Masadikov, S. (2025). Common and civil law approaches to documentary evidence in international arbitration.
Legal Horizons, *27*(4), 21-31.
All authors declare that they have no conflicts of interest.

COMMON AND CIVIL LAW APPROACHES TO DOCUMENTARY EVIDENCE IN INTERNATIONAL ARBITRATION

Sherzodbek M. Masadikov
University of World Economy and Diplomacy
100007, 54 Mustakillik Ave., Tashkent, Uzbekistan
e-mail: smasadikov@uwed.uz

Recieved: 1 July
Accepted: 10 October

Abstract
Submission of documentary evidence occupies a substantial part of international arbitration proceedings and efficiency of this procedure predetermines a success of arbitration. This matter gets quite complicated and challenging when arbitration brings together participants shaped by distinct legal systems. Consequently, arbitral proceedings could take a long time and cause discontent among its users. Therefore, the analysis of ways and methods of raising the efficiency of the document submission is important for the effective international dispute resolution. The work examines arbitration rules of several arbitral institutions, law and practice of UK and the USA as the common law jurisdictions, which have different scope of document discovery. Then civil law jurisdictions like Germany, Uzbekistan are considered which do not practice common law type of document discovery, with a very limited scope. The paper also considers some hypothetical situations connected with the document production and evaluate its efficiency in international arbitration proceedings. It also observes common/civil law approaches that have shaped practices in the field. The views on how efficiency of this procedure can be raised are also analyzed, the IBA and Prague Rules are considered. It is argued that a certain degree of convergence in the documentary evidence practices is taking place in international arbitration, concluding with the forward-looking remarks.

Keywords: international arbitration; documentary evidence; document production; common law; civil law.

1. Introduction

International arbitration has been often criticized for its rising costs and lengthy procedures, which make it appear similar to traditional court litigation. Such a trend undermines the very notion of arbitration as a flexible dispute resolution tool founded on party autonomy. Users generally look to international arbitration for an efficient and swift mechanism to settle disputes. The process of collecting and presenting evidence occupy a large part of international arbitration proceedings. Therefore, examination of problems in this field and its improvement are important from the point of raising the efficiency of international arbitration proceedings. The present work considers the issues of submitting written evidence, i.e. documentary evidence in international arbitration.

Arbitral tribunals are generally granted the authority to order the production of documents under the most frequently applied arbitration rules. For instance, Article 25(4) of the ICC Arbitration Rules states that the tribunal may, at any stage of the proceedings, call upon a party to provide additional evidence (International Chamber of Commerce, 2021). In the same vein, Article 27(3) of the UNCITRAL Arbitration Rules

DOI: https://doi.org/10.54477/LH.25192353.2025.2.pp.21-31
All materials published in this journal are licences as CC-by-nc-nd 4.0
empowers tribunals to require parties to produce documents, exhibits, or other evidence within a period fixed by the tribunal (United Nations Commission on International Trade Law, 2021). Likewise, Article 22.1(v) of the LCIA Arbitration Rules provides that tribunals may order a party to supply documents in its possession, custody, or power which are considered relevant (London Court of International Arbitration, 2020). Under Article 28.2 of the DIS Arbitration Rules, this authority extends to both documents and electronically stored data (German Arbitration Institute, 2018). Comparable provisions are also found in Article 20.1 of the TIAC Arbitration Rules (Tashkent International Arbitration Center, 2021).

However, they do not contain provisions that govern the issue in detail, leaving this matter up to the parties or the arbitral tribunals. This is primarily due to the principles of party autonomy and procedural flexibility, which are regarded as core features of international arbitration. These qualities constitute one of the key advantages of arbitration when compared to proceedings before domestic courts: the tribunal can shape a tailor-made procedure which it, after consultation with the parties, considers best to deal with the particular requirements of the case at hand (Böckstiegel, 2010).

The existing practices on the submission of documentary evidence have evolved under an influence of different legal cultures, if grouped, they are common and civil law. If the parties come from the same legal system problems in terms of applicable rules on gathering and submitting the evidence may not emerge, but when they are coming from the different legal systems this may cause difficulties. As Derains (2006) observes, arbitrators and counsel frequently carry into arbitration the “bag and baggage” of their own legal traditions, together with procedural habits shaped by those systems. This can complicate the effort to reconcile practices that stem from different national frameworks. For instance, while cross-examination is a hallmark of common law procedure, it is far less common in civil law jurisdictions, and within international arbitration it tends to take on a somewhat adapted form (Cremades & Cairus, 2010).

