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Belarus





Belarus

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A. Legislation and rules

A.1 Legislation

International arbitration in Belarus continues to be governed by the Law on the International Arbitration Court² (“International Arbitration Law”), which was enacted on 9 July 1999.

This law is based on the UNCITRAL Model Law and, since its enactment, no significant amendments have been made.

In addition, the Economic Procedural Code, adopted on 15 December 1998, contains provisions relating to challenging and enforcing local and foreign arbitral awards.

Belarus is a party to a number of international and regional treaties that relate to arbitration proceedings, including the New York Convention, the European Convention 1961 and several CIS treaties.

Over the past year, the Belarusian Government has taken further steps to develop ADR.

In particular, under the amendments to the “Law On Advocacy” and “Advocacy Activity in the Republic of Belarus” adopted in July 2017, it was clarified that local advocates, as well as mediators, are allowed to act as arbitrators in international and domestic arbitrations.

In addition to that, in January 2018, the Belarusian Parliament adopted amendments to the Civil Procedural Code which, among other things,

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² Law of the Republic of Belarus No. 279-Z On the International Arbitration Court dated 9 July 1999 (as amended).

provide for the settlement of cases via mediation in appellate court proceedings.

A.2 Institutions, rules and infrastructure

After the adoption of the “Law On Domestic Arbitration Courts”³ in July 2011 and the relevant sub-laws regulating the procedure of the establishment and registration of arbitration institutions, the number of arbitration institutions registered in Belarus significantly increased. There are currently more than 30 arbitration institutions, the oldest and most popular of which is the International Arbitration Court at the Belarusian Chamber of Commerce and Industry (IAC), which was established in 1994.

The IAC handles all types of commercial disputes between local and foreign companies, except disputes that are non-arbitrable under Belarusian law (e.g., disputes relating to rights over immovable property located in Belarus, privatization contracts, IP rights, etc.). The IAC also reviews commercial disputes between local companies.

B. Cases

Belarusian court decisions are not usually publicly disclosed. However, Belarusian courts usually take an arbitration-friendly approach, though they have relatively limited experience in dealing with arbitration-related cases, which may lead to controversial court practice.

Based on statistics of the Supreme Court, local courts have reviewed more than 400 cases relating to the enforcement and/or setting aside of arbitral awards.

This clearly shows that ADR has become more popular in Belarus and local courts are establishing court practice on reviewing matters relating to domestic or international arbitration proceedings.

³ Law of the Republic of Belarus No. 301-Z On Domestic Arbitration Courts dated 18 July 2011.