

01 October 2018, Monday ✦ 6:00pm – 7:15pm

(Registration starts 5.30pm)

NUS Law (Bukit Timah Campus), Eu Tong Sen Building Level 1, Lee Sheridan Conference Room

Interim Measures in International Arbitration: The Concept of “Urgency”

Speaker: Prof. Benjamin Hughes, SNU Law School

Chairperson: Prof. Gary F. Bell, NUS Law

ABSTRACT

Implied in any application to an arbitral tribunal or a national court for interim or conservatory measures is the assertion that the measures sought are necessary prior to a final award on the merits (i.e., they are “urgent”). However, neither the UNCITRAL Model Law (2006) nor the UNCITRAL Arbitration Rules (2010) refer to any requirement that an applicant make any showing of urgency. Certain institutional rules which have introduced Emergency Arbitrator procedures require a showing of urgency as a threshold issue of admissibility, but not as a condition for obtaining the interim measures sought. These rules also refer to the right of a party to seek interim or conservatory measures from a court at any time if such measures are “urgent”. Likewise, certain national arbitration legislation subordinating the courts to arbitral tribunals in hearing applications for interim measures nevertheless permit the courts to order interim measures in case of “urgency”. What is the difference between “urgency” as a threshold matter for emergency relief and “urgency” as a requirement for interim measures? After an arbitral tribunal is constituted, what constitutes “urgency” that would justify an application to the court rather than to the tribunal? These issues will be explored by reference to the arbitration legislation in Singapore and Hong Kong and the arbitration rules of the ICC, SIAC and HKIAC.

ABOUT THE SPEAKER



Professor Benjamin Hughes is an Associate Professor at Seoul National University Law School and an independent arbitrator with The Arbitration Chambers in Singapore and Fountain Court Chambers in London. He is a Fellow of the Chartered Institute of Arbitrators, the Hong Kong Institute of Arbitrators and the Singapore Institute of Arbitrators. He taught extensively in the field of international dispute resolution prior to joining the law faculty at SNU, including as Visiting Professor at the University of Hong Kong Faculty of Law and as Adjunct Professor at Korea University Law School. Professor Hughes has heard numerous applications for interim and conservatory measures as arbitrator and has served as Emergency Arbitrator under rules of the ICC, SIAC and HKIAC.

REGISTRATION

There is no registration fee for this seminar, but seats are limited.

Light refreshment will be provided on a first-come, first-served basis.

To register, go to <https://goo.gl/RUZhom> or

scan the QR code



Closing Date: **26 September 2018, Wednesday**

For enquiries, please contact Alexandria at cals@nus.edu.sg



Public CPD Point: 1

Practice Area: Alternative Dispute Resolution

Training Level: Foundation

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