



新加坡海事仲裁院

# 2020 YEAR IN REVIEW







# CHAIRMAN'S MESSAGE: A YEAR OF NEW BEGINNINGS FOR SCMA

## **A New Vision**

2020 was truly a year of new beginnings for SCMA. We appointed Mr Punit Oza as the new Executive Director of SCMA and he commenced his new role in March 2020, helming the SCMA Secretariat, comprising a nearly all-new team, with a new vision, vigour, passion and push for SCMA.

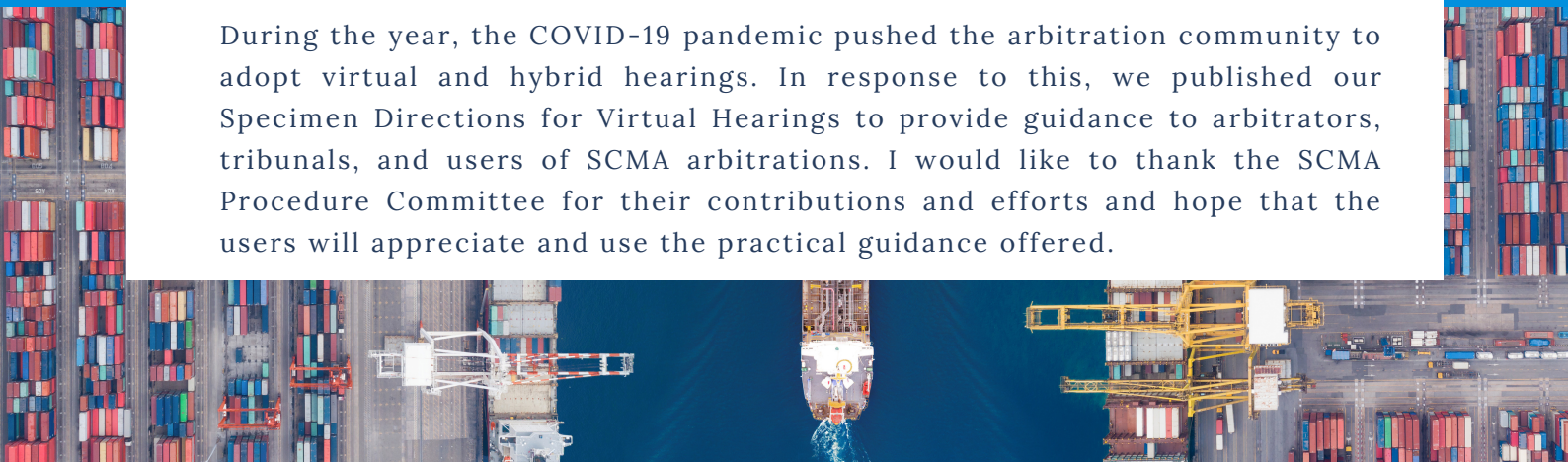
SCMA was formed well over a decade ago with a key objective to promote maritime arbitration in Singapore. With Singapore growing into a leading maritime and arbitration centre, its key users have also grown across the region. SCMA's new vision – to become the leading maritime arbitration centre in Asia – reflects this new reality. There are capable arbitration institutions around the world serving a core market with strengths such as proximity and deeper cultural understanding of the users. SCMA aims to become the go-to destination for maritime and trade users based in Asia.

As the year progressed, it became clear that COVID-19 was a fast-moving crisis impacting populations globally, many countries implemented social distancing restrictions and lockdowns, bringing about a “new normal” to all. Along with all other institutions, SCMA has adapted to this new normal.

## **Adapting to the Evolving Maritime Arbitration Scene**

To keep itself current in a constantly evolving maritime arbitration landscape, SCMA is updating its rules. It conducted its first fully electronic public consultation on the possible amendments to the SCMA Rules 2015 (3rd Ed). We would like to thank all our members, arbitrators, users, and potential users of SCMA for their participation and look forward to launching the 4th edition of the SCMA Rules in 2021.

