

**CONCILIATION AND ARBITRATION (**  
**AMENDED ) RULES**

**YCCA**

**PART ONE**

**GENERAL PROVISIONS**

**Interpretations :-**

**Article (1) :** for implementing the provisions of these Rules the following terms and expressions shall have the meaning shown against each one of them unless the context requires otherwise :-

**The Centre :** The Yemeni Centre for Conciliation and Arbitration.

**The Chairman of the Centre :** The Chairman of the Board of Directors of the Yemeni Centre for Conciliation and Arbitration.

**The Secretary General :** The Secretary General of the Centre..

**Arbitration Agreement :** The written agreement of the parties to resort to Arbitration whether before the beginning of the dispute (Arbitration Clause ) or thereafter (Arbitration Agreement ).

**The Centre**      The Centre      Conciliation      and      Arbitration      Rules.

**Rules:**

**The Tribunal :** Tribunal of an uneven number set up in accordance with the Centre Rules concerning dispute, Commercial or Civil ,Local or International and composed of one Arbitrator or more being selected or appointed from the Panel of the Centre. Any of the Arbitrators may be selected from outside the Panel on condition that the Rules of the Centre shall be observed and the Centre agrees on that selection.

**The Conciliator:** The person being selected or appointed from the Panel of Conciliators and Arbitrators authorized by the Centre to resolve the dispute through Conciliation..

**The Expert :** Everyone being selected or appointed from the Panel of the Experts authorized by the Centre, asking for the assistance of his expertise in the field defined by the Tribunal.

**The two parties of Arbitration:**The parties of Arbitration dispute even numerous..

**The Panel :** The schedule of names characteristics, and nationalities of the Conciliators, Arbitrators and experts authorized by the Centre Yemenis and non- Yemenis.

**Article (2) :** The provisions of these Rules shall be implemented on disputes, Commercial or Civil , and Local or International presented to the Centre for the purpose of

Conciliation or Arbitration pursuant to previous agreement between the parties of the dispute or through an application from one of them and the agreement of the parties/ the other party on that.

**The Effect of Arbitration Agreement :-**

**Article (3):** The agreement of the parties on Arbitration at the Centre in accordance with these Rules means the compliance of the parties with these Rules and their obligation to refrain from forwarding the dispute, the subject of the Arbitration, before any person , or another judicial or non-judicial authority.. The parties shall be obliged to put into effect the award that issued by the Tribunal without delay.

**Article (4):** The Arbitration Agreement shall be considered an independent from the contract the subject matter of the dispute.. If the contract is nullified or expired for any reason the Arbitration Agreement shall be valid..

**Arbitration Location :-**

**Article (5):** The Arbitration proceedings shall take place at the Centre location, unless the dispute parties agree, to run them at another location, having the consent of the Tribunal or the Tribunal or the Conciliator resolved that, the Secretary General shall be notified , provided that the Arbitration award shall be issued at the location of the Centre.

**Decision on Challenges :-**

**Article (6):** The Tribunal is competent to decide on :-

a- challenge pertinent to its jurisdiction.

b- challenges based on non-Arbitration Agreement, nullity of this agreement, its expiration or its exclusion of the dispute subject.

**The Parties Equal Treatment :-**

**Article (7):** The Arbitration Tribunal shall treat the Arbitration two parties on equal basis and shall facilitate to each of them an equal chance to present his case and his defense.

**Notifications and Summons :-**

**Article (8):** Notifications and Summons issued against, and the reply from , the parties , shall be in writing , with acknowledgment of receipt through the used means of communication.. The correspondences shall be addressed to the parties addresses they forwarded to the Secretary General .

