

Mediation to resolve boundary disputes

CI Arb support for Ministry of Justice plans with regard to warring neighbours

The UK government has announced moves to explore greater use of mediation in resolving boundary disputes between warring neighbours.

The Ministry of Justice proposed that mediation and independent expert determination might offer better solutions in boundary disputes than introducing more radical or costly reforms of the system, in *Boundary Disputes - A Scoping Study*, which was released earlier this year.

Judges and ministers have been concerned by the exorbitant legal costs run up by neighbour disputes in respect of boundaries and the delays caused to courts already straining under pressure.

Around 170 boundary disputes reach the court every year, the



report said. Cases typically cost between £10,000 and £50,000 but the most bitter disputes can cost significantly more. In addition, cases can take several years to resolve.

Using mediation is far more cost effective – around £1,000-£1,500 per party. It is currently only used

in around 20 per cent of cases. The study also revealed that boundary disputes were often caused by, or were symptoms of, personal disagreements between neighbours.

Ministers rejected the idea of compulsory mediation but were keen to look into ramping up the

role of mediation as well as independent expert determination. Plans will also consider how better and more timely information can be made available to parties in relation to boundary disputes.

CI Arb has expressed its support for the plans. Director General of CI Arb, Anthony Abrahams MCI Arb, said: “Mediation is a consensual way for neighbour disputes to be resolved; the parties are able to negotiate their own agreement. However the heat generated by these conflicts can often make them impossible to resolve. What parties want is certainty, a rapid solution at a cost effective price. Both mediation and expert determination have these attributes.”

GETTY

Gary Born to succeed Michael Pryles at SIAC

Singapore International Arbitration Centre (SIAC) has appointed leading international arbitrator Gary Born (pictured) as the new President of its Court of Arbitration.

Born, Chair of the International Arbitration Practice Group at WilmerHale, takes up his post on 1 April, replacing Dr Michael Pryles AM, Founder President of the SIAC Court of Arbitration.

Born has been ranked as one of the world's leading international arbitration practitioners for the past 20 years.

He said: “I am honoured to be succeeding Michael as President of the SIAC Court of Arbitration. SIAC is one of the world's pre-eminent international arbitral institutions. I look forward to working with the SIAC Court of Arbitration and the



Secretariat to ensure that SIAC is firmly at the forefront of international arbitration, both in Asia and worldwide.”

Five new members have been appointed to the SIAC Court of Arbitration. They are: Claudia Annacker of Cleary Gottlieb Steen & Hamilton LLP, Lijun Cao of Zhong Lun Law Firm, Toby Landau QC FCI Arb of Essex Court Chambers, Dr Eun Young Park of Kim & Chang and Lucy Reed of Freshfields Bruckhaus Deringer.

These appointments also take effect from 1 April 2015.

Final consultation for DIFC plan

Dubai International Financial Centre (DIFC) is a step closer to the implementation of an innovative mechanism to permit conversion of DIFC Court Judgments into arbitral awards.

On 17 December 2014, the DIFC Courts released *Practice Direction Y of 2015* for a final period of consultation which, if implemented, would provide a mechanism for the conversion of a DIFC Court Judgment into a DIFC arbitral award – thereby opening up the potential international avenues of enforcement from which arbitration awards benefit.

Such a mechanism would be the first of its kind across the globe.

The conversion procedure would be available where there is a dispute over non-payment of a DIFC Court Judgment in respect of a monetary sum. Separate and distinct arbitral proceedings would take place dealing solely with the issue of non-payment

of the DIFC Court Judgment. The award of the tribunal would, on paper, then be capable of enforcement through all internationally recognised avenues, such as the New York Convention.

Practice Direction Y of 2015 contains a concise set of referral criteria that set out the pathway through which conversion arbitral proceedings may be an available avenue for a DIFC Court Judgment creditor.

The final consultation period for *Practice Direction Y of 2015* closed on 18 January 2015.

CI Arb's UAE Branch is watching with anticipation to see the next steps taken by the DIFC Courts. This topic will no doubt feature in the quarterly seminars held by the branch as this is yet another exciting development in the evolving UAE arbitration arena. *Report by Thomas George FCI Arb, Legal Consultant, DLA Piper, Dubai Office and UAE Branch Treasurer*