

President's Message

Welcome to the Global Swiss Arbitration Association (AGSA)

Do you really think you are unique? Ok, granted, you are if you happen to live in Georgia, Iran, Gibraltar or a few other places where we only have one member, but definitely not if you are one of many members in the USA, Singapore, the U.A.E., let alone any of the neighbouring countries of Switzerland.

Did you know that ASA has 429 foreign members (January 2024), representing 42% of the total membership? And the numbers are growing almost every month. Our members come from 52 jurisdictions on all continents but one (so far no applications from penguins for some reason).

ASA is not the ICCA, the IBA or the IPBA. We have a clear home base in one jurisdiction, Switzerland, but from that vantage point we look at the world of arbitration as a whole.

Arbitration in Switzerland has always thrived on exchanges with practitioners from all over the world. This has made us strong, but also humble. We may know a thing or two about arbitration, but we also know that there is no silver bullet in dispute resolution. We believe in good practice, but not necessarily best practice. Your approach is likely to be as good as mine or better.

We believe in the power of knowledge. Learning from each other and sharing views and experiences makes everyone stronger. No bubbles, no echo chambers, no safe spaces. We do not all have to think the same way, but we do have to know what others think. We need to listen to others. To do that we need to be in touch with others.

Has ASA facilitated contact with practitioners from other jurisdictions? I think it has and there is data to support this. First, I looked at the moderators and panellists at the major ASA conferences over the last ten years: only one in three was Swiss – if I counted correctly, 55 Swiss residents versus 173 from many other jurisdictions from North America to East Asia. This does not even take into account the many foreign practitioners who have moved to Switzerland to practice international arbitration from here.

Second, and equally important, is the participation of non-Swiss practitioners in the audience. At the Swiss Arbitration Summit in February this year, we had almost 40% foreign participants, only slightly below the percentage of foreign members. This shows that foreign practitioners not only subscribe to ASA publications and social media posts but also travel to Switzerland to meet and discuss.

Globalisation has become a dirty word in recent politics. Not for us, though. As trade barriers and border walls rise, the need for cross-border dispute resolution will increase. Switzerland is well positioned to meet this need, both on a theoretical level, with ASA as a thought leader, and on a practical level, with first-class institutions and multilingual arbitrators from Switzerland and around the world.

But fear not. I will probably not be proposing a name change for ASA. AGSA simply does not have the same appeal. But it is important to recognise our dual identity: Swiss and global at the same time, neither fully one nor the other, but an amalgam of both.

This, by the way, is the answer to the standard question of what Swiss-style arbitration is all about. In an earlier message, I suggested that there is no such thing as Swiss-style arbitration – before listing typical characteristics of a Swiss approach to arbitration.¹ Indeed, arbitrations seated in Switzerland are as diverse as the arbitrators and lawyers involved although a common Swiss frame of reference is discernible. ASA's modest mission is to assist these practitioners, from near and far, in acquiring and developing the know-how they need to meet the expectations of the parties who have engaged their services by applying good, proven practices.

In short, ASA is Swiss by tradition but global by ambition. This makes for a creative tension, as it should.

FELIX DASSER

¹ Felix Dasser, Global Arbitration, Swiss Style?, President's Message, 40 ASA Bulletin 4/2022, 771 et seq.

SAVE THE DATE

ASA General Meeting, Bern, 27 September 2024

For more information see www.swissarbitration.org