



SAARC ARBITRATION COUNCIL

A SPECIALIZED BODY OF SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION



Legal Framework For Arbitration In The Region



- * Domestic Arbitration Laws
 - * Afghanistan, Bhutan, Bangladesh, India, Nepal, Pakistan and Sri-Lanka
- * Agreement for establishment of SAARC Arbitration Council (signed and ratified)
- * New York Convention on Enforcement of Foreign Awards
 - * Afghanistan, Bhutan, Bangladesh, India, Nepal, Pakistan and Sri-Lanka

SAARC Arbitration Rules



- * Based on UNICTRAL Model Law
- * Applicable in all SAARC member states
- * Awards by SAARC Arbitration Council are considered Foreign Awards

SAARC Model Arbitration Clause



- * Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the SAARC Arbitration Rules as at present in force

Section II: Composition of Arbitral Tribunal



- * **Number of Arbitrators** **Article 5**
 - * Parties are free to fix the number of arbitrators in there arbitration agreement.
 - * Failing to determine the numbers, the number of arbitrators will be three.
- * **Appointment of Arbitrators** **Article 6 to 8**
 - * Parties are free to choose their arbitrators or appointing authority
 - * In an arbitration with three arbitrators, each party select one and the two select the third as presiding officer.
 - * In case of failure to appoint arbitrator by any one party, DG SARCO upon request can appoint arbitrator.
 - * Any dispute related to appointment of arbitrator will be referred to appointing authority or DG SARCO as appointing authority

Section II: Composition of Arbitral Tribunal



3 main functions for the appointing authority:

- * Appointment of arbitrators
- * Decision on challenge of arbitrators
- * Replacement of arbitrators

Section II: Composition of Arbitral Tribunal



* Other provisions in the section:

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| * Challenge of Arbitrators | Articles 9 to 12 |
| * Replacement of Arbitrators | Articles 13 |
| * Repetition of Hearings | Article 14 |

Section III: Arbitral Proceedings



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| * General Provisions | Article 15 |
| * Place & Language of Arbitration | Article 16 & 17 |
| * Claims and Defence | Article 18 to 20 |
| * Evidence and Hearings | Articles 24 & 25 |
| * Interim Measures of Protection | Article 26 |
| * Hiring of Experts | Article 27 |
| * Waiver of Rules | Article 30 |

