

**The Energy Community
Dispute Resolution Forum
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**Let's talk: The future of energy dispute
resolution**

**The United Nations Convention on International
Settlement Agreements Resulting from Mediation
("Singapore Convention on Mediation")**

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The Singapore Convention on Mediation: Key elements

- An innovative approach to define an “international” settlement agreements (art. 1):
 - Not the place where the agreement was entered (as in the New York Convention) but the parties having their places of business in different States;
 - Could even apply to a domestic situation if the State in which the parties are located is not where a substantial part of the obligations is performed is not the State with which the subject matter of the settlement agreement is most closely connected

The Singapore Convention on Mediation: Exclusions

- **The Convention does not apply to agreements to settle in consumer disputes or relating to family, inheritance or employment law**
- **The Convention does not apply to:**
 - **(a) Settlement agreements that have been approved by a court or concluded in the course of proceedings before a court and are enforceable as a judgment in the State of that court;**
 - **(b) Settlement agreements that have been recorded and are enforceable as an arbitral award.**

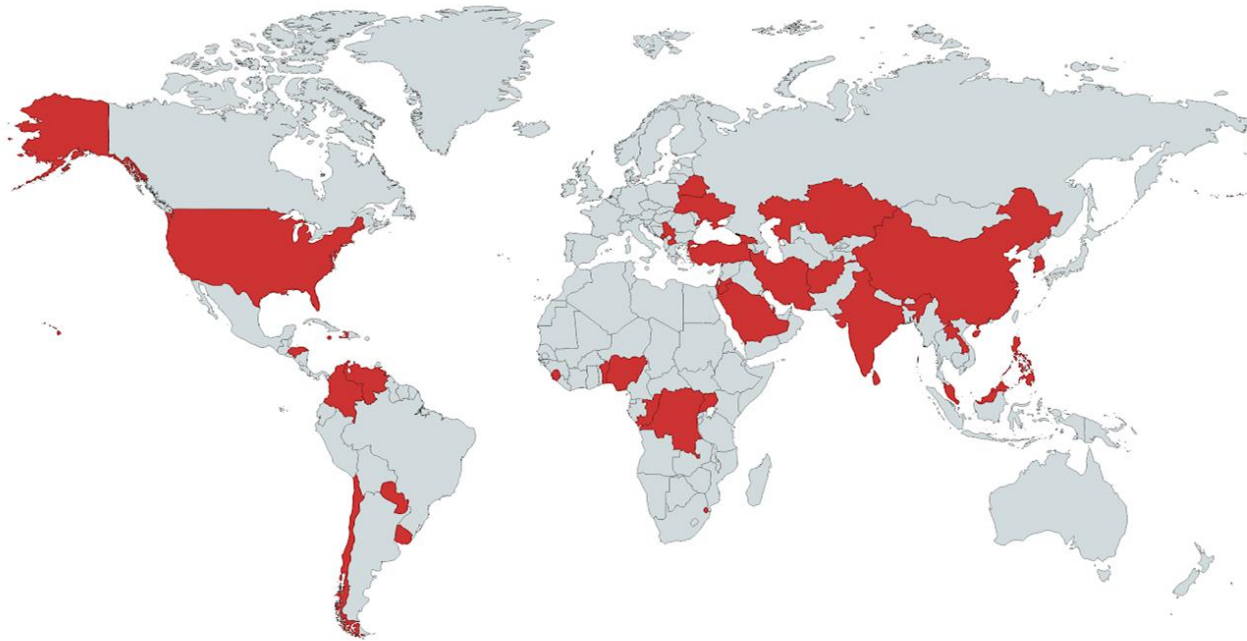
The Singapore Convention on Mediation: Enforcement

- **States Parties undertake to “enforce” settlement agreements (no reference to “recognition”) and give it evidentiary effect (art. 3).**
- **Grounds for refusal adapted from art. V of the New York Convention, with a few additions:**
 - **the obligations have been performed or are unclear;**
 - **enforcement would be contrary to the terms of the settlement agreement;**
 - **there was a serious breach by the mediator of ethical standards applicable to the mediator or undisclosed circumstances raising justifiable doubts as to the mediator’s impartiality or independence**

The Singapore Convention on Mediation: Reservations

- **A State may:**
 - **exclude settlement agreements entered into by governmental agencies or any person acting on behalf of a governmental agency is a party; or**
 - **apply the Convention only to the extent agreed to by the parties to the settlement agreement**

The Singapore Convention on Mediation: Signatories



- Afghanistan
- Albania
- Argentina
- Australia
- Austria
- Azerbaijan
- Bahrain
- Bangladesh
- Belarus
- Belgium
- Benin
- Brunei
- Bulgaria
- Cambodia
- Canada
- Chile
- China
- Colombia
- Costa Rica
- Czech Republic
- Denmark
- Ecuador
- Egypt
- El Salvador
- Estonia
- Finland
- France
- Georgia
- Germany
- Greece
- Guatemala
- Honduras
- Hungary
- India
- Indonesia
- Iran
- Israel
- Italy
- Japan
- Jordan
- Kazakhstan
- Korea
- Kuwait
- Kyrgyzstan
- Laos
- Lebanon
- Lithuania
- Luxembourg
- Malaysia
- Maldives
- Mauritius
- Mexico
- Montenegro
- Morocco
- Myanmar
- Nepal
- Netherlands
- New Zealand
- Nigeria
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Panama
- Paraguay
- Peru
- Philippines
- Qatar
- Republic of Korea
- Republic of Moldova
- Romania
- Saudi Arabia
- Serbia
- Singapore
- Slovakia
- Slovenia
- South Africa
- South Korea
- Sri Lanka
- Sweden
- Switzerland
- Taiwan
- Thailand
- Timor-Leste
- Turkey
- Uganda
- Ukraine
- United States of America
- Uruguay
- Venezuela