

International Commercial Mediation in the Context of the Singapore Convention

Abstract

The thesis deals with the topic of mediation in private international law, focusing on the enforceability of mediation agreements arising from international commercial disputes. The thesis is focused on the Singapore Convention, which was signed in August 2019, and marginally on the related UNCITRAL Model Law on Mediation. Although the success of the Singapore Convention will depend largely on the political actions and motivations of individual states, in order for it to be used by private actors, an analysis of the construction of the international norm in question is necessary. The aim of this work is to answer the question whether the regulation of mediation in international commercial law has its justifiable importance. In order to answer this question, the an analysis of the current legislative framework and the conditions for the performance of mediation agreements in international conventions and other international source sis performed, in relation to the EU and the Czech law. At the same time, unclear issues of the legislation in question are highlighted, also with regard to the transposition of EU regulations into Czech legislation, and possible ways of bridging them. A comparison of the sources of legislation of the individual EU regulations and the Czech Republic is made, the scope of the Singapore Convention and its similarities and differences from the EU and Czech legislation are analysed as well. In connection with the scope of the Singapore Convention and the fact that regional entities may also accede to it, the question is also examined as to what would be the consequence of the adoption of the Singapore Convention (1) only by the EU and (2) only by the Czech Republic or (3) first by the Czech Republic and then by the EU. Finally, the possible grounds for invalidity of a mediation agreement are considered and an analysis is made of the grounds on which mediation agreements can be allowed to be enforced under the different legal levels examined - the Singapore Convention, the EU and the Czech regulation – and on what grounds enforcement can be denied.

Klíčová slova: commercial mediation, Singapore Convention, direct enforcement