

## STUDENT NOTE

### **A WELCOME CLARIFICATION ON THE USE OF PUBLIC POLICY AND EXTENT OF CURIAL INTERVENTION IN THE SETTING ASIDE OF AN ARBITRATION AWARD – *AJT v. AJU*\***

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#### ABSTRACT

*AJT v. AJU is the first case in Singapore where public policy was successfully invoked to set aside an award made pursuant to an international arbitration under the International Arbitration Act. It is significant because first, the power to set aside international arbitration award is generally exercised with great caution, and second, public policy grounds are notoriously difficult to establish. In this case, illegality in a friendly foreign nation was presumed to found the public policy ground. However, the court was confused by illegality and public policy and its conclusion was not supported by its reasoning. It was also unclear precisely which public policy was being invoked to set aside the award. Nevertheless, although the decision has some conceptual loopholes, it is, in practice and as a matter of policy, the right outcome. Arbitration should not be a tool to escape the rigours of criminal law or foreign and forum public policy. Courts must recognise the limits of the flexibility of arbitration lest it becomes abused.*

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\* *AJT v. AJU*, [2010] SGHC 201.

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