

BELARUS IS A PARTY TO THE SINGAPORE CONVENTION

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Generally, mediation is a structured, interactive process where an impartial third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques. Mediation is a "party-centered" process in that it is focused primarily upon the needs, rights, and interests of the parties. The mediator uses a wide variety of techniques to guide the process in a constructive direction and to help the parties find their optimal solution.

The activity of mediation appeared in very ancient times. The practice developed in Ancient Greece.

Now mediation is a form of professional service, and mediators are professionally trained for mediation.

Mediation, as used in law, is a form of alternative dispute resolution resolving disputes between two or more parties with concrete effects. Typically, a third party, the mediator, assists the parties to negotiate a settlement. Disputants may mediate disputes in a variety of domains, such as commercial, legal, diplomatic, workplace, community, and family matters.

The commercial domain remains the most common application of mediation, as measured by number of mediators and the total exchanged value. The result of business mediation is typically a bilateral contract.

Mediation provides the opportunity for parties to agree terms and resolve issues by themselves, without the need for legal representation or court hearings.

Nowadays, recourse to court remains the most popular form protection of violated rights in many countries. The court, as the supreme body of justice is not always optimal form resolution of the conflict for the parties to the dispute. Trial in court entails considerable legal costs, withdrawal a huge amount of money which is a matter of dispute from the money turnover and also can damage business and personal relationships of the parties.

Adopted in December 2018, the United Nations Convention on International Settlement Agreements resulting from Mediation, also known as the "Singapore Convention on Mediation" (the "Convention") applies to international settlement agreements resulting from mediation ("settlement agreement"). It establishes a harmonized legal framework for the right to invoke settlement agreements as well as for their enforcement.

The Convention is an instrument for the facilitation of international trade and the promotion of mediation as an alternative and effective method of resolving trade disputes. Being a binding international instrument, it is expected to bring certainty and stability to the international framework on mediation.

Meditation is important as one of the methods of peaceful settlement of disputes arising in the context of international commercial relations. The adoption of the convention on international settlement agreements reached as a result of mediation, acceptable to States with different legal, social and economic systems, complements the

existing legal framework for international mediation and promotes the development of harmonious international economic relations.

Belarus has ratified Singapore Convention on Mediation. Belarus is a party to the Singapore Convention. The Convention entered into force on 15.01.2021 for Belarus.

Article 1 provides that the Convention applies to international settlement agreements resulting from mediation, concluded in writing by parties to resolve a commercial dispute. Article 1 also lists the exclusions from the scope of the Convention, namely, settlement agreements concluded by a consumer for personal, family or household purposes, or relating to family, inheritance or employment law [1]. A settlement agreement that is enforceable as a judgment or as an arbitral award is also excluded from the scope of the Convention in order to avoid possible overlap with existing and future conventions, namely the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), the Convention on Choice of Court Agreements (2005) and the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019).

Further, Article 3 addresses the key obligations of the Parties to the Convention with respect to both enforcement of settlement agreements and the right of a disputing party to invoke a settlement agreement covered by the Convention. Each Party to the Convention may determine the procedural mechanisms that may be followed where the Convention does not prescribe any requirement. Article 4 covers the formalities for relying on a settlement agreement, namely, the disputing party shall supply to the competent authority the settlement agreement signed by them and evidence that the settlement agreement results from mediation. The competent authority may require any necessary document in order to verify that the requirements of the Convention are complied with [1].

The Convention is consistent with the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements resulting from Mediation (2018). This approach is intended to provide States with the flexibility to adopt either the Convention, the Model Law as a standalone text or both the Convention and the Model Law as complementary instruments of a comprehensive legal framework on mediation.

Belarus is interested in improving the mediation system by increasing transparency, simplifying procedures and reducing financial costs for the parties. The Ministry of Justice of Belarus has developed a plan for the comprehensive improvement of the legislation necessary for the implementation of the signed convention.

LITERATURE

1. United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018) (the "Singapore Convention on Mediation") // https://uncitral.un.org/en/texts/mediation/conventions/international_settlement_agreements. Date of access 24.02.2021