, Japan, Malaysia, Russia, Qatar, Singapore, South Korea, Thailand, United Kingdom and the United States of America.

YSIAC Conference 2019

The biennial YSIAC Conference titled “Arbitration 2.0 – Navigating New Frontiers in International Dispute Resolution” was held in Singapore on 20 November 2019. The conference attracted over 150 delegates from 17 jurisdictions, with delegates coming from as far afield as France, Portugal, Russia, Switzerland, the United Kingdom and the United States of America.



Left to Right: Mr Lau Wai Ming, Mr Jern-Fei Ng QC, Mr James Nicholson and Ms Pauline Low at the YSIAC Conference



Left to Right: Professor Dr. Maxi Scherer, Mr Adrian Tan, Prof Nadja Alexander, Mr Todd Wetmore and Mr Rimsky Yuen, SC at the YSIAC Conference

In conjunction with the YSIAC Conference, SIAC organised the fifth YSIAC Essay Competition, which received a record number of 122 entries from 26 jurisdictions. The winner was Ms Dina Prokic of Canada. The 1st runner-up was Ms Iris Ng Li Shan of the Supreme Court of Singapore, and the 2nd runner-up was Mr Kevin Elbert of TSMP Law Corporation, Singapore.



Left to Right: Fadi Hajjar, Emmanuel Foy, Kartikey Mahajan, Nora Fredstie, Angelica André, Manu Thadikaran, Lucas de Ferrari at the YSIAC Paris Forum



Left to Right: Lord Nicholas Phillips of Worth Matravers and Lord Peter Goldsmith QC, PC at the YSIAC London Fireside Chat

Other YSIAC events organised in 2019 included skills training workshops, lunchtime talks, debates and seminars all over the world in cities such as Bangalore, Bangkok, Beijing, Chennai, Delhi, Jakarta, Kuala Lumpur, London, Manila, Mumbai, Paris, Seoul, Shanghai, Singapore and Tokyo.





479
new cases
handled by SIAC

454
SIAC-administered
cases

25
Ad hoc
appointments

USD 8.09 billion
total sum in dispute (SGD10.91 billion)



