SICC、調解與《新加坡調解公約》

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一個金融中心需要的不只是銀行、基金和家族辦公室。它需要一個地方，讓其交易所產生的爭議能夠公平、迅速地獲得裁決，而且裁決形式能令敗訴方的資產受到約束。上一章探討了這項基礎設施的仲裁一環，仲裁已令新加坡成為全球領先的仲裁地之一。本章轉而探討新加坡在2013年後十年間建立的另外兩根支柱：一個部分由外國法官組成的國際商業法庭，以及一個把這個城市的名字帶進國際條約法的調解框架。本章其後探討在新加坡取得的判決，如何在資產實際所在地強制執行。

這三個題目互相關連。新加坡國際商業法庭、新加坡國際調解中心和《新加坡調解公約》在數年之間相繼構思，出自同一小群法官、官員和執業者之手。每一項都針對仲裁的一個不同弱點：不設上訴、成本高、保密，以及難以處理第三方。連同新加坡國際仲裁中心，它們讓當事人可以選擇切合交易的爭議解決方式，同時留在同一法律制度、同一城市和同一語言之內。

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日內瓦卷描述了一個城市，其作為法律之都的聲譽建基於1872年的阿拉巴馬號仲裁案、各國際組織及一部現代仲裁法例。日內瓦沒有本身的國際商業法庭，到2026年仍在辯論是否設立。新加坡走了另一條路。它很早便決定，一個在亞洲有抱負的金融中心，需要一個為外國當事人而設的法院。這個城市亦要成為國際調解的參照點。本章結尾的比較，說明兩種做法各自能為在兩地均持有資產的客戶提供甚麼。

要點

新加坡國際商業法庭（SICC）於2015年1月5日作為高等法院的一個分庭成立。它審理當事人以書面提交的國際商業爭議、由普通庭移交的案件、與仲裁有關的申請及跨境破產事宜。其法官團隊由新加坡法官及26名來自普通法和大陸法司法管轄區的國際法官組成。已註冊的外國律師可在離岸案件中及就外國法律問題出庭。新加坡國際調解中心（SIMC）於2014年11月成立，提供與仲裁結合的調解（Arb-Med-Arb）及與SICC訴訟結合的調解（Lit-Med-Lit）。《新加坡調解公約》於2019年8月7日在新加坡開放簽署，令國際調解和解協議可在其25個締約方直接強制執行。SICC判決可透過《海牙選擇法院協議公約》、《外國判決相互強制執行法》及與外國法院簽訂的指引備忘錄網絡在外地執行。

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