Kimmelman and MacGrath (2006) contend that both the nationality and the professional background of participants can strongly influence the scope of document production in international arbitration. In particular, proceedings conducted in the United States often mirror the extensive document disclosure practices characteristic of U.S. litigation.

2. Discovery in common law and civil law jurisdictions

Another notable procedural feature in common law jurisdictions is the discovery process. In the United States, discovery refers to pretrial mechanisms that allow a party to obtain facts and information from the opposing party to support case preparation (Brower & Sharpe, 2008). As Smit (2006) explains, discovery in the U.S. legal system serves several purposes:

- to present documentary evidence held by a party that supports its position in the dispute (the “case presentation” objective);
- to provide each party with adequate notice of the documentary evidence the other party intends to use, thereby avoiding surprises at trial or hearing (the “surprise avoidance” objective);
- to grant parties access to relevant documents not in their possession (the “truth-finding” objective).

Discovery procedure is regulated by Federal Rules of Civil Procedure and case law (United States Congress, 2009). Besides the US courts showed their readiness to assist foreign and international tribunals in evidence gathering (U.S. Supreme Court, 2004), including the document production in accordance with the Section 1782 (U.S. Congress, 1964).

In terms of the limitations of discovery, Kimmelman and MacGrath (2006) highlight several significant concerns. The production of documents in U.S. litigation can be protracted, often spanning several months or even years. Discovery-related disputes, which are frequent, further exacerbate this timeline through additional motion practice, substantially increasing both the duration and cost of proceedings. As a result, pre-trial document discovery has emerged as a major driver of the overall expense of U.S. litigation. Moreover, the inherently broad scope of discovery frequently necessitates the collection and disclosure of voluminous documentation of marginal pertinence. This extensive process typically requires judicial supervision to resolve disputes and to prevent the mechanism from being exploited to impose unnecessary burdens and costs on the parties.

In England the scope of discovery was significantly curtailed by the Lord Wolf Reforms of 1996 (UK Ministry of Justice, 1996). It was criticized particularly in complex cases, where discovery had been regarded as disproportionate, time-consuming, costly, and largely ineffective a monumentally inefficient process, where by experience only a small subset of documents typically influences the outcome of the dispute (Raeschke-Kessler, 2010). In England discovery means the disclosure and production of contemporary documents for inspection by the other party. And English discovery has never, however, extended to that procedure which is peculiar to the United States (Brower & Sharpe, 2008).

In England, discovery is governed by the Civil Procedure Rules 1999 (UK Parliament, 1999). As Veeder V. (2006) argues that traditional English discovery, aided by modern photocopying technology, had evolved into an excessively burdensome, costly, and time-consuming aspect of commercial litigation. The introduction of the Woolf reforms, particularly the new Part 31 of the Civil Procedure Rules, represented a major innovation, significantly streamlining the process of document production.

As it can be observed, the scope of discovery differs across common law jurisdictions. What is evident is that common law traditions have had a substantial influence on international arbitration, shaping both the overall conduct of proceedings and the specific practices related to evidence submission .

In civil law jurisdictions the discovery typically takes place during court hearings and only with the judge's authorization. Historically, the civil law position was that no party is required to provide the other with information that could be used against them (Raeschke-Kessler, 2010).

However, the tendency is gradually changing. For instance, in Germany the amendments to the German Code of Civil Procedure (ZPO) in 2002 and 2006 expanded the courts' authority to order the production of documents at the request of a party. Under Article 142, the court may require a party or a third person to produce documents or other materials in their possession that are referenced by the opposing party. The court can also set deadlines for submission and ensure that the submitted documents remain with the court clerk for a specified period.

Raeschke-Kessler (2010) argues that Article 142 ZPO serves primarily as a tool to allow the requesting party to satisfy its burden of proof. It requires the relevant facts be fully alleged and substantiated in the prior written pleadings, and these facts be material to the outcome of the case. In addition, the requesting party must already have presented to the court all evidence within its possession. Any request under the Article 142 must be proportionate, and the court is obliged to consider the conflicting interests of the party from whom the documents are requested.

