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Note on the Law of the Republic of Uzbekistan “On International Commercial Arbitration”

On February 16, 2021 President of the Republic of Uzbekistan has approved the Law “On International Commercial Arbitration” (hereinafter – the “Law”). As a result, Uzbekistan became 85th country and 118th jurisdiction to enact legislation based on the Model Law of the United Nations Commission on International Trade Law(UNCITRAL) on International commercial arbitration (hereinafter – the “UNCITRAL Model Law”). The Law was approved by the UNCITRAL.

Main aim of the Law is to establish a separate legal regime applicable to international commercial arbitration, to maximize the effectiveness of arbitral proceedings, and to minimize judicial intervention, making Uzbekistan a truly ‘arbitration-friendly’ country.

The Law recognizes such generally accepted principles of international commercial arbitration as the principle of consent, the principles of autonomy and equality of the parties, the principle of separability, etc.

The Law applies only to international commercial arbitration, the seat of which is in the Republic of Uzbekistan. Disputes arising from all relations of commercial nature can be referred to international commercial arbitration. Although the Law does not define what constitutes a dispute of ‘commercial’ nature, article 4 establishes a broad scope of the applicability of the Law, i.e in regards to commercial disputes arising both from contractual and non-contractual relations. Importantly, this was the approach recommended to countries by the authors in the UNCITRAL Model Law.

The Law grants immunity to arbitrators and other participants in the arbitral proceedings from liability for acts or omissions, unless proven that such act or omission was intentional. In addition, article 8 of the Law prohibits national courts of the Republic of Uzbekistan to interfere in arbitral proceedings, except in cases expressly provided for in the Law.

The Law also contains detailed procedure for the appointment of arbitrators, challenge of an arbitrator, and the termination of the arbitrator's mandate. Parties to the dispute have a freedom to determine the rules of procedure of the arbitral tribunal themselves.

Among other important norms, the Law also regulates the procedure for ordering interim measures, as well as making a decision by the arbitral tribunal, termination of arbitral proceedings and recognition and enforcement of arbitral awards, regardless of the seat of arbitration.

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