2019 At A Glance

8
Early Dismissal (ED)
applications in 2019

5 allowed to proceed under
Rule 29.3 of SIAC Rules 2016
1 granted

30
ED applications
since 2016

18 allowed to proceed under
Rule 29.3 of SIAC Rules 2016
9 granted

10
Emergency Arbitrator (EA)
applications in 2019

all accepted

94
EA applications
since 2010

all accepted

61
Expedited Procedure (EP)
applications in 2019

32 accepted

534
EP applications
since 2010

319 accepted

53
Consolidation applications
in 2019

31 granted

179
Consolidation applications
since 2016

105 granted

10
Joinder applications
in 2019

4 granted

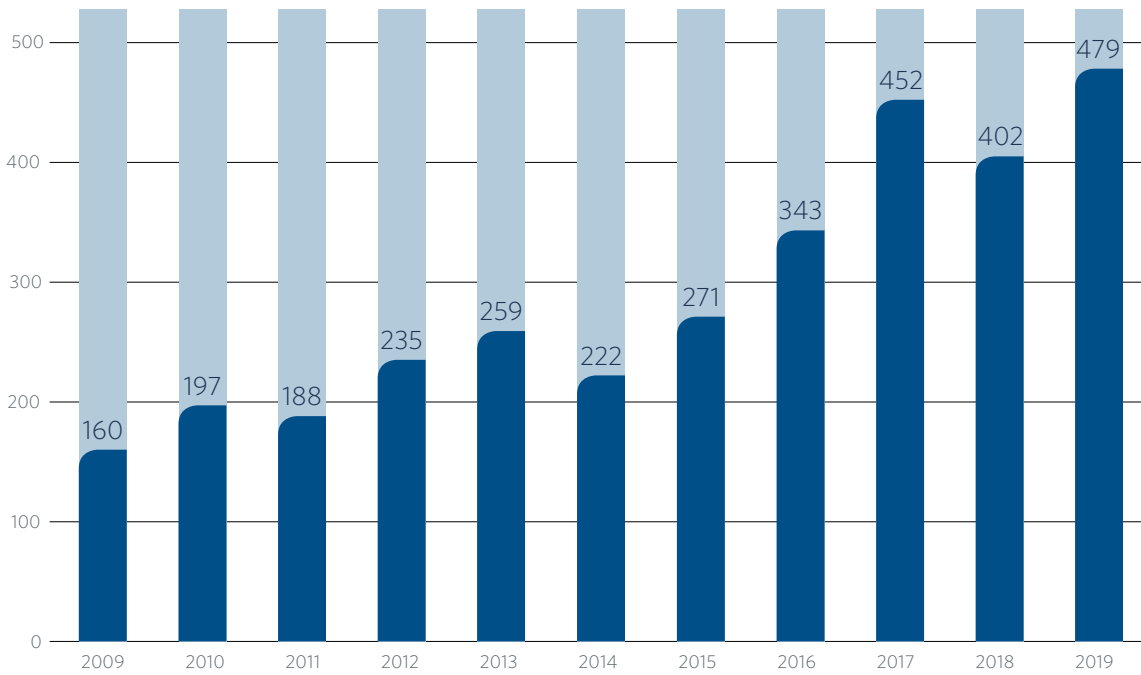
29
Joinder applications
since 2016

15 granted

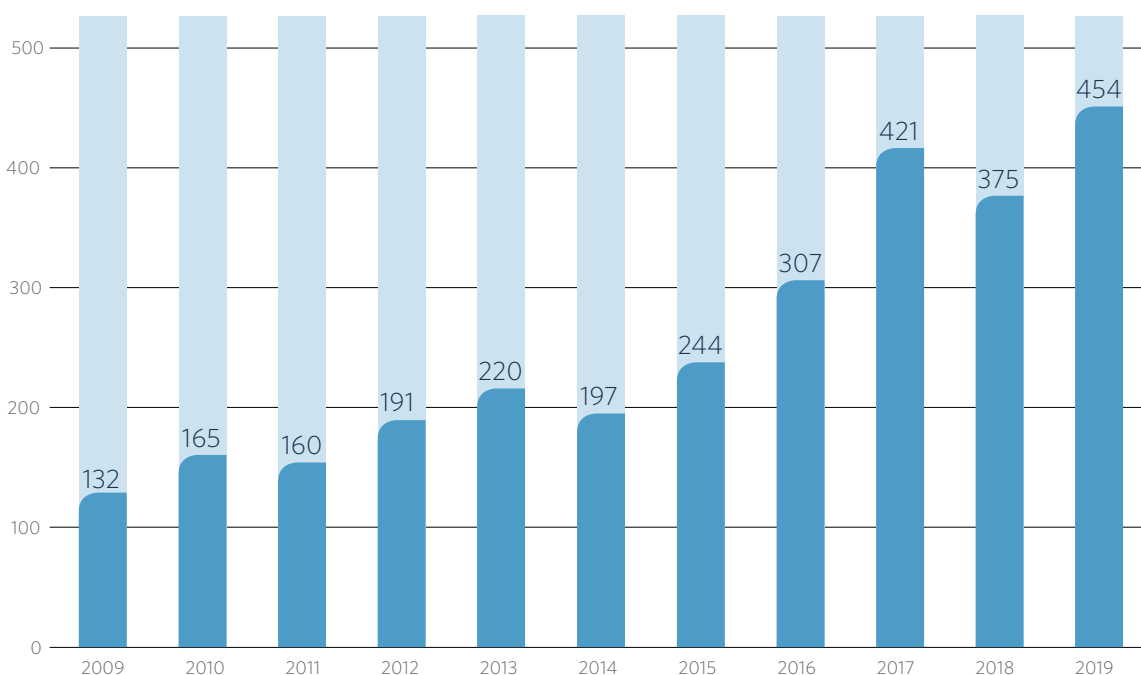
New Cases

In 2019, SIAC received 479 new cases. SIAC administered 454 (95%) of these new cases, with the remaining 25 (5%) being *ad hoc* appointments. SIAC has received over 400 new cases in each of the last 3 years.

TOTAL NUMBER OF NEW CASES HANDLED BY SIAC (2009-2019)



TOTAL NUMBER OF NEW SIAC-ADMINISTERED CASES (2009-2019)



Sum in Dispute

The total sum in dispute for all new case filings with SIAC amounted to USD8.09 billion (SGD10.91 billion)*. The total sum in dispute for new SIAC-administered cases amounted to USD6.69 billion (SGD9.02 billion)*.

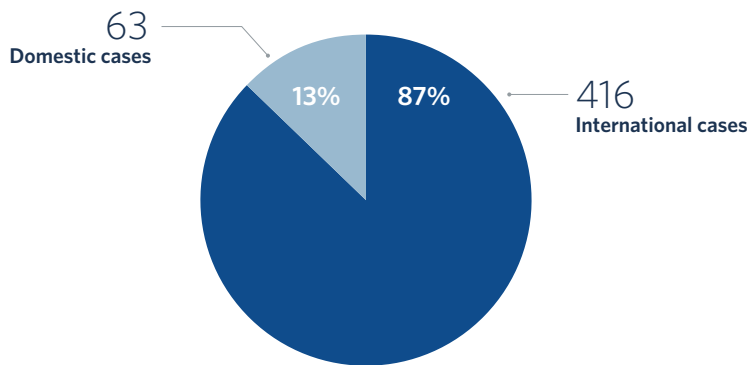
The average value of new cases filed was USD30.99 million (SGD41.81 million)*, and the average value of new SIAC-administered cases was USD27.86 million (SGD37.60 million)*. The highest sum in dispute for a single administered case was USD1.41 billion (SGD1.90 billion)*.

