

Recognition and Enforcement of
Foreign Arbitral Awards in Russia
and Former USSR States

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Edited by
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Sergey Petrachkov is a partner at ALRUD Law Firm (Russia), heading its dispute resolution and restructuring/insolvency groups. Sergey has a considerable experience in representing clients in complex business and corporate disputes, before state courts. He often acts in arbitration proceedings, under the rules of the leading Russian and foreign arbitration institutions (ICC, LCIA, SCC). Sergey also has an extensive practical knowledge learned in his participation in arbitration-related matters and matters

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4.1

Azerbaijan: Recognition and Enforcement of Foreign Arbitral Awards

Farhad Mirzayev & Aykhan Asadov

After becoming an independent state, the Republic of Azerbaijan implemented substantial reforms, including in international commercial arbitration. This was dictated by the large inflow of foreign investment requiring efficient protection within the post-Soviet legal system still remaining in the process of formation and absent necessary experience of considering commercial disputes by local courts.

Law No. 757-IQ, On International Arbitration,¹ drafted based on the UNCITRAL Model Law on International Commercial Arbitration (1985)² was passed on 18 November 1999. Following that, the Republic of Azerbaijan acceded on 29 February 2000 to the New York Convention by means of ratifying it, which came into force vis-à-vis Azerbaijan on 29 May 2000.³ Azerbaijan's accession to the Convention was without any reservations.⁴ Undeniably, this has become a landmark event enabling enforcement of foreign commercial arbitral awards in the territory of the Republic. Acceding to the Convention was accompanied by drafting and passing the new civil code and code of civil procedure. While previous codes inherited from the Soviet times did not consider in detail the procedure and rules of recognition and enforcement of decisions of foreign courts and arbitrations, the new codes govern these issues in detail.

In 1992, Azerbaijan acceded without reservations to the Convention on the Settlement of Investment Disputes between States and Foreign Investors, Washington,

1. Law No 757-IQ, dated 18 November 1999 of the Republic of Azerbaijan, On International Arbitration, Azerbaijan, dated 15 February 2000.

2. UNCITRAL Model Law on International Commercial Arbitration (1985).

3. Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958). New York, United Nations Treaty Series. Vol. 330, p. 38.

4. See formal statistics for the Convention. URL: <http://www.newyorkconvention.org/countries>.

1965.⁵ In 2005, Azerbaijan also acceded to the European Convention on International Commercial Arbitration of 1961 with the notification regarding the powers of the court to discharging its functions determined in Article X(6) of the Convention.⁶

Azerbaijan also participates in a number of multilateral agreements within the CIS, such as the Kyiv Treaty of 1992 on Settling Disputes Related to Economic Activity⁷ and the Agreement on Mutual Enforcement of Decisions of Arbitration, Commercial, and Economic Courts in Territories on the CIS Contracting States.⁸ Azerbaijan acceded to the Kyiv Treaty, which is substantively broader than the Convention, which means the applicability of wider grounds for recognition and enforcement of arbitral awards made in the Member States, without any reservations. Apart from these, availability of dozens of bilateral agreements with various countries, including the Russian Federation, enables applying to the Supreme Court of the Republic of Azerbaijan for recognition and enforcement of arbitral awards taken in the territory of Contracting States.

Law No. 57 of 15 January 1992, On Protection of Foreign Investment,⁹ became the first significant legal act of the post-Soviet Azerbaijan governing issues of international commercial arbitration. To be precise, Article 42 (Consideration of Disputes) of this law provided for the first time that foreign investors in Azerbaijan have the right to settle disputes in international commercial arbitral tribunals. For the time, the law has been revolutionary and has not lost its significance even today despite having been adopted back in 1992. As noted above, shortly before Azerbaijan's accession to the Convention in 1999, the Law on International Arbitration was passed and fully replicated the provisions of the 1985 UNCITRAL Model Law on International Commercial Arbitration, which practically duplicates all provisions of the Convention, therefore, implementing the practice of 'reproducing verbatim' model law.¹⁰

Another significant source for international commercial arbitration is the CCP of Azerbaijan enacted in 2000.¹¹ Chapters 47 and 50 CCP refer to grounds for recognition and enforcement of awards of foreign commercial arbitral tribunals. The most notable are the provisions of Article 477 CCP providing that the relevant articles of the CCP as well as the Convention apply to recognise and enforce an award of a foreign commercial arbitration tribunal. Therefore, the CCP declares a direct application of the terms and provisions of the Convention. At the same time, the supreme law of the

