

Arbitration Law No. (3) of 2000

**Chairman of PLO Executive Committee
President of the Palestinian National Authority**

After having reviewed:

The Arbitration Law of 1926 as amended, in force in the Governorates of Gaza;

The Foreign Arbitration Awards Law of 1930 as amended, in force in the Governorates of Gaza;

The Arbitration Procedures of 1935, in force in the Governorates of Gaza;

The Law on the Execution of Foreign Judgments No. (8) of 1952, in force in the Governorates of West Bank;

The Arbitration Law No. (18) of 1953 as amended, in force in the Governorates of West Bank;

The Land Courts Law issued on April 8, 1921, particularly Article (8) thereof, in force in the Governorates of Gaza;

And based on the approval of the Legislative Council in its session held on 3/2/2000,

We hereby promulgate the following Law:

CHAPTER ONE DEFINITIONS & GENERAL PROVISIONS

Article (1)

For the purposes of applying the provisions of this Law, the following terms and expressions shall have the meanings ascribed thereto below, unless the context indicates otherwise:

Arbitration	A method for resolving an existing dispute between parties by referring the subject of the dispute to an arbitral tribunal for settlement
Arbitrator	A natural person who undertakes the task of arbitration
Arbitral Tribunal	One or more persons responsible for settling the dispute
Umpire	The arbitrator who issues the arbitral award when the majority cannot be realized
Expert	A qualified person in a specific field whose assistance may be sought to determine technical matters related to their area of expertise which others may find difficult to resolve
Competent Court	The court that has original jurisdiction to hear the dispute submitted to arbitration if the arbitration is domestic. If the arbitration is international and conducted in Palestine, the competent court shall be the Court of First Instance within whose territorial jurisdiction the arbitration is conducted. If the arbitration is foreign, the court competent to register and enforce the arbitral award shall be the Court of First Instance in Jerusalem, the capital of the State of Palestine, or the temporary headquarters in Gaza

Article (2)

Subject to the provisions of Article (4) of this Law, the provisions of this Law shall apply to all arbitration between natural or legal persons possessing legal capacity to dispose of rights, regardless of the nature of the legal relationship around which the dispute revolves, and subject to international conventions to which Palestine is a party.

Article (3)

For the purposes of this Law, arbitration shall be:

First: Domestic Arbitration, if it is not related to international trade and is conducted in Palestine.

Second: International Arbitration, if its subject is a dispute related to an economic, commercial, or civil matter, in the following cases:

1. If the principal places of business of the parties to the arbitration are in different countries at the time the arbitration agreement is concluded. If a party has more than one place of business, the one most closely connected to the arbitration agreement shall be considered. If a party has no place of business, the habitual residence shall be considered.
2. If the subject matter of the dispute covered by the arbitration agreement is connected to more than one country.
3. If the principal places of business of the parties are located in the same country at the time of concluding the arbitration agreement, but any of the following places is located in another country:
 - a. The place of arbitration as designated by the arbitration agreement or indicated by the method of its determination.
 - b. The place of performance of a substantial part of the obligations arising out of the commercial or contractual relationship between the parties.
 - c. The place most closely connected to the subject matter of the dispute.

Third: Foreign Arbitration, if it is conducted outside Palestine.

Fourth: Special Arbitration, if not organized by an institution specialized in arbitration.

Fifth: Institutional Arbitration, if it is conducted through an institution specialized in organizing and supervising arbitration, whether located inside or outside Palestine.

Article (4)

The following matters shall not be subject to the provisions of this Law:

1. Matters related to public order in Palestine.
2. Matters that may not be settled by conciliation under the law.
3. Disputes related to personal status.

CHAPTER TWO ARBITRATION AGREEMENT

Article (5)

1. An arbitration agreement is an agreement between two or more parties to refer all or certain disputes that have arisen or may arise between them in respect of a defined legal relationship, whether contractual or non-contractual, to arbitration. The arbitration agreement may take the form of an arbitration clause within a contract or a separate agreement.
2. The arbitration agreement must be in writing.
3. An arbitration agreement is considered written if it is included in a document signed by the parties or contained in an exchange of letters, telegrams, or other written means of communication.
4. If the arbitration agreement is concluded after the dispute has arisen, it must include the subject matter of the dispute; otherwise, it shall be null and void.
5. An arbitration clause shall be deemed an independent agreement and shall not be affected by the nullity, rescission, or termination of the contract in which it is contained.
6. The arbitration agreement may not be revoked except by agreement of the parties or by decision of the competent court.

Article (6)

The arbitration agreement shall not terminate upon the death of one of the parties unless the dispute relates to the deceased personally.

Article (7)

1. If one of the parties to an arbitration initiates legal proceedings before any court against the other party in a matter subject to an arbitration agreement, the other party may, before entering into the merits of the case, request the court to stay those proceedings. The court shall issue a decision to that effect if it is satisfied with the validity of the arbitration agreement.
2. Filing the action referred to in the previous paragraph shall not preclude the commencement or continuation of the arbitration proceedings or the issuance of the arbitral award.

