

EDUCATIONAL INSTITUTION "BELARUS STATE ECONOMIC  
UNIVERSITY"

APPROVED BY

Rector of Educational Institution  
Belarus State Economic University"

 A.V. Egorov

30.06 2025

Registration № 6414-25

**SETTLEMENT OF LEGAL CONFLICTS IN THE FIELD OF MEDIATION**

The Curriculum of the Educational Institution of Higher education in the academic  
discipline for the specialty:

7-06-0421-01 «Jurisprudence»

2025 г.

The Curriculum is based on the educational standard of advanced Higher education OSVO 7-06– 0421-01-2023 "Jurisprudence" (Specialization "Legal support of economic activity"), and the curriculum for the specialty 7-06– 0421-01 "Jurisprudence"

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REVIEWERS:

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RECOMMENDED FOR APPROVAL:

Department of Civil law disciplines of the Educational Institution "Belarus State Economic University "

(Protocol N. \_12\_ of 28 May 2025)

Methodological Commission on the specialties "Jurisprudence", "Jurisprudence" of the educational institution "Belarusian State University of Economics" (Protocol No. 10 dated 06/05/2025)

Scientific and methodological council of the Educational Institution "Belarus State Economic University"

(Protocol N. 6 of 25 06 2025)

## **EXPLANATORY NOTE**

### **The purpose and objectives of the academic discipline "Settlement of legal conflicts in the field of mediation"**

The purpose of this academic discipline is to acquire students' systematic knowledge of theoretical and practical problems of the settlement of legal conflicts in the field of mediation; the ability to identify trends in the development of legal regulation in the field of mediation; mastering the method of formal-legal method, method of comparative law, etc; acquiring the skills of scientific, pedagogical and research work in this field.

#### **Objectives of the academic discipline:**

1. • acquisition of theoretical knowledge about the specifics of mediation as one of the alternative ways to resolve legal disputes, the mastery of which has theoretical and practical significance for lawyers,

- mastering the principles of mediation,
- acquisition of knowledge about the specifics of mediation,
- acquisition of skills to find a mutually acceptable solution, taking into account the interests of the parties in conflict,
- acquisition of skills in drafting an agreement on the use of mediation,
- acquisition of skills in drafting a mediation agreement,
- acquisition of skills about the specifics of the implementation of a mediation agreement.

• to develop the ability to conduct a comprehensive analysis and generalization of the practice of mediation in cross-border cases and the ability to use the relevant results in professional activities.

Because of studying the discipline "Settlement of legal conflicts in the field of mediation" student should:

#### **To know:**

- The history of mediation development;
- Conflict resolution mechanism in mediation procedure and principles of mediation;
- advantages and disadvantages of mediation in relation to other methods of dispute resolution and settlement and other legal conflicts;
- Organization of mediators' activities;
- The role of the mediator in the mediation procedure;
- requirements for a mediator;
- The concept and content of the mediation agreement;
- Mediation procedure and its stages;
- Results of the mediation procedure;
- the concept and content of the mediation agreement;
- Features of out-of-court mediation;
- Conducting mediation in cases pending before a court of general jurisdiction;

- specifics of the execution of the mediation agreement concluded in the mediation procedure
- The procedure for recognizing and allowing the enforcement of international mediation agreements.

**Be able to:**

- to determine the mediability of disputes arising from civil law relations, including in connection with entrepreneurial and other economic activities;
- to draw up an agreement on the use of mediation;
- draw up a mediation agreement;
- analyze, from a legal point of view, the practical situations that arise in the settlement of disputes in mediation;
- Apply legislation governing the mediation procedure;
- Participate as participants in mediation at various stages of the mediation procedure.

**Have the skill to:**

- use terminology in the field of mediation;
- draft documents required for mediation;
- to realize the systematic and comparative analysis of regulatory legal acts on mediation..

As part of the educational process in this academic discipline, a master's student must acquire not only theoretical and practical knowledge, skills and abilities in his specialty, but also develop his value–personal, spiritual potential, form the qualities of a patriot and a citizen who is ready to actively participate in the economic, industrial, socio-cultural and social life of the country.

The discipline "Settlement of legal conflicts in the field of mediation" belongs to the module "Procedural aspects of protecting the rights of legal entities and individuals".

To study the academic discipline "Problems of international civil procedure", it is necessary to master the disciplines "Civil procedure", "Economic process", "Civil Law", "Family Law".