During the year, the COVID-19 pandemic pushed the arbitration community to adopt virtual and hybrid hearings. In response to this, we published our Specimen Directions for Virtual Hearings to provide guidance to arbitrators, tribunals, and users of SCMA arbitrations. I would like to thank the SCMA Procedure Committee for their contributions and efforts and hope that the users will appreciate and use the practical guidance offered.



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*SCMA has always prided itself as a unique service provider to the maritime and trade ecosystem. Despite a COVID-19 challenged year, SCMA continued its momentum and saw a 5% increase in the cases handled. We also managed to reach out to many of our current and potential users, members, and other stakeholders through series of events, presentations, and collaborations, mostly virtual due to the COVID-19 restrictions.*

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### **Serving the Maritime and Trade Ecosystem**

SCMA has always prided itself as a unique service provider to the maritime and trade ecosystem. Despite a COVID-19 challenged year, SCMA continued its momentum and saw a 5% increase in the cases handled. We also managed to reach out to many of our current and potential users, members, and other stakeholders through series of events, presentations, and collaborations, mostly virtual due to the COVID-19 restrictions.

SCMA kicked off the year by participating as a sponsor, presenter, and attendee in the International Congress of Maritime Arbitrators (ICMA) XXI, held in Brazil. This was the first time that SCMA made its appearance at the prestigious ICMA and I would like to give special thanks to Corina Song, Vice-Chairperson of SCMA, for representing us.

I am pleased to share that SCMA has actively and creatively used new media to reach out to our local, regional, and global audiences, and I am sure that you would have felt the difference. We started the SCMA YouTube channel to vault video content and established a WeChat presence. As physical events were not possible, we successfully switched to webinars, holding six of them on important topics, providing both commercial and legal perspectives. Attracting a total of 819 virtual attendees from all over the world, our webinars were well-attended and appreciated by members of the arbitration, legal, maritime, and international trade communities. Our most highly watched webinar dealt with “Implications for international maritime and commercial arbitration” linked to the recent UK Supreme Court decision on “*Halliburton v Chubb*” and drew about 200 attendees, with an even greater number subsequently viewing it on our YouTube channel.

We also launched a monthly Knowledge Sharing e-mail blast for our members, sharing updates and articles relating to maritime, trade and international arbitration, and have received positive reviews for this effort. In addition, SCMA made a significant investment into the future workforce by offering a complimentary membership to tertiary level students enrolled in Maritime, Trade and Law courses worldwide, and over 110 students have signed up for it.



## **Collaborating the Right Way**

SCMA has always had very close relationships with other arbitral institutions and industry bodies. In 2020, we crystallised a few of those to create lasting, institutional bonds which will mutually benefit the organizations and the communities that we serve.

The Memorandum of Understanding (MOU) with Guangzhou Arbitration Commission will help promote arbitration across both the centres, including enabling both of us to tap into the arbitrators on each other's panels. Another MOU with the Institute of Chartered Shipbrokers (Singapore Branch) includes clear goals such as holding of regular joint events and cross-representation across the bodies. A similar arrangement for cross-representation was also put in place with the Singapore Shipping Association.

In July, we formally launched the Local Users Council (LUC) comprising leading Ship Owners, Charterers, Ship Brokers, Offshore companies, Underwriters and Protection and Indemnity Clubs. The LUC serves as a vital industry feedback and discussion forum for SCMA. We also actively engaged the Institutes of Higher Learning and Chambers of Commerce to create greater awareness of SCMA and to reach out to a new audience.

All our efforts have been clear and focused resulting in significant value addition for SCMA and its members. Currently, we are in the process of formalising agreements with other industry bodies with a view to add value to our members and the communities that we serve.

## **Digital Initiatives**

Social distancing measures brought about by the COVID-19 pandemic has led to an inevitable increase in the use of digital technologies. During the year, SCMA digitized some of its processes and databases and these initiatives will continue well into 2021. We automated our processes to sort out and analyse the feedback from the presentations made to various stakeholders. This will help us improve our offerings going forward. QR codes have become the norm in our lives and at SCMA, we created two of them – one to access the latest SCMA clauses and another to notify SCMA of arbitrations easily. I am pleased that technological support has facilitated the enhancement of the quality of our services.





