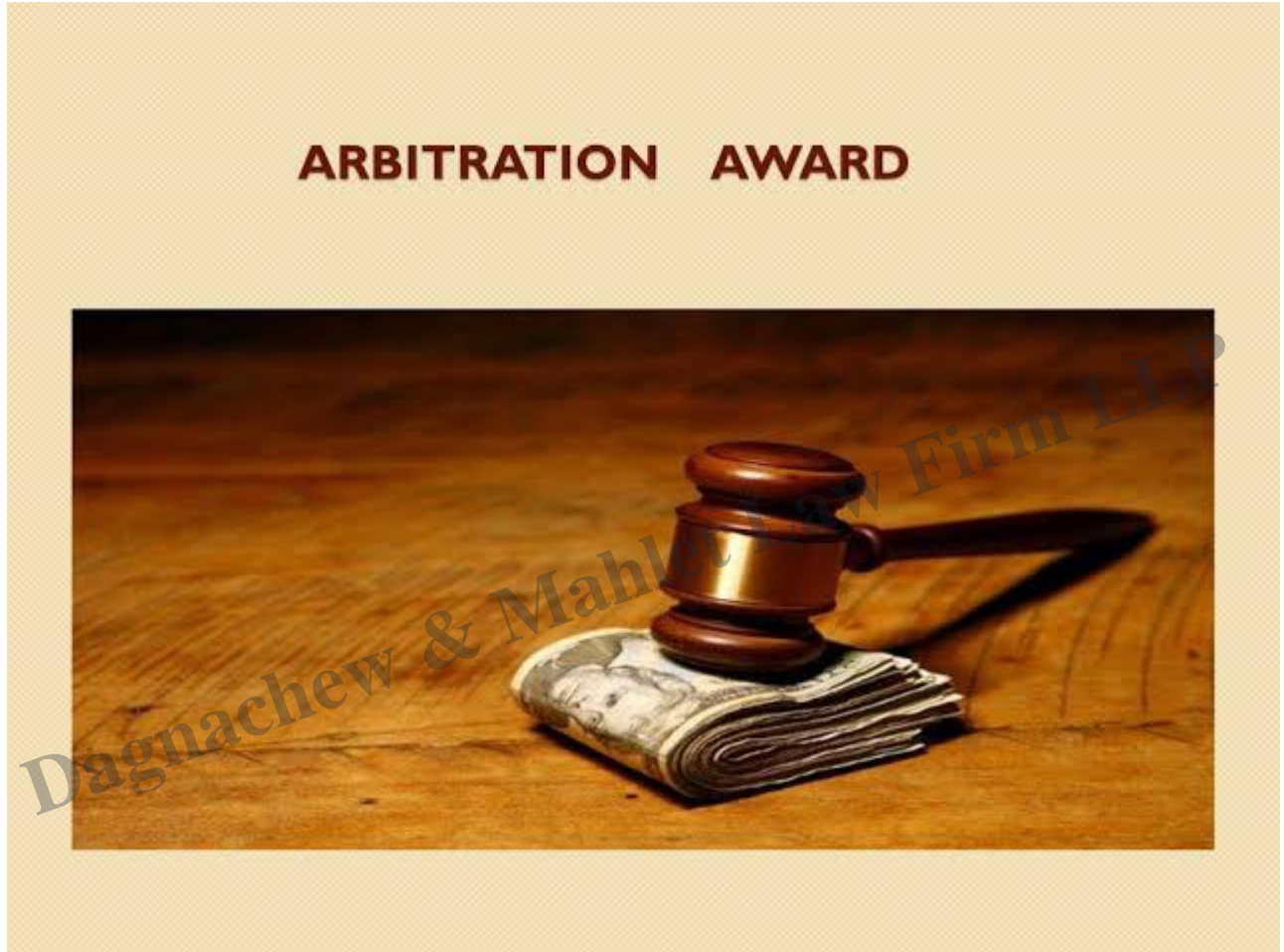


Recognition and Enforcement of Foreign Arbitral Awards

Description



By DMLF Team

Arbitration and Conciliation Working Procedure Proclamation No 1237/2021 done as of April 2021 encompasses the procedures for recognition and enforcement of arbitral awards and the court that has jurisdiction to do so. In this brief article we shall look into the procedures of recognition and enforcement of foreign arbitral awards and the assigned court to recognize and enforce foreign arbitral awards.

There are two ways of recognizing and enforcing foreign arbitral awards. The first is when a foreign arbitral award falls under international treaties ratified by Ethiopia. The award that falls under the ratified treaty shall be recognized and enforced based on the procedures indicated in such treaty.

The second way of recognition and enforcement of foreign arbitral awards is as per Article 53(2) of the Proclamation. The Proclamation encompasses 6 procedures an Ethiopian court has to evaluate before recognizing or enforcing foreign arbitral awards. These are:

1. There is reciprocity;
2. The arbitration award bases itself on valid arbitration agreement or rendered by a tribunal that is established in accordance with the laws of the country in which such award is rendered;
3. The arbitral award can be enforced in accordance with Ethiopian law;
4. The parties to the arbitration award had equal rights in appointing the arbitrators or had in presenting their evidence and getting heard in the course of the proceedings;
5. The matter in which the award is rendered is also arbitrable under Ethiopian law and
6. The arbitral award does not contravene public policy, moral and security.

The court that has the jurisdiction to accept and hear recognition and enforcement of foreign arbitral awards is the Federal High Court. The jurisdiction of the Federal High Court is for both cases of where the foreign arbitral award falls under international treaties ratified by Ethiopia or in ordinary circumstances whereby recognition and enforcement is requested.

To conclude, foreign arbitral awards presented for recognition and enforcement in Ethiopia shall be presented at the Federal High Court. The court shall ascertain that the foreign arbitral award is in line with the requirements of the Ethiopian law before recognizing or enforcing such awards.

For your arbitration related inquiries you may contact us at info@dmethiolawyers.com

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