

# Legislative Developments relating to Treaties

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# Hague Convention on Choice of Court Agreements (2005)

## Aims of the Convention

- **Exclusive choice of court agreements** in favour of courts of Contracting States are effectively enforced
- **Judgments rendered** by the chosen courts are recognised and enforced in the other Contracting States

## Benefits for Singapore

- Strengthens Singapore's position as a **dispute resolution forum**
- Contracting States obliged to recognise and enforce:
  - exclusive choice of court agreements that **specify Singapore as forum**
  - Singapore court judgments, including **SICC judgements**

## Recent developments

- Currently **30 states** are party to Convention
  - China signed Convention in September 2017
- **Harmonisation** of the recognition and enforcement of foreign judgment rules in Asia  
“not a pipe dream” (Adeline Chong, Asian Business Law Institute)

# Civil Law (Amendment) Bill and Mediation Bill (2017)

## Civil Law (Amendment) Bill

- Allows **third-party funding** to finance international commercial arbitration, in line with other major arbitration centres

## Mediation Bill

- Inspired by UNCITRAL Model Law on International Commercial Conciliation
- Provides **statutory support** for international commercial mediation
  - Beefs up **enforcement of mediated settlements**

**Both Bills bolster Singapore's position as a dispute resolution hub.**

# UN International Convention for the Suppression of Acts of Nuclear Terrorism (2005)

## Aim of the Convention

- **Prevent nuclear terrorism** by criminalising related acts

## Related developments in Singapore

- Treaty on the Prohibition of Nuclear Weapons (TPNW) (July 2017)
- Terrorism (Suppression of Misuse of Radioactive Material) Act (Aug 2017)
  - **Mandatory death penalty** imposed for fatal terrorist acts, including extra-territorial acts

# Prevention on the Pollution of the Sea (Amendment) Bill (2017)

## Background of the Bill

- International Convention for the Prevention of Pollution from Ships (1973) and related Protocol (1978)
- International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004)
- Other marine environment protection agreements
  - e.g. Biodiversity Beyond National Jurisdiction

## Recent developments in Singapore

- Prevention of Pollution of the Sea Act adopted in 1991
- 2017 amendments to the Act focus on **managing ballast water and safe disposal of sediments**
  - **Increasing penalties** for pollution
  - MPA empowered to make subsidiary legislation

# Human rights treaty developments (2017)

## Convention on the Rights of the Child (1989)

- Singapore's periodic report to Committee on the Rights of the Child
- Benjamin Lim case
  - Launch of **Appropriate Adult (AA) Scheme** for minors

## Convention on the Elimination of All Forms of Discrimination against Women (1979)

- Singapore NGOs' first participation in CEDAW reporting cycle
- CEDAW held not relevant to housing for unwed moms
  - Parliamentary petition in September 2017

## International Convention on the Elimination of All Forms of Racial Discrimination

- Singapore ratified the Convention in Nov 2007
- Made reservations/declaration in relation to Art.2,6 & 22
- Public consultations on SG's first State Party Report in 2018