## Through the Looking Glass

In 2021, SCMA will continue its outreach efforts beyond Singapore to India, China and ASEAN countries, which are key markets for SCMA. Outreach efforts will include the use of social media, webinars, and physical events, subject to COVID-19 restrictions. We will also build on existing collaborations and unveil new initiatives that will enhance and expand existing offerings for members. We are particularly excited to welcome you to the bi-annual SCMA conference, one of our flagship events, subject to COVID-19 restrictions. With an intention to broaden the offerings, SCMA plans to offer a specialised Maritime Arbitrator Accreditation Program (MAAP) to empanel new arbitrators into SCMA's panel. The push towards further digitalization will continue and we hope to offer users a more interactive and immersive experience.

## You are the Key

While we will do our utmost to deliver the best service to our stakeholders, the key lies in the quality of that service and that key lies with you – our members. The richness and the contextual nature of the content is dependent on your participation and feedback. We sincerely thank you for all your support so far and look forward to more in the coming year.

In closing, I would like to thank the SCMA Board of Directors and members of the SCMA Procedure Committee, SCMA Promotion Committee, SCMA Appointments Committee, and SCMA Local Users Council, for tirelessly and voluntarily working toward the single purpose of furthering the cause of Maritime Arbitration and Singapore Chamber of Maritime Arbitration. I would also like to thank the team at the SCMA Secretariat for their contributions.

I look forward to interacting with each of you at future SCMA events.

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**Justice Chao Hick Tin**  
Chairman, SCMA

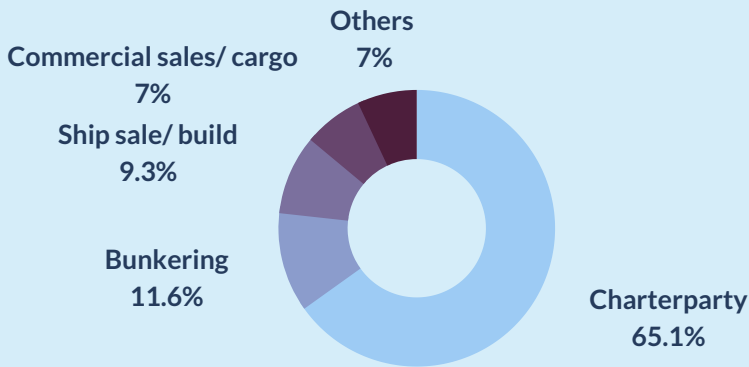
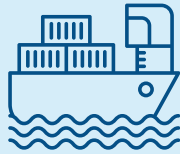


# 2020 STATISTICS

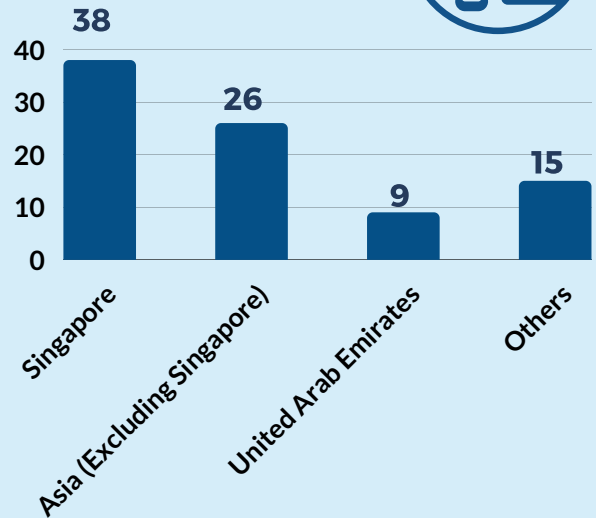
## Reported Case References



## Nature of References



## Nationality of Disputants



## Total Claim Amount



## Average Claim Amount



Individual Members



Corporate Members



Student Members



Panel Arbitrators





# International Congress of Maritime Arbitrators XXI

8-13 March 2020

*SCMA was excited to participate in the prestigious International Congress of Maritime Arbitrators (ICMA) XXI as a sponsor, presenter and attendee. The event was held in Rio de Janeiro, Brazil.*