**Assistance from Attorney at Law :-**

**Article (9):** Any of the dispute parties may seek the help from Legal Advisors or Lawyers , provided that the attorneyship shall be attested in an official form , if it has not concluded before the Tribunal

**PART** **TWO**

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**RULES** **OF** **CONCILIATION**

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**Chapter** **(1)**

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**The** **Conciliation** **Application**

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**Application Submission And Reply to it :-**

**Article (10):** 1- The party who desires to resort to Conciliation shall submit his application to the Secretary General setting up in brief the subject of his application, attaching with it the registration charge for the case and an undertaking to pay the Conciliator fee and the administrative charge..

2- The Secretary General shall notify the other party of the application for Conciliation within a period not exceeding two days from the date of the registration charge settlement.. The other party shall be allowed a period not exceeding fifteen days to respond to the application for Conciliation indicating his consent or refusal.

3- If the other party agrees to the Conciliation application within the fixed period for him, the Secretary General shall fix the Conciliator fees, and the administrative charges pursuant to bye-law for regulating costs of Conciliation and Arbitration attached to these Rules, and shall notify such fees and charges to the two parties to the dispute .. These fees shall be equally divided between the two parties , and the Secretary General shall prepare an agreement for resort to Conciliation between the two parties, embodying their full names , the point of issues , in respect of which Conciliation is required, the name of the Conciliator selected by the two parties from the Panel of the Conciliators and the Arbitrators or the selected Conciliator by the Secretary General from the Panel of the Conciliators and the Arbitrators , if they authorize him his appointment .. He shall define to them time to submit their evidences and documents to the Conciliator .

**CHAPTER** **(2)**

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**Conciliation** **Proceedings** **And** **the** **End**

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**of** **The** **Conciliator**

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**Assignment**

**The Assignment of the Conciliator :-**

**Article (11):** 1- The Conciliator shall manage the Conciliation proceedings according to his own discretion purposing the principles of justice, impartiality and equity .. His role shall be confined to the attempt to bring closer between the viewpoints in the dispute. He may propose suggestions capable of reaching a solution satisfactory to both parties.

2- The Conciliator shall select the location for the Conciliation proceedings with the consent of the disputing parties and without contradicting the provisions or Article (5) of these Rules.

3- The parties shall provide the Conciliator with the statements of facts and documents which shall help him to perform his assignment.. Neither of them shall request the resort to Arbitration before the Conciliator ends his assignment according to Article (13) of these Rules.

**Confidentiality of Conciliation Proceedings :-**

**Article (12):** The Conciliation is of a confidential character that shall be safe kept by every person contributed to it, whatever the capacity was..

**Termination of the Conciliator from his assignment :-**

**Article (13):** The proceedings of the Conciliator shall be terminated by one of the following conditions :-

a- Reaching a written agreement to settle the dispute.

b- Non-reaching settlement , and in such case the Conciliator shall prepare minutes setting out that the Conciliation attempt has failed.. such minutes shall not be substantiated and shall be raised to the Secretary General.

c- If both parties to the dispute or either of them reports to the Conciliator that he has no interest to continue in the Conciliation proceedings.

**Previous Undertaking of the Parties :-**

**Article (14):** 1- The acceptance of the parties to the dispute to resort to Conciliation according to these Rules shall be considered as a previous undertaking not to call the Conciliator before the Judiciary or the Arbitration Tribunal in respect of this dispute as a witness.

2- The Conciliator shall not be appointed an Arbitrator , Lawyer , or Expert , in the same dispute which he was appointed , a Conciliator.

**Article (15):** Neither party to the dispute shall present something of the following as evidence in any judicial or Arbitration proceeding :-

a- Opinions mentioned by either of the parties and the proposals presented before the Conciliator.

b- Any of the proposals presented by the Conciliator.

c- A fact of either party readiness to accept a proposal for Conciliation presented by the Conciliator.

d- Statements , informations talks and admission obtained during the Conciliation

proceedings. **Period Fixed for Conciliation :-**

**Article (16):** The Conciliator shall terminate his assignment during a period not exceeding two months from the date of his receipt the dispute file.. This period may be extended not

to exceed 30 days by a resolution issued by the Centre Chairman according to a substantiated submission from the Conciliator , that is unless the parties agree on longer period.



