

Standing International Forum of Commercial Courts

Singapore joined more than 25 courts from around the world at the inaugural meeting of the Standing International Forum of Commercial Courts (“the Forum”) in London on 5 May 2017. The Forum aims to enhance judicial dispute resolution services provided to the international business community through fostering and promoting the sharing of experiences and best practices among those participating in the Forum.

Chief Justice Sundaresh Menon, Justice Quentin Loh (Judge in charge of the Singapore International Commercial Court) and Deputy Registrar Teh Hwee Hwee (Divisional Registrar of the Singapore International Commercial Court) attended the inaugural Forum.

A consensus was reached at the Forum to pursue the following steps:

- To produce a multilateral memorandum that explains how, under current rules, judgments of one commercial court may most efficiently be enforced in the country of another.
- To establish a working party to examine in further detail how best practices might be identified with a view to making litigation more efficient. This may lead to the promulgation of a further multilateral memorandum, to be further discussed at a next meeting of the Forum.
- To establish a structure for judges of the commercial court of one country to be able to spend short periods of time as observers in the commercial court of another.

- To consider issues such as practical arrangements for liaison with other bodies, including arbitral bodies, to identify and resolve areas of common concern or difficulty.

The Forum also agreed to meet again and this is scheduled to take place in New York in the autumn of 2018.

The Supreme Court of Singapore has long been a firm believer in the value of developing networks of and strengthening the links between commercial courts in the region and globally. In October 2013, Chief Justice Sundaresh Menon highlighted, in his LAWASIA Conference keynote address, that:

“..the courts can no longer operate in jurisdictional silos. It is desirable that the international commercial courts together with courts in the major commercial centers continue to establish links with their counterparts with a view to collectively develop international commercial law in a consistent manner that is supportive of transnational business.”

Similarly, when delivering the Commercial Bar Association Annual Lecture in London in November 2013, Chief Justice Menon expressed his optimism on the prospects of harmonising court practices and substantive commercial laws. He advocated, as a starting point, the harmonisation of rules and practices for the recognition and enforcement of judgements. He also emphasised the need to harmonise processes for resolving commercial disputes and, to this end, urged the development of deeper connections and substantive collaboration among commercial courts. As Chief Justice Menon observed:

“[a]n international community of commercial courts will represent a practical solution to multinational businesses which require a reliable, neutral, and legitimised mechanism for dispute resolution, and in so doing transform the anxiety over uncommon laws of commerce into an opportunity for further integration between law and commerce.”

In 2010, the Supreme Court of Singapore entered into a Memorandum of Understanding on References of Questions of Law (“MOU”) with the Supreme Court of New South Wales, under which the Supreme Court of Singapore may refer questions of New South Wales law to the Supreme Court of New South Wales, and *vice versa*. The Supreme Court of Singapore has subsequently entered into similar MOUs, as well as Memoranda of Guidance on the Enforcement of Judgments, with other commercial courts.

The Supreme Court of Singapore is therefore encouraged by the inauguration of the Forum to bring together like-minded jurisdictions. We are optimistic that the collaboration will contribute towards an international legal infrastructure that will have a positive impact on cross-border investment and trade.