The form of education is full–time. According to the university's curriculum, the following academic disciplines are allocated: the total number of academic hours is 90, classroom hours are 36, of which lectures are 18 hours, and seminars are 18 hours. The distribution of classroom time by courses and semesters: 1 semester – lectures of 18 hours, seminars – 18 hours. The master's student's independent work is 54 hours. The labor intensity is 3 cu. The form of the intermediate certification is a set-off.

## **COURSE CONTENT**

### **TOPIC 1. THE CONCEPT AND MEANING OF MEDIATION. SOURCES OF LEGAL REGULATION OF MEDIATION**

Fundamentals of Legal Conflict. Causes, stages of development and possible options for resolving a legal dispute. History of the development of mediation as the method of alternative dispute resolution. The relationship of mediation with other fields of knowledge - conflict science, psychology, jurisprudence. Legal sources of mediation. The concept of mediation. Relationship of mediation to other means of dispute settlement and resolution. Advantages and disadvantages of dispute settlement in the mediation procedure in comparison with the court procedure, as well as with other methods of alternative dispute resolution.

### **TOPIC 2. NEGOTIATION AS THE BASIS OF THE MEDIATION PROCEDURE.**

Types of negotiations. Strategy and tactics of negotiation process. Positional trading. Negotiations based on interests. Stages of negotiations. Negotiations between the parties with the participation of the mediator.

### **TOPIC 3. THE BASIC PRINCIPLES OF MEDIATION.**

The principle of volunteerism. The principle of good faith. The principle of equality between the parties. Principle of cooperation between the parties. The principle of impartiality of the mediator. The principle of mediator independence. Principle of confidentiality. The principle of trust in the mediator. Types of mediation. Mediation in the resolution of certain categories of disputes.

### **TOPIC 4. MEDIATOR ROLE IN MEDIATION PROCEDURE**

Requirements for mediator. Functions of mediator in the mediation procedure. Professional ethics of the mediator. Organizations that provide mediation. State registration of mediation institutions, amendments and (or) additions made to their charter, registration of separate divisions of legal entities. Liquidation of institutions and termination of activities. The Register of Mediators and the Register of Organizations, which provide mediation procedure. Selection and assignment of mediator for mediation. Mediator reward.

### **TOPIC 5. AGREEMENT ON THE APPLICATION OF MEDIATION**

Form of the agreement on the application of mediation. Subjects of the agreement on the application of mediation. Contents of the agreement on the application of mediation. The impact of agreement on the application of mediation over the limitation period for the claim. Invalidity of the agreement on the application of mediation. Access to justice in connection with the conclusion of the agreement on the application of mediation.

## **TOPIC 6. MEDIATION PROCEDURE**

Rules for mediation. Mediation participants. Rights and obligations of the parties. Rights and duties of the mediator. Preparation for mediation.

Stages of mediation. The stage of the opening of mediation procedure (introductory word of the mediator). Stage of representation of the parties (examination of circumstances of a dispute and interests of the parties). Stage of the discussion of the parties on the elaboration of the agenda and questions for discussion. Individual conversation of the mediator with the parties. The stage of developing proposals for settlement of the dispute. The stage of preparation of the mediation agreement and its signing. Mediation completion stage. Confidentiality of information related to the mediation procedure.

## **TOPIC 7. MEDIATION AGREEMENT.**

The form of the mediation agreement, Content of the mediation agreement. Features of the procedure for execution of a mediation agreement.

## **TOPIC 8. MEDIATION IN INTERNATIONAL PRACTICE AND IN FOREIGN COUNTRIES.**

Application of mediation in international practice.

Experience of the Application of mediation in foreign countries.

# THE DISCIPLINE-DESIGNED THEMATIC CURRICULUM “SETTLEMENT OF LEGAL CONFLICTS IN THE FIELD OF MEDIATION”

Full-Time Mode of the In-depth Higher Education

No. of Unit, Topics	Title of Unit, Topic	The number of study hours							References	Knowledge control
		Lectures	Practical classes	Seminars	Lab classes	The number of hours for the independent study **				
						Lectures	Seminars	Lab classes		
1	2	3	4	5	6	7	8	9	11	12
1 term										
Topic 1	THE CONCEPT AND MEANING OF MEDIATION. SOURCES OF LEGAL REGULATION OF MEDIATION	4							[1, 2, 10, 11]	Oral interview discussion
	THE CONCEPT AND MEANING OF MEDIATION. SOURCES OF LEGAL REGULATION OF MEDIATION			2						
Topic 2	NEGOTIATION AS THE BASIS OF THE MEDIATION PROCEDURE.	2							[2, 10, 11]	Oral interview preparation paper
	NEGOTIATION AS THE BASIS OF THE MEDIATION PROCEDURE.			2						
Topic 3	THE BASIC PRINCIPLES OF MEDIATION	2							[2, 10, 11]	Oral interview discussion