Representing SCMA at the congress, Corina Song, Vice-Chairperson, SCMA, spoke about “Maritime Arbitration in Singapore and Proposed Changes to the International Arbitration Act” at the session, “National Arbitration Issues – (Asia)”, which took place on 9 March 2020.

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*I was honoured to represent SCMA and share with the global maritime community my views on ‘Maritime Arbitration in Singapore and Proposed Changes to the International Arbitration Act’. I also spoke about the reconstitution and growth of the SCMA through the years and how it has evolved into a respectable chamber that offers users a wide selection of experienced arbitrators. As SCMA continues to grow and evolve with times to stay relevant, we hope to continue to attract parties from around the globe to choose Singapore as the seat of arbitration and incorporate SCMA Rules in their agreements, where appropriate.*

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**- Corina Song, Vice-Chairperson, SCMA**

Held every two or three years, ICMA is an important forum for maritime arbitrators, lawyers and for the shipping industry to exchange views in the field of maritime arbitration.

SCMA would like to acknowledge with thanks all the efforts and hard work of the Steering Committee. In addition, SCMA will like to give special thanks to Mrs Camila Mendes Vianna Cardoso, who led the Brazilian ICMA Committee, for organising this very successful symposium.

SCMA looks forward to ICMA XXII which is scheduled to take place in Dubai in 2022.

SCMA had put in a bid for Singapore to hold ICMA XXII. Even though the bid was not successful, SCMA looks forward to the opportunity to put in a bid for Singapore to host ICMA XXIII.



## Webinars in 2020

*Due to the COVID-19 situation, SCMA was unable to hold any physical events in 2020. To continue to reach out to our stakeholders, we held several webinars. All of them have been uploaded onto [SCMA's YouTube Channel](#).*

### LEGAL, COMMERCIAL AND PRACTICAL PERSPECTIVES ON VIRTUAL ARBITRATION HEARINGS 29 MAY 2020

Due to COVID-19, many arbitration hearings have gone “virtual”. This session provided an introduction to virtual arbitration hearings, how they work in practice and fit into the SCMA Arbitration Process. The key benefits and challenges that users get and face from virtual arbitration hearings were also discussed. In addition, the service and infrastructure which Maxwell Chambers provides to hold these virtual hearings were discussed.



#### Panelists:

- **Amitabh Jha**, Chief - Strategic Procurement, Tata Steel Global Procurement
- **Nicholas Fell**, EVP, Corporate Services & General Counsel, BW Group
- **Timothy Cooke**, Partner, Stephenson Harwood (Singapore) Alliance
- **Katherine Yap**, Chief Executive, Maxwell Chambers

#### Moderator:

- **Punit Oza**, Executive Director, SCMA

### SCMA RULES REVISION – BACKGROUND TO PUBLIC CONSULTATION 17 JUNE 2020

At this webinar, the background to the proposed revisions to the SCMA Rules and rationale for making these revisions were explained.



#### Panelists:

- **Andrew Moran QC**, Chairman, SCMA Procedure Committee & Resident, The Arbitration Chambers
- **Sapna Jhangiani QC**, Member, SCMA Procedure Committee & Partner, Clyde & Co Clasis Singapore
- **Kenny Yap**, Member, SCMA Procedure Committee & Partner, Allen & Gledhill

#### Moderator:

- **Punit Oza**, Executive Director, SCMA



### ARBITRATION SHOULD NOT BE A DEATH KNELL FOR BUSINESS RELATIONSHIPS! 4 AUGUST 2020

Disputes are inevitable in commercial life. The key is to properly manage and resolve them in a fair and efficient manner. For this joint webinar, SCMA and ICS Singapore brought together representatives from ship and cargo owners, and the legal industry, to discuss how arbitration can help parties resolve disputes amicably and maintain commercial relationships.



