The 23rd Goff Arbitration Lecture by the Rt. Hon the Lord Mance: “Arbitral Autonomy and Applicable and Overriding Law”

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The Rt. Hon the Lord Jonathan Mance, former Justice of the Supreme Court of the United Kingdom delivered the 23rd Goff Arbitration Lecture on 9 July 2018 at City University of Hong Kong. The lecture was entitled “Arbitral Autonomy and Applicable and Overriding Law”. Renowned legal practitioners such as Rimsky Yuen Kwok-keung, GBM, SC, JP and Philip Dykes SC etc. among about 100 attendants participated.

The lecture was kicked off by the welcome speech of Professor Geraint Howells (Dean of the School of Law, CityU and Chair Professor, Commercial Law). Professor Howells introduced the background and the aims of Goff Arbitration Lecture. He also thanked all the participants for their support of the lecture.
According to Lord Mance, the hallmark of arbitration is autonomy. There are a variety of reasons that parties would like to choose the disputes being determined by arbitration, instead of by a court. He said enforcement is one important factor favouring arbitration. Other than that, they can include belief that it is easier to ensure the expertise and quality of arbitrators chosen by the parties and find reliable institutions, than to ensure the expertise and quality of some judges in some jurisdictions. They can also include belief that parties agreeing to arbitration can exercise great control over applicable law procedure than they can in litigation. He explained arbitration is usually a one-stop-shop without possibility of appeal that seems attractive to many parties.

Lord Mance then examined how far parties can choose the principles governing the procedural and substantive aspects of the arbitration. He considered in which such a choice may be affected or overridden by mandatory principles of law or court intervention, by the courts of the seat of arbitration or in enforcement proceedings in another jurisdiction.

He also talked about the potential tension between the interests of party and arbitral autonomy, and the public policy which justifies court interventions in the arbitral process and governs enforcement of awards. He explained that in a European context, the tension manifested itself recently in a marked dichotomy between the attitudes of European Union law to commercial arbitration and to bilateral investment treaty arbitration. Recognising the value attached to arbitration by the commercial community, he suggested that there is still scope for holistic development.

After the lecture, the participants raised interesting questions and interacted with Lord Mance in the Q & A session moderated by Dr Chen Lei, Associate Dean of CityU Law School. Finally, Dr Christopher To, the LLMArbDR Programme Director gave a vote of thanks and Dean Professor Geraint Howells presented a gift to Lord Mance in thanking him for delivering an insightful lecture.
**Goff Arbitration Lecture:**

The Goff Lecture was instituted in 1990 by the City University of Hong Kong to celebrate the commencement of our Master of Arts in Arbitration and Dispute Resolution. The first lecture was delivered by Lord Goff of Chieveley, Lord of Appeal, who then consented to the series bearing his name. The Goff Lecture provides an excellent opportunity for discussion and exchange of views among practitioners and academics in the arbitration field. Over the years, the Goff Arbitration Lecture has gathered 23 eminent scholars to share their views on arbitration.

**About the Speaker:**

Lord Mance became Deputy President of the Supreme Court of the United Kingdom in September 2017 following his original appointment as Justice of the Supreme Court in October 2009. He only recently retired. He represented the United Kingdom on the Council of Europe’s Consultative Council of European Judges. He currently chairs the International Law Association and the Lord Chancellor’s Advisory Committee on Private International Law and is the Advocate-General at the European Court of Justice and General Court.