

**UNCITRAL Working Group III
6th Intersessional Meeting, Singapore
Session 2: Structure, Scope & Governance of a Standing ISDS Mechanism**

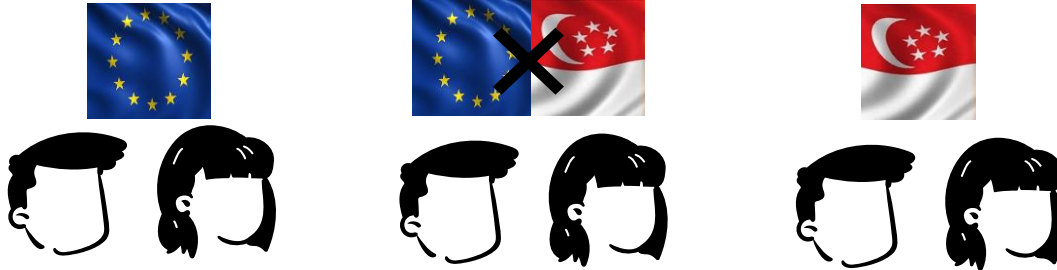
***Singapore's experience developing the
European Union – Singapore
Investment Protection Agreement***

**Chin Heng Ong
7 September 2023**



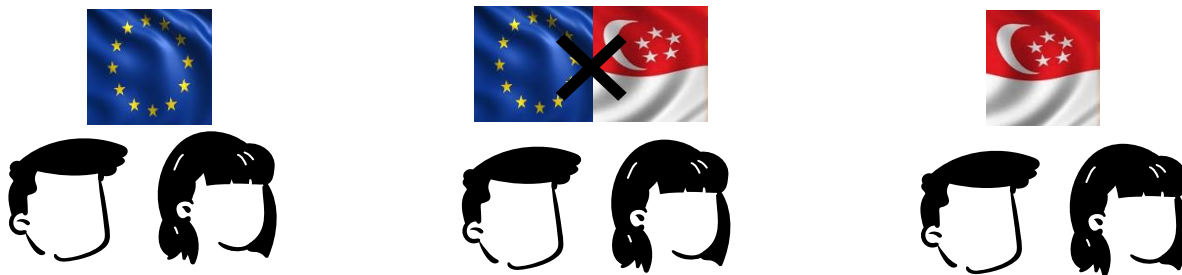
Structure

Appellate Tribunal



**1 President and 1 Vice-President; 2 Divisions of 3 Members each
8-year renewable terms; Monthly Retainer fee (anticipated to be EUR 7000 per member)**

First Instance Tribunal

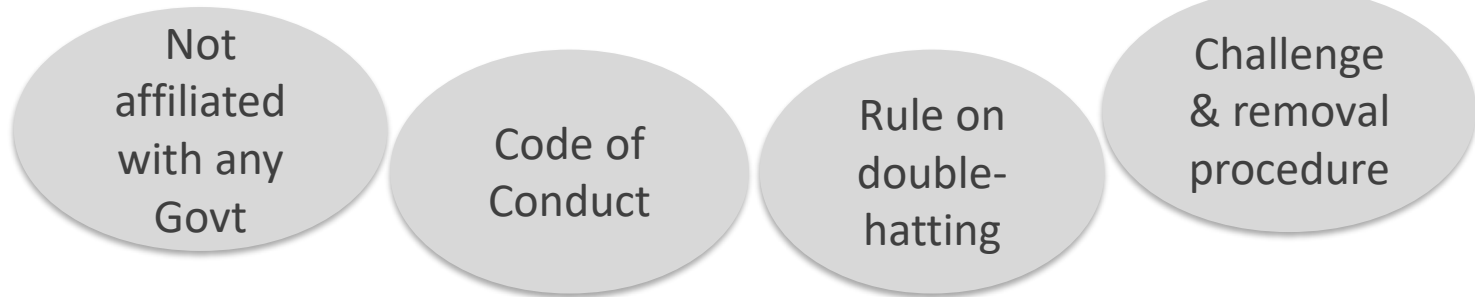


**1 President and 1 Vice-President; 2 Divisions of 3 Members each
8-year renewable terms; Monthly Retainer fee (anticipated to be EUR 2000 per member)**

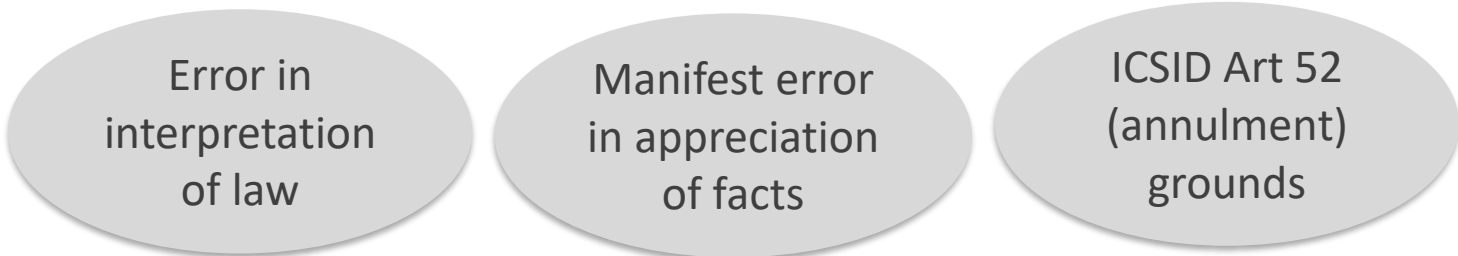
Total projected cost: ~ EUR 650,000 per year

Governance, Scope and Operation

Ethics & Conduct



Scope (of Appeal)



ICSID Sec acts as Secretariat

Key provisions: Terminology

Article 3.22(5)

5. For the purposes of Article I of the New York Convention, final awards issued pursuant to this Section are arbitral awards relating to claims that are considered to arise out of a commercial relationship or transaction.

Article 3.9

ARTICLE 3.9

Tribunal of First Instance

Key provisions: Effect of Appeal

Article 3.19(3)

3 If the Appeal Tribunal upholds the appeal, it shall modify or reverse the legal findings and conclusions in the provisional award in whole or in part. The Appeal Tribunal shall refer the matter back to the Tribunal, specifying precisely how it has modified or reversed the relevant findings and conclusions of the Tribunal. The Tribunal shall be bound by the findings and conclusions of the Appeal Tribunal and, after hearing the disputing parties, if appropriate, shall revise its provisional award accordingly. The Tribunal shall seek to issue its revised award within 90 days of the referral of the matter back to it.

Key provisions: Recognition and Enforcement (1)

Article 3.22(1)

1. An award rendered pursuant to this section shall not be enforceable until it has become final pursuant to Articles 3.18(4) (Award), 3.19(2) (Appeal Procedure), or 3.19(3) (Appeal Procedure). Final awards issued pursuant to this Section by the Tribunal shall be binding between the disputing parties and shall not be set aside, subject to appeal, review, annulment or any other remedy.¹

Article 3.22(2)

2. Each Party shall recognise an award rendered pursuant to this Agreement as binding and enforce the pecuniary obligation within its territory as if it were a final judgement of a court in that Party.

Key provisions: Recognition and Enforcement (2)

Article 3.22(6)

6. For greater certainty, and subject to paragraph 1, where a claim has been submitted to dispute settlement pursuant to Article 3.6(1)(a) (Submission of Claims to the Tribunal), a final award issued pursuant to this Section shall qualify as an award under Section 6 of Chapter IV of the ICSID Convention.