

HD Singapore: the new hub of international dispute resolution

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SIMCSICCSingapore is fast becoming the Asia-Pacific region's one stop shop for international **commercial** dispute resolution. Many multinational corporations base their Asia-Pacific operations in or around Singapore, which makes it a logical choice for parties looking to deal with disputes close to the source. In response to this growing trend, the Singapore International Mediation Centre () will open in November 2014, and the Singapore International **Commercial** Court () is set to open in coming months.

SIMC

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The SIMC arises out of the Recommendations of the International **Commercial** Mediation Working **Group**, formed by the Singapore Ministry of Law.

The key recommendations include:

"deal making service" where a mediator supports parties contemplating making a major deal, to avoid potential issues which may lead to disputes;

"post-merger facilitation" where a mediator is engaged to maximise cooperation and mutual benefit for mergers;

a "dispute process design service", to assist users to develop processes to manage disputes;

online dispute resolution services; and

establishing a professional body to certify mediators, enforce ethics, and oversee continuing professional development.

SIACThe SIMC will be housed at Maxwell Chambers, together with the Singapore International Arbitration Centre (). Mediation using the SIMC may be used as an alternative to a SIAC arbitration. The existing Singapore Mediation Centre will remain associated with the Singapore courts.

The Working **Group** recommends mediation for disputes in industries including construction, mining, oil & gas, manufacturing, shipping, aerospace, intellectual **property**, and financial services.

The target markets for promoting mediation include international markets such as the Middle East, **China**, India, Japan, Indonesia, and South Korea, and emerging regional markets such as the Pacific Islands, Sri Lanka, Vietnam, Laos, Philippines, Brunei, and Cambodia.

SICC

The SICC is set to open in early 2015, after legislative changes were tabled in Parliament in October 2014. The SICC will target cases such as cross-border **commercial transactions** which are governed by foreign law.

The Court will be established as a division of the Singapore High Court, and part of the Supreme Court of Singapore. Both Singapore lawyers and foreign lawyers will be licensed to appear in the court, and disputes will be heard by Singapore judges and international judges.

Parties will be able to make submissions on any law, rather than solely Singapore law.

The Court will be available to parties who agree to use the SICC post-dispute, or where the parties have agreed under a contract to give the SICC jurisdiction of any disputes arising out of the contract. The Chief Justice of the Singapore High Court may also transfer cases to the SICC, without the parties' consent. Within all three categories of cases, the SICC will be able to join third parties to proceedings, with or without consent.

A decision of the SICC will be enforceable outside of Singapore under the international network of treaties and through reciprocal enforcement provisions. SICC decisions would also be appealable to a Court of Appeal, except for where parties have contractually excluded the right to do so.

The increase in **commercial transactions** in Asia has seen an increase in the number and complexity of cross-border disputes. The SIMC and SICC will help to meet the growing need in the international business community for neutral venues to efficiently handle disputes, and will add to the success of the SIAC. The SIAC has increased its new cases by over 400% since 2003, with an active caseload of 619 cases in 2013. Singapore's geographical location sees it well positioned as a desirable choice for international dispute resolution.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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