



Local Court Intervention in International Arbitration

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In June of 1985, the United Nations Commission on International Trade Law (UNCITRAL) approved the *Model Law on International Commercial Arbitration*. Since the approval of the Model Law, international arbitration as a means of dispute resolution has become increasingly more acceptable in all regions of the world. Middle Eastern and Latin American states have abandoned their reluctant positions in respect of the arbitral process and ratified the *New York Convention* on the recognition and enforcement of foreign arbitral awards as well as bilateral investment treaties, thereby compelling themselves to recognise and enforce international arbitration agreements and awards.

The adoption of the *UNCITRAL Model law*, has been carried out predominately by common law jurisdictions, and adopted as a frame of reference by several civil law jurisdictions. Hong Kong was one of the first common law jurisdictions to adopt the Model Law. In the Middle East, Bahrain, Egypt, Jordan, Iran and Oman have adopted the Model Law. In Canada, the *UNCITRAL Model law* has been adopted at the federal level, New Zealand has adopted the *UNCITRAL Model Law* for both domestic and international arbitrations, and in Africa, Nigeria and Zimbabwe have both implemented legislation shaped on the Model Law. The *English Arbitration Act 1996* provided a comprehensive codification of the law governing international arbitration in England, modeled broadly on the *UNCITRAL Model Law*. Other countries that have adopted the Model Law include Kenya, India, Scotland, Australia, Singapore, Germany, Russia and Spain.

Traditionally, one of the main concerns with arbitrating a dispute is whether the tribunal can deal effectively with all of the issues that may arise without the need for interference from the local courts. In all of the above instances, new legislative developments have enhanced the enforceability of international arbitration agreements and awards, while confirming the extent of party autonomy and limiting the scope of national court intervention in the arbitral process. A hearing dealt with by an arbitral