

**INTERNATIONAL TURKIC
ARBITRAGE**

REGULATION

**under the Republican Public Association
"INTERNATIONAL MEDIATION CENTRE"**

Republic of Kazakhstan, 2026

STATUTORY AND REGULATORY FRAMEWORK

The International Turkic Arbitrage (hereinafter referred to as the "ITA") is established and operates in accordance with the following statutory and regulatory acts:

1. **Law of the Republic of Kazakhstan No. 488-V "On Arbitration" dated April 8, 2016** (as amended on January 3, 2026) — *the core enabling statute.*
2. **Law of the Republic of Kazakhstan No. 401-IV "On Mediation" dated January 28, 2011** (as amended on January 22, 2025) — *governing mediation procedures.*
3. **Civil Code of the Republic of Kazakhstan** (General and Special Parts) — *governing civil law relations.*
4. **Civil Procedure Code of the Republic of Kazakhstan** — *governing the procedure for issuing writs of execution (Articles 252–257).*
5. **Law of the Republic of Kazakhstan "On Non-Profit Organizations"** — *governing the legal status of the Republican Public Association (RPA).*
6. **UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards** (New York, 1958) — *ratified by the Republic of Kazakhstan, mandatory regarding the enforcement of awards.*
7. **UNCITRAL Model Law on International Commercial Arbitration** (2006) — *the international standard.*

Note: References in square brackets [Law on Arbitration, Art. X] denote the specific statutory provisions upon which the respective clauses of this document are based.

PREAMBLE

The International Turkic Arbitrage (ITA) is established as a permanent arbitral institution of the Republican Public Association "INTERNATIONAL MEDIATION CENTRE" pursuant to Paragraph 2 of Article 4 of the Law of the Republic of Kazakhstan "On Arbitration", which authorizes natural and legal persons to establish permanent arbitral institutions. *[Law on Arbitration, Art. 4]*

The ITA embodies the centuries-old tradition of Turkic justice — the Court of Biys (Biler Soty) — in the form of a modern international arbitration institution. The principle of *Tore* (where equity and substantive justice prevail over rigid formalism) seamlessly aligns with the principles of fairness and equality enshrined in Article 5 of the Law "On Arbitration", which mandate acting in good faith and adhering to the moral standards of society and rules of business ethics. *[Law on Arbitration, Art. 5]*

"Great is not the one who knows many laws, but great is the one who resolves a dispute in such a way that both parties leave with their honor intact."

— *The Principle of the Court of Biys (Biler Soty)*

SECTION I. NAME AND LEGAL STATUS

Article 1. Name

1.1. Full official name: "International Turkic Arbitration" under the Republican Public Association "INTERNATIONAL MEDIATION CENTRE"

1.2. Short name: ITA

Article 2, Paragraph

2.1. Of the Kazakhstan Law on Arbitration establishes that the ITA is a permanently functioning arbitration institution authorized to independently approve its rules of procedure and roster of arbitrators [Law on Arbitration, Art. 4]. This provision is in accordance with Paragraph 2 of Article 4 of the Law of the Republic of Kazakhstan "On Arbitration" [Law on Arbitration, Art. 4].

2.2. The ITA is a structural subdivision of the Republican Public Association "INTERNATIONAL MEDIATION CENTRE" and does not possess the status of a legal entity [Law on Arbitration, Art. 4]. Any interference by the Public Association in the arbitral proceedings of specific cases is strictly prohibited in accordance with Article 7 of the Law "On Arbitration." [Law on Arbitration, Art. 7]

2.3. The International Arbitration Association (IAA) may not be established by state bodies, state enterprises, natural monopoly entities, or others listed in Paragraph 4 of Article 4 of the Law of the Republic of Kazakhstan "On Arbitration." The Republican Public Association "INTERNATIONAL MEDIATION CENTRE" is confirmed to be exempt from these restrictions [Law on Arbitration, Art. 4].

2.4. The seat of the ITA is at Apartment 13, Building 5/1, Respublika Avenue, Astana, Republic of Kazakhstan, with authority to conduct proceedings at any location agreed upon by the parties, including remotely. [Law on Arbitration, Art. 22].

Article 3. Operating Conditions of the Permanent Arbitral Institution.

