

# Kluwer Arbitration Blog

## Interviews with Our Editors: Speaking with Lucy Reed, the First Woman President of the SIAC Court

Piyush Prasad (Assistant Editor for South Asia) (WongPartnership LLP) · Monday, April 18th, 2022

*Ms Lucy Reed is a full-time arbitrator and a Visiting Professor at National University of Singapore. Previously, she was the Co-Head of Freshfields Bruckhaus Deringer’s Global International Arbitration Group. Her prior experience includes acting as the US Agent to the Iran-US Claims Tribunal and as General Counsel of the Korean Peninsula Energy Development Organization (“KEDO”). On 1 October 2021, she was appointed as the President of the Court of Arbitration of the Singapore International Arbitration Centre (“SIAC”) and a member of the SIAC Board of Directors. Thank you, Ms Reed, for joining us on the Kluwer Arbitration Blog and congratulations on your recent appointment! We are grateful to have the opportunity to learn more about your journey in international arbitration and what the future has in store for SIAC.*

- 1. During your career you have worked in a number of varied and interesting roles from private practice, to international tribunals, government agencies and academia. What did you find to be the most challenging in all these roles? Is there is a common skillset that has held you in good stead throughout your career?**

I have had a varied career on purpose, as I like exploring and learning new things. I think my most challenging role was as General Counsel of KEDO, the international organization set up by the Governments of the United States, South Korea and Japan (and later joined by the EU) to deal with North Korean nuclear energy (and nuclear weapons) issues in New York in the mid-1990s. In that role, I led negotiations with North Korea and spent substantial time in the heart of the country where KEDO was beginning construction of Light Water Reactor nuclear energy plants in exchange for the North’s shuttering its Soviet-era Heavy Water Reactors. At that time, very very few outsiders had been in North Korea – it was fascinating.

My most rewarding experience was serving as an arbitrator on the Eritrea-Ethiopia Claims Commission (“EECC”), which was the first – and, so far, the last – tribunal set up to resolve claims of violations of international humanitarian law, including the Geneva Conventions. The EECC’s many awards are available on the [website](#) of the Permanent Court of Arbitration. Among other things, our hearings on cases involving alleged mistreatment of Prisoners of War (“POWs”) led to the release of a large group of POWs who had been held too long. I was also pleased to see that the International Court of Justice in its recent [Judgment](#) in *Democratic Republic of Congo v*

*Uganda* referred heavily to the EECC's damages awards.

2. **SIAC has gone from strength to strength since commencing operations in 1991. Today, it ranks among the top institutions in the world and is the most preferred arbitral institution in Asia. In 2021, SIAC also achieved its highest caseload. What do you think has contributed to SIAC's success?**

In my view and experience, SIAC's success is based on early and steadfast support from the Government of Singapore for international arbitration in general – first-rate legislation based on the UNCITRAL Model Law, a strong judiciary, creating Maxwell Chambers as the pioneer “all services” arbitration centre, open arms and tax support for arbitrators. Having said that, it has been the strong leadership and skills of SIAC itself – both on the Court and the Board – that have made it possible to build on that early government support and foster creativity. The positions of CEO, Registrar, counsel and all Secretariat staff have always been filled with first-rate professionals.

As I often do, I should point out that [the caseload in 2021](#) – way over 1,000 cases – was an outlier. Far more important is the steady number of SIAC cases throughout the pandemic and global economic challenges.

3. **In his keynote speech during the SIAC Congress 2021, Mr K Shanmugam SC, Minister for Home Affairs and Minister for Law, Singapore, predicted that the next 30 years may be challenging for SIAC as disputes are becoming more complex, new areas of disputes are emerging and new fora for dispute resolution are developing. How does SIAC plan to deal with these challenges? What are the main goals you want to achieve as the SIAC President?**

Minister Shanmugam is absolutely correct that we face new challenges in international arbitration in the coming decades. We can expect to see new categories of disputes arising from the Covid-19 pandemic, climate change, data protection and cryptocurrency. On the administering end, we can expect to need advances in technology, including for better virtual and hybrid hearings, growing familiarity with Artificial Intelligence tools, and management of the challenges that arise from the international application of complex economic sanctions regimes.

How to deal with the challenges? That is what SIAC has shown it does best. I view my most important role as President to be a leader in the charge.

4. **On our Blog, you have previously written about arbitrator availability in the past. Recently, you also spoke about the “David Caron Rule of X” which recommends that arbitrators set the “upper limit of cases that he or she is capable of responsibly sitting on at the same time”. What role can arbitral institutions play in enforcing this rule?**

First, the whole concept of David Caron's Rule of X is that each arbitrator should take personal responsibility for his or her caseload, to ensure that it is not too large to allow full attention to cases and timely issuance of awards. Even following the Rule of X, which I do, there are things arbitrators cannot control, for example, an urgent interim measures application on the eve of a

hearing or in the middle of drafting an award in a different case.

The proper role of institutions is not to set their own Rules of (say) Z for arbitrators, for example by saying no SIAC arbitrator can carry more than five cases. The proper role is to monitor progress in cases and try to spot impending trouble from excessive delay in hearings and issuance of awards.

5. **As a longtime vocal proponent of diversity in international arbitration, you famously came up with the equation “Caution + Habit + Bias equals, or causes, low levels of diversity in international arbitration.” Today, many of the top international arbitral institutions are helmed by women. In your view, (i) how has gender diversity progressed over the years; and (ii) what can be done to encourage more women at the top in international arbitration?**

As I just said at a program during Paris Arbitration Week, I am pleased with the progress in gender diversity in international arbitration since I started in the area in the late 1970s. The conversation about gender diversity is robust, in large part due to the [ERA Pledge](#) and self-organizing by [Arbitral Women](#) and others. There is still a long way to go, but we are on the right path. I measure the marked gains by women in international arbitration by looking around rooms – or, recently, on screens – and seeing so many talented women I have not yet met.

I am proud of SIAC’s status in this area. As an institution, women now constitute 36% of our appointments. I wish the same could be said of counsel and co-arbitrators.

It is time to put more focus on other categories of diversity, including nationality, ethnicity, regionality/geography, LGBTQ, and disabilities. Those conversations are not yet sufficiently robust.

*Thank you for your time and perspectives – we wish you the best!*

*This interview is part of Kluwer Arbitration Blog’s “Interviews with Our Editors” series. Past interviews are available [here](#).*

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