

## New Mediation Convention Approved

On 26 June final drafts for a Convention on the Enforcement of Mediation Settlements and accompanying Model Law were approved at the 51st session of the United Nations Commission on International Trade Law (UNCITRAL). These drafts will be submitted to the Commission for adoption later in 2018.

The Convention is to be named the *Singapore Mediation Convention* and will be signed at a ceremony in Singapore in 2019. The Convention must then be ratified by at least three member states to come into force.

This achievement is the culmination of three years of debate by UNCITRAL Working Group II with participation by 85 Member States and 35 Intergovernmental and Non-Governmental Organisations. The aim of this project is to formulate and implement an international framework for the enforcement of mediated settlements, akin to the New York Convention, for the enforcement of arbitral awards.

The initiative stems from a concern that the use of mediation to resolve international disputes has been impeded by the fact that, unless a settlement reached via mediation is in the context of a pending arbitration and can be converted into an arbitral award, parties can only enforce it in the same way as any other contract. In an international context, this can involve potentially difficult processes to obtain a court judgment and then enforce it in a foreign jurisdiction.

While problems with the enforcement of mediated settlements are rare, it is hoped such an enforcement regime will increase confidence in mediation among international litigants and further proliferate the well-established benefits of reducing cost and time spent in dispute.

James South, CEDR Managing Director comments:

*“CEDR has been involved in various stages of the discussions of this working group and see this convention as an important step forward for the development of mediation internationally. Once ratified and in force, it will provide certainty to parties from different jurisdictions that whatever they agree by way of mediated settlement, will be able to be enforced, through the relevant court.”*