

SCMA ARB-MED-ARB PROTOCOL

ARB-MED-ARB

Arb-Med-Arb (AMA) is a mechanism where mediation is undertaken in the process of arbitral proceedings. A party may enforce the consent award under the New York Convention, or settlement agreement under the Singapore Convention.

The New York Convention (NYC) is enforceable in over 160 contracting states that are signatories to the NYC.

The Singapore Convention on Mediation (the Convention) has over 50 signatories, including the United States, China and India. As of 1 September 2020, six countries, namely, Ecuador, Singapore, Fiji, Qatar, Saudi Arabia and Belarus, have ratified the Convention.

SCMA AMA CLAUSE

The parties further agree that following the commencement of arbitration, they will attempt in good faith to resolve the disputes referred to arbitration through mediation at [one of the following:]

[Singapore Mediation Centre ("SMC")] or [Singapore International Mediation Centre ("SIMC")]

[any other recognised mediation institution to be identified], [delete as appropriate], in accordance with the SCMA AMA Protocol for the time being in force [refer to Schedule C]. Any settlement reached in the course of the mediation shall be referred to the Arbitral Tribunal appointed in accordance with the SCMA Rules and may be made a consent Award on agreed terms.

BENEFITS OF USING THE SCMA AMA PROTOCOL

Cost-effective



No upfront or sunk-in
costs for parties



More choice for
parties



Maintenance of
business relationship



SCMA ARB-MED-ARB PROTOCOL

Steps



01

USE SCMA AMA CLAUSE

02

COMMENCE ARBITRATION

Commence arbitration by serving Notice of Arbitration.

03

NOTIFY MEDIATION CENTRE

Inform Mediation Centre within 4 days (from notice of arbitration or from parties' agreement to SCMA AMA protocol)

04

ARBITRATION STAYED; MEDIATION COMMENCES

The Notice and Response should be sent to the Mediation Centre.

Upon receipt of the documents, the Mediation Centre will inform the parties of the commencement of mediation.

05

MEDIATION TO BE COMPLETED WITHIN 8 WEEKS

The mediation shall be completed within 8 weeks from the date of the commencement of mediation (time may be extended if agreed by parties and the Mediation Centre).

06

UNSUCCESSFUL MEDIATION

SUCCESSFUL MEDIATION

Arbitration to continue.

The parties can request the Tribunal to record the settlement agreement in the form of a consent award.

A party may enforce the consent award under the New York Convention, or settlement agreement under the Singapore Convention.



About the Singapore Chamber of Maritime Arbitration

The Singapore Chamber of Maritime Arbitration is a specialist arbitration institution which provides a neutral, cost-effective and flexible framework for maritime and international trade arbitrations that is responsive to the needs of industry users. Its global and regional members hail from all sectors of maritime, trade and arbitration communities. SCMA attracts disputants in the region by providing tailored solutions to suit the region's interests.

The Secretariat helms the promotion and development of SCMA across the region. The Secretariat also leads educational and training symposiums to foster thought leadership and encourage pragmatic solutions for maritime and trade businesses. The Registrar and Assistant Registrar provide administrative support to disputants and tribunals, when requested.