

INTERNATIONAL ENFORCEABILITY OF MEDIATED SETTLEMENT AGREEMENTS: DEVELOPING THE CONCEPTUAL FRAMEWORK

*Laurence Boulle**

ABSTRACT

This article outlines some of the key definitional, conceptual and policy issues relating to the enforcement of cross-border mediated settlement agreements. Key definitional questions are raised in relation to the scope of the project, and reference is made to other modalities of and interventions in dispute resolution systems other than mediation, before considering the different models of mediation itself. A short case scenario highlights these issues. There is then consideration of the concepts of “enforcement” and “cross-border”, followed by an analysis of the competing policy considerations relating to enforcement across borders. In the concluding section it highlights the relevance of the current project in terms of the need for certainty and final in cross-border dispute resolution.

KEYWORDS: *mediation, cross-border, enforcement, policy considerations*

* Professor of Law, Thomas More Law School, Australian Catholic University, Sydney; Chair, Mediator Standards Board, Australia; Fellow, LEADR 2014-2015. The author can be reached at Laurence.Boulle@acu.edu.au.