YURIDIK FANLAR AXBOROTNOMASI
ВЕСТНИК ЮРИДИЧЕСКИХ НАУК
REVIEW OF LAW SCIENCES

huquqiy ilmiy-amaliy jurnal

правовой научно-практический журнал

legal scientific-practical journal

2021/2

MUNDARIJA

12.00.01 – DAVLAT VA HUQUQ NAZARIYASI VA TARIXI. HUQUQIY TA’LIMOTLAR TARIXI

6 **GAFFAROVA SHAKHNOZA NURITDINOVNA**
Ensuring equal rights of women and men: the experience of Uzbekistan

12.00.02 – KONSTITUTSIYAVIY HUQUQ. MA’MURIY HUQUQ. MOLIYA VA BOJXONA HUQUQI

13 **ХАМИДУЛИН МИХАИЛ БОРИСОВИЧ**

АБДУЛОВ ДАМИР РУСТАМОВИЧ
О вопросах несоответствия бухгалтерского и корпоративного законодательства

19 **ЯКУБОВ ШУХРАТ УММАТАЛИЕВИЧ**
Давлат бюджети устидан жамоатчилик назоратини амалга ошириш

35 **ЭРГАШЕВ ИКРОМ АБДУРАСУЛОВИЧ**
Солиқ маданиятини юксалтириш солиқ интизомини таъминлашнинг муҳим элементи

12.00.03 – FUQAROLIK HUQUQI. TADBIRKORLIK HUQUQI. OILA HUQUQI. XALQARO XUSUSIY HUQUQ

43 **БОЛТАЕВ МАНСУРЖОН СОТИВОЛДИЕВИЧ**
Ихтиёрий тиббий суғурта шартномаси объектини аниқлаш муаммолари

53 **ҒУЛОМОВ АКМАЛЖОН ШУКУРИЛЛАЕВИЧ**
Қишлоқ хўжалигида шартномавий мажбуриятни бажармаганлик учун қарздорнинг айбдорлик презумпцияси

12.00.06 – TABIIY RESURSLAR HUQUQI. AGRAR HUQUQI. EKOLOGIK HUQUQ

59 **УЗАКОВА ГЎЗАЛ ШАРИПОВНА**
Шаҳарларда қурилиш фаолиятини экологизациялашнинг ҳуқуқий масалалари

71 **ТОШБОЕВА РОБИЯ СОБИРОВНА**
Вопросы дальнейшего совершенствования водно-кадастрового законодательства Узбекистана

12.00.08 – JINOYAT HUQUQI. HUQUQBUZARLIKLARNING OLDINI OLISH. KRIMINOLOGIYA. JINOYAT-IJROIYA HUQUQI

88 **MUSAEV DJAMALIDDIN KAMALOVICH**
International crime prevention experience in the field of drug trafficking, psychotropic substances and their analogues

96 **ОЧИЛОВ САМАРИДДИН КАМОЛИДДИНОВИЧ**
Шартли ҳукм қилиш институтининг юридик табиати

105 **ТАШЕВ АЗИЗБЕК ИБРАГИМОВИЧ**
Возникновение и развитие института отведения несовершеннолетних от системы правосудия

12.00.09 – JINOYAT PROTSESSI. KRIMINALISTIKA. TEZKOR-QIDIRUV HUQUQI VA SUD EKSPERTIZASI

113 **ЧОРИЕВА ДИЛБАР МЕНГДАБИЛОВНА**
Ишни судга қадар юритишда ҳимоячи фаолиятида тортишув принципининг таъминланиши аҳамияти

127 **АБДУЛЛАЕВ РУСТАМ КАХРАМАНОВИЧ**
Ҳодиса жойини кўздан кечиришнинг криминалистик таъминоти мақсад ва вазифалари

136 **КАБИРЗОДА ГАВХАРОЙ КОСИМИ**
Проблемы процессуально-правовых основ уголовного преследования

12.00.10 – XALQARO HUQUQ

145 **БИНАКУЛОВ АЛИЖОН БОЛИ ЎҒЛИ**
Мажбурий тиббий суғурта: халқаро-ҳуқуқий асослар, хорижий давлатлар тажрибаси ва Ўзбекистонда унинг ҳуқуқий асосларини яратиш