**Referring the dispute to Arbitration :-**

**Article (17):** If the parties do not agree on resolutions to settle the dispute between them through the efforts of the Conciliator during the fixed period , they may file their dispute to Arbitration at the Centre if they are bound by Arbitration Agreement or agree on that after the Conciliation proceedings failure.

**Parties Payment to Expenses :-**

**Article (18):** Neither party to the dispute shall recover the fees paid for the Conciliator , and they shall not be discharged from any fees, charges, or expenses actually paid for the Conciliation proceedings , even if the amicable settlement to resolve the dispute is not reached.. The Secretary General shall determine the Conciliation expenses pursuant to bye-law for regulating costs of Conciliation and Arbitration attached to these Rules.

<b>PART</b>	<b>THREE</b>
<b>ARBITRATION</b>	<b>RULES</b>
<b>Chapter</b>	<b>(1)</b>

**Introductory Procedures**

**Arbitration Application :-**

**Article (19):** 1- Any party who desires to resort to Arbitration in accordance with the Rules of the Centre shall present a written application for Arbitration to the Centre Secretary General, attaching to his application the Arbitration Agreement, or elucidating his wish to resolve the dispute through Arbitration according to the Rules of the Centre.

2- The Arbitration application and its enclosures shall in sufficient copies as to the number of the Arbitration parties, the members of the Tribunal with additional copy for the Centre.. The application shall specially include the following :-

- a- the name of the Arbitration applicant , title , capacity , nationality and his address.
- b-the other parties or party name , title , capacity , nationality and their or his address.
- c-presentation of the dispute subject matter and specification of his claims..
- d- the valid agreements in particular the Arbitration Agreement ,the documents and information that clarify the circumstances of the case.
- e- his position on the number of Arbitrators , and the name of the Arbitrator he selects or the attorneyship to the Centre Secretary General for his selection from the Panel.

3- The fixed registration charges shall be attached to the application, otherwise the application shall be rejected..

4- The date on which the Secretary General receives the Arbitration application shall be deemed to be the date of commencement of Arbitration proceedings.

5- The Secretary General shall within a period not exceeding (3) days , from the date, the registration charges are paid , inform the other party with a copy of Arbitration application and its enclosures for reply to , within a period not exceeding (30) days from the date on which he has received the centre memorandum attached to Arbitration application.

**Reply to the Application :-**

**Article (20):** 1- The other party shall reply in writing to the Secretary General within the period specified in paragraph (5) of the foregoing Article , attaching to , the supporting documents he considers , in sufficient copies.. The reply shall include the following :-

a- his reply to the allegations of the Arbitration applicant.

b- any counter claims if any .

c- the name and address of the Arbitrator he selects or authorizes the Centre Secretary General to select..

2- The other party , as an exceptional case may apply to the Secretary General for an additional period not exceeding (10) days to expose his ways of defense and to present his documents .. His application for new period shall include his reply to the presented proposals regarding the number of the Arbitrators , their selection , and the name of the Arbitrator he selects..

3- The Secretary General shall send the reply of the other party with its enclosures and the counter claim if any , to the party the applicant of the Arbitration within (3) days from the date he receives that..

4- If the other party refuses to send his reply and its enclosures within the period specified in Article (19/5 ) or declines the Arbitration where there is an Arbitration Agreement between the parties to resolve the dispute pursuant to the Centre Rules, the Secretary General shall summon him once again with a copy of the Arbitration application and its enclosures to reply to it within a period not exceeding (15) days from the date he receives the second summons, notifying him that his refusal to reply or his declining Arbitration shall not hinder the ongoing of the Arbitration proceedings and the issuing of the Arbitration Award in the dispute case in spite of his absence .. If he refuses the reply or declines the Arbitration , the Arbitration proceedings shall continue in spite of this refusal or denial provided that the Arbitration applicant party shall pay the expenses of the Arbitration concerning the other party.

