



Arbitration of International Disputes

The Zimbabwean Landscape

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Law of Arbitration in Zimbabwe

- Embodied in the Arbitration Act (Chapter 7:15) and the Arbitration (International Investments Disputes) Act (Chapter 7:03)
- Previously Arbitration Act (Chapter 7:02)
- Prior to that common law principles applied to arbitration of disputes

International Instruments

- Geneva Protocol on Arbitration of September 24, 1923
- Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 (which amended the Geneva Protocol in certain respects)
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958
- The 1965 Convention on the Settlement of Investments Disputes between States and Nationals of other States (ICSID Convention 1965)

Arbitration Act (Chapter 7:15)

- Enacted to give effect to domestic and international agreements
- To provide a better and more efficient means of having disputes submitted to arbitration and the enforcement of awards of arbitrators.
- Seeks to apply the model law on International Commercial Arbitration adopted by the United Nations Commission on International Trade law on June 21, 1985 (the UNCITRAL laws).
- Gave effect to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958

Arbitration Act (Chapter 7:15)

- S4 of the Arbitration Act provides that any dispute which the parties have agreed to submit to arbitration may be determined by arbitration.
- S6(2) states that the Act “shall apply to every arbitration agreement, whether made before, on or after September 13, 1996.”
- S4 details matters that shall not be capable of determination by arbitration

ICSID Convention

- May 20 1994, Zimbabwe ratified the 1965 Convention on the Settlement of Investments Disputes between States and nationals of other States (ICSID Convention)
- Domesticated it in the schedule to Section 2 of the Arbitration (International Investments Disputes) Act (Chapter 7:03) in 1995
- It applies to the investment disputes between a country and the investors of another country who have made investments in that first country

Administration

- Commercial Arbitration Centre has been in existence for some 15 years or more
- A new Arbitration Centre recently established under retired Justice Chinengo