157 **TUYCHIEV FARRUKH ABDUMAJITOVICH**
The concept of public policy in international commercial arbitration: refusal of the recognition and enforcement of foreign arbitral awards ex officio in Uzbekistan

165 **ЮНУСОВ ҲАЙДАРАЛИ МУРАТОВИЧ**
АҚШда нодавлат ноҳукумат ташкилотларининг юридик таълимдаги ўрни

173 **VALIJONOV DALER DILSHODOVICH**
Prosecutor's supervision of the implementation of law on mutual legal assistance in criminal matters

183 **TURSUNOV ABDUKHALIL ABDUSALIMOVICH**
Insights for Central Asia from the principles and disputes of international water law

UDC: 341.63(045)(575.1)
ORCID: 0000-0003-1552-9073

THE CONCEPT OF PUBLIC POLICY IN INTERNATIONAL COMMERCIAL ARBITRATION: REFUSAL OF THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS EX OFFICIO IN UZBEKISTAN

Tuychiev Farrukh Abdumajitovich,
Chief Consultant of the Ministry of Justice,
e-mail: farruh.uwed@gmail.com

Abstract. *This article deals with the themes of the execution of foreign arbitral awards in the Republic of Uzbekistan in the framework of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The discussions will be carried out based on the relevant laws of Uzbekistan in the field of international arbitration, as well as by exemplifying of "Somportex Ltd. vs Philadelphia Chewing Gum Corp," "Parsons & Whittemore Overseas Co., Inc. v Societe Generale de I'Industrie du Papier (RAKTA)," "United World Ltd. Inc. v Krasny Yakor," and "Richardson v Mellish."*

Keywords: *the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Arbiration Convention" or the "New York Convention"), International Commercial Arbitration (ICA), conflict of laws, International Law Association, United Nations Commission on International Trade Law (YUNCITRAL), public order, ordre public, international public policy.*

ХАЛҚАРО ТИЖОРАТ АРБИТРАЖИДАГИ ДАВЛАТ СИЁСАТИНИНГ ТАЪРИФИ: ЎЗБЕКИСТОНДА EX OFFICIO ХОРИЖИЙ АРБИТРАЖИНИ ТАНИШ ВА МУРОЖААТ ҚИЛИШНИ РАД ЭТИШ

Тўйчиев Фаррух Абдумажитович,
Адлия вазирлиги бош маслаҳатчиси

Аннотация. *Мазкур мақола Бирлашган Миллатлар Ташкилотининг "Чет эл арбитражлари қарорларини тан олиш ва ижрога қаратиш тўғрисида"ги конвециясига асосан, ушбу қарорларни Ўзбекистон Республикасида ижро этиш бўйича масалаларнинг таҳлилий ва солиштирма муҳокамалари ўрганилган. Мақолада юритиладиган ҳуқуқий баҳслар Ўзбекистон Республикасининг халқаро тижорат арбитражи қонунлари ва қуйидаги кейслар асосида олиб борилади: "Somportex Ltd. vs Philadelphia Chewing Gum Corp," "Parsons and Whittemore Overseas Co., Inc. v Societe Generale de I'Industrie du Papier (RAKTA)", "United World Ltd. Inc. v Krasny Yakor", and "Richardson v Mellish".*

Калит сўзлар: *"Чет эл арбитражлари қарорларини тан олиш ва ижрога қаратиш тўғрисида"ги Нью-Йорк конвенцияси, халқаро тижорат арбитражи, коллизион нормалар, Халқаро Ҳуқуқ Ассоциацияси, Бирлашган Миллатлар Ташкилотининг Халқаро Савдо Ҳуқуқи бўйича Комиссияси, оммавий тартиб, халқаро оммавий тартиб.*

ПОНЯТИЕ О ПУБЛИЧНОМ ПОРЯДКЕ В МЕЖДУНАРОДНОМ КОММЕРЧЕСКОМ АРБИТРАЖЕ: ОТКАЗ В ПРИЗНАНИИ И ПРИМЕНЕНИИ ИНОСТРАННЫХ АРБИТРАЖНЫХ РЕШЕНИЙ EX OFFICIO В УЗБЕКИСТАНЕ