5- Upon the consent of the other party to the Arbitration application, the Secretary General shall prepare the resort agreement to Arbitration between the two parties

embodying the names, capacities , nationalities , addresses of the two parties, the dispute subject matter , valid agreements between the two parties and the Tribunal selected to decide on the dispute..

6- The Secretary General shall fix the Arbitration expenses according to bye-law for regulating costs of Arbitration attached to these Rules.. The charges and fees shall be paid by equal shares between the two parties.

#### **Counter Claim :-**

**Article (21):** 1- The other party in Arbitration may submit counter claim to the Secretary General at the same time he presents his reasons of defense pursuant to the previous Article , together with the payment of the charges and fees ought to be paid for the additional or new claims that concern him otherwise his claim shall be rejected.. The claim shall be issued in sufficient copies corresponding with the number of , Arbitration two parties, the Tribunal members , with additional copy for the Centre.

2- The applicant for Arbitration shall within a period not exceeding (10) days from the date of notifying him the counter claim, shall submit a memorandum embodying his reply to it.

#### **Nonexistence of Arbitration Agreement :-**

**Article (22):** 1- Upon nonexistence of Arbitration Agreement between the parties or there is an agreement between them , not referring to the dispute resolution according to the Centre Rules , the application of Arbitration presented at the centre by either party may be confined to the following :-

- a- name of Arbitration applicant, title , capacity , nationality and his address.
- b-the other parties/ party name, title, capacity , nationality and his address.
- c- brief presentation of the dispute subject.
- d-his position regarding the number of Arbitrators, name of Arbitrator he selects, or the authorization to the Centre Secretary General for his selection from the Panel .
- e- Registration charges .

2-The Secretary General shall inform the other party immediately with copy of Arbitration application to reply to it, within (10) days, from the date of his receipt of the centre memorandum being attached to the application.

3-In the state of the other party agreement to the Arbitration application according to the Centre Rules, the procedures mentioned in the previous Article of this Chapter shall be complied with.

4-If the other party does not respond to the Arbitration application within the period set forth in paragraph (2) of this Article or declines Arbitration in accordance with the Centre Rules , the Arbitration applicant shall be informed that Arbitration is unattainable.

## CHAPTER (2)

Arbitration

Tribunal

### Tribunal Consistency :-

**Article (23):** The Tribunal shall consist of single Arbitrator, three Arbitrators or more according to the number of the dispute parties provided that the number of the Tribunal shall be an uneven.

### Tribunal Formation :-

**Article (24):** 1- If the parties agree that the dispute shall be decided by single Arbitrator, he shall be selected by them from the Panel .. If they do not agree on his nomination the Secretary General shall appoint the Arbitrator from the Panel within a period of a week from the date he receives the reply to Arbitration application..

2- If the agreement is to appoint three or more Arbitrators, either party shall , in the Arbitration application , or in the reply to it, appoint an Arbitrator from his side from the Panel of the Arbitrators at the Centre .. if that has not been achieved , the Secretary General shall fix time not exceeding (10) days for the parties or the party who does not perform the selection to select the Arbitrator.

3- If either party refrains from appointing an Arbitrator the Secretary General shall appoint him from the Panel.

4- The two selected Arbitrators shall appoint the third Arbitrator from the Panel who shall take the chair of the Tribunal , that is within (15) days from the date of the last Arbitrator appointment.. If this period lapses without appointing the third Arbitrator, the Secretary General shall appoint him after consultation with the Centre Chairman.

**Article (25):** The Arbitrator being selected or appointed shall not be an Arbitrator in three dispute cases subject to hearing before the Centre.

### Appointment of An alternative Arbitrator :-

**Article (26):** In the event of an Arbitrator death retirement or legal , materialistic obstacle that happens to obstruct the continuity of the Arbitrator to perform his assignment, an alternative Arbitrator shall be appointed by the party or the authority that appointed the preceding.



