ICCA Singapore Congress June 2012
Introduction by V.V. Veeder

The closing session of this ICCA Singapore Congress 2012 is a unique event for which there is no historical precedent – save for a wonderful idea. Twenty years, two international jurists presented joint papers in London calling for an international court to decide, on a uniform and consistent basis, the interpretation and application of the 1958 New York Arbitration Convention for the recognition and enforcement of all international arbitration awards in all States parties to the Convention.

These two jurists were Judge Schwebel, then a judge of the International Court of Justice, later its president and a well-known arbitrator, then and today; and Judge Holtzmann, then a judge of the Iran-US Claims Tribunal, a well-known arbitral figure in ICCA, UNCITRAL and elsewhere.1 It was an ambitious idea; and like many ambitious good ideas in arbitration, nothing came of it – until now.

Today, for this closing session, we have 11 senior judicial figures from all five continents who will address in turn scenarios under the New York Convention from their specialist knowledge and experience as national appellate judges in arbitration matters. This is the dream dreamt by Steve Schwebel and Howard Holtzmann come to life, only for one morning here but, possibly, the first of many more in years to come.

The New York Convention is nothing without judges: arbitrators write mere words on paper: they have no imperium, no bailiffs and no tipstaffs; but judges exercise the full legal powers of the State to give those mere words the force of law. It is judges who make the New York Convention work; and we welcome the closest co-operation between national judges and ICCA.

Let me first briefly introduce our 11 judges (in alphabetical order, by jurisdiction):

From Australasia - The Hon Murray Gleeson, the former Chief Justice of Australia and currently a Judge of the Hong Kong Court of Final Appeal; from South America – The Hon Ellen Gracie, the former Chief Justice of the Federal Supreme Court of Brazil; from China - The Hon Xi, a Judge of the 4th Division of the Supreme People's Court in Beijing; from Continental Western Europe – The Hon Dominique Hascher, currently the Presiding Judge at the Cour d'appel de

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Reims, in France; from Hong Kong, China, - The Hon Robert Ribeiro, currently a permanent judge of the Hong Kong Court of Final Appeal; from India – the Hon Bellur Narayanaswamy Sri-krishna, the former Chief Justice of the High Court of Kerala and a former Judge of the Supreme Court of India; from Iran – The Hon Hossein Abedian Kalkhoran, currently a Judge at the US-Iran Claims Tribunal at The Hague; from Eastern Europe and North Asia, the Hon Oksana Kozyr, currently a Judge of the Supreme Arbitrazh Court of the Russian Federation in Moscow; from South East Asia, the Hon Sundaresh Menon, currently Singapore’s Attorney-General and soon to be a member of Singapore’s Court of Appeal; from Non-Continental Europe, The Hon Lord Mance, currently a judge of the Supreme Court of the United Kingdom; and from North America, The Hon Judith Kaye, the former Chief Judge of New York State’s highest court, the Court of Appeals.

These 11 Judges have studied our several scenarios under the New York Convention and have selected those which they wish to address. However, although prepared in advance, this session is not scripted; and none of us quite know what is about to happen. You will hear a judicial debate which may spring surprising convergences and, no doubt, surprising differences from, inevitably, different perspectives.

The debate will be moderated by Professor Albert Jan van den Berg, the General Editor of the ICCA Yearbooks collecting (inter alia) court decisions on the New York Convention and also a member of ICCA’s Judicial Committee conducting seminars on the application of New York Convention for many judges in different parts of the world. He is also the author of the leading and oldest work on the New York Convention, which will soon appear in a second edition (with the participation of Professor Marike Paulsson). Our Secretary is Silvia Borelli of ICCA, who has helped us with the scenarios and the collection of legal materials relevant to the judges’ comments.