Туйчиев Фаррух Абдумажитович,
Главный консультант Министерства юстиции
Республики Узбекистан

Аннотация. *В статье рассматриваются вопросы исполнения иностранных арбитражных решений в Республике Узбекистан в рамках Конвенции ООН "О признании и приведении в исполнение иностранных арбитражных решений". Обсуждение исследования проводится на основе соответствующих законов Узбекистана в области международного арбитража, а также на примерах кейсов "Somportex Ltd. vs Philadelphia Chewing Gum Corp", "Parsons and Whittemore Overseas Co. Inc. v Societe Generale de I'Industrie du Papier (RAKTA)", "United World Ltd. Inc. v Krasny Yakor" and "Richardson v Mellish".*

Ключевые слова: *Нью-Йоркская конвенция о признании и приведении в исполнение иностранных арбитражных решений, международный коммерческий арбитраж, коллизионное право, Ассоциация международного права, Комиссия Организации Объединенных Наций по праву международной торговли, общественный порядок, публичный порядок, международный публичный порядок.*

Introduction

In order to respond to the rapidly growing globalization in international commerce and trade, the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards came into existence as an instrument to resolve trade disputes between contracting states. This convention provides the parties with a uniform legal framework and ensures that a foreign arbitral award is final and enforceable internationally. However, enforceability is not always an easy process since the convention enables the losing party to invoke a public policy defense through Article V (2) (b). The Convention does not provide any definition for the term public policy, which empowers the local authorities of the member states to define the concept within respective laws, even if they take an open-ended approach. This practice can undermine the convention's utility. This is because local courts take an expansive approach to the concept to refuse enforcement of foreign arbitral awards. This practice is more frequent in developing economies. Uzbekistan, for example, has used its discretion in interpreting the concept for denial of foreign arbitral awards through its local courts. Uzbek legislators have been reluctant to clarify the term "public policy" by addressing up-to-date recommendations of the international instruments in the field. While there has been no evolution of the term "public policy" in most developing countries, however, some of the leading economies have taken a more sophisticated approach for the purpose of being enforcement friendly-countries. This paper analyzes and refers to the international conventions, specific cases to develop recommendations to the Uzbek legislation for strengthening the enforcement that could contribute to a favorable business climate in the country.

The History of the Concept

Problem background

The public policy concept appeared in the field of private international law in Uzbekistan while the state was as a part of the Union of Soviet Socialist Republics (USSR). Particularly, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (hereinafter referred to as "the New

York Convention") came into force in the USSR in 1960 [1], and a year later the public policy exception appeared in the legislation of the country. Article 128 of the Civil Code of the USSR states:

"The foreign law shall not be applied in cases when its application would contradict bases of the Soviet law and order (a public order). In these cases, the Soviet law is applied. The refusal in use of the foreign law cannot be based merely on the difference in the political or economic system of the relevant foreign state from the political or economic system of the USSR" [2, IX].

The wording "*contradict bases of the Soviet law and order*" (in Russian: *противоречие основам советского строя*) can be equivalent to the term of "*contrary to public policy.*" Thereupon, the term of "*contradict bases of the Soviet law and order*" appeared in the respective normative legal acts of the member states of the USSR. The concept of public policy in private international law in the USSR played almost a purely theoretical rather than practical role, because the Soviet Union rarely participated in international trade and commerce [3, p. 397].

Despite the provision expressly mentions the foreign law only, it also applied by analogy to the matter of refusal of the recognition and enforcement of foreign arbitral awards [3, page 398]. In this context, the ambiguity of the provision in Article 128 was that it did not explicitly state when and under what circumstances the defense of public policy was in violation [4, page 379]. Today, the same approach and problems are still in place in almost all post-Soviet republics, including Uzbekistan.