### CHAPTER (3)

#### An Arbitration Recusation

#### Application of Recusation :-

**Article (27):** 1- Either of the dispute parties may apply for recusing one of the Arbitrators to hear the dispute provided that he shall set forth in his application submitted to the Centre Chairman , the recusation reasons that shall be the same reasons for which a judge can be recused..

2- Either of the dispute parties shall not recuse an Arbitrator, he , appointed or participated in his appointment save for reasons he discovered after the appointment of this Arbitrator has taken place .

3- The application for recusing an Arbitrator by either of the parties shall be submitted within a period not exceeding (15) days from the date of his notification or awareness of an Arbitrator appointment against which his recusation is required, or of circumstances that substantiate the recusation.

**Article (28):** In the event that either of the dispute parties applies for the recusation of Arbitrator the other party may agree on the recusation, as the Arbitrator against which his recusation is applied for, may withdraw from hearing the dispute.. the alternative Arbitrator shall be appointed in the same process which that Arbitrator was appointed accordingly ..

#### The Decision on the Application of Recusation :-

**Article (29):** 1- If the other party does not agree on the application of recusation and the Arbitrator against which his recusation is applied for, does not withdraw from hearing the dispute, especial committee shall set up by a resolution issued from the Centre Chairman to decide on the application of an Arbitrator recusation.

2- The aforementioned committee in the preceding paragraph shall be composed of, under the chair of the Centre Chairman and two members who shall be selected by him from the Centre Panel of Arbitrators provided that they shall be from persons of law and legal profession witnessed in their favour impartiality and good reputation .. And they have no any kinship or valid business relationship with the Arbitrator against which his recusation is applied for..

3- The committee shall decide on the recusation application within a period not exceeding (10) days from the issuing date of its formation resolution.

4- The committee resolution regarding the decision on the application shall be substantiative and final.. The Arbitration proceedings shall resume according to the resolution.

5- The dispute parties and the Arbitrator against which his recusation is applied for, shall be informed of the committee resolution right after its issuing.

6- If the committee resolves to recuse the Arbitrator, a new Arbitrator shall be appointed pursuant to the provisions of these Rules and in the same method of the Arbitrator who has been recused and by the party or the authority that appointed him..

## **CHAPTER (4)**

### **Arbitration procedures and the Applicable Law**

#### **Handing over the File to the Tribunal :-**

**Article (30):** The Secretary General shall hand over the file of the dispute case to the Tribunal after, the finalization of the Arbitration Tribunal formation, the payment of the administrative charges, the fixed Arbitration fees, the appointment of the Tribunal Secretary and after the secretariat of the Centre setting it up, indexing and sealing each page of its pages.

#### **The Assignment of the Tribunal :-**

**Article (31):** 1- Once the Tribunal receives the file of the case it shall start hearing the case.. The period determined in Article (44) of these Rules to issue its award shall commence from the date of the first session which attended by the parties or their lawyers.

2- The Tribunal in its first session and before hearing the case shall work out a minutes for setting forth its assignment according to the documents forwarded by the parties.. the Tribunal first session shall specially involve the following informations :

a- the parties names , titles , capacities and nationalities .

b- the parties addresses that shall dispatch through them accurately, all the notifications and summons during conducting an Arbitration.

c- a brief putting forward of the parties allegations.

d- confining point of issues that shall be decided upon.

e- location of Arbitration .

f- language of Arbitration .

g- name of Arbitrator or Arbitrators their addresses, capacities and nationalities..

h- any other informations that the Tribunal considers useful..

3- The minutes refers to in the preceding paragraph of this Article shall be signed from all the parties or their lawyers and the Tribunal.. copy of this minutes after signature shall be handed over to the Secretary General.

