



Features of the Sudanese Arbitration Law for Year 2005*

by

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The Sudanese Arbitration Law was issued in 2005. Before the enactment of this law, arbitration in Sudan was carried out pursuant to the Sixth Section of the Civil Procedure Law for the Year 1983. Generally, arbitration is known and was applied in Sudan for many years. In Sudan, arbitration is carried out by mediators who are also known as "Good People" or "Benevolent People" to conciliate and conclude the commercial conflicts between the parties. There were deep-rooted traditions and customs that have been followed and used by commercial centers regarding arbitration. Through time and after development and branching of commercial businesses and affairs internally and externally, a need for codification of the concepts and procedures of commercial arbitration emerged in Sudan. In this report, we will briefly explain some important features of the Sudanese arbitration law for the year 2005.

Rebutting by the Lack of Jurisdiction

When the arbitration procedures start, any of the litigant parties can rebut by Lack of Jurisdiction, due to the nonexistence, abatement or nullity of the compromise d'arbitrage, or because it does not include the subject of the conflict subject. The tribunal should resolve this rebutting (initial or legal rebutting) by the lack of jurisdiction before concluding the subject of the conflict between the parties.

There could be a clear variation between most of the arbitration law regarding this issue, where it is not stipulated that the tribunal should resolve the lack of jurisdiction immediately and before concluding the subject of the conflict, as they can give the instruction to continue to examine the conflict and resolve the lack of jurisdiction within the final arbitration award. Some prefer this due to the need to prompt the final resolution before tribunals. We believe that it is not necessary for these words to be the most relevant or the best in all conditions.

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