-
5. Convention on the Settlement of Investment Disputes between States and Nationals of Other States (1965). Washington, 4 International Law Materials. p. 524.
 6. European Convention on International Commercial Arbitration (1961).
 7. Treaty on Settling Disputes Related to Economic Activity (1992), Kyiv.
 8. Agreement on Mutual Enforcement of Decisions of Arbitration, Commercial, and Economic Courts in Territories on the CIS Contracting States (1998), Moscow.
 9. Law No 57, dated 15 January 1992, of the Republic of Azerbaijan, On Protection of Foreign Investment, // Gazette of the Supreme Soviet of the Republic of Azerbaijan. 1992. No 4. Art. 81.9.
 10. Gotti M. Adopting and Adapting an International Model Law in a Multilingual and Multicultural Context // De Gruyter Mouton (2014). No 201. pp. 35-58.
 11. Code of Civil Procedure of the Republic of Azerbaijan of 1 June 2000 (approved by Law No 780-IQ of 28 December 1999 of the Republic of Azerbaijan) // Code (collection of legislation) of the Republic of Azerbaijan. 2000. No 1.

Republic of Azerbaijan, the Constitution,¹² in paragraph II of Article 148, declares that international agreements, which the Republic of Azerbaijan is a party to, are inseparable part of the legislation. Article 151 of the Constitution solidifies supremacy of international agreements of the Republic of Azerbaijan over the national legislation (apart from the Constitution and acts adopted by a referendum) in the case of controversies between them.

Arbitration Agreement

Part II of Article 7 of the Law on International Arbitration specifies a concept and for an agreement to arbitrate. In essence, this article duplicates provisions of paragraph 2 of Article II of the Convention. The law defines an agreement of the parties to submit to an arbitration all or some disputes that may arise between the parties in relation to any predefined legal relation regardless of whether it was contractual or not as an arbitration agreement.¹³ Further in there, the law provides that an arbitration agreement can be made as an arbitration clause or as a separate agreement in writing. By doing so, the law lists out the requirements to make an arbitration agreement: it is considered to be made in writing if it is in a document signed by the parties or made by way of exchanging letters or through a teletype, telegraph or using other means of electronic communication, ensuring retention of such a message, and the other party does not object to it. To consider an arbitration clause as an arbitration agreement, the law as well requires that the agreement be made necessarily in writing.

Article 8 of the Law as well governs the issues of submitting to a court a claim on the merits of a dispute that is a subject of an agreement to arbitrate. As such, the article instructs the relevant courts that received claims on arbitrable matters to direct the parties to an arbitration. Article 9 of the same law governs matters of interim measures therefore allowing the relevant courts to pass decisions in relation to such measures as doing so does not contradict an arbitration agreement.

One of the high-profile cases related to a dispute between a subsidiary of Russian Lukoil and Ministry of Communication of the Republic of Azerbaijan in 2003 where an agreement of a joint venture included an arbitration clause, pursuant to which all disputes must have been considered at an arbitration tribunal in Geneva according to the rules of the Geneva Arbitration Centre.¹⁴ Nevertheless, representatives of Lukoil have already managed to prove in this case at an appellate court the necessity of staying the court proceedings in Azerbaijani courts and referring it to the Geneva arbitration. In many ways, lawyers of Lukoil were proceeding in their arguing based on the provisions of Azerbaijani law as well as the Convention.

12. The Constitution of the Republic of Azerbaijan adopted at a public referendum of 12 November 1995 // Code of the Republic of Azerbaijan. 1995. No 3.

13. Article 7 of the Law of the Republic of Azerbaijan on International Arbitration.

14. Archive of BM Morrison Partners law firm. Case No3387/LKL.

Arbitrability

Arbitrability as an ability of a case to be considered at an arbitration according to applicable law clarifies which disputes can be considered at such arbitrations based on a state's public policy considerations.¹⁵ The Law of the Republic of Azerbaijan clearly distinguishes between international commercial arbitration and domestic arbitration (arbitration tribunals). The Law on International Arbitration (Article 1) refers to international commercial arbitration cases with a foreign element. At the same time, disputes and procedures that are subject to arbitration tribunals are governed by the CCP. An objective and subjective arbitrability¹⁶ are clearly specified in the procedural law.