In fact, the New York Convention stipulates the exact boundaries of public policy exception in International Commercial Arbitration (ICA) and intends that member states define the concept solely based on the notion of morality and justice. In this regard, the most contentious ground for refusing of foreign arbitral awards, Article V (2) (b), of the Convention [5, p. 4] states:

"Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that… (b) The recognition or enforcement of the award would be contrary to the public policy of that country" [6, Art. V (2) (b)].

Evidently, the USSR's approach on public policy defense varied to some degree from that of the stipulation of the New York Convention. Article 128 applied to both international foreign judgments and foreign arbitral awards, which made it more paradoxical [7, p. 146] as the refusal of enforcement differs in some point. Consequently, the order of defining the notion of public policy in the USSR Civil Code created room for another problem by joining the two distinct legal procedures, recognition and enforcement of foreign judgements and arbitral awards, into a single provision. In this regard, a prominent scholar in international commercial law and arbitration, Dr. Anton. G. Maurer, states: "*It is questionable whether it is appropriate to provide for the recognition and enforcement of foreign judgments and arbitral awards in a single provision, since the ground upon which recognition and enforcement of a judgment may be refused are often not identical to those on which arbitral award may be refused under the New York Convention.*" [8, p. 209]

During the Soviet period, there was a very little study on the doctrine of public policy in enforcement of foreign arbitral awards [3, p. 397] as the Soviet Union rarely participated in international business and trade. Therefore, the usage of the concept in enforcement of foreign arbitral awards was also extremely rare.

In 1991, the USSR disintegrated, and Uzbekistan obtained its independency. As an independent republic, the newly established state intended to attract foreign investment. The Cabinet of Ministers of Uzbekistan

issued ordinance "On joining United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958" [8, No. 184-I]. This event was the first step forward to recognizing and enforcing foreign arbitral awards.

As Uzbekistan acceded to the United Nation's Convention *On the Recognition and Enforcement of Foreign Arbitral Awards* in 1996, it was obliged to unify its national laws to the objectives of the Convention accordingly. Specifically, in the spectrum of the New York Convention's requirements and the Uzbek laws' objectives on the question of the enforcement of foreign arbitral awards, there is some significant shortcomings in the issue of public policy defense in the national legislation. The *Civil Code* (March 1, 1997) touches upon the definition of the public policy concept for private international law, but fails to define it based on the main requirements of the international legal instruments in the field. The *Economic Procedure Code* also shares the same problem with that of the Civil Code through its Article 256.

The present code uses the general term of "foreign law" and applies to both foreign judgements and arbitral awards equally in a single provision and tries to define the concept in its Article 1164 as follows:

"Foreign law shall not be applied in cases when its application would contradict the bases of the legal order (public policy) of the Republic of Uzbekistan. In these cases, the law of the republic of Uzbekistan shall be applied. A refusal to apply a foreign law may not be based merely on the difference in the legal, political, or economical system of the respective foreign state from the legal, political, or economic system of the Republic of Uzbekistan" [9, Art. 1164].

The provision is almost identical with that of the former USSR approach on public policy defense, which the country led its economy based on a planned system that prioritized nationalization. However, this paper takes the position that the Article cannot meet the requirements of trade globalization, and is unable to create a favorable legal environment for investors in Uzbekistan.

Moreover, on May 24, 2013, the Plenum of the Supreme Economic Court of Uzbekistan issued its Resolution "On Specific Issues to Recognize and Enforce Foreign Arbitral Awards and Judgments by Commercial Courts of Uzbekistan." The scope of the Resolution covers all necessary requirements to recognize and enforce foreign arbitral awards and judgments by economic courts in the territory of Uzbekistan. In addition, there was a strong emphasis in the Resolution to explain how and when local courts need to refuse the recognition and enforcement of foreign arbitral awards and judgment. Article 14.2 of the plenum order states:

"The courts should pay attention that the refusal of recognition and enforcement of foreign arbitral awards carries out based on the Article 5 of the New York Convention:

If there will be solid evidences to refuse the recognition and enforcement of foreign arbitral awards according to the Article 5 (1). The courts must refuse the recognition and enforcement of foreign arbitral awards, regardless of presenting any supportive evidences or documents if the awards are in contrary to Article 5 (2) of the New York Convention" [12, 4].