Derains (2006) points out the distinguishing features of civil and common law court proceedings by describing the role of a judge in each system. Regarding civil law system, the judge is primarily responsible for conducting the proceedings in order to resolve the legal issues presented by the parties. As a result, discussions are often conducted to points deemed to relevant to the resolution of the case, and the judge may order the production of documents even if neither party has requested them. On the contrary, in common law systems, the judge's authority is largely procedural, focused on

DOI: https://doi.org/10.54477/LH.25192353.2025.2.pp.21-31
All materials published in this journal are licences as CC-by-nc-nd 4.0
ensuring fair proceedings and maintaining equality between the parties. Here, a party or third party may be required to disclose all documents relevant to the case, but such orders are typically issued in response to a party's request rather than on the judge's own initiative. The rationale is that access to all relevant facts enables the parties to present their claims and defenses with the necessary precision.

The role of arbitrators in international arbitration is somehow different, arbitrators must resist their natural inclinations to view procedural and substantive justice through the lens of their own legal heritage, and must continually strive to make the parties' will their lodestar (Brower & Sharpe, 2008). Other main differences of these legal systems in terms of conducting proceedings can be observed in Table 1.

Table 1. Comparison of legal systems

Common Law	**Civil Law**
Adversarial	Inquisitorial
Judge as a referee	Leading role of the judge
Preparation of witnesses	Mainly not practiced
Cross-examination of witnesses	Witness is questioned by the judge
Discovery	Limited and mainly on the initiative of the judge during the hearings

Source: developed by the author

In Austria, Germany, Netherlands, Sweden – counsel can interview prospective witness; in Belgium, France, Italy, Switzerland – counsel is not allowed to interview prospective witness (Houtte, 2003). The Table 1 clearly demonstrates the main differences of two legal traditions and their projection to the international arbitration proceedings.

Uzbekistan being a civil law jurisdiction naturally follows inherent practices. Under Article 68 of the Economic Procedure Code of Uzbekistan (hereinafter "EPC"), each participant in the case is responsible for proving the circumstances to which they base their claims and objections (Parliament of Uzbekistan, 2018). A request for evidence is possible pursuant to Article 69 of the EPC, a participant who is unable to independently obtain necessary evidence from another party, whether involved in the case or not, has the right to petition the court to request such evidence (Parliament of Uzbekistan, 2018).

The Law of Uzbekistan "On International Commercial Arbitration" enacted on 16 February 2021, largely follows the provisions of the UNCITRAL Model Law on International Commercial Arbitration (1985), as amended in 2006 (Snider et al., 2021). Established in 2018, Tashkent International Arbitration Center's (TIAC) Arbitration Rules have been influenced by common law practices, with one distinct feature that allows the appointment of a third-party advisor to deal with the document production process (Tashkent International Arbitration Center, 2021).

3. Document discovery in international arbitration

The differences among the legal systems outlined above have significantly influenced the conduct of arbitration proceedings, particularly regarding the submission of documentary evidence. Derains (2006) identifies a major challenge in international arbitration as the massive volume of documents submitted to arbitrators. In complex cases, parties may attach hundreds or even thousands of documents to their memorials, many of which cannot be fully reviewed or stored by the arbitrators. Ultimately, only a small fraction of these documents are actually utilized, and an even smaller subset serves as decisive evidence. This overwhelming influx of documents is highly inefficient and should be carefully managed. There is little justification for parties to produce documents beyond the core set that will ultimately be relied upon as evidence during hearings or in post-hearing submissions.

According to Hamilton (2006) discovery procedure that is being used in international arbitrations sometimes led to negative results. It can produce such situation when one of parties in the hope of getting favorable evidence requests indiscriminately from other party relevant and irrelevant materials. This is also called "fishing expeditions".

The discovery can be used as a tool to protract arbitration proceedings and harass an opposing party to make any concessions. Thus, this procedure is time consuming and involves additional expenses, increases conflict situation between the parties.

The worst effect of the discovery is that it compromises impartiality of arbitrator(s). Let's suppose the following hypothetical situation, in the discovery procedure party "A" requests party "B" to produce a specific document, which "A" assumes, in the possession of "B". "B" rejects production of the requested document, stating that it constitutes a commercial secret and prompting "A" to requests the arbitral tribunal to order its production. This creates a delicate situation: if the tribunal compels production, "B" may perceive the arbitrators as favoring "A"; if the request is denied, "A" may feel disadvantaged. In either case, the perceived balance of interests among the participants is threatened, potentially undermining the fairness of the proceedings.