According to Article 16 of the Law of the Republic of Kazakhstan "On Arbitration," the International Arbitration Institution (ITA) is required to maintain a roster of arbitrators [Law on Arbitration, Art. 15]. The ITA must also approve and comply with its regulations, ensure accessibility to the rules, and properly manage case documentation [Law on Arbitration, Art. 16].

Article 4. Statutory and Legal Framework

4.1. The ITA operates on the basis of: The Law of the Republic of Kazakhstan No. 488-V "On Arbitration" dated April 8, 2016 (as amended on January 3, 2026); The Law of the Republic of Kazakhstan No. 401-IV "On Mediation" dated January 28, 2011 (as amended on January 22, 2025); The Civil Code of the Republic of Kazakhstan; The Civil Procedure Code of the Republic of Kazakhstan (Chapter 13, Articles 252–257 — enforcement of arbitral awards); The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), ratified by the Republic of Kazakhstan; The UNCITRAL Model Law on International Commercial Arbitration (2006); The Charter of the "INTERNATIONAL MEDIATION CENTRE" Republican Public Association; This Regulation and the Rules of Procedure (Regulations) of the ITA.

4.2. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in the Law of the Republic of Kazakhstan "On Arbitration," the rules of the international treaty shall apply [Law on Arbitration, Art. 3].

SECTION II. MISSION AND PRINCIPLES

Article 5. Mission and Values of the ITA

5.1. The mission of the ITA is the restoration of justice (Tore) and the preservation of business relations within the Turkic world through independent and culturally sensitive arbitration proceedings.

Turkic Principle	Provision of Kazakhstan Law
Tore — justice and equity over formalism principle of fairness and business ethics Adat	Art. 5, Para. 5 of the Law on Arbitration: the
— customs as a source of law customs of business turnover Bitimgershilik	Art. 44, Para. 1: arbitration applies the
— mandatory reconciliation	Art. 46 of the Law on Arbitration: settlement agreement and mediation during arbitration
Asar — collective expertise	Art. 34: arbitration is entitled to appoint
expert(s) Ar-namys — honor and reputation	Art. 5, Para. 5: moral principles and rules of
business ethics Biler Soty — authority of the wise	Art. 13: arbitrators are chosen based on
qualifications and business reputation.	

Article 6. Principles of ITA Arbitration Proceedings.

6.1. In accordance with Article 5 of the Law of the Republic of Kazakhstan "On Arbitration," the International Arbitration Center (IAC) operates on the basis of the following principles [Law on Arbitration, Art. 5].

Principle of voluntariness (Article 5(1));

Principle of equality of the parties (Article 5(2));

Principle of independence and impartiality of the mediator (Article 5(3));

Principle of non-interference in the mediation procedure (Article 5(4));

Principle of fairness (Article 5(5)) — good faith, moral principles, and the rules of business ethics;

Principle of confidentiality (Article 5(6)).

Principle of the autonomy of the arbitration agreement (Article 5(7)).

6.2. Additionally, in the spirit of the Turkic legal tradition, the ITA applies the principle of Bitimgershilik (priority of amicable settlement), implemented through the mechanism provided for in Article 46 of the Law on Arbitration and the Law on Mediation. [Law on Arbitration, Article 46]

SECTION III.

JURISDICTION

Article 7. Subject-Matter Jurisdiction

7.1. Pursuant to Article 8 of the Law of the Republic of Kazakhstan "On Arbitration", the ITA shall administer disputes arising out of civil law relationships where an arbitration agreement exists, including: [Law on Arbitration, Article 8]

international commercial contracts (including sale of goods, construction and works contracts, services, franchising, and licensing);

investment disputes;

corporate disputes to the extent permitted by applicable law;

disputes relating to construction, logistics, and transportation;

disputes arising out of intellectual property agreements;

disputes arising from mediation settlement agreements;

other civil law disputes that are not prohibited by law from being referred to arbitration.

