

# **RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS IN THE REPUBLIC OF UZBEKISTAN: INTERNATIONAL STANDARDS AND CHALLENGES IN JUDICIAL PRACTICE**

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## **ABSTRACT**

This thesis examines the international and domestic legal framework governing the recognition and enforcement of foreign arbitral awards in the Republic of Uzbekistan. It analyses the 1958 New York Convention, the Law of the Republic of Uzbekistan “On International Commercial Arbitration,” and Chapter 33 of the Economic Procedure Code. It argues that the national model generally reflects the central international principle that judicial scrutiny at the enforcement stage must not become a review of the merits and that refusal is permissible only on a limited set of grounds. At the same time, practical difficulties may arise from the coordination of treaty and procedural rules, documentary requirements, the interpretation of public policy, the determination of the applicable limitation period, and the absence of a sufficiently accessible empirical basis for assessing the consistency of judicial practice. The thesis proposes clearer procedural guidance, a narrow interpretation of public policy, broader publication of anonymized judicial decisions, and standardized requirements for documents and translations.

## **KEYWORDS**

international commercial arbitration; foreign arbitral award; New York Convention; recognition; enforcement; public policy; Economic Procedure Code; Uzbekistan.

## **INTRODUCTION**

International commercial arbitration is one of the principal mechanisms for resolving cross-border commercial disputes. An arbitral award, however, does not by itself ensure actual recovery of the sum awarded: if the debtor does not comply voluntarily, the creditor must seek relief from the State in which the debtor's assets are located. The predictability of recognition and enforcement proceedings therefore has direct implications for contractual discipline, the investment climate, and confidence in cross-border trade.

The aim of this study is threefold: first, to identify the legal grounds and procedural mechanisms for the recognition and enforcement of foreign arbitral awards in Uzbekistan; second, to compare domestic procedural rules with international arbitration standards; and third, to formulate concrete proposals for reducing the risk of inconsistent judicial application.

## **METHODS**

This study employs doctrinal, systemic, and comparative legal methods to analyze the statutory and treaty-based frameworks governing international arbitration in Uzbekistan. The normative scope of the legal framework was systematically verified against official legal sources as of October 11, 2026. The primary legal instruments analyzed include the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, Law of the Republic of Uzbekistan №-674 of February 16, 2021, "On International Commercial Arbitration," and Chapter 33 (Articles 248 through 258) of the Economic Procedure Code of the Republic of Uzbekistan.

Regarding analytical limitations, because the publicly accessible body of Uzbek judicial decisions does not currently support representative statistical or empirical conclusions, potential enforcement challenges are strictly distinguished from established facts of judicial practice. Potential procedural risks are treated as operational risk areas requiring future empirical verification rather than definitive judicial defects.

## **RESULTS**

## **THE INTERNATIONAL LEGAL FRAMEWORK AND DECLARATIONS**

The primary governing international instrument is the 1958 New York Convention, to which Uzbekistan acceded on February 7, 1996, and which officially entered into force for the Republic on May 7, 1996. Uzbekistan's accession is subject to two specific reservations, namely the reciprocity reservation, which limits the application of the Convention exclusively to awards made in the territory of another Contracting State, and the commercial reservation, which restricts application strictly to disputes arising out of legal relationships considered commercial under national law. Under Article III of the Convention, domestic courts must recognize foreign arbitral awards as binding and enforce them in accordance with national procedural rules without imposing substantially more onerous conditions than those applied to domestic awards. Furthermore, Article IV establishes the standard documentary burden, requiring the authenticated original award or a certified copy, the original arbitration agreement or a certified copy, and certified translations, while Article V establishes an exhaustive list of refusal grounds divided between party-proven procedural defects under Article V(1) and ex officio court reviews regarding non-arbitrability and public policy under Article V(2).

## **DOMESTIC STATUTORY ARCHITECTURE AND PROCEDURE**

At the domestic level, foreign award enforcement is governed by Law №-674 and Chapter 33 of the Economic Procedure Code. Under Article 248 of the Code, foreign arbitral awards in economic disputes are recognized and enforced where provided by international treaties and domestic legislation, requiring applications to be submitted to the court at the debtor's location, residence, or place of State registration pursuant to Article 249. In accordance with Article 252, applicants must submit the award, the arbitration agreement, proof of partial performance where applicable, proof of proper notice for absent parties, power of attorney, proof of service on the debtor, receipts of court fees, and certified translations into the State language. Pursuant to Article 254, applications are heard within a statutory period not exceeding six months, and the statute explicitly prohibits the national court from reviewing a foreign

arbitral award on its substantive merits. Upon granting the application, the court issues a writ of execution under Articles 257 and 258, which officially distinguishes judicial recognition from compulsory state enforcement measures.