*The currency exchange rate adopted for all USD conversions was the rate as at 31 December 2019.

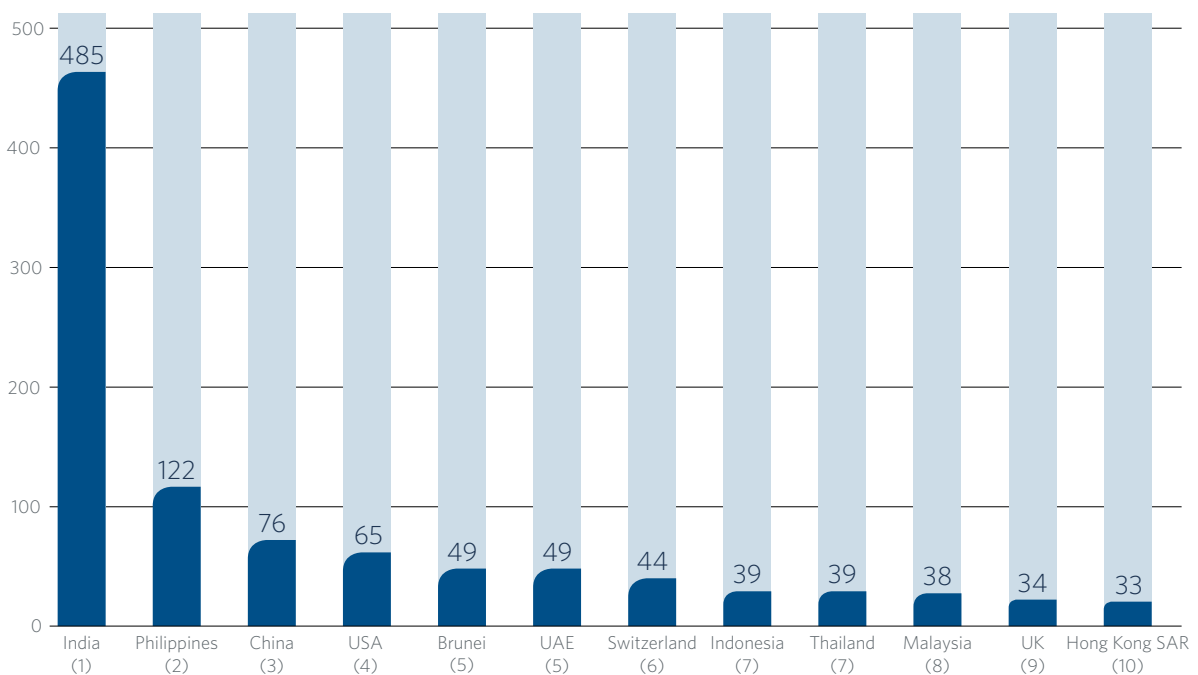
Geographical Origin of Parties

87% (416) of new cases filed with SIAC in 2019 were international in nature.

INTERNATIONAL AND DOMESTIC CASES HANDLED BY SIAC IN 2019



The following chart depicts the top 10 foreign users at SIAC in 2019:



In 2019, India was the top foreign user of SIAC. While China and the United States of America remained strong contributors to SIAC's caseload, Brunei, the Philippines and Thailand entered the top 10 foreign user rankings for the first time. SIAC's other top foreign users were from a mix of common law and civil law jurisdictions.

SIAC received cases from parties from 59 jurisdictions[^], which are detailed below.

GEOGRAPHICAL ORIGIN OF PARTIES FOR NEW CASES HANDLED IN 2019

AMERICAS				TOTAL NUMBER OF PARTIES
	CLAIMANT	RESPONDENT		
1 Bermuda	1 (+2)	1 (+1)	2 (+3)*	
2 British Virgin Islands	9 (+1)	10	19 (+1)*	
3 Canada	2	5 (+20)	7 (+20)*	
4 Cayman Islands	5	6	11	
5 Chile	6	0	6	
6 Turks and Caicos Islands	1	0	1	
7 USA	14 (+14)	25 (+12)	39 (+26)*	

AFRICA				TOTAL NUMBER OF PARTIES
	CLAIMANT	RESPONDENT		
8 Benin	1	0	1	
9 Ivory Coast	0	3	3	
10 Kenya	0	4	4	
11 Mauritius	3	12 (+1)	15 (+1)*	
12 Seychelles	0	1	1	

