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Nadja ALEXANDER

Singapore Management University, nadjaa@smu.edu.sg

Shou Yu CHONG

Singapore Management University, sychong@smu.edu.sg

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12 September 2020: The Singapore Convention On Mediation Comes Into Force

Nadja Alexander (Editor), Shou Yu Chong (Singapore International Dispute Resolution Academy)/September 12, 2020

On this day, the **Singapore Convention on Mediation** comes into force. You can view the ratification ceremony **here**.

At the time of writing, there are 53 State Parties to the Convention, six of which have ratified it (Singapore, Fiji, Qatar, Saudi Arabia, Belarus and Ecuador). **Qatar** was the third signatory State Party to deposit its instruments of ratification on 12 March 2020; as such, in accordance with Art 14, the Singapore Convention comes into force on 12 September 2020, six months after Qatar's ratification. Ecuador is the most-recent country to ratify the Convention on 9 September 2020.

The Singapore Convention on Mediation is a game changer in the practice of cross-border appropriate dispute resolution of commercial disputes.

The **International Dispute Resolution Survey 2020** conducted by SIDRA reveals that commercial parties may sometimes hesitate to proceed to mediate their disputes, owing to the prevailing impression that a mediated settlement agreement may sometimes be difficult to enforce across borders, in the event of non-compliance. The advent of the Singapore Convention is likely to reduce the degree of hesitation and uncertainty held by parties, when they are presented with the option to proceed to mediate a cross-border commercial dispute. This is because the Singapore Convention offers a system for the expedited recognition and enforcement of commercial international mediated settlement agreements (iMSAs).

The Singapore Convention is tipped to provide a significant influence on cross-border dispute resolution practices, as well as on trade and investment flows. It will enhance the appeal of mediation processes within regional initiatives, such as the Belt and Road Initiative. Furthermore, it lays the foundations for regulatory robustness of cross border online dispute resolution initiatives. The Convention will, in turn, potentially provide an enhancement to the efficacy of dispute resolution for cross border users.

Finally, disputes of an investor-State nature may fall under Convention's reach. However, this is subject to whether the State Parties to the Convention have made the relevant reservations under Article 8(1)(a). From a user perspective, the Singapore Convention offers an attractive risk management mechanism which is accessible to disputing parties, in terms of its flexibility

and affordability to cross-border business players, whether they are States, multi-national corporations, publicly listed corporations, traditional incorporated limited entities, sole traders, or start-ups.