The following cases are, according to Article 444 CCP, within the exclusive competence of Azerbaijani courts:

- related to real estate located in Azerbaijan;
- related to termination of Azerbaijani entities and legality of their decisions;
- concerning patents, trademarks and other related rights registered in the territory of the Republic of Azerbaijan;
- related to decisions of measures of enforcement taken in court proceedings having taken place in the Republic of Azerbaijan;
- based on claims to cargo carriers arising out of agreements of cargo transportation; and
- of termination of a marriage between citizens of the Republic of Azerbaijan and foreign and stateless persons if each of the spouses has an abode in the Republic of Azerbaijan.

General Provisions of Recognition and Enforcement of Foreign Arbitral Awards

Article 35 of the Law on International Arbitration and Article 475 duplicate the provisions of Article IV of the Convention establishing for recognition and enforcement of foreign arbitral awards the same requirements: submission to the Supreme Court of an original and a certified copy of an arbitral award as well as an original arbitration agreement and a certified copy of such. The relevant documents must be accompanied by a certified translation into the Azerbaijani.¹⁷

Under Article 486 CCP, foreign court decisions are enforced based on an order of the Supreme Court of the Republic of Azerbaijan that issues an execution writ of mandatory execution of the order along with sending an additional writ at the place of

15. Avtonomov A.S. & Zenking I.V. Range of International Arbitration Tribunals Resolving Disputes of Investors with States, Arbitrability of Such Disputes and Territorial Limits of Jurisdiction in Relation to Such Disputes under Energy Charter Treaty // *Mezhdunarodnoye Pravosudiye* (2013). No 4b. pp. 107-120.

16. Belohlavek A. The Law Applicable to the Arbitration Agreement and the Arbitrability of a Dispute // *Yearbook of International Arbitration*, M. Roth and M. Giestlinger (eds.). Intersentia / DIKE / NWV (2013), pp. 27-57.

17. Article 35 of the Law of the Republic of Azerbaijan on International Arbitration; Art. 475 CCP.

execution. Actions of mandatory execution of a foreign court judgment are taken by the bodies of the Ministry of Justice of the Republic of Azerbaijan.

Article 462 CCP provides for a possibility to recognise foreign commercial arbitral awards where such do not contradict law, rule of law, and are guaranteed by a mutual recognition. Article 463 CCP empowers the Supreme Court of the Republic of Azerbaijan with an authority to consider appeals in relation to recognition and enforcement of foreign commercial arbitral awards.

Grounds for Refusal to Recognise and Enforce Arbitral Awards

Article 36 of the Law on International Arbitration lists grounds for refusal to recognise and enforce. The grounds for refusal to recognise and enforce foreign commercial arbitral awards are where:

- a party, against which an award is issued, submits to a court evidence of the party's being to any extent legally incapable;
- an agreement to arbitrate is invalid under the law that the parties chose to govern it and, absent such a choice, under the law of the jurisdiction where the award was issued;
- a party, against which an award was issued, was not duly notified of an appointment of an arbitrator or of arbitral proceedings or, for other reasons, could not submit its explanations;
- an award is issued over a dispute not listed by the arbitration agreement or not covered by the terms of the arbitration agreement, or covers matters beyond the arbitration agreement (that part of the award regarding matters covered by the arbitration agreement can be separated from the present award, recognised, or enforced);
- composition of an arbitral tribunal, or the arbitration procedure, did not comply with an agreement of the parties or, absent such, did not comply with the law of the jurisdiction where the arbitration took place;
- the award has not yet become final for the parties, or was revoked, or its enforcement was stayed by the court of the jurisdiction where, or according to whose laws, the award was rendered;
- a subject of the dispute cannot be a subject of arbitral proceedings under the law of this jurisdiction; and
- recognition and enforcement of this arbitral award contradict law of the Republic of Azerbaijan.

Articles 34 and 36 of the Law provide as well that where a motion of revocation or stay of enforcing of an arbitral award has been filed, the Supreme Court of the Republic of Azerbaijan may postpone rendering its decision and may as well, at the motion of the party that requests the recognition and enforcement of the arbitral award, obligate the other party to provide necessary security to enforce the award. A motion of revoking the award cannot be filed upon expiration of three months from the date of receipt of the award by the party filing the motion. The Supreme Court of the Republic of Azerbaijan, as a competent court considering a motion to revoke an arbitral award,

may, if it considers appropriate or, at the request of one of the parties, stay for a defined term of proceedings over the matter to enable the arbitral tribunal to resume arbitration proceedings or take other measures, which, in the opinion of the arbitral tribunal, will remove obstacles to revocation of the arbitral award.

