

MARITIME ARBITRATION

A Brief Overview



Dispute Resolution Methods



Arbitration

Arbitrator makes binding decision outside the courts

- Swift¹, cost-effective¹; awards enforceable in most jurisdictions
- Litigation may be required to enforce an award²



Mediation

Mediator facilitates non-binding resolution outside the courts

- Swift³, cost-effective³
- Parties must be committed to a resolution⁴



Litigation

Judge makes ruling based on evidence presented in court

- Compliance with judgement⁵
- Costly⁵, time-consuming⁵; may not be enforced in some other jurisdictions

Administered

- Formally administered by an arbitral institution
- e.g. Singapore International Arbitration Centre (SIAC)

Arbitration Models

Unadministered

- Conducted by parties and tribunal
- Institution may help to appoint arbitrators
- e.g. Singapore Chamber of Maritime Arbitration (SCMA)

Singapore – The Preferred Arbitration Venue



User-friendly arbitration laws



Judicial support



An open regime



Rich talent pool



Tax incentives



Best-in-class hearing facilities

TOP 3

Most Used Arbitration Seats⁶

1. Singapore
2. London
3. Hong Kong

TOP 3

Most Used Arbitration Institutions⁶

1. SIAC (Singapore)
2. ICC (Paris)
3. LCIA (London)

Singapore Chamber of Maritime Arbitration (SCMA) – A Specialist Maritime Arbitration Body



Commercially Focused



Independent & Neutral



Cost-Effective

DID YOU KNOW?

SCMA has 113 arbitrators from 17 countries

SCMA has handled over 300 cases since 2009



SCMA Arbitration Process



Step 1: Notice

In a dispute, claimant files Notice of Arbitration, respondent files response



Step 2: Tribunal

Unless otherwise agreed, each party appoints one arbitrator, and the two arbitrators appoint the third



Step 3: Statements

Parties file case statements and may exchange evidence, witness statements, expert reports



Step 4: Hearing

Hearing takes place unless agreed otherwise, e.g. to conduct on a documents-only basis



Step 5: Award

Tribunal completes the award, which can be enforced in any New York Convention signatory state

How Long Does Arbitration Take?



Average SCMA case duration from date of commencement of arbitration over the past 10 years

Without Award*

29 weeks

With Award

52 weeks

Small Claims

16 weeks

*Matter was settled by parties without the need for final award

SCMA Goes Digital



Virtual Hearings

SCMA provides a guide to the tribunal on the conduct of virtual hearings



QR Codes

Easy access to resources e.g. SCMA Model Clauses, form to notify SCMA of arbitrations



Clauses



E-Arb Notify

Sources:

- ¹ Arbitration Pros and Cons, Barbara Kate Repa, Nolo.com
- ² The Pros and Cons of Mediation, Arbitration, and Litigation for Resolving Business Disputes, ContraxAware.com, 3 Jun 2019
- ³ The Advantages and Disadvantages of Mediation, David Jones, Glaisyers.com, 8 Nov 2019
- ⁴ Pros and Cons for Use of Mediation to Resolve Disputes, FindLaw.com, 16 Nov 2017
- ⁵ The Pros and Cons of Litigation, Ravneet Arora, PacificAdvisors.ca, 4 Mar 2019
- ⁶ SIDRA International Dispute Resolution Survey: 2020 Final Report, pp. 34&39, Singapore Management University