

President's Message

ASA – Swiss Home of Arbitration

By the time you receive this message, it will be old news. Those of you who have tuned in to the General Assembly on 18 September will have heard most of it in my report. Please read on anyway. It is about the future of Swiss arbitration.

In my first message, I talked about lighthouses and rocks. ASA as a lighthouse, built on the rock of Swiss arbitration. No rock – no lighthouse. Thankfully, the rock is solid, so the lighthouse is resting firm. Over the last years there has been tremendous progress in professionalizing ASA as an organization and ensuring the quality of its work. That is the history of ASA. What is the future of ASA? In my address to the General Assembly after my election as President last year, I made two programmatic comments: First, like the Red Queen in Lewis Carroll's *Through the Looking-Glass*, ASA needs to run to stand still in an evolving world. Second, as a consequence, ASA needs to communicate, cooperate and coordinate more, much more with other players in the broadly defined Swiss arbitration market.

And this is what the Board of ASA did over the year. In order to strengthen the rock and stabilize the lighthouse for the future, we are tying the two closer together. It is work in progress and will keep the Board busy for many months to come. What is clear so far is an expanded structure of ASA. To the **traditional pillar** of academic analysis and practical support of the arbitration community (**the international ASA “think tank”**), ASA is adding four additional pillars, each led and supervised by a dedicated team consisting of a subcommittee of the Board and including additional ASA members:

Second pillar: Education and Training. Given the rich tradition of Swiss-style international arbitration, they had always been dear to ASA, the annual ASA Arbitration Practice Seminar being just the most visible and renowned offering. In recognition of this and built on this solid basis, education and training for Swiss and foreign arbitration practitioners of all levels of expertise will be elevated to the same level of importance as the conferences. For that purpose and as a first step, ASA is entering into closer cooperation with the Swiss Arbitration Academy (SAA), the Geneva Center for International Dispute Settlement (CIDS), and Swiss universities.

Third pillar: Arbitration Users. No users, no arbitration. This is a no-brainer. At arbitration conferences and in publications, the ultimate users – mostly managers and in-house counsel – are a conspicuously rare sight except, at best, for short appearances on a panel. Of course, users were

always very welcome within ASA. They must also *feel* welcome. They must feel that ASA is consciously catering to their needs and sensitivities. Amongst other measures, a Board subcommittee will focus on the users' perspective and ensure that it is a top priority in everything ASA is undertaking. For that purpose, ASA created a new Users' Council of experienced in-house counsel and representatives of the industry as advisors. In addition, ASA already begun holding webinars specifically designed for users and will make it easier for in-house counsel to attend ASA events.

Fourth pillar: Swiss Rules. ASA has long supported and helped shape the century-old arbitration of the Swiss cantonal chambers of commerce. The Swiss Chambers' Arbitration Institution (SCAI), as it is called today, is offering state-of-the-art case administration with modern, liberal rules, the Swiss Rules of International Arbitration and the Swiss Rules of Mediation. The Swiss Chambers and ASA are now also formally joining forces under the leadership of ASA to prepare SCAI for the challenges of the next years in an intensifying global competition among arbitration centers and arbitration styles. SCAI has strong roots in the Swiss economy through the various chambers of commerce and ASA will add its know-how, resources, network, and particularly its international experience.

Fifth (and last, but not least) pillar: Arbitration Infrastructure. Many arbitration venues are heavily investing in arbitration infrastructure, with lavish brick-and-mortar hearing facilities and/or elaborate IT-platforms. So far, Switzerland is doing just fine with its decentralized infrastructure: hotels and law firms are experienced hosts of hearings and ASA's longstanding Swiss Arbitration Hub is a proven IT-gateway to whoever needs to organize a hearing. A dedicated Board subcommittee is focusing on strengthening this infrastructure for the benefit of all kinds of alternative dispute resolution in Switzerland.

What does all of this amount to? In my initial address, I ambiguously predicted that ASA in 2020 will be "same, same, but different". Indeed, it is still a lighthouse, but it is wider at the bottom. There, it is growing a broad roof under which other players in the Swiss arbitration market find a home, maybe even a shelter, or simply a discussion forum for their convenience. Or, freely mixing metaphors: imagine a lighthouse picking up speed to stand still as Alice and the Red Queen and picking up even more speed to help Swiss arbitration make the progress it deserves.

Welcome to the Swiss Home of Arbitration!

FELIX DASSER