



THE RECOGNITION AND THE ENFORCEMENT OF FOREIGN JUDGMENTS OF COURTS AND AWARDS OF ARBITRAL TRIBUNALS IN THE REPUBLIC OF UZBEKISTAN

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Annotation: The main objectives of the given article are to analyze both law and peculiarities of the system itself in regulating the institution of recognition and enforcement of foreign judgments of courts and awards of arbitral tribunals on the territory of the Republic of Uzbekistan. In order to attain the given objectives, the article will cover the analysis of the legal nature of recognition and enforcement of foreign judgments of courts and awards of arbitral tribunals on the territory of the Republic of Uzbekistan; determination of legal conditions for recognition and enforcement of foreign judgments of courts and awards of arbitral tribunals on the territory of the Republic of Uzbekistan.

Key words: The institution of recognition and enforcement of foreign judgments, the Code of Economic Procedure of the Republic of Uzbekistan, the Kiev Agreement, the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the Economic Courts of Uzbekistan.

Nowadays, the current policy of Uzbekistan is being directed towards massive reforms, liberalization of economy as well as investments and international cooperation as a whole. In this regard, both globalization and growth in status and position of Uzbekistan on the regional and international arena requires further development and amelioration of law cooperative mechanisms and acquisition of the principle of reciprocity in providing legal assistance.¹

Hence, in the light of the above stated, one of the most prioritized aims towards development of and amelioration of lawful cooperative mechanisms and acquisition

¹ Decree of the President of the Republic of Uzbekistan “On measures to radically improve the structure and increase the efficiency of the judicial system of the Republic of Uzbekistan” dated February 21, 2017, No. UP-4966



of the principle of reciprocity in providing legal assistance is to be the institution of recognition and enforcement of foreign judgements of courts along with awards of arbitral tribunals on the territory of the Republic of Uzbekistan. In order for the given target to be achieved, both domestic law system of Uzbekistan must be enhanced and international law regulating recognition and enforcement of not only foreign judgements of courts, but also arbitral awards of tribunals must be implemented.

Importantly to note that, with accordance of Decree of the President of the Republic of Uzbekistan “On measures to further reform the judicial and legal system, strengthen guarantees of reliable protection of the rights and freedoms of citizens”, democratization of judicial system and provision of its genuine independence, solidification of guarantees for its durable protection of rights, freedoms of its citizens are all to be essentials for the reformation system of Uzbekistan.²

However, the present reformation system regarding mechanisms for recognition and enforcement of both foreign judgements of courts and awards of arbitral tribunal needs further improvement as currently, there are not only such precise mechanisms, but also practice that will regard interests of the claimant and the respondent along the state itself.³

As it can be seen, the current international practice on recognition and enforcement of foreign judgements of courts and awards of arbitral tribunals is based upon international agreements. Meanwhile, in Uzbekistan, legislation at issue does not have any universal document worked out for the purpose of regulating implementation of the given process into the domestic law of Uzbekistan.

Correspondingly, perusing the electronic copies of Economic Court of Tashkent for 2019-2023, particularly, Appellate and Cassation Instances of the Economic Court of Tashkent region, the Supreme Court, most of the decisions of the First Instance Economic Courts on dismissal on recognition and enforcement of foreign judgements and awards of arbitral tribunals have been upheld, where appeals were dismissed.⁴

Meanwhile, questions concerning recognition and enforcement of foreign judgements of courts are referred to the provisions of bilateral treaties and multilateral treaties such as Agreement on the procedure for resolving disputes

² Decree of the President of the Republic of Uzbekistan “On measures to further reform the judicial and legal system, strengthen guarantees of reliable protection of the rights and freedoms of citizens” dated October 21, 2016, No. UP-4850

³ Decree of the President of the Republic of Uzbekistan “On measures to radically improve the structure and increase the efficiency of the judicial system of the Republic of Uzbekistan” dated February 21, 2017, No. UP-4966

⁴ The Supreme Court of Uzbekistan, Official Web Site <<https://public.sud.uz#!/sign/economy>>



related to the implementation of economic activities 1992 (“**the Kiev Agreement**”) and awards of arbitral tribunals regulated by Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (“**the New York Convention**”) international principle of reciprocity as well as discrepancy between recognition of foreign judgements of courts and awards of arbitral tribunals and the procedure of their enforcement.

Based upon the above mentioned, it can be inferred that judges encounter with some misunderstanding when applying norms regulating the institution of recognition and enforcement of foreign judgements of courts and awards of arbitral tribunals. Therefore, the current mechanism on recognition and enforcement of foreign judgements of courts and awards of arbitral tribunals is supposed to be revisited to foster further enhancement of the judicial system of Uzbekistan, fortification of trustworthiness before International Community and extension of its position in international ratings in relation to rule of law.

References

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3. The Code of Economic Procedure of the Republic of Uzbekistan
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5. Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958