If a party fails to comply with a document production order issued by the arbitral tribunal, the tribunal itself lacks the enforcement powers of a state court. In such cases, either the tribunal or the party requesting the documents may refer the matter to a competent state court for enforcement.

Nevertheless, the arbitral tribunal has other means of influence. It may draw an adverse inference from a party's noncompliance and consider this in the allocation of arbitration costs. When a party seeks an adverse inference that could result in an unfavorable award, certain conditions must be met. According to Brower and Sharp (2008), the requesting party must: (1) present all available evidence supporting the influence; (2) ensure the requested evidence is accessible to the opposing party; (3) demonstrate that the influence is reasonable, consistent with the record, and logically related to the likely nature of the withheld evidence; (4) produce prima facie evidence; and (5) ensure that the opposing party is aware, or has reason to be aware, of its obligation to provide evidence to rebut the adverse inference. These criteria provide a good framework for mitigating the adverse effects of document production in international arbitration.

To address the challenges associated with document production, international practice has developed various techniques and procedural tools. One such method is the Redfern Schedule, named after the eminent arbitrator Alan Redfern, which is designed to expedite the discovery process. It consists of four columns "Request", "Reason for Request", "Objection" and "Tribunal's decision" that are completed by the parties. Blackaby et al. (2009) argue that the Redfern Schedule serves to clearly define the specific issues in dispute, allowing the arbitral tribunal to understand the positions the parties have adopted after their exchanges. This framework enables the tribunal to make a well-informed decision regarding whether a particular document, or category of documents, should be produced, without becoming entangled in the detailed communication between the parties' counsel and typically without the need for separate hearing.

The timing for the document production is also an important issue. Establishing clear "rules of the game" at the outset helps to prevent either party from being taken unexpectedly. Hanotiau (2006) stresses that difficulties related to document production typically arise when the arbitral tribunal has not addressed the issue effectively at the start of the arbitration. In other words, such problems are often less a result of the parties' expectations or the scope of production and more a consequence of insufficient case management by the tribunal.

Another important criterion in dealing with the document production is the "burden of proof". Böckstiegel (2010) states that "an issue relevant irrespective of the

DOI: https://doi.org/10.54477/LH.25192353.2025.2.pp.21-31
All materials published in this journal are licences as CC-by-nc-nd 4.0
civil or common law approach, but nevertheless often forgotten in shaping evidence procedure, is the burden of proof. In so far as a party has the burden of proof and has not complied with that burden for the legal consequences of its claims, the other party does not even have to submit evidence of its own." Derains (2006) observes, for document production to be efficient, it must enable the arbitral tribunal to obtain not merely any documents that are relevant or material, but specifically those without which a party would be unable to fulfill its burden of proof. When a request for document production is contested, the arbitrators should assess whether the requesting party genuinely requires the documents to meet this burden. If the documents are not essential for that purpose, the request should be denied. In evaluating such request, arbitrators must carefully verify that the burden of proof indeed rests with the party making the request.

Thus, the "burden of proof" can guide the tribunal in deciding whether the document production is needed or not. This principle can be found in the arbitration rules. Article 27(1) of the UNCITRAL Arbitration Rules provides that each party bears the responsibility of proving the facts on which it relies to support its claims or defenses (United Nations Commission on International Trade Law, 2021). As Lionnet (2005) states burden of proof is fundamental in arbitration, as arbitrators are generally understood to lack ex officio authority to conduct their own investigations.

The burden of proof principle is also applied when the arbitral tribunal draws the adverse inference, although arbitral tribunals routinely draw adverse inferences, they are typically reluctant to draw adverse inferences to allow a party to succeed on its claims in the absence of evidence otherwise necessary to meet its burden of proof (Brower & Sharpe, 2008). Regarding the role of the document production in international arbitration, Smit (2006) argues that document "discovery", in its constrained form within international arbitration, has become an established practice. The essential components of document production in this context include: (1) the case presentation and surprise-avoidance approach, whereby parties provide in advance all documents they intend to rely on, and (2) the truth-finding approach, which permits limited, targeted discovery of relevant and material documents held by the opposing party. These practices enable international arbitration to achieve greater efficiency and fairness compared with traditional North American civil procedure or domestic arbitration practices.