										essay
	THE BASIC PRINCIPLES OF MEDIATION			2						
Topic 4	MEDIATOR ROLE IN MEDIATION PROCEDURE	2							[2, 9, 10, 11]	Oral interview discussion
	MEDIATOR ROLE IN MEDIATION PROCEDURE			2						
Topic 5	AGREEMENT ON THE APPLICATION OF MEDIATION	2							[2, 4, 5, 10, 11]	Oral interview discussion test
	AGREEMENT ON THE APPLICATION OF MEDIATION			2						
Topic 6	MEDIATION PROCEDURE	2							[2, 10, 11]	Oral interview discussion essay
	MEDIATION PROCEDURE			2						
Topic 7	MEDIATION AGREEMENT	2							[2, 10, 11]	Oral interview discussion test
	MEDIATION AGREEMENT		4							
Topic 8	MEDIATION IN INTERNATIONAL PRACTICE AND IN FOREIGN COUNTRIES	2							[3.4]	Oral interview Presentation papers
	MEDIATION IN INTERNATIONAL PRACTICE AND IN FOREIGN COUNTRIES		2							
<b>Total 1<sup>th</sup> term</b>			<b>18</b>		<b>20</b>					
<b>Total</b>			<b>18</b>		<b>20</b>					



## INFORMATION AND METHODOLOGICAL PART

### Literature

#### Main:

1. Zdrok, O. N. Mediation: a manual / O. N. Zdrok. – Minsk : Four Quarters, 2018. – 540 p.
2. Taranova, T.S. Fundamentals of alternative dispute resolution: a course of lectures / T.S. Taranova, N.I. Ivut, I.A. Belskaya. Minsk : BSEU, 2012. 110 p.

#### Additional information:

1. Promising development of the institute of mediation in the law of the Republic of Belarus / T.S.Taranova [et al.]; under the general editorship of prof. T.S. Taranova. Minsk: RISH, 2017. 180 p.
2. Kamen'kov, V.S. "On the importance of mediation principles in different countries" / V.S. Kamen'kov // Ilex information and legal portal [Electronic resource]. - Date of access: 05.05.2021.
3. What Is Mediation And How Does It Work? // <https://corporate.findlaw.com/litigation-disputes/what-is-mediation-and-how-does-it-work.html> [Electronic resource]. - Date of access: 05.05.2021

#### Legislative acts

1. The Constitution of the Republic of Belarus of 1994 (with amendments and additions adopted at the republican referendums on November 24, 1996 and October 17, 2004, February 27, 2022). – / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.
2. On improving the judicial system of the Republic of Belarus: Decree of the President of the Republic of Belarus, November 29, 2013, No. 6 // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.
3. The Civil Code of the Republic of Belarus: The Code of the Republic of Belarus, December 7. 1998, No. 218-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.
4. The Civil Procedure Code of the Republic of Belarus: The Code of the Republic of Belarus. Belarus, January 11, 1999, No. 238-3 // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.
5. The Economic Procedural Code of the Republic of Belarus: The Code of the Republic of Belarus, December 15. 1998, No. 219-Z: as amended. The Law of the Republic. Belarus, dated August 6, 2004, No. 314-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.
6. The Tax Code of the Republic of Belarus: The Code of the Republic of Belarus. Belarus, December 19. 2002, No. 166-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.

7. The Code of the Republic of Belarus on Marriage and Family: The Code of the Republic of Belarus, July 9, 1999, No. 278-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.

8. On mediation: The Law of the Republic of Belarus dated July 12, 2013 No. 58-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.

9. On the International Arbitration (Arbitration) Court: The Law of the Republic of Belarus. Belarus, July 9, 1999, No. 279-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.

10. On arbitration courts: The Law of the Republic of Belarus, July 18, 2011, No.301-Z // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Minsk, 2025.