7.2. The ITA shall not administer disputes arising out of public law relationships or categories of disputes that are expressly prohibited from being referred to arbitration under the legislation of the Republic of Kazakhstan, including Article 8(3) of the Law on Arbitration. [Law on Arbitration, Article 8]

Article 8. Principle of Kompetenz-Kompetenz

8.1. Pursuant to Article 20 of the Law of the Republic of Kazakhstan "On Arbitration", the ITA shall have the power to determine its own jurisdiction with respect to any dispute submitted to it, including where one of the parties objects to the arbitration proceedings. [Law on Arbitration, Article 20]

8.2. The ITA shall determine any objection to its jurisdiction within ten (10) calendar days, unless otherwise provided by these Rules or agreed by the parties, in accordance with Article 20(4) of the Law on Arbitration. [Law on Arbitration, Article 20]

8.3. An arbitration clause forming part of a contract shall be interpreted as an independent agreement separate from the other terms of the contract (the principle of the autonomy of the arbitration agreement), in accordance with Article 5(7) and Article 20(1) of the Law on Arbitration. [Law on Arbitration, Articles 5 and 20]

SECTION IV.

ORGANS OF THE ITA

Article 9. Governance Structure

The governance of the ITA shall be exercised through the following bodies:

the Chairperson of the ITA;

the ITA Expert Council (Keñes); and

the ITA Secretariat.

The organs of the ITA shall not interfere with the independence of arbitrators or with the conduct of arbitral proceedings in any specific dispute, in accordance with Article 7 of the Law of the Republic of Kazakhstan "On Arbitration." [Law on Arbitration, Article 7]

Article 10. ITA Arbitrators (Biys)

10.1. Pursuant to Article 13 of the Law of the Republic of Kazakhstan "On Arbitration", an arbitrator may be: [Law on Arbitration, Article 13]

a natural person with legal capacity who has consented to act as an arbitrator;

a person who is not a public official, is not a member of a political party, and is not a member of the Parliament or a maslikhat serving on a permanent basis;

a person who has no unexpunged or outstanding criminal conviction.

10.2. In addition to the requirements set forth in Article 13, the ITA requires that an arbitrator shall possess:

at least seven (7) years of professional experience;

an impeccable professional reputation, consistent with the principle of Ar-Namys (honour and integrity);

knowledge of the principles of arbitral proceedings; and

for international disputes, experience in cross-border matters and proficiency in the working language of the ITA.

10.3. The ITA shall maintain a Register of Arbitrators in accordance with Article 15 of the Law of the Republic of Kazakhstan "On Arbitration." The Register shall be approved by the ITA Expert Council (Keñes) and published on the ITA's official website. [Law on Arbitration, Article 15]

Article 11. Expert Council (Keñes)

11.1. The Expert Council (Keñes) is a distinctive advisory body of the ITA, reflecting the Asar principle of collective wisdom and mutual assistance. It shall be composed of no fewer than seven (7) recognized sectoral experts from the Turkic States.

11.2. Opinions of the Expert Council may be requested by the arbitral tribunal with the consent of the parties and shall be considered as expert opinions in accordance with Article 34 of the Law of the Republic of Kazakhstan "On Arbitration", governing experts appointed by the arbitral tribunal. [Law on Arbitration, Article 34]

11.3. The Expert Council shall have no authority to render arbitral awards or to interfere with the arbitral proceedings beyond its advisory function.

Article 12. ITA Secretariat

12.1. The ITA Secretariat shall be responsible for the organizational, administrative, and technical operation of the ITA, including:

receiving and registering statements of claim;

serving notices and communications on the parties;

maintaining the register of arbitration cases;

organizing hearings and procedural meetings; and

maintaining the records and archives of arbitration cases.

SECTION V.

FINANCING

Article 13. Arbitration Fees and Costs

13.1. Pursuant to Article 41 of the Law of the Republic of Kazakhstan "On Arbitration", arbitration costs shall include: [Law on Arbitration, Article 41]

costs related to the resolution of the dispute (including arbitrators' fees, experts' fees, and interpreters' and translators' services);

costs associated with conducting hearings; and

administrative expenses of the ITA Secretariat.

13.2. The amount of arbitration fees shall be determined in accordance with the ITA Schedule of Fees, approved by the ITA Expert Council (Keñes). The allocation of costs between the parties shall be made in accordance with Article 42 of the Law on Arbitration, taking into account the principle of fairness and the outcome of the proceedings. [Law on Arbitration, Article 42]

13.3. The ITA may establish preferential fee rates for small and medium-sized enterprises (SMEs) of the Turkic States in order to ensure greater accessibility of arbitration.

SECTION VI.