Arbitrators and other participants of international arbitration should try to transcend their cultural and legal backgrounds if they want to have an efficient dispute resolution. As King and Bosman (2001) stress, the routine work of adjudicating cases can become mired in broader philosophical debates over the common law/civil law "Great Divide," often compromising arbitral efficiency. In matters of document discovery, such debates are largely irrelevant and should be set aside. It allows parties and arbitrators to concentrate on practical, case-specific solutions for the disclosure of evidence.

4. Soft law instruments

To address the challenges arising from differences in legal systems regarding the collection and presentation of evidence in international arbitration, and to promote greater consistency in practice, International Bar Association (2020) (hereinafter - IBA) has developed and refined rules on the presentation of evidence. The scope of IBA Rules on Taking of Evidence in International Arbitration (2020) (hereinafter - IBA Rules) includes the following:

- complement the legal framework and any institutional, ad hoc or other rules governing the arbitration;
- be applied either in full or in part to guide proceedings, or serve as a flexible framework for parties and tribunals to develop their own procedures;
- ensure that the process of taking evidence is carried out on the principle that each party acts in good faith.

Thus, the IBA Rules of Evidence are not mandatory in nature and are used voluntarily if the parties agree so. As the evidence production in international arbitration is conducted mainly in the written from, the IBA Rules pay a special attention to this issue. They offer a wide definition of "document," encompassing any writing, communication, image, drawing, program or data regardless of whether it is maintained on paper or stored through electronic, audio, visual or any other means.

If there is a request for the production of document, it should meet the requirements of Article 3(3) of the IBA Rules:

- provide a description of each requested document that is sufficiently detailed to allow its identification;
- explain how the requested documents are relevant to the case and material to its outcome;
- confirm that the documents are not already in the possession, custody or control of the requesting party, or explain why it would be unreasonably burdensome for the requesting party to produce them;
- State out the reasons for believing that the requested documents are in the possession, custody or control of another party.

In assessing weight and admissibility of evidence arbitrators consider the provisions of Article 9(2) of the IBA Rules, including:

- whether the evidence lacks sufficient relevance to the case or materiality to its outcome;
- any legal impediment or claim of privilege;
- whether producing the evidence would impose an unreasonable burden;
- loss or destruction of the document;
- commercial or technical confidentiality concerns;
- special political or institutional sensitivities;
- broader considerations of procedural efficiency, proportionality, fairness or equality between the parties.

In some cases, certain categories of relations or information can not be disclosed because of confidentiality reasons, or otherwise privileges. They may include the professional privileges (attorney-client, medical, journalist privileges), protections against self-incrimination, trade secrets, a sensitive governmental information.

The IBA Rules substantially reflect the international arbitration practice that has evolved over the years. Professor Stipanowich (2014), discussing such guidelines as a form of soft law, points out that the key measure of a soft law standard lies in how effectively it serves the changing needs of international dispute resolution, and soft law is increasingly playing a central role in shaping commercial arbitration globally.

Regarding the practical value, the IBA Rules are widely accepted across both regional boundaries and the civil and common law traditions (Neuhaus et al., 2023). As Kläsener et al. (2021) notes, since their introduction, document production has been routinely incorporated into the procedural timetable of arbitral proceedings, with little dispute over its necessity. Over time, the scope of document production has expanded and the process has become increasingly standardized. Nowadays, the central question is less whether document production should occur and more the extent to which it is required. However, there has been a move to curtail document production in international arbitration as the adoption of the Prague Rules demonstrates.

The Rules on the Efficient Conduct of Proceedings in International Arbitration ("Prague Rules") released in January 2018, are designed to provide guidance for arbitral tribunals and parties on enhancing the efficiency of arbitration by promoting a more proactive role for tribunals in case management (Prague Rules Working Group, 2018). As Argerich (2019) notes, the drafters of the Prague Rules critique the current IBA-style approach to document discovery as excessively time-consuming and costly. Reflecting civil law traditions, the Prague Rules place stricter limits on the scope of document production.