EUROPE				TOTAL NUMBER OF PARTIES
	CLAIMANT	RESPONDENT		
13 Belarus	0	1 (+2)	1 (+2)*	
14 Belgium	0 (+2)	1	1 (+2)*	
15 Cyprus	3 (+1)	0	3 (+1)*	
16 Denmark	4	4	8	
17 France	2	0 (+2)	2 (+2)*	
18 Germany	4	1 (+2)	5 (+2)*	
19 Gibraltar	1	0	1	
20 Italy	0 (+1)	0 (+1)	0 (+2)*	
21 Luxembourg	6	0 (+1)	6 (+1)*	
22 Netherlands	4	7	11	
23 Norway	0 (+3)	0	0 (+3)*	
24 Portugal	0	1	1	
25 Russia	1 (+1)	0	1 (+1)*	
26 Spain	1	2 (+1)	3 (+1)*	
27 Switzerland	4 (+31)	3 (+6)	7 (+37)*	
28 United Kingdom	5 (+10)	9 (+10)	14 (+20)*	

ASIA & PACIFIC				TOTAL NUMBER OF PARTIES
	CLAIMANT	RESPONDENT		
29 Australia	11	8 (+1)	19 (+1)*	
30 Azerbaijan	0	0 (+1)	0 (+1)*	
31 Brunei	31	18	49	
32 Cambodia	1	2	3	
33 China	21 (+3)	46 (+6)	67 (+9)*	
34 Fiji	0	2	2	
35 Hong Kong SAR	13 (+4)	12 (+4)	25 (+8)*	
36 India	269 (+9)	160 (+47)	429 (+56)*	
37 Indonesia	7 (+1)	30 (+1)	37 (+2)*	
38 Israel	1	0	1	
39 Japan	7 (+8)	8 (+3)	15 (+11)*	
40 Kazakhstan	0	1	1	
41 Macau SAR	0	2	2	
42 Malaysia	10 (+4)	20 (+4)	30 (+8)*	
43 Maldives	0	1	1	
44 Marshall Islands	2	0	2	
45 Myanmar	1	3	4	
46 New Zealand	0 (+2)	0	0 (+2)*	
47 Pakistan	2	1	3	
48 Philippines	1 (+118)	3	4 (+118)*	
49 Singapore	222 (+14)	148 (+32)	370 (+46)*	
50 South Korea	11 (+1)	9	20 (+1)*	
51 Sri Lanka	0	1	1	
52 Thailand	15 (+4)	19 (+1)	34 (+5)*	
53 Vietnam	4	13	17	

MIDDLE EAST				TOTAL NUMBER OF PARTIES
	CLAIMANT	RESPONDENT		
54 Bahrain	0	1	1	
55 Egypt	0	5	5	
56 Oman	1	1	2	
57 Qatar	1 (+2)	0	1 (+2)*	
58 Saudi Arabia	1	5	6	
59 United Arab Emirates	7	41 (+1)	48 (+1)*	

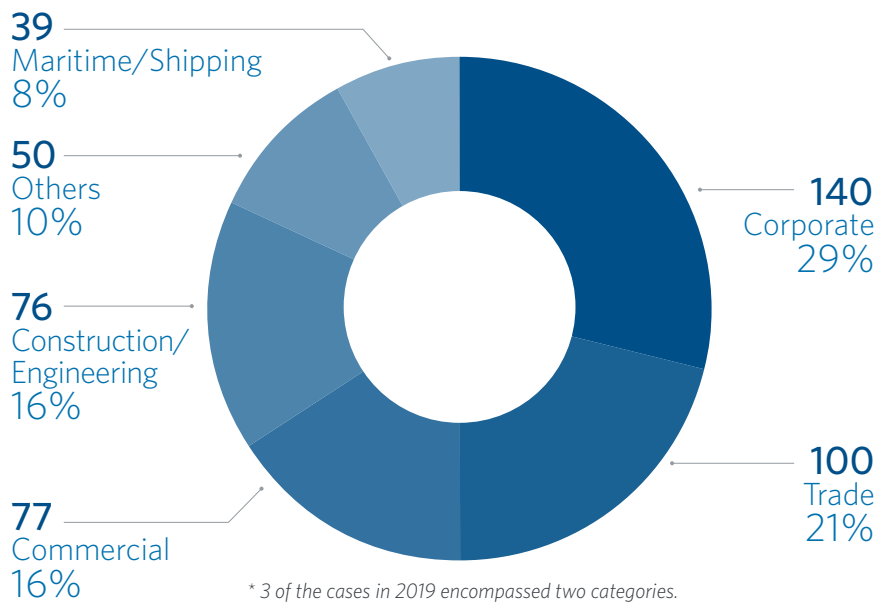
[^]SIAC had two cases in 2019, where sovereign states were involved.