11. Code of Civil Procedure of the Republic of Belarus: Code of the Republic of Belarus dated March 11, 2024 N 359-Z // National Legal Internet Portal of the Republic of Belarus, 03/26/2024, 2/3079. - Minsk, 2025.

12. On compliance with the Constitution of the Republic of Belarus of the Law of the Republic of Belarus "On Mediation": Decision of the Constitutional Court of the Republic of Belarus dated 08.07.2013 No. R-841/2013 // National Legal Internet Portal of the Republic of Belarus, 24.07.2013, 6/

13. On approval of the Rules of Mediation: Resolution of the Council of Ministers of the Republic of Belarus dated December 28, 2013 No. 1150 // National Legal Internet Portal of the Republic of Belarus, 05.01.2014, 5/38236

14. On some measures to implement the Law of the Republic of Belarus "On Mediation" (together with the "Regulations on the Qualification Commission for Mediation", "Instructions on the procedure for issuing and terminating a mediator's certificate", "Standard Rules of the organization providing mediation"): Resolution of the Council of Ministers of the Republic of Belarus dated 31.12.2013 No. 1184 // National Legal Internet Portal of the Republic of Belarus, 12.01.2014, 5/38275

15. On approval of the Rules of Ethics of the mediator: Resolution of the Ministry of Justice of the Republic of Belarus dated 17.01.2014 No. 15 // National Legal Internet Portal of the Republic of Belarus, 23.01.2014, 8/28273.

16. United Nations Convention on International Settlement Agreements Reached as a Result of Mediation (Concluded in Singapore on 07.08.2019) // National Legal Internet Portal Republic of Belarus, 07/03/2020, 3/3802

#### **Online sources:**

1. president.gov.by – the official website of the President of the Republic of Belarus.

2. government.gov.by – The Council of Ministers of the Republic of Belarus.

3. belarus.by – the official website of the Republic of Belarus

**TOPICS FOR ABSTRACT**  
**"SETTLEMENT OF LEGAL CONFLICTS IN THE FIELD OF**  
**MEDIATION"**

1. Alternative dispute resolution (general characteristic)
2. History of the development of mediation
3. Sources of mediation: international treaties and documents.
4. Sources of mediation: national legislation
5. National legislation on mediation in China
6. The concept and specific of mediation.
7. Comparison mediation and arbitration
8. Advantages and disadvantages of dispute settlement in the mediation procedure in comparison with the judicial procedure for dispute resolution.
9. Types of negotiations.
10. Strategy and tactics of negotiation process.
11. Positional trading.
12. Stages of negotiations.
13. Features of negotiations between the parties with the participation of the mediator
14. The principle of voluntariness of mediation.
15. The principle of equality of parties in mediation.
16. The principle of impartiality of the mediator.
17. The principle of the mediator independence.
18. Principle of confidentiality.
19. Stages of mediation.
20. Mediation in court procedure in People's Republic of China
21. Requirements for the mediator.
22. Comparison of provision on Mediation in the Republic of Belarus and in the People's Republic of China
23. Mediator functions in the mediation procedure.
24. Professional ethics of the mediator.
25. Agreement on the use of Mediation
26. Mediation agreement.
27. International Mediation agreement
28. Types of Mediation
29. Execution of Mediation agreement

**QUESTIONS TO THE CREDIT BY DISCIPLINE**  
**"Settlement of legal conflicts in the field of mediation"**

1. Causes of legal conflicts
2. Structure of the conflict
3. Stages of development and possible options for resolving a legal dispute.
4. History of the development of mediation as a method of alternative dispute resolution.
5. The relationship of mediation with other fields of knowledge - conflictology, psychology, jurisprudence.
6. Sources of mediation: international treaties and documents.
7. Sources of mediation: national legislation
8. The concept of mediation.
9. The relationship of mediation to negotiations.
10. Comparison mediation and arbitration
11. Advantages and disadvantages of dispute settlement in the mediation procedure in comparison with the judicial procedure for dispute resolution.
12. Types of negotiations.
13. Strategy and tactics of negotiation process.
14. Position trading.
15. Negotiations based on interests.
16. Stages of negotiations.
17. Features of negotiations between the parties with the participation of the mediator
18. The principle of voluntarism of mediation.
19. The principle of good faith of mediation.
20. The principle of equality of parties.
21. Principle of cooperation between the parties.
22. The principle of impartiality of the mediator.
23. The principle of the mediator independence.
24. Principle of confidentiality.
25. The principle of trust the mediator.
26. Types of mediation.
27. Requirements for the mediator.
28. Mediator functions in the mediation procedure.
29. Professional ethics of the mediator.
30. Organizations that provide mediation.
31. Selection and assignment of a mediator for mediation. Mediator reward.
32. Form of mediation agreement.
33. Subjects of mediation agreement.
34. Contents of the mediation agreement

