



PAKISTAN INTERNATIONAL DISPUTES WEEKEND (PIDW) PIDW'23 DECLARATION RATIFIED ON THE 21st OF MAY 2023

Whereas it is recognized that international arbitration and courts of law are the main components of an ecosystem of efficient dispute resolution.

And Whereas it is affirmed that the Ciarb Pakistan Chapter with the help of the Legislature, Executive, Judiciary and legal fraternity will take the following concrete steps to create this international ecosystem in order to attract domestic and foreign investment to Pakistan.

And Whereas it is realized that the essence of Pakistan International Disputes Weekend 2023 succinctly culminates into the Pakistan Declaration 2023, the crux of which simmers down into two main components, broadly as follows:

1. The enactment of a new domestic legislation 'Domestic Arbitration Act 2023'. The proposed Act is Model Law compliant, which offers parties a fair, streamlined, and effective alternative to traditional court litigation, promoting autonomy, neutrality, confidentiality, and enforceability of arbitration agreements and awards, bringing Pakistan to par with the rest of the world.
2. Establishment of dispute resolution forums based on International standards which may be akin to International Financial Centres, such as the Dubai International Financial Centre (DIFC), or the establishment of International Commercial Courts, such as the Singapore International Commercial Court (SIAC) and/or the establishment of an International Arbitration Centre (IAC) in Pakistan, similar to the Singapore International Arbitration Centre (SIAC), Hong Kong International Arbitration Centre (HKIAC), and Abu Dhabi Arbitration Centre etc.

And Whereas it is realized that the Ciarb Pakistan Chapter Conference of 21st May 2023 has concluded with practical steps on how to realize this objective.

It is therefore unanimously declared and proclaimed that:

1. Frivolous litigation can be countered by placing cost sanctions. The arbitration act must be revamped. Legal systems need to facilitate quick resolution and there needs to be an alternate system which can resolve cases at a pre-trial level.
2. Mediation as a pre-trial mechanism would benefit access to justice, and would avoid frivolous litigation. Becoming a signatory to the Singapore Convention would also boost international image, and this would have no negative impacts on Pakistan.
3. There needs to be an overhaul of judicial processes to promote dispute resolution, and the culture needs to change. State and judicial cooperation need to be promoted. A dispute avoidance/adjudication mechanism must be in place to avoid having to pursue litigation or arbitration as the final resort.

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4. Robust reforms, including the incorporation of commercial provincial courts, digitization mechanisms and legislative reform strategies are essential to reform Pakistan's judicial system, and all relevant stakeholders need to be engaged in the legislative reform process.
5. International financial centres (federal and provincial) should be established in order to cater to commercial disputes, and court jurisdiction for commercial cases must be clearly stipulated.
6. The concept of a revamped Arbitration act is encouraged and must exist as a central statute rather than a provincial one. As regards the question and scope of judicial intervention, it cannot be completely avoided. The court must be involved to some degree, particularly in the applicability and enforceability of the law. Judicial intervention can be curtailed by placing effective legislation or reliable provisions to ensure that there is no travesty of justice.
7. Mentorship systems be encouraged in legal practice, particularly with regard to the practice of ADR in Pakistan for young and aspiring lawyers.
8. Young members of the bar be empowered with expertise, will, and vision to strive towards reform and the strengthening of the rule of law.

And Whereas it is supported by the permission and participation of the following esteemed members of the Judiciary:

1. Honourable Chief Justice of Pakistan (retired) Mr. Justice Tassaduq Hussain Jilani
2. Honourable Justice of the Supreme Court of Pakistan (retired) Mr. Justice Mushir Alam
3. Honourable Justice of Supreme Court of Pakistan (retired) Mr. Justice Muhammad Athar Saeed
4. Honourable Chief Justice of the Lahore High Court Lahore Mr. Justice Ameer Bhatti
5. Honourable Chief Justice of Balochistan High Court Mr. Justice Naeem Akhtar Afghan
6. Honourable Justice of the Lahore High Court Lahore Mr. Justice Shahid Jamil Khan
7. Honourable Justice of the Lahore High Court Lahore Mr. Justice Jawad Hassan
8. Honourable Justice of the Lahore High Court Lahore Mr. Justice Asim Hafeez
9. Honourable Justice of the Lahore High Court Lahore Mr. Justice Abid Hussain Chattha
10. Honourable Justice of the Lahore High Court Lahore Mr. Justice Raza Qureshi
11. Honourable Justice of the Sindh High Court Mr. Justice Nadeem Akhtar
12. Honourable Justice of the Sindh High Court Mr. Justice Muhammad Shafi Siddiqui
13. Honourable Justice of the Sindh High Court Mr. Justice Faisal Kamal Alam
14. Honourable Justice of the Sindh High Court Mr. Justice Yousuf Ali Sayeed
15. Honourable Justice of the Sindh High Court Mr. Justice Adnan Iqbal Chaudhry
16. Honourable Justice of the Peshawar High Court Mr. Justice Syed Muhammad Attique Shah;
and
17. Honourable Justice of the Islamabad High Court Mr. Justice Babar Sattar