*Indicates the number of parent companies from this jurisdiction, whose subsidiaries were parties to an arbitration at SIAC but incorporated elsewhere. For example, 1 Australian parent company had subsidiaries which were parties to an arbitration at SIAC.

Sectors

In 2019, parties filed claims across a range of sectors, including, among others, corporate, trade, commercial, construction/engineering, maritime/shipping, banking/financial services (including blockchain/cryptocurrency), employment, energy, insurance/reinsurance, IP/IT, media/broadcasting, real estate, sports, and telecommunications.

CATEGORIES OF DISPUTES IN 2019*



Arbitrator Appointments

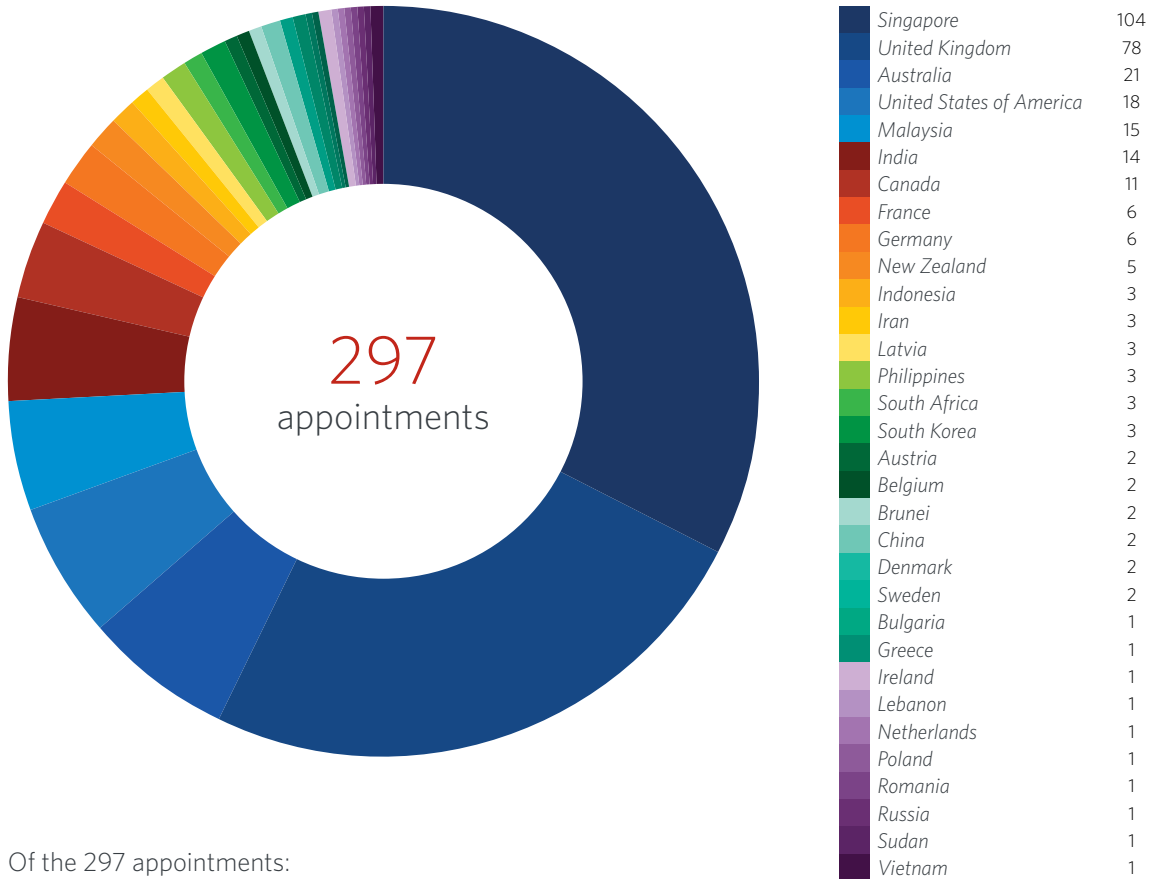
In 2019, SIAC made a total of 159 individual appointments of arbitrators to 145 sole arbitrator tribunals and 14 appointments to three-member tribunals. Of these arbitrator appointments, 138 were appointments made under the SIAC Rules, 2 were appointments made in cases administered under other Rules and the remaining 19 were made in *ad hoc* arbitrations.

Arbitrators appointed by SIAC in 2019 included arbitrators from Australia, Bulgaria, Canada, China, Denmark, France, Germany, Greece, India, Indonesia, Iran, Ireland, Latvia, Lebanon, Malaysia, the Netherlands, New Zealand, the Philippines, Romania, Singapore, South Africa, South Korea, Sweden, the United Kingdom and the United States of America.