Opening remarks by:

- **Capt. Subhangshu Dutt**, Chairman, ICS Singapore Branch

Panelists:

- **Jaimie McBain**, Director, Oldendorff Carriers (Singapore) Pte Ltd & Member of SCMA Users Council
- **Capt. Jaspreet Chhabra**, Global Freight Operations Manager, Louis Dreyfus Company Freight Asia Pte Ltd & ICS Singapore Exco Member
- **John Simpson**, Partner, Stephenson Harwood (Singapore) Alliance & Director, SCMA
- **Prem Gurbani**, Arbitrator, Mediator and Counsel & Panel Arbitrator of SCMA

Moderator:

- **Punit Oza**, Executive Director, SCMA & Vice-Chairman, ICS Singapore Branch

### INTERCONNECTIVITY BETWEEN TRADE AND MARITIME LAW 6 OCTOBER 2020

For this jointly organised webinar, SCMA and Aarna ADR brought together experienced dispute resolution counsel and maritime practitioners for a lively discussion on recent issues that highlight the interplay between trade, maritime and insolvency law. Speakers addressed how trade complications due to COVID-19 have impacted the maritime industry by broadly covering various topics including breach of shipping contracts on account of COVID-19 and other factors; delay in cargo operations and its impact on financing documents issued by banks; and the impact of insolvency proceedings involving vessel owners and its cross-jurisdiction implications.



Opening remarks by:

- **Punit Oza**, Executive Director, SCMA

Panelists:

- **Su Yin Anand**, Legal Counsel, South32 Marketing Pte Ltd; Member of SCMA Users Council
- **Jainil Bhandari**, Partner, Rajah & Tann Singapore
- **Chua Beng Chye**, Partner, Rajah & Tann Singapore
- **Ashwin Shanker**, Partner, Law Chambers of George A Rebello

Moderator:

- **Kamala Naganand**, Advocate, Mediator, Managing Partner, Aarna Law; Mediator, Aarna ADR

## NEW SERIES: QUARTERLY LEGAL & COMMERCIAL PERSPECTIVES

Often times, in shipping companies, legal implications of cases are not fed back to commercial departments. In order to proactively resolve this issue, SCMA and Institute of Chartered Shipbrokers (ICS) Singapore Branch will be hosting a quarterly series of Legal & Commercial Perspectives which will look at recently decided maritime-related cases and present both their commercial & legal implications.



In the first session held on 26 November 2020, there was an enlightening discussion from legal experts whose firms were directly involved in the cases along with commercial experts that have extensive industry experience.

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### Cases which were discussed:

#### (1) **Enka Insaat Ve Sanayi AS (Respondent) v OOO Insurance Company Chubb (Appellant)** [2020] UKSC 38

- Issue: Determining the law governing an arbitration agreement in absence of an express choice.

#### (2) **SAR Maritime Agencies (Pvt) Ltd v PCL (Shipping) Pte Ltd** [2020] SGCA 23

- Issue: When is a broker entitled to commission under a brokerage agreement? Determining “Effective Cause”.

#### (3) **K Line Pte Ltd v Priminds Shipping (HK) Co., Ltd. Eternal Bliss** [2020] EWHC 2373 (Comm)

- Issue: Whether a ship owner can claim damages in addition to demurrage where the only breach is a failure to comply with the laytime allowed.
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### Opening remarks by:

- **Tan Beng Tee**, Executive Director, Singapore Maritime Foundation; Honorary Fellow, Institute of Chartered Shipbrokers

### Panelist that shared the legal perspective on case 1:

- **Karnan Thirupathy**, Partner, Kennedys Legal Solutions; Member, SCMA Procedure Committee