DOI: https://doi.org/10.54477/LH.25192353.2025.2.pp.21-31
All materials published in this journal are licences as CC-by-nc-nd 4.0

Article 4 of Prague Rules deals with the documentary evidence. According to Article 4.2, "the arbitral tribunal and the parties are encouraged to avoid any form of document production, including e-discovery." Under Article 4.3, if a party anticipates the need to request certain documents from the opposing party, it must notify the arbitral tribunal during the case management conference and explain why such may be essential in the specific case. If the tribunal agrees that document production could be required, it determines the procedure and incorporates appropriate provisions into the procedural timetable.

Article 4.4 provides that a party may seek an order for document production at a later stage of the arbitration only under exceptional circumstances. Such a request will be granted solely if the tribunal is satisfied that it could not have been made during the case management conference. Article 4.5 outlines the criteria for requesting document production, specifying that a party may ask the tribunal to compel another party to produce a document that:

a. is relevant and material to the outcome of the case;
b. is not publicly available; and
c. is in the possession, power, or control of the other party.

Article 4.8 imposes a confidentiality regime, providing that any document submitted or produced in the arbitration, which is not already public, must be kept confidential by both the arbitral tribunal and the parties. Such documents may only be used for purposes of the arbitration, except to the extent that disclosure is required by applicable law.

Prague Rules promote the arbitration proceedings without conducting a hearing when feasible, aiming to enhance cost-efficiency. According to Article 8.1, the arbitral tribunal and the parties should, where appropriate, attempt to settle the dispute solely on the basis of documents.

As it can be observed from above, Prague Rules offer an alternative for the arbitration users aimed at minimizing document production and efficient conduct of international arbitration proceedings.

5. Conclusions

It can be observed that international arbitration employs a relatively limited form of document disclosure, a practice that presents both advantages and challenges for the parties involved. On the one hand, the constrained scope of document production helps prevent excessive costs and avoids the burdens associated with large-scale discovery, which are often criticized in common law jurisdictions, such as the United States and the United Kingdom. In these jurisdictions, the scope of discovery has been gradually narrowed through legislative reforms, which limit overly broad document disclosure and encourage a more proportionate and case-focused approach. At the same time, the traditional common law practices of producing extensive documentary evidence, including pretrial discovery, have influenced the procedures of international arbitration, particularly in cases involving parties from common law backgrounds.

Although civil law jurisdictions were historically limited the disclosure of evidence to that which is necessary and permitted by the court, a gradual shift toward greater acceptance of document production is observed. Amendments to civil procedure rules in Germany, for example, have expanded the courts' authority to order the production of documents upon request, reflecting an evolving recognition of the need to facilitate the evidentiary process while balancing proportionality and fairness. Such developments indicate a movement within civil law systems toward adopting practices that more closely resemble limited discovery, particularly in the context of international arbitration, where parties may come from both common and civil law backgrounds.

This convergence suggests that common law and civil law traditions are gradually moving toward the establishment of general principles for document disclosure in international arbitration. Party autonomy, a cornerstone of arbitration, ensures that the parties retain the freedom to select procedures that best suit their particular case. Within this framework, efforts to harmonize and unify document production procedures have emerged, most prominently through the International Bar Association (IBA) Rules on the Taking of Evidence in International Arbitration and the Prague Rules. These instruments provide detailed guidance on the scope and method of document production, defining what constitutes a "document" and outlining criteria for requests, relevance, materiality, and confidentiality.

The IBA Rules offer a structured and widely accepted framework that has been integrated into the procedural timetables of arbitral proceedings, helping to standardize practices across jurisdictions while remaining flexible enough to accommodate the parties' autonomy. Similarly, the Prague Rules promote efficiency by limiting document production, reflecting civil law sensibilities and encouraging tribunals and parties to resolve disputes, where appropriate, on a documents-only basis. Together, these frameworks function as platforms where diverse legal traditions converge, offering practical solutions that balance efficiency, fairness, and procedural economy in international arbitration.

Moreover, arbitration continues to preserve the principle of party autonomy, nut at the same time, consistent international standards are emerging for

In conclusion, although the limited approach to document disclosure in international arbitration carries both benefits and drawbacks, the ongoing interaction between common law and civil law practices is gradually fostering a more harmonized and standardized approach. Arbitration continues to preserve the principle of party autonomy, but at the same time, consistent international standards are emerging for evidence submission and document production. These developments aim to enhance procedural efficiency, reduce unnecessary costs, and ensure fairness, thereby contributing to a dispute resolution process that is both practical and reliable in international commercial contexts.