A total of 138 arbitrators were nominated in 2019 and confirmed by SIAC. They included arbitrators from Australia, Austria, Belgium, Brunei, Canada, China, Germany, India, Indonesia, Iran, Malaysia, New Zealand, Philippines, Poland, Russia, Singapore, South Africa, South Korea, Sudan, the United Kingdom, the United States of America and Vietnam.

Geographical Diversity in Arbitrator Appointments

The following chart shows the geographical diversity of arbitrators appointed*:



Of the 297 appointments:

- 114 (36%) were non-Singaporean arbitrators appointed by SIAC
- 79 (25%) were non-Singaporean arbitrators nominated by parties
- 21 (6%) were non-Singapore arbitrators nominated by co-arbitrators
- 60 (19%) were Singaporean arbitrators appointed by SIAC
- 31 (10%) were Singaporean arbitrators nominated by parties
- 13 (4%) were Singaporean arbitrators nominated by co-arbitrators

* The total count of 318 arbitrators takes into account 21 arbitrators with dual nationality.

Gender Diversity in Arbitrator Appointments

Of the 159 arbitrators appointed by SIAC, 58 (or 36.5%) were female.

Of the 33 members of SIAC’s Court of Arbitration, 10 (or 30.3%) are women.

Women constitute 60% of SIAC’s Management and Secretariat.

Challenges to Arbitrators

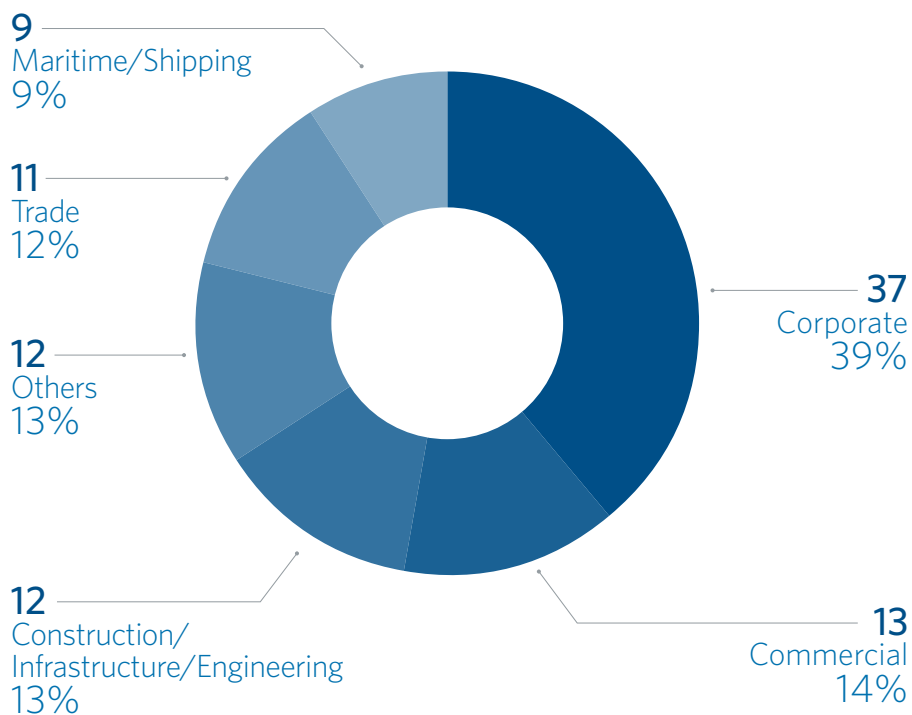
2 challenges to arbitrators were decided by the SIAC Court of Arbitration in 2019. Both were rejected by the SIAC Court of Arbitration.