INTERNATIONAL COOPERATION

Article 14. Partnerships and Recognition of Awards

14.1. The ITA shall seek to establish partnerships with leading international arbitration institutions and institutions of the Organization of Turkic States.

14.2. ITA arbitral awards shall be subject to recognition and enforcement in accordance with the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention) in more than 170 States, as well as pursuant to Articles 54–55 of the Law of the Republic of Kazakhstan "On Arbitration" within the territory of the Republic of Kazakhstan. [Law on Arbitration, Article 54]

14.3. The grounds for refusal of recognition and enforcement of ITA arbitral awards shall be limited to the grounds established under Article 57 of the Law of the Republic of Kazakhstan "On Arbitration" and Article V of the New York Convention. In rendering awards, the arbitral tribunal shall take these limitations into account in order to ensure the maximum possible enforceability of arbitral awards. [Law on Arbitration, Article 57]

SECTION VII.

FINAL PROVISIONS

Article 15. Challenge and Enforcement of ITA Awards

15.1. An ITA arbitral award may be challenged by filing an application for its annulment with a competent court of the Republic of Kazakhstan. The grounds for annulment shall be exclusively limited to those established

under Article 52 of the Law of the Republic of Kazakhstan "On Arbitration", including: [Law on Arbitration, Article 52]

the award was rendered on a matter not covered by the arbitration agreement;

a party to the arbitration agreement lacked legal capacity;

a party was not duly notified of the arbitral proceedings;

the composition of the arbitral tribunal or the arbitral procedure did not comply with the agreement of the parties or the requirements of the law;

the award is contrary to the public policy of the Republic of Kazakhstan;

the dispute is not capable of being subject to arbitration under the legislation of the Republic of Kazakhstan.

15.2. An application for annulment shall be submitted in accordance with the procedure established by Article 53 of the Law on Arbitration. The court shall not review the merits of the arbitral award or reconsider the substance of the dispute (Article 52(3) of the Law on Arbitration). [Law on Arbitration, Article 53]

15.3. Compulsory enforcement of ITA awards shall be carried out on the basis of a writ of execution issued by a competent court in accordance with Articles 54–55 of the Law on Arbitration and Articles 252–257 of the Civil Procedure Code of the Republic of Kazakhstan. [Civil Procedure Code of the Republic of Kazakhstan, Articles 252–257]

Article 16. Procedure for Amending the Regulations

16.1. These Regulations may be amended by a decision of the supreme governing body of the Republican Public Association "INTERNATIONAL MEDIATION CENTER" upon the proposal of the ITA Expert Council (Keñes).

16.2. Amendments shall be published on the official website of the ITA no later than thirty (30) days prior to their entry into force and shall not apply to cases already accepted for proceedings.

Article 17. Entry into Force

These Regulations shall enter into force from the date of their approval by the supreme governing body of the Republican Public Association "INTERNATIONAL MEDIATION CENTER".

ANNEX A.

Model ITA Arbitration Clause

STANDARD CLAUSE

(compliant with the requirements of Article 9 of the Law of the Republic of Kazakhstan "On Arbitration")

“Any disputes, controversies, or claims arising out of or in connection with this contract, including any questions regarding its breach, termination, or validity, shall be finally resolved by the International Turkic Arbitration (ITA) of the Republican Public Association "INTERNATIONAL MEDIATION CENTER" in accordance with its Rules.

The arbitral award shall be final and binding upon the parties and shall be enforced in accordance with the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention).”

EXTENDED CLAUSE

(with the option of ex aequo et bono / Töre)

“The parties grant the arbitrators (Biys) of the ITA the authority to resolve the dispute on the basis of the principles of fairness (Töre / ex aequo et bono) in accordance with Article 44 of the Law of the Republic of Kazakhstan "On Arbitration", where the strict application of the law would lead to a manifestly unjust result contrary to the spirit of the parties’ partnership.”

The parties may also agree upon:

the number of arbitrators;

the seat of arbitration;

the applicable law;

the language of the proceedings; and

the mandatory requirement to undergo a mediation stage (Bitimgershilik) prior to commencing arbitration proceedings (Article 46 of the Law on Arbitration). [Law on Arbitration, Article 46]

International Turkic Arbitration (ITA)

Fairness. Tradition. Enforceability.