Singapore law ready to influence development of law elsewhere

By GOH YIHAN and PAUL TAN
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CHANGE is here. If this was not evident from the speech of Chief Justice Sundaresh Menon at his welcome ceremony three years ago, it is now.

In three short years, Singapore is leading Asia — possibly the world — in the provision of not only legal services but also intellectual capital and resources. The speed of these developments should not be surprising. As Attorney-General V.K. Rajah observed at the Opening of the Legal Year this month, Singapore’s law and legal system has come a long way in a short time. The story of the Singapore legal system thus far should not be surprising. As Attorney-General V.K. Rajah observed at the Opening of the Legal Year this month, Singapore’s law and legal system has come a long way in a short time.

Consolidation
THE Singapore legal system underwent a process of consolidation shortly after Independence. There were serious challenges in setting up a truly Singapore legal system so soon after the British departed. Perhaps the most important was infusing the fledgling legal system with the rule of law.

Looking back, the consolidation years guaranteed the Singapore legal system its legitimacy, laying the foundation for future refinements.

Refinement
THE most significant development in the refinement period was the establishment of an autarkic system of Singapore’s legal system and jurisdictions.


Our empirical research undertaken for a forthcoming monograph on the development of Singapore law has shown multiple-fold citation of our own judgments during this period. This suggested a conscious effort to develop our own jurisprudence.

One example is the development of an effective criminal justice system on its own terms. Singapore has not shied away from divorcing itself from unsuitable models elsewhere by, for example, abolishing the jury system in 1969.

Singapore’s criminal justice system has also of late moved from a model of deterrence and punishment to individualised sentencing and rehabilitation.

Part of the refinement to the Singapore legal system focused on transforming Singapore into a legal services hub. The centrepiece of this effort was the gradual liberalisation of the legal market, including the eventual abolition of any restrictions on the ability of foreign lawyers to appear in international arbitrations conducted in Singapore. These measures paved the way for the next chapter of the Singapore legal system.

Internationalisation
THE next leap will very much be one of the internationalisation of our laws and legal infrastructure. Plans announced by CJ Menon left no doubt that Singapore will be the “premier destination” in Asia for legal services and dispute resolution.

As Asia is expected to triple its gross domestic product to US$34 trillion ($45 trillion) between 2010 and 2020, the number of complex cross-border commercial disputes will increase.

Singapore’s advantages of neutrality, a strong judiciary and a supportive legislative framework will cement its role as a centre for arbitration. In fact, the Singapore International Arbitration Centre handled a record 259 new cases in 2013.

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Indeed, more Singapore courts’ judgments are also being considered elsewhere. A recent example is the adoption by an English court of a Singapore judgment endorsing the enforceability of agreements to negotiate in good faith. These developments show that Singapore law is ready to influence the development of law elsewhere.

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