Emergency Arbitration

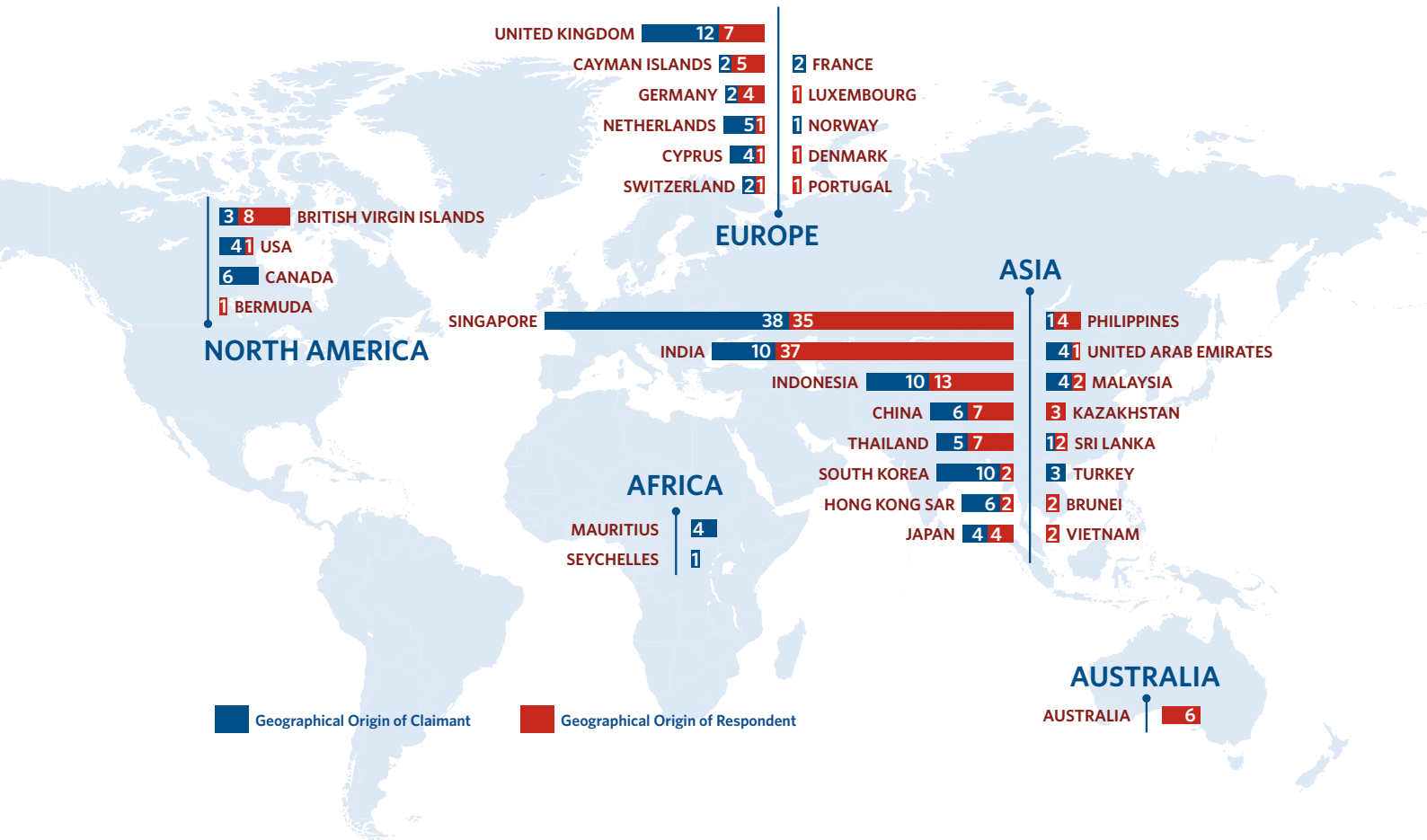
The Emergency Arbitrator (**EA**) provisions were introduced in the SIAC Rules 2010 to address the need for emergency interim relief before a Tribunal is constituted. SIAC was the first international arbitral institution in Asia to introduce EA provisions in its arbitration rules.

In 2019, SIAC received 10 applications to appoint an EA. SIAC accepted all 10 requests, bringing the total number of EA applications accepted by SIAC since the introduction of these provisions in 2010 to 94.

Since 2010, parties have applied for emergency relief in disputes arising out of the following sectors:



GEOGRAPHICAL ORIGIN OF PARTIES IN EA CASES (2010 - 2019)



Expedited Procedure

The Expedited Procedure (**EP**) was introduced in 2010 and is another popular mechanism for saving time and costs.

In 2019, SIAC received 61 requests for EP, of which 32 requests were accepted. SIAC has received a total of 534 EP applications (and accepted 319 requests) since the introduction of these provisions in 2010.

Early Dismissal of Claims and Defences

SIAC introduced the Early Dismissal (**ED**) procedure in 2016, making SIAC the first among the world’s major commercial arbitration centres to adopt this provision in its Rules.

In 2019, SIAC received 8 ED applications. Of the 8 applications received, 5 applications were allowed to proceed and 3 applications were not allowed to proceed under Rule 29.3 of SIAC Rules 2016. Of the 5 applications that were allowed to proceed, 1 application was granted, 2 were rejected, and 2 are pending.

Consolidation and Joinder

Since the introduction of the provisions on consolidation and joinder in 2016, SIAC has received 179 applications for consolidation, and 29 applications for joinder.

In 2019, SIAC received 53 applications for consolidation. Of the 53 applications for consolidation, all 53 were made prior to the constitution of the Tribunal. As of 31 December 2019, 31 applications had been granted by the SIAC Court of Arbitration.

SIAC received 10 applications for joinder in 2019. Of the 10 applications for joinder, all 10 applications were made after the Tribunal had been constituted. As of 31 December 2019, 4 applications had been granted by the Tribunal.