### Panelist that shared the legal perspective on case 2:

- **Jason Chan**, SC, Partner, Allen & Gledhill

### Panelist that shared the legal perspective on case 3:

- **Steffen Pedersen**, Partner, Penningtons Manches Cooper Singapore LLP; Member, SCMA Procedure & Promotion Committees; Panel Arbitrator of SCMA

### Panelists that shared commercial perspectives:

- **Punit Oza**, Executive Director, SCMA; Vice-Chairman, ICS Singapore Branch; Director, Klaveness Asia Pte Ltd
- **Capt. Subhangshu Dutt**, Chairman, ICS Singapore Branch; Director, Om Maritime Pte Ltd



## **HALLIBURTON V CHUBB: IMPLICATIONS FOR INTERNATIONAL MARITIME AND COMMERCIAL ARBITRATION** **22 DECEMBER 2020**

How far does an arbitrator need to go in disclosing appointments in multiple references, concerning similar subject matter, where a common party is involved?

In December 2019, SCMA held an evening talk on the Duty of Disclosure in relation to the Court of Appeal decision in *Halliburton v Chubb*. That decision was appealed to the Supreme Court and the long-awaited judgment was handed down on 27 November 2020. With this event, SCMA returned to the fore and brought to the community the voices of some of the highly regarded counsel that appeared at the appeal.

In this event, the implications of the English Supreme Court decision on international commercial arbitration with a particular focus on maritime disputes were looked at.

### *Panelists:*

- **The Hon. Sir Bernard Eder**, International Arbitrator, 24 Lincoln's Inn Fields; International Judge, SICC
- **Christopher Smith QC**, Barrister, Essex Court Chambers ([Counsel for GAFTA](#))
- **Charles Kimmins QC**, Barrister, Twenty Essex ([Counsel for LCIA](#))

### *Moderator:*

- **Lawrence Teh**, Senior Partner, Dentons Rodyk; Chairman, SCMA Promotion Committee



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*I am pleased that SCMA has built up a repository of recordings that members and the public can refer to. I hope that all of our webinars have been informative and enlightening, and would like to thank all of our esteemed speakers who have participated and provided valuable insights.*

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**- Punit Oza, Executive Director, SCMA**

## 21st Annual International Maritime Law Arbitration Moot 2020

*SCMA was pleased to continue supporting and sponsoring the Annual International Maritime Law Arbitration Moot (IMLAM) competition.*

In 2020, SCMA sponsored two of the 'Merit' awards for the memoranda part of the 21st Annual IMLAM competition 2020 organised by the Murdoch University School of Law. SCMA has been a supporter and sponsor of the IMLAM competition since 2018 and was glad to have continued championing it in 2020 so as to cultivate interest in international arbitration and maritime law among lawyers of the future.

The 2020 competition was due to be hosted at the School of Law, Singapore Management University, Singapore in July 2020. Due to COVID-19, the oral rounds were cancelled for 2020. Nevertheless, the memoranda part of the competition continued. There were two overall memo awards (best and runners-up) along with four 'Merit' awards to be won.

A total of 21 teams of law students from universities all over the world, including the National University of Singapore and the Singapore Management University, prepared memos for judging by an international panel of maritime lawyers and academics.

SCMA recognises the hard work and efforts put in by each of the 21 teams, and heartily congratulates all winners and runners up!

The winner and runners up were:

- University of Sydney – Winner of the Best Overall Written Memorandum
- Singapore Management University – Winner of the Runner Up Best Overall Written Memorandum

And the winners of the four Merit Awards were:

- University of Hamburg
- Erasmus University
- Murdoch University
- University of Hong Kong

To view the announcement on the results, please click [here](#).



**Photos of the Murdoch University and the University of Hong Kong Teams with the Merit Award plaques sponsored by SCMA**



1 JUN

## Launch of SCMA Local Users Council

The Local Users Council comprises accomplished members who are influencers and decision makers from various sectors of the maritime industry in Singapore. Click [here](#) to view the list.