Similar to the provisions of Article V of the Convention, Article 36 of the Law on International Arbitration imposes a burden of proving the existence of grounds for refusal of recognition and enforcement on a party objecting such recognition and enforcement.

Article 456 CCP almost restates the provisions of Article 36 of the Law on International Arbitration; however, there are slight differences. According to this Article CCP, the following are considered the grounds for refusal to recognise and enforce awards of foreign commercial arbitral tribunals:

- a case is referred to the exclusive jurisdiction of Azerbaijani courts;
- a person participating in the case was not timely and duly served a notice of consideration of the case and, as a result, the person was deprived of a possibility to participate in the proceedings;
- there is a legally binding decision of the courts of the Republic of Azerbaijan on the case of disputes between the same parties over the same subject and grounds or, before the case was admitted in a court of another jurisdiction, there is already a case under the proceedings of the courts of the Republic of Azerbaijan between the same parties, over the same subject and grounds;
- the award has not taken a legal effect under the law of the jurisdiction where the award was taken;
- enforcement of the award contradicts key principles of law and sovereignty of the Republic of Azerbaijan;
- enforcement of the award is not secured by mutual recognition by a foreign state.

According to the requirements of Sub-Article 465.2 CCP, the Supreme Court of the Republic of Azerbaijan stays the consideration of the application of recognition and enforcement of awards of foreign commercial arbitral tribunals where a competent court of the Republic of Azerbaijan already hears a case over disputes between the same parties and over the same subject and grounds. However, should an order recognising and enforcing an award of a foreign commercial arbitral tribunal be issued, the competent court of the Republic of Azerbaijan terminates proceedings over the matter and, if the application is turned down, then rules over the merits of the dispute.

Chapter 50 CCP deals exclusively with enforcement and recognition of awards of foreign commercial arbitral tribunals. Article 475 CCP restates the provisions of the Convention and Law on International Arbitration and governs issues of filing an application for recognition or enforcement of a foreign arbitral award by applicants. Similar to the Law on International Arbitration, Article 475 CCP requires that the applicants submit the following documents:

- an original or a certified copy of an award of an arbitration tribunal;
- an original or a certified copy of the arbitration agreement.

According to Article 475 CCP, where these documents are prepared in a foreign language, the parties must submit certified copies of translations of these documents into the Azerbaijani language.

Similar to Article 36 of the Law on International Arbitration, Article 476 CCP lists grounds for a refusal to recognise awards of foreign commercial arbitral tribunals:

- upon legal incapacity of one of the parties to an arbitration agreement under the law binding on the parties under the arbitration agreement and, absent such provision in the agreement, the law of the jurisdiction where the award was issued;
- where a party, against which an award was issued, was not duly notified of an appointment and time of arbitral proceedings or, for other reasons, could not submit its explanations;
- where an award was issued over a dispute not subject to an arbitration agreement or does not correspond to the terms of the arbitration agreement, or there are items in the award over matters beyond the arbitration agreement;¹⁸
- where a composition of a foreign arbitral tribunal or rules of arbitration do not comply with the agreement of the parties or their absence contradicts law of the jurisdiction where the arbitration is held;
- where a foreign arbitral award is not yet subject to being enforced against the parties or it is dismissed, vacated, or its enforcement is stayed by the court of the jurisdiction under whose laws the award was issued;
- where a court considering the application of enforcement or recognition of a foreign arbitral award determines that, under the law of the Republic of Azerbaijan, a subject of the dispute cannot be a subject of arbitration proceedings or enforcing or recognising an arbitral award is contrary to the sovereignty of the Republic of Azerbaijan or key principles of law.

As is evident from the above Articles CCP and Law on International Arbitration, their provisions practically verbatim restate the provisions of Article V of the New York Convention.

The two significant cases over Article V of the Convention are where the Supreme Court of the Republic of Azerbaijan refused to recognise and enforce awards of a foreign commercial arbitration tribunal based on their contradicting Azerbaijani law. These are the cases *ZAO 'Energoprom – Novocherkasskiy Elektrodniy Zavod' v. JSC 'Azerbaijan Aluminium'* and a dispute between Baki-Alnas Servis LLC and LLC 'Shelfgaztekhnologiya' considered according to arbitral procedures of the International Commercial Arbitral Tribunal of the Russian Chamber of Commerce in the Russian Federation.¹⁹

18. Nevertheless, the same Article also provides that, where items over matters covered by the arbitration agreement can be separated from the matters not so covered, a part of the award with items over matters covered by the arbitration agreement, may be recognised and directed for enforcement.