In this context, the Resolution gives reference to the Convention, but fails to define the concept.

However, internationally accepted definitions are available to the notion. The US courts, for example, refuse to recognize a foreign judgment on public policy ground when such recognition "injures the public health and morals, the public confidence in the purity of the administration of law or to undermine that sense of security for individual rights, whether of personal liberty or private property, which any citizen ought to feel, is against public policy" [10, p. 161]. Whereas,

the Chinese law reiterates that the outcome of the recognition and enforcement is repugnant to the basic principles of its law, sovereignty, national security, social and public interest [11, p. 282]. However, these states apply narrower public policy exception to recognize and enforce foreign arbitral awards.

Moreover, the Law on International Commercial Arbitration (not come into force yet) pointed out the ground for refusal of recognition and enforcement of foreign arbitral awards in its Chapters VII, Article 52. It states that *"the national court must deny the recognition and enforcement of an arbitral award if it is in contrary to the public policy of the Republic of Uzbekistan"* [13, Art. 52].

Taking into account of the Law on ICA is a cornerstone legal act in Uzbekistan, the legislator ought to pay attention to the reiteration of the public policy concept.

Interpretations and Discussions of the Concept

Commentators and prominent scholars in the field furnish intended source of data for the issue. Early attempts to define the concept dated back to the nineteenth century when an English judge describes it as such: "public policy…is a very unruly horse, and once you get astride it you never know where it will carry you. It may lead you from the sound law. It is never argued at all but other points fail" [14, p. 303]. Unfortunately, this issue is still causing complicated discussions, but there are some cases that help cast light on the issue.

Notably, a well-known case, *Parsons and Whittemore Overseas Co., Inc. v Societe Generale de I'Industrie du Papier (RAKTA),* left a tremendous legacy to the state being of the public policy defense in international commercial arbitration practice. In this case, the American company (*Overseas*) and the Egyptian company (RAKTA) entered in a contract of construction and operation of the paper mill in Egypt. There was an arbitration clause in the contract that if dispute arose between parties, the matter would be arbitrated under the rules of International Chamber of Commerce (ICC). Unfortunately, due to arisen political tension between United States and Egypt, most of American workers left the country, and later Egyptian government demanded special visa requirement for American workers. The Overseas initiated the arbitral proceedings under the ICC rules based on *force majeure* clause in the contract.

The tribunal made an award in favor of Egyptian company, and the company sought to enforce the award in the United States. Meanwhile, the Overseas appealed to the United States Court of Appeals for the Second Circuit objecting that the award was contrary to the public policy of the United States under the New York Convention. The United States Court of Appeals for the Second Circuit rejected the *Overseas'* arguments on the public policy defense and other objections, as well. The Court held that "public policy defense of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards was not meant to enshrine the vagaries of international politics under the rubric of "public policy" [15, p. 166]. The outcome of this public policy exception case played a pivotal role in ICA since its legacy in shaping the scope and application of public policy became legal precedent.

Public policy is not always an easy path to refusing arbitral awards by just referring to bribery, fraud or corruption, which are the building blocks of the concept. The party who seeks to refusal must fulfil the burden of proof, for the purpose of re-opening the facts, where the recognition and enforcement are sought [16, p. 405]. Notably, in the case of *Westacre Investments Inc* ("*Westacre,*" respondent) *v Jugoimport-SDRP Holding Company Ltd* (appellants) (later, they were successors of Udruzena Beogradska Banka (the Bank) and The Federal Directorate of Supply and Procurement of the Socialist Federal Republic of Yugoslavia (*The Directorate*)) entered into

agreement of consulting services on sale of military equipment in Kuwait [17, p. 1].

Unfortunately, the dispute arose between parties and the *Westacre* commenced an arbitration at the International Chamber of Commerce Court of International Arbitration under the ICC Rules. The tribunal made the award in favor of the *Westacre* and the party sought enforcement of the award in the United Kingdom. According to the claims of "The Directorate," *Westacre* had bribed the persons in Kuwait for the purpose of persuading those persons to exercise their influence in the hope of entering into contract with "The Directorate," which would be contrary to "*ordre public international*" or "*bonos mores.*" [17, p. 1]

Meanwhile, the Russian law also tries to define the concept in its Civil Code and the Civil Procedure Code, which are applicable in private international law. The Article 1193 of the code states:

A norm of a foreign law subject to application in keeping with the rules of the present section shall not be applicable in exceptional cases when the consequences of its application would have obviously been in conflict with the fundamentals of law and order (public order) of the RF [18, Article 1193].