4- If either of the parties or his lawyer refuses to attend or to sign the minutes , the Tribunal shall inform that, to the Secretary General , who shall fix time for the defaulting party not exceeding (10) days to sign the minutes.. If this time lapses and this party

remains refusing to sign, the Arbitration shall take its course to the end without the signature of the refusing party.

**Confidentiality of the Proceedings :-**

**Article (32):** The Arbitration proceedings , papers and documents shall have the confidential characteristic that ought to be adhered to , from any person who has participated in the proceedings or has perused the documents.. this commitment shall be valid during the hearing of the dispute and after the issuing of the award.

**Provisional Remedies :-**

**Article (33):** The Tribunal may apply to the court of jurisdiction for adopting what it considers necessary regarding the precautionary (interim) measures in respect of the subject matter of the dispute.

**Arbitration Language :-**

**Article (34):** 1- The Arabic language shall be the language of Arbitration unless the parties or the Tribunal shall agree or decide otherwise taking in consideration the language of the contract, parties, documents and the other circumstances surrounding the case.

2- The Tribunal may resolve to hear the statements of either party, witnesses , and experts who are ignorant of Arbitration language , in another language with the help of an interpreter after taking oath before the Tribunal , just as it may permit the presentation of memorandums, evidences or procedure of pleadings in another language attached with attested translation of Arbitration language ..

**Rules to be applicable :-**

**Article (35):** The Rules of procedures that shall be applicable before the Tribunal are those which are derived from these Rules.. At the time when they are not tackling certain matter, the Rules shall be that determined by the parties , and when that are not attainable the Rules shall be that determined by the Tribunal.

**Article (36):** The Tribunal shall decide on the dispute according to the following :-

1- the agreement/ the contract concluded between the dispute parties or any other subsequent agreement between them.

2- the law selected by the parties or considered by the Tribunal.

3- the law that mostly connected with the dispute subject which it thinks reasonable either law of contract location, law of location of enforcement or any other law in connection with the dispute without prejudice to the term of the contract .

4- commercial , bank, local and international Rules .

**Article (37):** The dispute parties may attend by themselves before the Tribunal, either of them may authorize a lawyer to attend on his behalf and the Tribunal shall ascertain the genuineness of the parties representation before it.

### **Principles of Litigation :-**

**Article (38):** The Tribunal shall adhere to the fundamental principles for litigation in performing its assignment of which the more significant are :-

1- sticking to the right of defense, that is by enabling every party to deliver what he has of statements , pleas , proofs and evidences before the closing of the argumentations and issuing of the award..

2-enabling each party to peruse the papers and documents presented by the other

party. 3- the equal treatment of the parties .

### **Hearing of the Parties :-**

**Article (39):** 1- According to papers and documents presented by the parties or pursuant to their request or the request of either of them , the Tribunal shall hear their statements directly , and also shall have the right to resolve to hear any other person in the presence of the two parties or after calling them according to principles.

2- The Tribunal may be satisfied with documents presented by the two parties and make its award accordingly if it considers them sufficient to issue its award.

3- According to the request of the two parties, either of them or ex-officio the Tribunal shall summon them to attend on the date and location it determines taking in consideration time of distance provided that notification shall be through the Secretary General.

4- If either of the parties has been absent in spite of his notice has been accurately issued to him, the Tribunal may after being ascertain of non-acceptable excuse, continue its assignment and the procedures shall be considered perfect as if in the presence of the two parties.

5- The single Arbitrator or the Chairman of the Tribunal shall conduct the sessions and shall not allow the presence of persons who have no relation with the case, unless the parties and Tribunal agree otherwise.

6- The Tribunal shall have a Secretary who shall be selected by the Secretary General after consultation with the Chairman of the Tribunal.

