



**SINGAPORE  
CONVENTION  
ON MEDIATION**

6 - 7 AUGUST 2019  
SHANGRI-LA HOTEL,  
SINGAPORE

CO-ORGANISED BY:



**United Nations  
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## **SINGAPORE CONVENTION ON MEDIATION** **PANEL SESSION REPORT**

**Title of Panel:** Multilateralism, International Collaboration and Rule of Law in an Evolving World

**Date/Time:** 7 August 2019, 11.00 am

**Venue:** Island Ballroom, Shangri-La Hotel, Singapore

### **Speakers:**

- Dr Marty NATALEGAWA, Former Minister for Foreign Affairs, Indonesia (“**Dr Natalegawa**”)
- Mr Dilhan Pillay SANDRASEGARA, CEO, Temasek International Pte Ltd (“**Mr Sandrasegara**”)
- The Honourable Judge XUE Hanqin, Vice-President, International Court of Justice (“**Judge Xue**”)

### **Moderator:**

- Professor Tommy KOH, Ambassador-at-Large, Ministry of Foreign Affairs, Singapore and Professor of Law, National University of Singapore (“**Prof Koh**”)

### **Report on Panel**

#### **Main Themes**

Prof Tommy Koh opened the session by asking what kind of world we want to live in. He posited a simple answer: a world governed by the rule of law and principles. Prof Koh congratulated the United Nations, and UNCITRAL in particular, for their significant contribution to the harmonisation and modernisation of international trade law. He also acknowledged the important role played by the Republic of Singapore, and notably by Ms Natalie Morris-Sharma, in facilitating the adoption of the *United Nations Convention on International Settlement Agreements Resulting from Mediation* (the “Singapore Convention”).

Prof Koh observed that, in the wake of today’s disruptions, the virtues of multilateralism and international cooperation were under threat by unilateralism and ultra-nationalism. In that context, he opened the floor for the panel to discuss multilateralism, international collaboration and the rule of law from three distinct perspectives: the judiciary (Judge Xue), diplomatic relations (Dr Natalegawa) and the private sector (Mr Sandrasegara).

#### **Arguments**

Judge Xue began by outlining challenges that the existing multilateral legal system faced. These included difficulties that confronted major powers in their domestic and international decision-making processes, notably due to a crisis of conservatism amongst other political and economic trends. Judge Xue also observed that the collective rise of the South, and Asia in particular, had become the new driving force for multilateralism and free trade. This has had an impact on the balance of power in international political and economic relations.

Judge Xue noted that international collaboration was important in the current era of interdependency between States, particularly on issues such as climate change, cybercrime, terrorism and technological advances. All countries shared a common destiny and international law had to reflect the common

aspirations of States, people and societies as a whole. The international legal system based on the United Nations Charter and international law was the cornerstone of international relations, the maintenance of international peace and security, the promotion of economic stability and prosperity, and the peaceful settlement of international disputes.

Judge Xue noted that developing countries had also made remarkable contributions to the progress of international law, in a political, economic and social legal order that was primarily driven by the western world. As the global system had experienced a diffusion of power, preferences, ideas and values, countries should support multilateralism, international law and the rule of law to sustain international order and promote respect, equity, trust and justice to the benefit of all.

Dr Natalegawa advocated for multilateralism where nations faced issues that defied national resolution. It was in the national interest of States to favour multilateral cooperation and a holistic, comprehensive approach, since that empowered and strengthened a collaborative partnership that benefited the national interests of States.

Dr Natalegawa stated that mediation was a critical aspect of managing differences and saluted the efforts of the Singapore Convention Signatory States to strike a balance and create synergies between national, regional and global considerations, in the political, economic, social and legal domains. He cited ASEAN and Asia's transformation as examples of this multilateral approach. Prof Koh acknowledged the Asian States' contributions to maintaining peace in this region, using a non-adversarial approach, in the spirit of the Singapore Convention.

Mr Sandrasegara discussed how the world, including businesses, benefitted from multilateralism and globalization, and how private entities had to play a positive role in solving current international challenges for the benefit of all communities.

Mr Sandrasegara noted that national policy considerations were proliferating in an increasingly virtual and interconnected world driven by technology, artificial intelligence and data. Important issues such as data governance and ethics can only be resolved satisfactorily through multilateral action. He also considered that the business community had to play a greater role in the protection of the environment given the impact of climate change on all countries. The private sector had a duty to act responsibly and respect sustainable development for the benefit of global communities and future generations. He concluded that multilateralism worked best when the private and public sectors came together for solutions that supported sustainable development.

Mr Sandrasegara reiterated that the rule of law was fundamental to businesses since certainty that rules would be enforced impartially ensured predictability for investors. He noted that mediation could help to resolve differences while preserving relationships, in our interconnected world.

Responding to questions from the audience, the panel recalled that Article 33 of the United Nations Charter provided parties to an international dispute with the freedom to choose amongst various means for peaceful settlement, including mediation. The panellists indicated that mediation strengthened the prospect of peaceful settlement. The panellists did not believe there to be an increased risk of competition between mediation, arbitration and litigation. To the contrary, the mechanisms could complement each other and function together.



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As for the prevention of international disputes, the panellists agreed that understanding the other party and appreciating cultural sensitivities were essential. They also underscored the virtue of mediation in preserving relationships between two disputing parties, or at least enhancing the probability of preserving such relationships.

### **Conclusion**

Prof Koh concluded the panel by noting the broad consensus that law must govern the challenges faced by the globalised world today. Solutions had to come from multilateral partnerships and international cooperation. The Singapore Convention completes an existing framework of international texts to promote and facilitate enforcement on a global scale. The Singapore Convention also offers an opportunity to celebrate the role of the rule of law in strengthening international cooperation and multilateralism.

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**Date:** 13 August 2019