Governing Laws

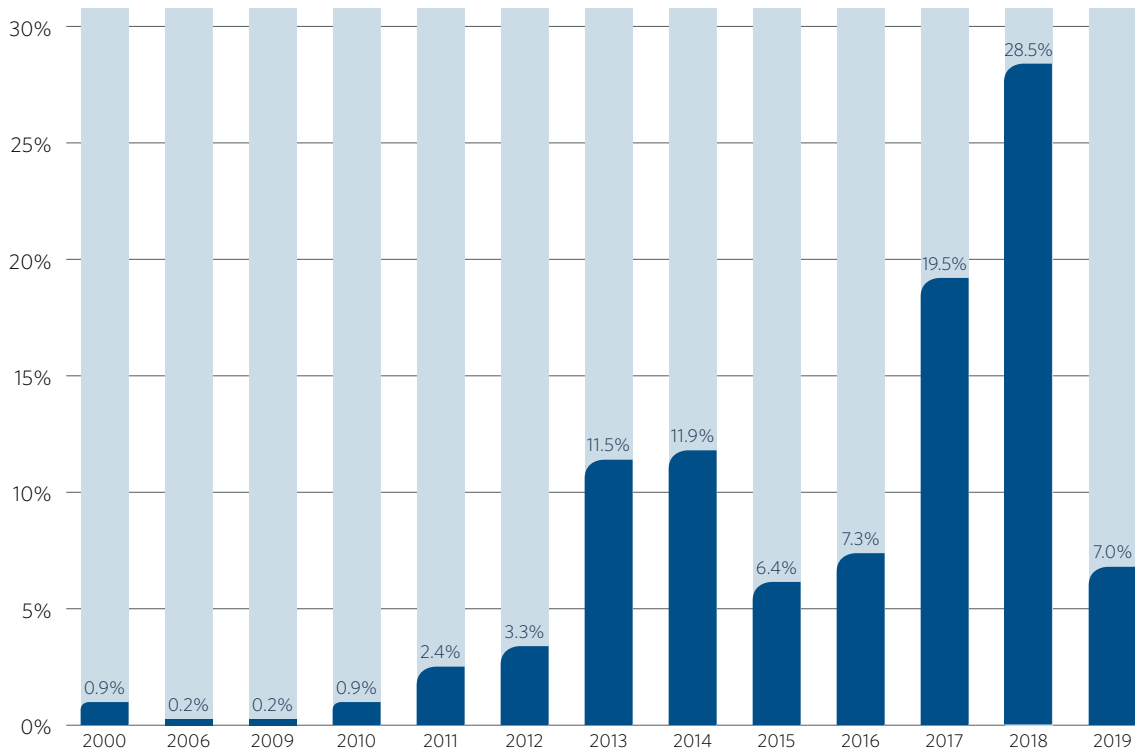
The governing laws of 20 different jurisdictions were applied in disputes referred to SIAC in 2019. The most commonly applied governing laws were Singapore (41%) followed by India (24%) and the United Kingdom (16%).

- Australia
- Brunei
- Cambodia
- China
- Cyprus
- France
- Hong Kong SAR
- India
- Indonesia
- Kenya
- Malaysia
- Netherlands
- Philippines
- Singapore
- South Korea
- Sri Lanka
- Thailand
- United Kingdom
- United States of America
- Vietnam

Contract Dates

The dates of contracts for new cases filed in 2019 are shown in the chart below. Disputes arising from contracts entered into during the period from 2017 to 2019 accounted for 55.0% of new case filings.

DATES OF CONTRACTS FOR CASES FILED AT SIAC IN 2019



Awards

169 awards were issued in 2019.

All awards are carefully scrutinised by the Secretariat and approved by the Registrar. In addition to matters of form, the Registrar draws the Tribunal's attention to points of substance for the Tribunal's consideration, always bearing in mind that it is the Tribunal which makes the decision. SIAC's scrutiny process enhances the enforceability of awards.

Services in *Ad Hoc* Arbitrations

In addition to fully administering arbitrations, SIAC also offers a service for the appointment of arbitrators in *ad hoc* arbitrations seated in Singapore and where SIAC is designated as the appointing authority. The President of the SIAC Court of Arbitration is the statutory appointing authority under the applicable legislation in Singapore.

In 2019, SIAC was called upon to appoint arbitrators in 25 *ad hoc* arbitrations.

The SIAC Team



Concluding Remarks of the CEO

We would like to express our heartfelt thanks and appreciation to the members of the SIAC Board, the SIAC Court, the Users Council, the YSIAC Committee as well as all of our partners and friends in the local and international legal and business communities for their excellent contributions and unstinting support.

Lim Seok Hui
Chief Executive Officer

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