

Guangzhou Legal Services Forum

13 September 2012

Introductory remarks by Khong Cheng Yee, Director and Counsel

ICC International Court of Arbitration – Asia Office

- Names of dignitaries.

- Words of thanks.

- The ICC is a non-governmental organisation. It has permanent Observer status at the United Nations and a permanent representative at the UN. It is neutral, independent and an active voice of the business community. The ICC is involved in a great many issues that affect international trade relations and investment, such as:
 - the development of rules for international trade such as INCOTERMS®, an internationally recognized standard and are used worldwide in international and domestic contracts for the sale of goods, and Uniform Rules for Demand Guarantees (URDG);
 - the development of model contracts and clauses on a wide range of subjects which give parties a neutral framework for their contractual relationships. These contracts and clauses are carefully drafted by experts at the ICC Commission on Commercial Law and Practice, without expressing a bias for any one particular legal system;
 - trade financing, counterfeiting and intellectual property protection, anti-corruption initiatives and advertising standards; and
 - since 2009, the publication of annual global surveys on trade and finance in cooperation with the World Bank, the Asian Development Bank (ADB), SWIFT, the European Bank for Reconstruction and Development (EBRD) and the International Finance Corporation (IFC).

- Very early in the ICC's inception and central to its philosophy was, and remains, the belief that an effective method of dispute resolution is also necessary to facilitate international trade and investment. ICC arbitration was conceived by and for international business.

- Recognizing that contracts, especially between partners of different cultures, are inevitably exposed to strain, misunderstanding and even, regrettably, sometimes abuse, the ICC considered it crucial to provide the business world with an appropriate means of overcoming commercial conflict. In the words of Etienne Clementel, the French Minister of Commerce, one of the founders of the ICC, "freedom can truly flourish only if it finds within itself the means to achieve its own moderation." ICC arbitration was developed as a means of self regulation in international commerce.

- The landscape of international arbitration has evolved considerably since the ICC International Court of Arbitration was established in 1923, and there has been significant growth in international commercial, as well as more recently, investment arbitration under bilateral and multilateral treaties and free trade agreements. However, the drivers that led to the creation of the ICC International Court of Arbitration remain unchanged today. One of the key ingredients in any recipe for successful international trade and investment is the legal security of commercial transactions. Without such security, the transaction cost can become prohibitively high and even dissuade investors from doing business.

- The ICC International Court of Arbitration currently manages approximately 1500 arbitration cases at any given time. Since 2009, the ICC has received approximately 800 new cases per year, and each year our cases involve over 2000 parties from around 140 countries and territories around the world, including China.

- As part of our commitment to Asia, ICC has established two offices in this region: one in Hong Kong and one in Singapore. Our office in Hong Kong is a branch of the Secretariat of the ICC International Court of Arbitration and administers ICC arbitrations based all over Asia and the Gulf. Our office in Singapore is a liaison office focussing on business development, including organising conferences, seminars and workshops.

- The ICC's choice of Hong Kong as the location for the ICC International Court of Arbitration's Secretariat in Asia was a carefully considered one. Hong Kong has much to offer as a gateway to and from China and the rest of East Asia. It has a modern infrastructure, a sophisticated legal market, a modern arbitration law based on the UNCITRAL Model Law and, most importantly, an administration and independent judiciary that upholds and respects the rule of law. We are accordingly very honoured and pleased to support this event.