

SUMMARY

Key Words: mediation, foreign economic activity, disputes between participants of foreign economic activity, settlement of legal disputes, alternative resolving ways of legal disputes.

Subject matter: Application peculiarities of mediation procedure in foreign economic activity

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The topicality of the research lies in the fact, that to date, the participants of foreign economic activity need in fundamentally new ways of disputes settlement. These ways should meet modern economic and political challenges, keep commercial communications and be even more productive and quick, than the existing ways of disputes settlement between participants of foreign trade activities. In our opinion, such requirement, could be satisfied with the help of innovative and perspective way which is called mediation. This way of disputes settlement, despite of the promising potential, has some application problems not only at the local levels, but also on the global economic arena. However these problems can be resolved. Thus, the need of new disputes settlement approaches between participants of foreign trade activities and insufficient development of mediation gives topicality to the research.

The aims of the research are to consider mediation in legal aspects in case of disputes settlement between participants of foreign trade activities, and also to reveal the mismatches and contradictions which are available in the civil legislation of the Russian Federation, because these aspects directly influence on the using of mediation by the Russian participants of foreign economic activity.

Objectives:

1. To examine the main scientific approaches to consideration of a mediation concepts.

2. To analyse and give the legal characteristic of foreign economic activity and mediation.
3. To learn the history of mediation institute development.
4. To analyze the modern condition of mediation in foreign and Russian legal systems.
5. To analyze the objective and subjective problems of mediation in the sphere of foreign trade activities.
6. To Characterize types and technology of mediation applied at disputes settlement between participants of foreign trade activities.
7. To analyse the civil legislation of Russia and the international normative legal acts concerning regulation and application of mediation in the external economic sphere.
8. To consider application and feature of mediation in foreign economic activity.
9. To develop recommendations and suggestions for improvement the norms of the civil legislation of mediation activity for the purpose of more frequent application of mediation by the Russian participants of foreign trade activities.

The theoretical and practical value of the research lies in the fact that the use of materials synthesized in the amount of research is useful in the process of further research; set out in the conclusions proposals and recommendations can be used in law-making and law-enforcement activities of state bodies of the Russian Federation. Using of research's recommendations will lead to more frequent use of mediation.

The results obtained: In result of the research we allocate two major factors that have negative influence on application of mediation. There are a low legal culture and small knowledge of citizens about the procedure of mediation. This situation is projected also on foreign economic activity. So we create the package of recommendations about elimination of these problems.

Recommendations:

- To introduce the higher legal education for a mediator as compulsory;
- Eliminate the provision that the mediator has no right to provide legal, consultative or other assistance to the client;

- To specify an order of holding this procedure and give it system and uniform form with a possibility of adjustment;
- To introduce special norms of the right of notaries and lawyers to engage in mediation activities;
- To give binding force to mediation agreements;
- To carry out advertising of mediation in media;
- To place information stands and booklets in public authorities;
- To make possible that the parties can have an opportunity to pass one mediation session on a grant basis;
- To create the information resource which could state highlights of the organization of the procedure, its advantage and practical benefits in an available form.