### **Experts Appointment :-**

**Article (40):** Without prejudice to the right of either party to present technical expertise report as part of the documents to strengthen his point of view, the Tribunal shall , ex-officio , or according to the request of either party seek the help of an expert or more when the circumstances of the case necessitate that .. It shall fix in the appointment

resolution of the expert the duties assign to him and the period which he shall forward his report within, as the Tribunal shall asses the expert fees, the party or the parties who shall pay the fees and the fixed date for its payment, that is after taking the opinion of the Secretary General.



### **Proceedings Suspension Temporarily :-**

**Article (41):** The Arbitration proceedings shall suspend, if legal or factual impediment is obstructing their continuance till the removal of this impediment.. The proceedings shall suspend specially in following conditions:-

- 1- the impossibility of the Arbitrator presence at Arbitration sessions, his exoneration or his decease.
- 2- the decease of either dispute party or the loss of his eligibility.
- 3- non-settlement of Arbitration expenses of charges, fees or any other expenses according to what fixed in these Rules and Arbitration expenses bye-law..
- 4- at the application for Arbitrator recusation.
- 5- challenge against forgery of documents if it is necessary to decide on Arbitration .. In this case the Tribunal shall refer the allegation to specialized expert or more to verify the subject matter of forgery and issue the resolution on that..

### **To Re-Open Pleading Matter :-**

**Article (42):** The Tribunal may ex-officio or according to request of either dispute parties, after closure of pleadings, and before the pronounce of award resolve at any time to allow once again the re-opening of the pleading matter for fundamental reasons.

### **The Previous Verification for the Award :-**

**Article (43):** In all circumstances that these Rules have not expressly dealt with, the Tribunal shall act seeking guidance of these Rules essence and shall do utmost of its efforts in previous verification for the award before its signature on it, in order to be liable to enforcement legally .. The Tribunal shall pay special attention to the points related to the subject matter of the dispute , the attainable of the necessitating formalities imposed by the applicable law on the proceedings , and the non-violation of absolute ruling provisions..

## **CHAPTER (5)**

### **The Arbitration Award**

#### **The Period that the Award shall be issued within :-**

**Article (44):** 1- The Tribunal shall issue its award within a period of three months with effect from the date of the first session of the Tribunal according to Article (31) of these Rules.

2- The Chairman of the centre pursuant to substantiated request of the Arbitration Tribunal when under necessity, may extend this period, if he deems it necessary provided that such periods of extensions shall not exceed the double period aforementioned in paragraph (1) of this Article.

**Discussion :-**

**Article (45):** If the Arbitrators are numerous , and the pleading matter has been closed, the Tribunal shall convene for discussion and issue the award.. the discussion shall be confidential .. If the Tribunal is formed from single Arbitrator he shall issue the award after the closure of the pleading.

**Issuing the Award :-**

**Article (46) :** If the Arbitrators are numerous, the award shall be issued by unanimity or majority .. in the event an Arbitration is issued by majority the dissenting Arbitrator shall note down his opinion in the draft of the award.

**Article (47):** Pursuant to these Rules the award shall be deemed to be issued at the location of the Centre on the date of its signature by the Arbitration Tribunal.. The Tribunal shall pronounce the award on an official session in the presence of the parties or their lawyers , and the calculation of times consequent upon the date of issuing the Arbitration award , shall be from the date of the session for its pronouncement or from the date of summon the parties with the award at the event of non-presence.

**Article (48):** The Award shall be issued in the language which the parties have agreed upon to run the Arbitration.

**The Content of the Award :-**

**Article (49):** 1- The Arbitration award finalizing the dispute shall be substantiated

. 2- The award shall specially include the following :-

a- name/ names of Arbitration Tribunal .

b- the parties to dispute names, capacities. nationalities and addresses.

c- Arbitration Agreement.

d- a brief setting forth of the dispute facts.

e-claims and pleas of the parties to dispute and reasons to accept or reject any application.

f- the award pronouncement .

g- the party who shall bear Arbitration costs or portion of its allotment among parties.

h- date and location of Arbitration issuing.