At the same time, Article 417 (2) of the Civil Procedure Code of the RF refers to public policy by using the term "public law and order." These above-mentioned definitions of the concept in the Russian legislation constituted public policy defense, but due to its broad coverage, the Russian courts have already misused the concept for a number of cases [19, p. 151]. For instance, in the case of *United World Ltd. Inc. v Krasny Yakor* (2003) the ICC tribunal rendered an award in favor of *United World* with a sum of 37,600 US Dollars plus accrued interest and legal fees [20, p. 607]. The Court of Cassation held the enforcement of the award was contrary to the public policy of Russian Federation because the enforcement of it would have led to the bankruptcy of the *Krasny Yakor*. Consequently, the enforcement of the award would have weakened the local economy of the region (Nizhny Novgorod) and the Russian Federation as a whole [21, p. 110]. In this case, the court deliberately misinterpreted public policy ground with public interest for its favor [20, p. 610].

Contemporary Approach to the Concept

Best Practice Standard

In general, the Contracting States of the New York Convention are free to define their national public policy grounds and refuse the recognition and enforcement of foreign arbitral awards referring to the Article V (2) (b) of the Convention [2, p. 411]. However, the interpretations are not the only way to globally unify the concept and establish best practice for national public policies [22, p. 411]. As the United Nations Commission on International Trade Law (UNCITRAL) designed the Model Law in the hope of assisting New York Convention member states to establish and develop their laws on arbitration procedure [23], some states have already established their respective laws based on the UNCITRAL Model Law, which is one of the best practice rule. Sequentially, the efforts help to reduce the number of court decision invoking public policy on unnecessary purposes [24, p. 411] and facilitate the process of enforcement. In addition, this consistency would lead to a better ability to predict the outcome of a public policy challenge, irrespective of the court in which enforcement proceedings are brought [24, p. 255].

The International Law Association (ILA) developed the recommendations on ICA at the conference in New Delhi in 2002 and recommended for the Contracting States usage of narrow and internationally standardized definition of the public policy exception [25, p. 230]. These recommendations are not binding, but they can be persuasive for the states [25, p. 230], which desire to shape the public policy exception in their legislations.

However, the usage of the concept is always dependent upon the decisions of a national judges [26, p. 366].

The ILA's Recommendations on international public policy include three main principles. According to the recommendations, any state should consider the followings: (i) fundamental principles, pertaining to justice or morality, that the State wishes to protect even when it is not directly concerned; (ii) rules designed to serve the essential political, social or economic interests of the State, these being known as "lois de police" or "public policy rules"; and (iii) the duty of the State to respect its obligations towards other States or international organizations [26, p. 255].

Conclusion

As Uzbek legislation interprets the public policy defense in recognition and enforcement of foreign arbitral awards broadly, the prosperity of attracting foreign investments can be hard to predict. This is mainly because current state being of the concept bears some advantageous aspects to the state in ICA, and the legislator has not brought up the issue for the proper reconsideration since the independence of Uzbekistan. Moreover, the wording of the concept in Uzbek law carries some major aspects of the USSR approach for the issue that fails to satisfy contemporary requirements of global market. Thus, this thesis tries to briefly identify the main problems in the field and make proposals based on the findings from previous chapters.

The definition of the public policy defense in the Civil Code, as well as in Economic Procedure Code is very ambiguous and amorphous that can be a powerful tool for the national judges to refuse the enforcement without justification [27, p. 66]. This is mainly because its scope and application encompass several legal relations in private international law, which fails to meet the New York Convention's objectives. Thus, the predictability of the recognition and enforcement of foreign arbitral awards will remain in question.

