SIAC與國際仲裁

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金融中心賴合約而生存。貸款、擔保、商品買賣、租船合約、合營企業及股東協議，全都假定一旦出現爭議，將由一個中立機構裁決，而其決定可在敗訴方持有資產的地方強制執行。就跨境業務而言，這個機構往往是仲裁庭。本章探討新加坡如何使自己成為全球領先的國際仲裁地之一。本章先論述採納《聯合國國際貿易法委員會國際商事仲裁示範法》的《1994年國際仲裁法》（IAA），再轉至1991年成立的新加坡國際仲裁中心（SIAC）。其後探討SIAC規則及其快捷而廉宜的仲裁程序、新加坡法院的監督及強制執行角色，以及構成SIAC案件最大類別的商品及貿易爭議。

這個題目承接上一章，上一章把法治呈現為城市經濟基礎設施的一部分。仲裁正是這項基礎設施成為一種向外國人出售的服務之處。來自印度、中國、越南、印尼或美國的當事人選擇新加坡為仲裁地，往往與這個島國別無其他聯繫。他們購買的是新加坡的法律、法院、仲裁員和聆訊室，正如一個雅加達家族購買新加坡銀行的保管服務一樣。新加坡國際商業法庭（SICC）及國際調解框架補足了這套服務，是第F部分第III章的主題。

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與日內瓦的比較十分貼切。日內瓦卷描述了瑞士如何透過《瑞士聯邦國際私法》（IPRG/PILA）第12章及《瑞士國際仲裁規則》，成為希望在本國司法管轄區以外尋求中立訴訟地的當事人的首選仲裁地。[1] 新加坡作為亞洲的普通法司法管轄區，在國家刻意支持下追求同一目標。兩個城市都顯示，仲裁地是由立法、機構和司法自我克制建立起來的。一旦確立，它便會鞏固周邊的金融中心。

要點

新加坡於1986年加入《紐約公約》，並透過1995年1月27日生效的《1994年國際仲裁法》採納《聯合國國際貿易法委員會國際商事仲裁示範法》。該法賦予《示範法》法律效力，增設兩項撤銷裁決的理由（欺詐或貪污，以及違反自然公正），並容許法院以臨時措施支援在外國進行的仲裁。新加坡國際仲裁中心於1991年7月1日成立，2025年接獲886宗新案件，其中89%屬國際案件，爭議總額達145.3億美元。其第七版規則自2025年1月1日起生效，新增適用於不超過100萬新加坡元申索的三個月精簡程序，並把六個月快速程序的門檻提高至1,000萬新元。新加坡法院只會因嚴重缺陷而撤銷裁決。2025年，貿易爭議佔SIAC新案件的39%。

註釋

1. Ressos，*Genève, place financière internationale*，partie F, chapitre III，« Le droit suisse de l'arbitrage international »及« Les institutions : le Swiss Arbitration Centre et les autres »兩節。 ↩

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