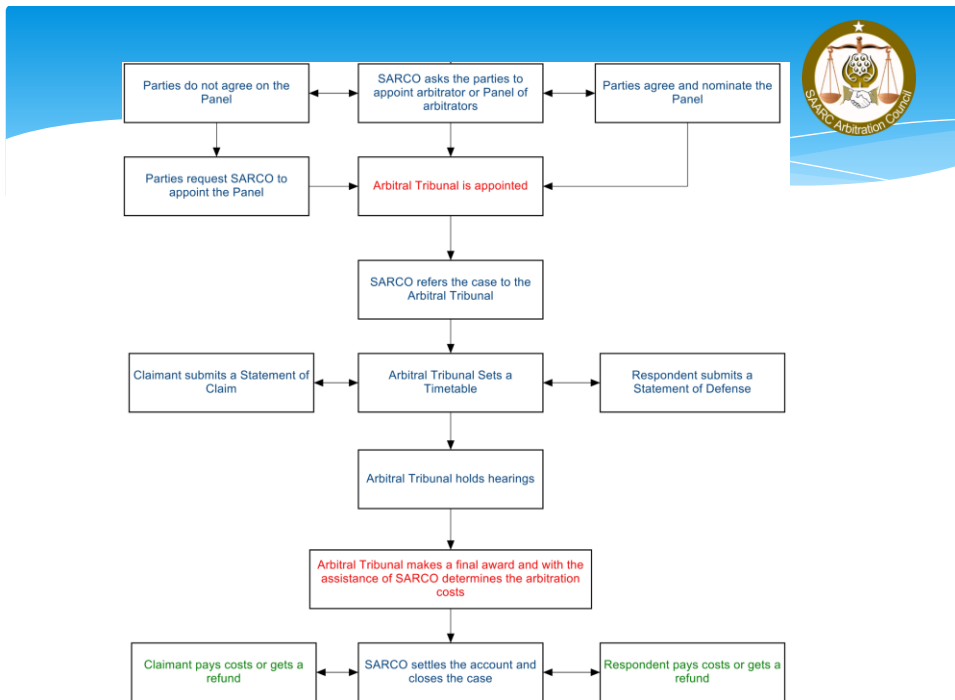
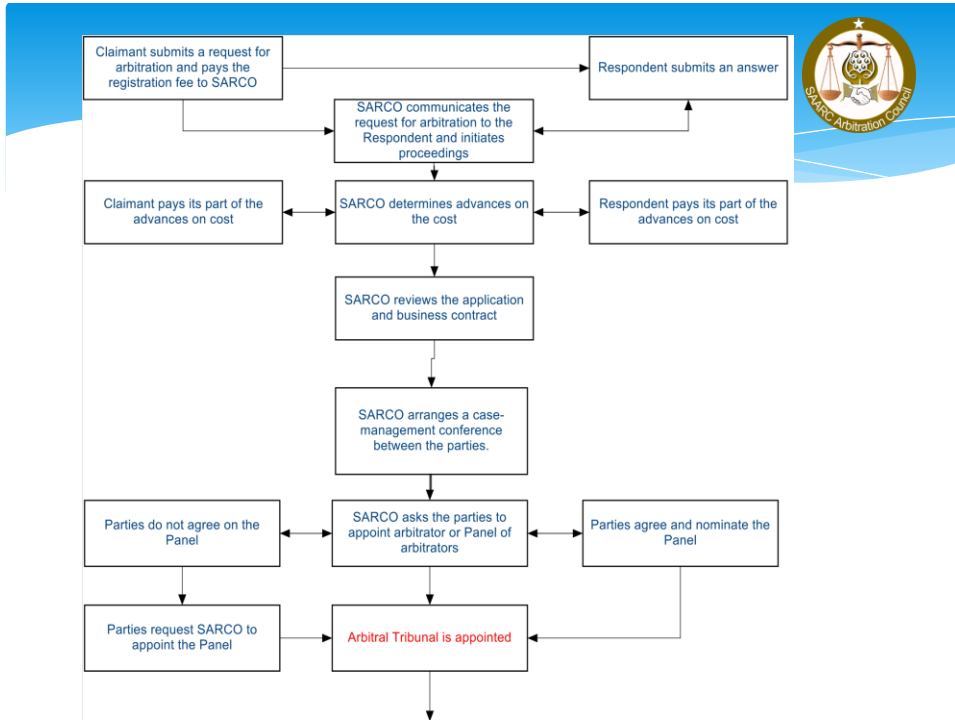
Section IV: The Award



- * Award, its forms and effects Article 31 & 32
- * Applicable Law, Amiable Compositeur Article 33
- * Grounds for Termination of proceedings Article 34
- * Interpretation of the Award Article 35
- * Additional Award Article 37
- * Costs Articles 38 to 41
- * Confidentiality Article 42



Arbitration Procedure



ENFORCEMENT OF AWARDS UNDER SARCO

- ❖ Awards given under SARCO Rules are considered FOREIGN AWARDS
- ❖ New York Convention Member States' signatory
- ❖ Local Court ENFORCES award after announcement
- ❖ Very limited scope for Challenge of award
- ❖ Harmonized law regarding ENFORCEMENT & JUDICIAL INTERVENTION
- ❖ Priority is to ensure that enforcement of an award cannot be resisted on any of the grounds listed in Article V

Extent of Judicial Intervention



- * No judicial authority is entitled to intervene in the matters covered by arbitration except as provided in the UNICTRAL Model law.
- * A judicial authority shall refer the parties to arbitration when an action is brought before it in a matter which is subject to ARBITRATION AGREEMENT having SARCO Model Arbitration Clause.



For further information

www.sarco.org.pk



THANK YOU