19. Karimov G., Alizada J. Azerbaijan: The Baker & McKenzie International Arbitration Yearbook (2011–2012).

Practice of International Arbitration in Azerbaijan

In the majority of international contracts with the Government of Azerbaijan and large state enterprises and private companies alike, international commercial arbitration is selected as a forum to resolve disputes arising under the agreements made between them.

As an oil exporting country, it is most important for Azerbaijan to secure for the investors a necessary level of assurance in legal protection and guaranteeing their investments. A descriptive example of importance of foreign commercial arbitration to Azerbaijan is its contractual practice in exploration and production of oil deposits. The totality of PSAs also provide for international commercial arbitrations as a venue for resolution of disputes arising thereunder.²⁰

The only significant arbitration case considered by an international commercial arbitration regarding a PSA is the dispute between Frontera Resources and the state oil company of Azerbaijan, SOCAR.²¹ Frontera Resources has been awarded a concession to develop oil deposits Kursangi and Qarabagli under a PSA; however, relations between the parties have escalated and reached an arbitral consideration. In these arbitral proceedings,²² run ad hoc by a commercial arbitration in Stockholm under the arbitration rules of UNCITRAL, Frontera Resources Azerbaijan issued a multimillion claim against SOCAR.²³ In this arbitration case in 2006, the arbitration awarded Frontera Resources Azerbaijan USD 1.2 million although the amount claimed by the claimant was several times higher. SOCAR has declared this outcome its victory, refused to pay the amount awarded by the arbitration and appealed to a competent Swedish court in Stockholm; however, the Swedish court dismissed the appeal of SOCAR.²⁴ In relation to SOCAR's refusal to pay the amount of the claim awarded to Frontera Resources Azerbaijan, the latter appealed to the US District Court for the Southern District of New York in 2006 for enforcing the arbitral award, which was dismissed by the American court because of jurisdiction.²⁵

Until present, only four cases have been initiated against Azerbaijan at the ICSID.²⁶ The first arbitration case against Azerbaijan at ICSID was the claim of Azpetrol International Holdings B.V., Azpetrol Group B.V., and Azpetrol Oil Services Group B.V.

20. Bati A. The Legal Status of Production Sharing Agreements in Azerbaijan // *Journal of Energy & Natural Resources Law* (2003). Vol. 21(2), pp. 153–167.

21. *Frontera Resources Azerbaijan Corporation v. State Oil Company of the Azerbaijan Republic* (2006), Swedish Arbitral Tribunal // 479 F. Supp. 2d 376 (S.D.N.Y. 2007).

22. Specialists of our law firm participated in this arbitration case as Azerbaijani experts representing Frontera Resources.

23. *Frontera Resources Azerbaijan Corporation v. State Oil Company of the Azerbaijan Republic* (2006).

24. *State Oil Company of the Republic of Azerbaijan (SOCAR) v. Frontera Resources Azerbaijan Corporation* (4 May 2009), Svea Court of Appeal, Case No T908-06. <https://docplayer.net/21176893-Claimant-state-oil-company-of-the-republic-ofazerbaijan-socar-respondent-frontera-resources-azerbaijan-corporation-frontera.html>.

25. *Frontera Resources Azerbaijan Corporation v. State Oil Company of the, No. 07-1815* (2d Cir. 2009).

26. The World Bank. International Centre for Settlement of Investment Disputes. List of cases against the Republic of Azerbaijan. URL: <https://icsid.worldbank.org/en/Pages/cases/searchcases.aspx>.

in 2006 over a breach of the requirements of the International Energy Charter,²⁷ which was settled in 2009.²⁸ Another rather scandalous was the case of a claim of a Turkish company Barmek Holding A.S. against the Azerbaijani state where the company accused Azerbaijan of breaching terms of the Baku city electricity grid management concession.²⁹ This arbitration case was also settled. The third case at ICSID is the case of a Dutch company Fondel Metal Participations B.V. against Azerbaijan concerning a breach of the terms of a concession agreement regarding production and sale of aluminium in Azerbaijan.³⁰ Just like the two previous cases, this case ended with a settlement agreement between the parties. A relatively recent arbitration claim at ICSID against Azerbaijan is the claim submitted in March 2019 of a Turkish businessman Cem Ersoy regarding a breach and a failure to comply with the terms of construction of tunnels.³¹