References

Argerich, S. (2019). A comparison of the IBA and Prague rules: Comparing two of the same. Retrieved from https://arbitrationblog.kluwerarbitration.com/2019/03/02/a-comparison-of-the-iba-and-prague-rules-comparing-two-of-the-same/

Blackaby, N., Partasides, C., Redfern, A., & Hunter, M. (2009). *Redfern and Hunter on international arbitration*. Oxford: Oxford University Press.

Böckstiegel, K. (2010). Taking evidence in international commercial arbitration: Legal framework and trends in practice. In K. Böckstiegel, P. Berger, & H. Bredow (Eds.), *The taking of evidence in international commercial arbitration*. Köln: Wolters Kluwer Deutschland GmbH.

Brower, C., & Sharpe, J. (2008). Determining the extent of discovery and dealing with requests for discovery: Perspectives from the common law. In L. Newman, & R. Hill (Eds.), *The leading arbitrators' guide to international arbitration* (2nd ed.). New York: Juris Publishing Inc.

Cremades, B., & Cairus, D. (2010). Cross-examination and international arbitration. In K. I. Hobér, A. Magnusson, & M. Öhrström (Eds.), *Between East and West: Essays in honour of Ulf Franke*. New York: Juris.

Derains, Y. (2006). Towards greater efficiency in document production before arbitral tribunals: A continental viewpoint. In A. S. El-Kosheri, A. Chin, B. R. Hanotiau, D. C. MacGrath, H. A. Grigera Naón, L. B. Kimmelman, M. Hwang, M. S. Abdel Wahab, N. H. M. Fletcher, P. A. Habegger, R. H. Smit, V. V. Veeder, V. Hamilton, & Y. Derains (Eds.), *Document production in international arbitration (Special Supplement of ICC International Court of Arbitration Bulletin)*. Paris: International Chamber of Commerce.

DOI: https://doi.org/10.54477/LH.25192353.2025.2.pp.21-31
All materials published in this journal are licences as CC-by-nc-nd 4.0
German Arbitration Institute. (2018). DIS Arbitration rules. Retrieved from https://www.disarb.org/en/tools-for-dis-proceedings/dis-rules

Hamilton, V. (2006). Document production in ICC arbitration. In A. S. El-Kosheri, A. Chin, B. R. Hanotiau, D. C. MacGrath, H. A. Grigera Naón, L. B. Kimmelman, M. Hwang, M. S. Abdel Wahab, N. H. M. Fletcher, P. A. Habegger, R. H. Smit, V. V. Veeder, V. Hamilton, & Y. Derains (Eds.), *Document production in international arbitration (Special Supplement of ICC International Court of Arbitration Bulletin)*. Paris: International Chamber of Commerce.

Hanotiau, B. (2006). Document production in international arbitration: A tentative definition of "best practices." In A. S. El-Kosheri, A. Chin, B. R. Hanotiau, D. C. MacGrath, H. A. Grigera Naón, L. B. Kimmelman, M. Hwang, M. S. Abdel Wahab, N. H. M. Fletcher, P. A. Habegger, R. H. Smit, V. V. Veeder, V. Hamilton, & Y. Derains (Eds.), *Document production in international arbitration (Special Supplement of ICC International Court of Arbitration Bulletin)*. Paris: International Chamber of Commerce.

Houtte , H. V. (2003). Counsel-witness relations and professional misconduct in civil law systems. *Arbitration International, 19*(4), 457-464. https://doi.org/10.1093/arbitration/19.4.457

International Bar Association. (2020). IBA rules on taking of evidence in international arbitration. Retrieved from https://www.ibanet.org/MediaHandler?id=def0807b-9fec-43ef-b624-f2cb2af7cf7b

International Chamber of Commerce. (2021). ICC arbitration rules. Retrieved from https://iccwbo.org/dispute-resolution/dispute-resolution-services/arbitration/rules-procedure/2021-arbitration-rules/#block-accordion-25

Kimmelman, L., & MacGrath, D. (2006). Document production in the United States. In A. S. El-Kosheri, A. Chin, B. R. Hanotiau, D. C. MacGrath, H. A. Grigera Naón, L. B. Kimmelman, M. Hwang, M. S. Abdel Wahab, N. H. M. Fletcher, P. A. Habegger, R. H. Smit, V. V. Veeder, V. Hamilton, & Y. Derains (Eds.), *Document production in international arbitration (Special Supplement of ICC International Court of Arbitration Bulletin)*. Paris: International Chamber of Commerce.