**Handing over the Award :-**

**Article (50):** 1- The Tribunal shall immediately after pronouncing the award hand it over to the Secretary General.

2- The Secretary General shall hand over a copy of the award to each party to the dispute within (3) days from the date of receiving the award from the Tribunal.

**Correcting And interpreting the Award :-**

**Article (51): a-** Each of the two parties may request from the Tribunal to correct mathematical , written , print or any other analogous error contained in the award provided that the other party shall be informed.

b- The two parties or either of them may request from the Tribunal to interpret certain point in the award or part of it provided that the other party shall be informed.

c- The application for correction or interpretation shall be presented to the Tribunal during period not exceeding (30) days from the date of receipt of the award .

d- If the Tribunal finds that the application for correction or interpretation is justifiable , it shall carry out the correction or issue the interpretation within thirty days from the date of receipt of the application.. The interpretation shall be part of the award.

e- The Arbitration Tribunal may ex-officio correct any error of kind aforementioned in paragraph (a) of this Article within thirty days from the date of issuing the award.

**PART FOUR**

**CHARGES AND FEES**

**Article (52) :** The two parties to dispute shall not recover the paid Arbitration charges and fees, if the Arbitration proceedings came to a stop at the Centre either for reconciliation concluded between the two parties to dispute or if the two parties withdraw the dispute from the Centre Arbitration.

**Article (53):** 1- The Secretary General shall fix the administrative charges ought to be paid , the Tribunal or the Conciliator fees and the expected expenses during the Arbitration proceedings pursuant to what fixed in bye-law for regulating costs of Conciliation and Arbitration .

2- The charges , fees and expenses shall be paid equally between the two parties to dispute and either of the two parties may pay them in full if the other party refused to pay his charges and fees portion.

3- The Secretary General shall have the right in suspending the delivery of the case file to the Tribunal as he may have the right to request from the Tribunal to suspend the procession of the proceedings till the payment of the determined charges, fees and any other due expenses.

**Article (54):** Any original, subsidiary application or counter claim shall not be submitted to the Conciliator or the Tribunal unless after the full settlement of :-

- a- administrative charges .
- b- (50%) fifty percent of the Conciliator or the Tribunal fees.

## PART FIVE

### ADDITIONAL SERVICES

**Article (55):** 1- The Centre provides additional services outside the scope of these Rules appearing in :-

- a- acceptance of authorization by party or parties to dispute to select the Arbitrators from the centre authorized Panel of Arbitrators.
- b- providing and arranging facilities and assistances required for conducting Conciliation or Arbitration at the Centre location.. these facilities and assistances may include :-
  - using the centre halls by the Tribunals of Conciliation and Arbitration.
  - the service of secretarial work and translation .
  - keeping Conciliation and Arbitration documents and papers.
  - coordinating and arranging between the Conciliation, Arbitration Tribunals and parties, to dispute ..

2- The Centre shall receive , in consideration of such services, charges defined in bye-law for regulating costs of Conciliation and Arbitration in which the Centre administrative charges , the volume work and the actual expenses incurred by the Centres shall be considered in determining them.

## FINAL PART

**Article (56):** The Board of Directors may amend these Rules and the amendment will come into effect from the date of its ratification by Minister of Justice , and shall be published in the official Gazette.

**Article (57):** The Centre Board of Directors approved these Rules on 14th August,1999 and shall be effective from the date of its relification by Minister of Justice, and shall be published in the official Gazette.

**Article (58):** The preceding Rules of Conciliation and Arbitration shall be repealed with effect from the date on which these Rules come into force.



**THESE RULES WERE RATIFIED BY A RESOLUTION FROM THE MINISTER**

**OF JUSTICE NO.(226) ISSUED ON 29TH JUMAD AWAL 1420 A.H.**

**CORRESPONDING TO 9TH SEPTEMBER 1999 A.D.**

SOURCE: [www.aryme.com](http://www.aryme.com)