Statistics

Despite the absence of a single register of cases of recognition and enforcement of foreign arbitral awards at the Supreme Court of the Republic of Azerbaijan, mentions of some of the cases can be seen as a part of standalone practices law firms. Based on the information received from the Supreme Court of the Republic of Azerbaijan, recognition and enforcement of award of foreign commercial arbitral tribunals and decisions of foreign courts peaked in 2011-2012, during which 199 appeals were made and 130 of them were recognised and enforced.³² According to the digest of the Supreme Court of the Republic of Azerbaijan, 139 appeals for recognition and enforcement of awards of foreign commercial arbitral tribunals and decisions of foreign courts were submitted to the Supreme Court during 2016, and 147 during 2017, which is 6% higher than in the previous year.³³

Whereas in summary, there are no problems with the recognition of such awards by the Supreme Court and the process is relatively painless, at the state of enforcement, when the case passes to the bodies of execution under the Ministry of Justice of the Republic of Azerbaijan, which are not known for their high work efficiency, problems arise. Enforcement in Azerbaijan is distinguished by significant duration and serious bureaucratic obstacles. Also, there is no pertinent information on the number of refusals to recognise and enforce awards of foreign commercial arbitral tribunals over

27. *Azpetrol International Holdings B.V., Azpetrol Group B.V. and Azpetrol Oil Services Group B.V. v. Republic of Azerbaijan* (2006). ICSID Case No ARB/06/15.

28. *Ibid.* Final Award of 8 September 2009, p. 1.

29. *Barmek Holding A.S. v. Republic of Azerbaijan* (2006). ICSID Case No ARB/06/16.

30. *Fondel Metal Participations B.V. v. Republic of Azerbaijan* (2007). ICSID Case No ARB/07/1.

31. *Cem Selçuk Ersoy v. Republic of Azerbaijan* (2018). ICSID Case No ARB/18/6.

32. There is no official register of information of the Supreme Court over recognition and enforcement of foreign court and arbitral decisions, therefore, the relevant information was received verbally.

33. Digest of the Supreme Court of the Republic of Azerbaijan (2017), Baku. <http://supremecourt.gov.az/uploads/files/fealiyyet/kitab-2014.pdf>.

subjective grounds such as 'breach of public order'³⁴ as is the case in other jurisdictions.³⁵

International Commercial Arbitration in Azerbaijan

Despite the availability in Azerbaijan of a separate international commercial arbitration centre,³⁶ which is by itself a positive fact, its level and quality leave much to be desired and require significant work to improve the efficiency of operations and increase confidence of businesses and state bodies in this institute. Based on the information available at the site of the centre, it was established in 2000s and, primarily, its operations are sustained by the receipt of grants. While the centre has its own procedures, rules, and regulations, information regarding the cases heard here and due transparency of the activity of the centre are lacking.

As is seen from the above, Azerbaijani law governing international commercial arbitration has been improved considerably from the moment of the Republic's regaining independence. Even the small existing practice of international commercial arbitration and availability of laws governing these matters and fully complying with the Convention give investors and private business confidence in the possibility of a fair consideration of commercial disputes. However, as noted above, Azerbaijan still has a way to go to improve the process of enforcement. It is necessary to study a positive experience of advanced countries in this field.³⁷ Improving functionality of the only private international commercial arbitration centre or even creating new alternate centres by analogy with the leading international arbitration centres may as well contribute a great deal to strengthening the institute of international commercial arbitration in Azerbaijan.

34. Article V New York Convention.

35. Junita F. 'Pro Enforcement Bias' under Article V of the New York Convention in International Commercial Arbitration: Comparative Overview // *Indonesia Law Review* (2015). Vol. 2, pp. 140-164.

36. The official website of the Azerbaijani centre for arbitration and mediation, <http://arbitr.az>.

37. Carbonneau T. Debating the Proper Role of National Law under the New York Convention // *Tulane Journal of International and Comparative Law* (1998). Vol. 6, pp. 277-290; Silberman L. The New York Convention after Fifty Years: Some Reflections on the Role of National Law // *Georgia Journal of International and Comparative Law* (2009). Vol. 38:25, pp. 25-46.