

PRESIDENT'S MESSAGE



Some three years ago the Federal Government sponsored the formation of a group titled the International Law Services Advisory Committee (ILSAC). The purpose of this committee was fundamentally to advise and promote the export from Australia of legal and associated services, particularly into the Asia Pacific region.

Although the initial tenure of ILSAC expired at the end of June the Government appears to be intending to commit significant public funds to further this committee.

A section of ILSAC titled the International Commercial Dispute Resolution Sub-Committee is concerned with the export of dispute resolution capacity and processes with significant and almost exclusive emphasis on conciliation and mediation.

In 1985 this Institute was instrumental in forming the Australian Centre for International Commercial Arbitration, an organisation governed by a Board representing the Institute, the Law Council of Australia, the Australian Bar Association and academia. Effective control rests in the Institute.

ACICA has two principal roles – to encourage the use of Australia as a situs for international dispute resolution and to promote the use of Australian dispute resolvers in international disputes, whether within or outside Australia.

By the hard work and selfless dedication of the Board ACICA has achieved for Australia and Australians great recognition and influence in international commercial dispute resolution.

In the circumstances of the uniqueness of ACICA in its activities in Australia in this area and its great international success it seems extraordinary that ACICA representation was not and is not included in the ILSAC Dispute Resolution Committee. (Two members of the Board are involved in a differing capacity).

The almost exclusive means of resolving international commercial disputes is by arbitration. Mediation and conciliation, although optional processes, are not greatly favoured and are rarely used.

Whatever the standing and utilisation of particular processes in Australia might be, the belief that these processes and Australians as facilitators of the processes will be embraced in our neighbour countries with fundamentally differing language, cultural, legal and social systems denies reality.

Rather than enhance relationships such promotion may very well be seen externally as arrogant and ignorant and harm Australia's international image. Australia does have a lot to give, but it must give what is wanted.

Members can be proud that this is happening with ACICA.

A.A. de FINA
President

REPORTING CASES

From time to time a matter in which an arbitrator has been involved may be subject to an action in the Courts.

Should such a member be so involved or become aware of such cases it would be appreciated if a copy of the judgment could be obtained and forwarded to the Institute's CAO.

Arrangements will then be made for a case note to be prepared and published in 'The Arbitrator'.

The co-operation of members in this matter would be very much appreciated.