15 JUN

## SCMA 2020 Annual General Meeting

Due to COVID-19-related social distancing measures, the AGM was held virtually on Zoom. The AGM was successful and well-attended.

16 JUN

## Launch of SCMA Public Consultation

The maritime arbitration scene is constantly evolving. In order to remain relevant, it is important to review and update the SCMA Rules from time to time. The Public Consultation was launched to gather feedback and comments on the possible amendments.

17 AUG

## Launch of complimentary SCMA Student Membership

SCMA welcomes tertiary students around the globe pursuing courses relating to the Maritime, Trade & Legal professions to sign up for complimentary student membership. Scan the QR code to enrol!



Student

28 AUG

## Signing of Memorandum of Understanding (MOU) with the Guangzhou Arbitration Commission (GZAC)



The MOU was signed during a virtual ceremony by Justice Chao Hick Tin, Chairman of SCMA, and Mr Chen Simin, Chairman of GZAC. Click [here](#) for more information.

21 SEPT

## Launch of SCMA-BIMCO Law & Arbitration Clause 2020

The SCMA-BIMCO Law & Arbitration Clause 2020 was adopted by the BIMCO Documentary Committee in September 2020.

30 SEPT

## Close of SCMA Public Consultation

The SCMA would like to extend our appreciation and thanks to all parties who participated in the SCMA Public Consultation.

6 OCT

## SCMA launches Specimen Directions for Virtual Hearings

Key points in the specimen directions include the platform of hearing, how the hearing will be conducted and where necessary, how electronic hearing bundles might be organised.

27 OCT

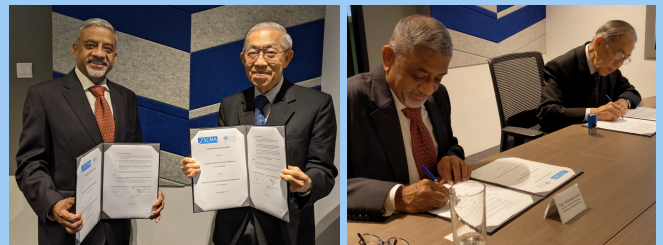
## Launch of SCMA's official WeChat account (WeChat ID: SCMA新加坡)

If you have a WeChat account, do follow us by scanning the QR code!



6 NOV

## Signing of Memorandum of Understanding (MOU) with the Institute of Chartered Shipbrokers (Singapore Branch)



The MOU was signed by Justice Chao Hick Tin, Chairman of SCMA, and Captain Subhangshu Dutt, Chairman of ICS Singapore. Click [here](#) for more information.



## DIGITISATION AT SCMA

SCMA has made it easier for users to access SCMA Model Clauses as well as notify SCMA of arbitrations through QR codes.



Scan this QR code to access SCMA Model Clauses



Clauses



Scan this QR code to access a form to notify SCMA of arbitrations



E-Arb Notify



**Launch of the 4th edition of SCMA Arbitration Rules**

In 2021, the 4th edition of SCMA Arbitration Rules will be launched. The updates seek to refresh the SCMA Rules to ensure they remain relevant and attractive, and to reinforce the cost efficiency of using SCMA Rules to resolve maritime dispute resolution.



**SCMA-SI Arb Maritime Arbitrator Accreditation Programme (MAAP)**

SCMA will launch the SCMA-SI Arb Maritime Arbitrator Accreditation Programme (MAAP) in 2021. The programme aims to promote and improve the standards, skills and expertise of arbitrators.



**MOCK ARBITRATION**

In collaboration with the Singapore Academy of Law, the Baltic Exchange and Maxwell Chambers, SCMA plans to hold a mock arbitration, in a hybrid format, to provide attendees with a practical understanding of hybrid arbitration hearings.



**SCMA CONFERENCE**

The SCMA conference, one of SCMA's flagship events will be held in 2021. Since its first edition in 2011, the SCMA conference assembles captains of industry and thought leaders in maritime arbitration to deliberate pressing issues of the day. Details of the conference will be unveiled in due course.



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