King , B., & Bosman, L. (2001). Rethinking discovery in international arbitration: Beyond the common law/civil law divide. I*CC International Court of Arbitration Bulletin, 12(*1), 24-32.

Kläsener, A. C., Magál, M., & Neuhaus, J. E. (Eds.). (2021). The guide to evidence in international arbitration. London: Law Business Research Ltd. Retrieved from https://www.twobirds.com/-/media/pdfs/news/guide-to-evidence-1st-ed-approaches-to-evidence-across-legal-cultures.pdf

Lionnet, K. (2005). Once again: Is discovery of documents appropriate in international arbitration? In G. Aksen & R. G. Briner (Eds.), *Global reflections on international law, commerce and dispute resolution: Liber Amicorum in honour of Robert Briner* (pp. 491-501). Paris: ICC Publishing.

London Court of International Arbitration. (2020). LCIA arbitration rules. Retrieved from https://www.lcia.org/Dispute_Resolution_Services/lcia-arbitration-rules-2020.aspx#Article%2022

Neuhaus , J. E., Finn, A. J., & Blackman, D. S. (2023). The 2020 IBA rules on the taking of evidence in international arbitration: A history and discussion of the 2020 revisions. In A. C. Kläsener, M. Magál, & J. E. Neuhaus (Eds.), T*he guide to evidence in international arbitration (2nd ed.)*. London: Law Business Research Limited.

Parliament of Uzbekistan. (2018). Economic Procedure Code of Uzbekistan. Retrieved from https://lex.uz/docs/3523891

Prague Rules Working Group. (2018). Prague Rules. Retrieved from https://praguerules.com

Raeschke -Kessler, H. (2010). Discovery in international commercial arbitration? In K.

Böckstiegel, R. B. von Bredow, & C. A. Scherer (Eds.), *The taking of evidence in international commercial arbitration* (pp. 65-79). Köln: Wolters Kluwer Deutschland GmbH.

Smit , R. (2006). Towards greater efficiency in document production before arbitral tribunals: A North American viewpoint. In A. S. El-Kosheri, A. Chin, B. R. Hanotiau, D. C. MacGrath, H. A. Grigera Naón, L. B. Kimmelman, M. Hwang, M. S. Abdel Wahab, N. H. M. Fletcher, P. A. Habegger, R. H. Smit, V. V. Veeder, V. Hamilton, & Y. Derains (Eds.), *Document production in international arbitration (Special Supplement of ICC International Court of Arbitration Bulletin).* Paris: International Chamber of Commerce.

Snider, T., Masadikov, Sh., & Dilevka, S. (2021). Uzbekistan adopts law on international commercial arbitration. Retrieved from https://arbitrationblog.kluwerarbitration.com/2021/03/24/uzbekistan-adopts-law-on-international-commercial-arbitration/

Stipanowich, T. J. (2014). Soft law in the organization and general conduct of commercial arbitration proceedings. In L. W. Newman & M. J. Radine (Eds.), *Soft law in international arbitration (2nd ed., pp. 73-238). Huntington: JurisNet, LLC.*

Tashkent International Arbitration Center. (2021). The arbitration rules. Retrieved from https://jusmundi.com/en/document/rule/en-tiac-tashkent-international-arbitration-center-rules-of-arbitration-2021-tiac-rules-of-arbitration-2021-friday-1st-january-2021

United Nations Commission on International Trade Law. (2021). UNCITRAL arbitration rules. Retrieved from https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/21-07996_expedited-arbitration-e-ebook.pdf

Veeder , V. (2006). Document production in England: Legislative developments and current arbitral practice. In A. S. El-Kosheri, A. Chin, B. R. Hanotiau, D. C. MacGrath, H. A. Grigera Naón, L. B. Kimmelman, M. Hwang, M. S. Abdel Wahab, N. H. M. Fletcher, P. A. Habegger, R. H. Smit, V. V. Veeder, V. Hamilton, & Y. Derains (Eds.), *Document production in international arbitration (Special Supplement of ICC International Court of Arbitration Bulletin).* Paris: International Chamber of Commerce.