

ASIA-PACIFIC GPC PARTICIPANTS WANT ENFORCEABLE DECISIONS AND EFFICIENT PROCESSES

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Legal Briefings

Anita Phillips, a Professional Support Consultant at the Hong Kong office of **Herbert Smith Freehills**, discusses how [the Global Pound Conference \(GPC\) data](#) results differ in six different countries across Asia-Pacific: Singapore, Hong Kong, India, Thailand, Australia, and New Zealand.

Six Asia-Pacific cities hosted the GPC: Singapore, which was the site of the GPC launch event in March 2016; [Hong Kong](#), where participants met in February 2017; Chandigarh, India; Bangkok, Thailand, where events were held in May 2017; [Sydney](#), Australia; and Auckland, New Zealand, where participants met in May 2017.

Each conference addressed the demand side (commercial party perspectives); the supply side (what advisers and providers are delivering to commercial parties); the key obstacles and challenges to access to justice; and what action items need to be addressed and by whom. As at all the meetings in the series, participants voted as a stakeholder type: a party (in-house counsel); an adviser (a private-practice lawyer); a provider (a judge, arbitrator, mediator, or someone with an associated institution); and an influencer (an academic, a government official, or a policy-maker).

THEMATIC OUTCOMES

A number of themes evolved from the voting at GPC events in Asia-Pacific. In Asia there was a clear desire for enhanced regulation of mediation compared to Oceania. At first blush, one might conclude that this is a simple result of civil-law versus common-law preferences, but only one of the Asian countries to host a GPC event, Thailand, has a civil-law system. Hong Kong, India, and Singapore are all common-law jurisdictions. The reason appears to be more complex: enhanced regulation around enforcement would help promote mediation as a process, particularly in the context of commercial cross-border disputes.

In Oceania, there appears to be more appetite for (a) front-loading in terms of protocols and clauses promoting ADR and (b) collaboration between parties and lawyers. This accords more with the data from the other GPC conferences.

Pulling the strands together regionwide, enforceable decisions and efficient processes emerge as the most important factors for the future of commercial dispute resolution. Parties are likely to engage more in informal processes driven by commercial, cultural, and business needs that require a negotiated settlement. Technology is likely to assist in any transition from formal to informal processes.

Click [here](#) to download the full article and read more about the Asia-Pacific GPC data.

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