### **STATUTORY GROUNDS FOR REFUSAL (ARTICLE 256 EPC)**

Article 256 of the Economic Procedure Code incorporates refusal grounds that substantively align with Article V of the New York Convention.

### **GROUND TO BE PROVED BY THE PARTY RESISTING ENFORCEMENT**

At the request of the party against whom the award is invoked, recognition or enforcement may be refused if a party to the arbitration agreement lacked capacity or the agreement was invalid under applicable law, if the debtor was not given proper notice of the appointment of an arbitrator or of the proceedings or was otherwise unable to present its case, if the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, if the composition of the tribunal or the arbitral procedure did not accord with the agreement of the parties or the law of the seat, if the award has not yet become binding on the parties or has been set aside or suspended by a competent authority, or if the dispute was determined by an arbitral tribunal lacking appropriate jurisdiction.

### **EX OFFICIO GROUNDS EXAMINED BY THE COURT**

The court may also refuse recognition or enforcement on its own motion if the subject matter of the dispute is not capable of settlement by arbitration under the law of Uzbekistan due to non-arbitrability, if the recognition or enforcement of the award would be contrary to or threaten the public policy of Uzbekistan, or if the statutory limitation period for presenting the foreign arbitral award for compulsory enforcement has expired.

## **DISCUSSION**

### **DIVERGENCE RISKS AND JUDICIAL INTERPRETATION**

## **PUBLIC POLICY AND MERITS REVIEW**

The primary operational risk in judicial enforcement lies in an expansive interpretation of public policy. Because public policy is an evaluative concept, lower courts face the temptation to use it as a back-door mechanism to re-evaluate whether arbitrators correctly found facts, interpreted contract clauses, or applied substantive law. Such an approach undermines the distinction between procedural legality review and appellate merits review. A narrow approach is essential, meaning that public policy refusal must be reserved strictly for exceptional cases where enforcement manifestly breaches fundamental tenets of the national legal order.

## **INTERPLAY OF LIMITATION PERIODS**

Article 248 of the Economic Procedure Code sets a general three-year limitation period for presenting foreign awards for enforcement, calculated from the date the award enters into force, while Article 256 lists the expiration of this period as a refusal ground. Applying domestic limitation mechanics to international awards requires strict adherence to treaty supremacy. Lack of official guidance regarding when the three-year clock begins to run, or how it interacts with setting-aside proceedings at the seat of arbitration, creates potential legal uncertainty.

## **PROCEDURAL VS. SUBSTANTIVE REJECTIONS**

Courts must maintain a clear boundary between returning an application due to remediable formal defects, such as incomplete translations or missing fee receipts under Article 252 of the Economic Procedure Code, and issuing a formal refusal of recognition on substantive grounds under Article 256. Treating minor documentary deficiencies as substantive grounds for refusal directly violates international standards and treaty commitments.

## **CONCRETE RECOMMENDATIONS**

To address these implementation risks, five comprehensive procedural recommendations are formulated. First, official practice guidance should be issued in the form of a standardized documentary checklist that clarifies when

international treaty provisions waive additional national authentication or notarization requirements under Article IV of the New York Convention. Second, courts should establish a clear remediation protocol that mandates treating incomplete filings as curable procedural defects under Article 252 rather than substantive grounds for denying enforcement under Article 256. Third, the Supreme Court should issue binding judicial guidance emphasizing a restrictive interpretation of public policy and reinforcing the statutory prohibition on merits review contained in Article 254. Fourth, access to judicial practice should be expanded by establishing a centralized, searchable registry of anonymized enforcement rulings, which would increase transparency, foster consistent judicial precedent, and enable empirical legal research. Fifth, legislative and procedural frameworks should maintain a clear operational boundary between the judicial recognition stage, which determines legal efficacy, and the administrative enforcement stage, which governs coercive asset recovery through writs of execution.

## CONCLUSION

The comprehensive analysis leads to three primary conclusions. First, the statutory framework governing foreign arbitral award enforcement in Uzbekistan—anchored by the 1958 New York Convention, Law №-674, and Chapter 33 of the Economic Procedure Code—is structurally sound, cohesive, and largely synchronized with international standards. Second, domestic procedural rules reflect international best practice by limiting refusal grounds exclusively to procedural invalidity and expressly prohibiting judicial review on the merits. Third, the primary vectors for future enhancement reside in practical implementation rather than statutory overhaul, particularly through improved procedural guidance, a narrow definition of public policy, consistent application of limitation periods, and broader public access to judicial decisions.

The scholarly contribution of this study lies in systematically coordinating domestic procedural rules with international obligations while distinguishing theoretical risk areas from proven empirical defects. The next phase of research will focus on assembling multi-year empirical datasets of published judicial

rulings to quantitatively categorize refusal grounds and evaluate domestic court reasoning against UNCITRAL standards.

## REFERENCES

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