



The Jordanian Law of Arbitration

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(A Critique of a Judicial Precedent)

by

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Synopsis

It has been five years since Jordan enacted its new Law of Arbitration, replacing the old Law of 1953. While the new law was initially welcomed by all those involved in the sphere of arbitration (lawyers, arbitrators and jurists), five years have proved that major inherent deficiencies remain that require immediate attention from all parties concerned in the institute of arbitration. While this article touches upon some of the major hallmarks of the new law, it does not claim to provide comprehensive analysis and treatment of the entire law, which is beyond its scope. Hence, this article shall focus primarily on the provisions pertaining to the challenge of arbitrators, and how these provisions are applied by Jordanian courts. Accordingly, the aim of this paper is three-fold; to provide the concerned reader with an overview of the modern history of arbitration in Jordan which dates back to 1933 and culminated with the promulgation of the new Law of Arbitration in 2001; the second part is a treatment and analysis of a highly controversial judicial precedent. This part comes in the form of a comparative literature review of the rules pertaining to the pointment and challenge of arbitrators as laid down by the rules of international arbitration institutions and compared with the rules to be found in Jordan's Law of Arbitration. The third part comprises of lessons to be learnt; a conclusion and recommendations.

History of Arbitration in Jordan: A brief overview

1. Jordan stands out amongst Arab countries in that it early on enacted an arbitration law at a time where other Arab countries were merely content with laying down rules of arbitration within their respective Laws of Civil Procedures or Laws of Pleadings. The most important piece of legislation in this regard was the Jordanian Law of Arbitration of 1953, which repealed the previous Law of Arbitration that had been enforced since 1933. The 1953 Act underwent a number of amendments, with the major amendment taking place in 1962¹.

1- Dr. Mohammad Abu El-Enein, "The Basic Rules on Which the Jordanian Law of Arbitration is Predicated – A Comparative Study", a paper submitted at the symposium on Jordanian Law of Arbitration held in Aqaba – Jordan, 4th October 2003, pp. 21-22.