35. Access to justice in connection with the conclusion of a mediation agreement.
36. Rules for mediation.
37. Mediation participants. Rights and obligations of the parties.
38. Rights and duties of the mediator.
39. Preparation for mediation.
40. Stages of mediation.
41. Stage of mediation discovery.
42. Stage of representation of the parties
43. Stage of the discussion of the parties on the elaboration of the agenda and issues for discussion.
44. Individual conversation of the mediator with the parties.
45. The stage of developing proposals for resolving the dispute.
46. The stage of preparation of the mediation agreement and its signing.
47. Mediation completion stage.
48. Form and content of the mediation agreement.
49. Procedure for execution of a mediation agreement in cases initiated in court
50. Recognition and implementation of international mediative agreements

### **Organization of independent work of undergraduates**

Independent work of undergraduates is an important stage for obtaining competencies in an academic discipline.

A full-time student is given 54 hours to work independently.

The content of students' independent work includes all the topics of the discipline from the section "Content of educational material".

When studying an academic discipline, the following forms of independent work are used:

- initial detailed familiarization with the curriculum of the discipline;
- familiarization with the list of recommended literature on the discipline as a whole and its sections, its availability in the library and other available sources; study of the necessary literature on the topic, selection of additional literature;
- study and expansion of the teacher's lecture material through special literature, consultations;
- preparation for seminars according to specially developed plans with the study of basic and additional literature;
- preparation for performing diagnostic forms of control (abstract, oral surveys, essays, etc.);
- preparation for the test.

### **Quality control of knowledge acquisition**

Diagnostics of the quality of knowledge acquisition is carried out within the framework of current and interim attestations.

The activities of the current certification are carried out during the semester and include the following forms of control:

- control work;
- test tasks;
- express survey in the classroom;
- the survey;
- report;
- private lessons;
- study assignment;
- self-monitoring questions;
- problem solving;
- other forms

The current academic assessment is conducted three times a semester.

The results of the current assessment for the semester, obtained during the activities of the current assessment, are evaluated with a mark in points on a ten-point scale and are reflected in the statement of the current assessment of the academic discipline.

Requirements for the student during the intermediate certification.

Students are allowed to take an intermediate certification in an academic discipline on condition of successful completion of the current certification (implementation of ongoing control measures) in the academic discipline provided for in the current semester by this curriculum.

The intermediate certification is conducted in the form of an exam.

### **The methodology of forming marks for academic discipline**

In accordance with the Regulations on the rating system for assessing knowledge, skills and abilities of BSEU students

**ПРОТОКОЛ СОГЛАСОВАНИЯ УЧЕБНОЙ ПРОГРАММЫ  
ПО ПРАВОВЫМ ОСНОВАМ ГОСУДАРСТВЕННОГО УПРАВЛЕНИЯ  
С ДРУГИМИ ДИСЦИПЛИНАМИ СПЕЦИАЛЬНОСТИ**

Название дисциплины, с которой требуется согласование	Название кафедры	Предложения об изменениях в содержании учебной программы по изучаемой учебной дисциплине	Решение, принятое кафедрой разработавшей учебную программу (с указанием даты и номера протокола)
Хозяйственное право	Международного экономического права	Не имеются	

## ДОПОЛНЕНИЯ И ИЗМЕНЕНИЯ К УЧЕБНОЙ ПРОГРАММЕ

на \_\_\_\_\_ учебный год

№№ пп	Дополнения и изменения	Основание
1		

Учебная программа пересмотрена и одобрена на заседании кафедры гр-правовых дисциплин (протокол № \_\_\_\_ от \_\_\_\_\_ 2021\_г.)

Заведующая кафедрой  
доктор юридических наук, профессор

Т.С. Таранова

УТВЕРЖДАЮ  
Декан  
факультета права

А.Н. Шкляревский