Moreover, the Law on ICA is an important normative-legal act in any state, as it provides a legal framework to recognize and enforce foreign arbitral awards. In the case of Uzbekistan, the Draft of the Law on ICA needs to take into account the concept of *international public policy* by following the basic requirements of the New York Convention, and the UNCITRAL Model Law, as well as the ILA's Recommendations. This is due to the fact that international community considered these international instruments as the best practice standard by international community.

REFERENCES

1. Decree of the Presidium of the Supreme Soviet. On the Ratification of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, August 10, 1960.

2. Civil Code of the Republic of Uzbekistan § IX. Uzbekistan, 1997. Translated by Butler W.E. et al., Max-Planck-Institute, Hamburg 1999.

3. Muranov A.I. Some Aspects of the Concept of 'Public Order' Concerning to the International Commercial Arbitration in Russia.

4. Karabelnikov B. International Commercial Arbitration, Second Edition. Moscow, High School for Economics and Social Studies, 2013.

5. Wires J. The Public Policy Sword and the New York Convention: A Quest for Uniformity, SSRN Electronic Journal, 2009, no 4, Available at: http://www.ssrn.com/abstract=1323081 (accessed 03.05.2021).

6. Convention on the Recognition and Enforcement of Foreign Arbitral Awards, Art. V (2) (b).
7. Sommer P., Pavlova G. International and Domestic Public Ordre Procedure to Recognize and Enforce Foreign Arbitral Awards (Enforcement in France and Russia), Higher School of Economics, 2014, no 1, pp. 140-164.
8. Mayrer. Public Policy Exception Under The New York Convention. New York, Juris Publication, 2013.
9. Civil Code of the Republic of Uzbekistan § IX. Uzbekistan 1997. Translated by Butler W.E. et al., Max-Planck-Institute, Hamburg 1999.
10. Somportex Ltd. vs Philadelphia Chewing Gum Corp, No. 453. F.2d 435 (1971), 318 F. Supp.
11. Civil Procedure Law of People's Republic of China, 1991, Art. 282.
12. Plenum Order of the Supreme Commercial Court of Uzbekistan. On Specific Issues to Recognize and Enforce Foreign Arbitral Awards and Judgements by Commercial Courts of Uzbekistan, May 24, 2013.
13. Law on International Commercial Arbitration/
14. Richardson v Mellish (1824), 2 Bing 252.
15. Parsons and Whittemore Overseas Co. Ltd v Societe Generale de I'Industriale du Papier (RAKTA).
16. Sayed A. Corruption in International Trade and Commercial Arbitration. Kluwer Law International, 2004.
17. Westacre Investments Inc. v Jugoimport-SDRP Holding Company Ltd. APP.L.R. 05/12, 1999
18. Civil Code of Russian Federation, 1995.
19. Sommer and Pavlova. International and Domestic Public Ordre Procedure to Recognize and Enforce Foreign Arbitral Awards. Enforcement in France and Russia.
20. Glusker E. Arbitration Hurdles Facing Foreign Investors in Russia: Analysis of Present Issues and Implications, Pepperdine Dispute Resolution Law Journal, 10, 2010, no 3, pp. 596-622.
21. Viktorova N. Public Order in the Practice of Russian Courts. Czech Yearbook of International Law-Public Policy and Ordre Public, 2012, pp. 101-115.
22. Wolff. The New York Convention: Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958. Commentary.
23. United Nations Commission on International Trade Law. Available at: http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/2002Model_conciliation_status.html (accessed 03.06.2021).
24. Mayer P., Sheppard A. Final ILA Report on Public Policy as a Bar to Enforcement of International Arbitral Awards. 19, 2003.
25. Paulsson. The 1958 New York Convention in Action.
26. Kronke H., Nacimiento P. Recognition and Enforcement of Foreign Arbitral Awards: A Global Commentary on the New York Convention. The Netherlands: Kluwer Law International, 2010.
27. Akhadjon, Khakimov. (2021). Public Order Concept in Uzbek Legislation. Review of Law Sciences, 2018/02, ISSN: 2181-919X, 63-66. Available at: https://www.researchgate.net/publication/348404157_Public_Order_Concept_in_Uzbek_Legislation (accessed 03.06.2021).