



Pakistan centre marks anniversary

05 June 2018



Lahore, where the conference was held

A conference in Pakistan to mark the third anniversary of the country's first international arbitration centre addressed the need for the country to update its framework for arbitration and the prospects for dispute resolution relating to Chinese-funded infrastructure projects that form part of the China Pakistan Economic Corridor.

The Lahore-based Centre for International Investment and Commercial Arbitration (CIICA) organised its third anniversary conference on 5 May in collaboration with UMT School of Law and Policy in Lahore. It was the first conference in Pakistan to be supported by the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific, which is based in Seoul, with the Shanghai International Arbitration Centre and Hangzhou Arbitration Commission providing further support.

The conference also marked the 6th anniversary of the UNCITRAL regional centre and the 60th anniversary of the New York Convention.

CIICA is an independent and non-governmental organisation that has, in the three years since its inauguration, organised or co-organised well received conferences and training workshops on international arbitration for the local and overseas business sectors and government and academic bodies.

Its anniversary event drew speakers from as far afield as China, Italy, Qatar, the UAE, the UK and the US, who were treated to a pre-conference dinner at a restaurant overlooking the Badshahi Mosque, one of the best-known

landmarks in Lahore epitomising the grandeur of the 17th century Mughal era.

The conference was the largest international arbitration event ever held in Pakistan, with over 170 delegates including arbitrators, counsel academics, entrepreneurs, engineers and high-ranking current and former government officials.

The keynote speaker was **Justice Jawad Hassan** of the Lahore High Court, who spoke about the critical role of the judiciary in international arbitration with reference to important judgments of the Supreme Court of Pakistan. Justice Jawad emphasised the importance of building a pool of skilled, trained and honest arbitrators in Pakistan as well as arbitral institutions and of developing a culture of arbitration.

Rana Sajjad, founder and president of the CIICA, spoke about the institution's efforts to promote international arbitration in the past few years and emphasised the need for Pakistan's legal framework to keep up. He also talked about the international collaborations CIICA has formed with leading international organisations in the UK, China and the US.

He expressed delight at the huge turnout at the conference, which he said was testimony to the keen interest in international arbitration in Pakistan.

And **Syed Imad ud Din Asad**, director of UMT School of Law and Policy in Lahore spoke about the school's collaboration with the CIICA to organise conferences and training workshops on international arbitration.

In a session on Pakistan's experience of international arbitration and legal framework, **Arif Ali** of Dechert in London proposed that the judiciary should try and secure the broadest access possible to international jurisprudence and academic commentary on the recognition and enforcement of foreign arbitral awards. Ali also recommended the establishment of a special court or chamber in every high court with specific jurisdiction to address applications to recognise and enforce foreign awards.

Mansoor Khan of Khan & Associates in Islamabad and Lahore provided an analysis Pakistan's legal framework for international arbitration and declared that the law enacting the New York Convention in Pakistan was incomplete as it lacked provisions on interim relief among other things.

Other speakers included **Muhammad Farooq Altaf**, solicitor to the government of Punjab, **SM Naveed** of the Pakistan-China Joint Chamber of Commerce and Industry and **Shadha Zawawi**, an advocate and member of the Sindh Bar Council. Among other topics, they covered the business community's perspective on arbitration and the advantages of institutional over ad hoc arbitration.

A second session looked at arbitration in the energy and construction sectors. **Fernando Ortega** of Sultan Al Abdulla & Partners in Doha addressed liquefied natural gas price-reviews and disputes; **Sohaib Qadar** of Pakistan Petroleum spoke about arbitration clauses in the government of Pakistan's petroleum concessions, production sharing and joint operating agreements; and **Maria Rafique**, an advocate of the Lahore High Court, considered the dispute resolution mechanisms of the Energy Charter Treaty and how Pakistan's accession to the treaty would attract foreign investment in the energy sector.

Zulfiqar Ali of the Board of Investment of Pakistan talked about the growing number of arbitration proceedings in the energy and construction sectors and how arbitration is considered more suitable for resolving complex and high-profile disputes within these sectors.

Tariq Mahmud, a former federal secretary, addressed the construction sector and shared his experience of being an arbitrator in high-profile disputes in which Pakistan's National Highway Authority was involved.

A third session addressed dispute resolution under the framework of the China Pakistan Economic Corridor (CPEC), a collection of Chinese-funded infrastructure projects in Pakistan estimated to be worth US\$62 billion.

Asif Sandila, a former chief of the naval staff in Pakistan's navy, discussed the background to CPEC and the strategic importance of its maritime component, along with the implications for dispute resolution. And **Arshad Ghaffar** of XXIV Old Buildings in London discussed the Pakistan-China bilateral investment treaty and free trade agreement and the other options for resolving CPEC disputes.

Xuanle Li of the Hangzhou Arbitration Commission spoke about a memorandum of understanding her institution entered with the CIICA last year. She proposed collaboration between Pakistan and China to draft rules tailored to arbitration of disputes under CPEC.

Further insights came from former federal secretary **Hamid Ali Khan**, who shared his experience in dispute resolution as a senior bureaucrat in the Pakistani government and stressed the need to build international arbitration capability and raise awareness in view of the substantial investment coming into Pakistan under CPEC.

Antonello Leogrando of Gunnercooke in London, meanwhile, discussed the importance of institutional arbitration in disputes related to public procurement contracts arising from CPEC.

In his closing remarks, Sajjad stated that for the conference to have a real impact, follow-up and decisive action was needed on all the issues discussed including updating Pakistan's legal framework and building capacity for international arbitration in Pakistan.

This is imperative to create an enabling environment and a bright future for international arbitration in Pakistan, he said.

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