新加坡国际商业法庭（SICC）、调解与《新加坡调解公约》

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一个金融中心所需要的，不只是银行、基金和家族办公室。它还需要一个场所，使其交易所引发的纠纷能够得到公正、迅速的裁决，且裁决的形式能让败诉方的资产受到约束。上一章考察了这一基础设施中的仲裁部分，正是仲裁使新加坡成为世界领先的仲裁地之一。本章转向新加坡在2013年之后十年间建立的另外两大支柱：一个部分由外籍法官组成的国际商业法庭，以及一个将这座城市的名字写入国际条约法的调解框架。随后，本章探讨在新加坡取得的判决如何在资产实际所在地得到执行。

这三个主题相互关联。新加坡国际商业法庭（SICC）、新加坡国际调解中心和《新加坡调解公约》是在短短几年内由同一小群法官、官员和执业者构想出来的。每一项都针对仲裁的一个不同弱点：无法上诉、成本高昂、保密性，以及难以处理第三方问题。它们与新加坡国际仲裁中心一起，使当事人能够选择适合其交易的争议解决方式，同时始终处于同一法律体系、同一座城市和同一种语言之内。

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日内瓦卷描述了这样一座城市：其作为法律之都的声誉建立在1872年的*Alabama*（“阿拉巴马号”）仲裁案、各国际组织以及一部现代仲裁法之上。日内瓦没有自己的国际商事法院，直到2026年仍在讨论是否设立。新加坡走了另一条路。它很早就认定，一个对亚洲怀有雄心的金融中心需要一个专为外国当事方设计的法院。这座城市还要成为国际调解的参照点。本章末尾的比较将说明，对于在两地均持有资产的客户而言，每种做法分别能提供什么。

要点

新加坡国际商业法庭于2015年1月5日作为高等法院的一个分庭成立。它审理当事人以书面形式提交的国际商事纠纷、由普通庭移送的案件、与仲裁有关的申请以及跨境破产事项。其法官队伍由新加坡法官和来自普通法与大陆法司法管辖区的26名国际法官组成。注册外国律师可在离岸案件以及外国法问题上出庭。新加坡国际调解中心成立于2014年11月，提供与仲裁相衔接的调解（“仲裁—调解—仲裁”，Arb-Med-Arb）以及与SICC诉讼相衔接的调解（“诉讼—调解—诉讼”，Lit-Med-Lit）。《新加坡调解公约》于2019年8月7日在新加坡开放签署，使经调解达成的国际和解协议可在其25个缔约方直接执行。SICC的判决可通过《海牙选择法院协议公约》、《外国判决互惠执行法》以及与外国法院签订的一系列指导备忘录在境外流通。

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