

FACTSHEET ON SIMC-SCIA MED-ARB PROTOCOL

Where the dispute is submitted to mediation at SIMC through SCIA, if the submission is pursuant to an existing arbitration agreement between the parties, under the MA Protocol, parties agree that any dispute settled in the course of the mediation at SIMC shall fall within the scope of their arbitration agreement.

If arbitration proceedings have already commenced at SCIA, the arbitration will be paused until the outcome of the mediation at SIMC has been received by SCIA. Based on the outcome of the mediation, SCIA will then initiate or resume arbitration proceedings, as the case may be, under its Arbitration Rules.

Regardless of whether a dispute had already been filed with SCIA for arbitration or filed with SIMC first, if it has been successfully mediated, any party may, with the consent of all parties to the mediation, apply to SCIA to record the resulting settlement agreement as an arbitral award. This allows the award to be efficiently and effectively enforced in China and elsewhere¹, in the event enforcement is required, and obtain greater finality of outcomes. Such a mechanism would be particularly useful to parties with disputes in China or where the subject matter of the dispute is located in China.

About SIMC

The Singapore International Mediation Centre (SIMC) is a not-for-profit organisation that offers professional dispute resolution services tailored to the evolving needs of businesses in Asia. Working across multiple jurisdictions covering common and civil law traditions, SIMC has an extensive network of mediators and partners globally. SIMC's panel of 70 international independent mediators have extensive experience resolving cross-border disputes and are highly regarded for delivering successful outcomes in complex, high-stakes commercial disputes.

About SCIA

Officially launched in 1983 as the nation's first Arbitration Institution established by legislation with its statutory body governance structure, Shenzhen Court of International Arbitration (also known as South China International Economic and Trade Arbitration Commission) provides commercial and investment arbitration services to disputants at home and abroad.

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<https://simc.com.sg/blog/2022/11/28/novel-singapore-shenzhen-hybrid-dispute-resolution-mechanism-combines-the-significant-advantages-of-mediation-with-the-ease-of-enforceability-of-arbitral-awards/>

¹ Under the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, or the New York Convention, an award is potentially enforceable in the 170 signatory states to the Convention.