CHAPTER THREE ARBITRAL TRIBUNAL

Article (8)

1. The arbitral tribunal shall be composed, by agreement of the parties, of one or more arbitrators.
2. If no agreement is reached on the composition of the arbitral tribunal, each party shall appoint an arbitrator, and the arbitrators shall appoint an umpire, unless the parties agree otherwise.

Article (9)

The arbitrator must have legal capacity to act, enjoy full civil rights, and must not have been convicted of a felony or a crime involving moral turpitude or dishonesty, or declared bankrupt unless rehabilitated.

Article (10)

Without prejudice to the provisions of this Law, if the arbitration agreement designates an arbitration institution, the arbitration procedures shall be conducted in accordance with the institution's rules, including the authority to appoint the arbitral tribunal, supervise the proceedings, determine the necessary costs, distribute them among the parties, and decide on any request to challenge any member of the arbitral tribunal.

Article (11)

1. Upon request by one of the parties or the arbitral tribunal, the competent court shall appoint an arbitrator or an umpire from the list of arbitrators approved by the Ministry of Justice in the following cases:
 - a. If the arbitration agreement provides for arbitration by a sole arbitrator and the parties fail to agree on the arbitrator.
 - b. If each party has the right to appoint an arbitrator and fails to do so
 - c. If the appointed arbitrator fails to accept the assignment in writing within fifteen (15) days from the date of being informed of his or her appointment
 - d. If the arbitrator, or an arbitrator appointed by one of the parties in multi-party arbitration, withdraws, becomes incapacitated, or is otherwise unable to act, and no replacement is appointed by the parties
 - e. If the arbitrators are required to appoint an umpire and fail to agree
 - f. If the umpire refuses or withdraws from acting and the arbitration agreement does not specify a method for appointing a replacement and the parties fail to agree on such replacement
2. The court shall issue its decision on the appointment within fifteen (15) days from the date the other party is notified of the request. The court's decision shall be final and not subject to appeal.

Article (12)

1. Acceptance of the arbitrator's assignment must be in writing or by signing the arbitration agreement. Upon accepting the assignment, the arbitrator must disclose any circumstances that may raise justified doubts about his or her impartiality or independence.
2. The arbitrator may not withdraw from conducting the arbitration without excuse after accepting the assignment.

Article (13)

1. An arbitrator may only be challenged if circumstances exist that give rise to justified doubts as to his or her impartiality or independence. No party may challenge an arbitrator it appointed or participated in appointing, except for reasons discovered after the appointment.
2. Without prejudice to paragraph (1) above, no request to challenge or disqualify the arbitral tribunal may be submitted after the close of the parties' evidence.

Article (14)

1. If a party has grounds to challenge the arbitral tribunal or any of its members, it must submit a written request within fifteen (15) days from the date of knowledge to the arbitral tribunal or to the arbitration institution if the arbitration is institutional.
2. If the request is rejected, the requesting party may challenge the decision before the competent court within fifteen (15) days from its issuance, and the court's decision shall be final and not subject to appeal.
3. Submission of the challenge or appeal to the court shall result in a stay of the arbitration proceedings until the challenge is resolved.

Article (15)

1. If an arbitrator's assignment terminates due to death, recusal, withdrawal, or any other reason, a replacement must be appointed in the same manner as the original arbitrator, or in accordance with the procedures provided in Article (11) of this Law.
2. Arbitration proceedings shall be suspended until a new arbitrator is appointed.

Article (16)

The Arbitral Tribunal shall have jurisdiction to decide on the following matters:

1. Issues related to jurisdiction.
2. Issues related to the arbitration agreement.
3. Requests to challenge the arbitral tribunal or any of its members.
4. Objections related to the arbitration presented before it.

Article (17)

The Arbitral Tribunal may seek the opinion of the competent court on any legal issue arising during the hearing of the dispute.

Article (18)

The parties may agree on the procedural rules to be followed by the Arbitral Tribunal. If no agreement is reached, the Arbitral Tribunal shall apply the procedures in force at the seat of arbitration.

Article (19)

1. In international arbitration, the parties may agree on the law applicable to the subject matter of the dispute. In the absence of such agreement, the Arbitral Tribunal shall apply Palestinian law.
2. If the arbitration is international and conducted in Palestine and the parties have not agreed on the applicable law, the Arbitral Tribunal shall apply the substantive rules indicated by the conflict-of-laws rules in Palestinian law, excluding renvoi unless it leads to the application of Palestinian law. In all cases, the Tribunal shall consider the customs applicable to the relationship between the parties.

CHAPTER FOUR ARBITRATION PROCEDURES

Article (20)

The Arbitral Tribunal shall commence its work upon referral of the dispute to it after accepting the arbitration assignment between the parties.

Article (21)

If the parties do not agree on the seat of arbitration, it shall be determined by the Arbitral Tribunal, taking into consideration the circumstances of the dispute and the convenience for the parties. The Tribunal may hold one or more sessions in any location it deems appropriate.

Article (22)

1. Arbitration shall be conducted in Arabic unless the parties agree otherwise. In the case of multiple languages among the parties, the Tribunal may determine the language(s) to be used.
2. The Tribunal may require any party to submit documents translated into the language(s) adopted before it.
3. The Tribunal may use a licensed interpreter when the parties speak different languages.

Article (23)

1. Within the time limit set by the Tribunal, the claimant shall submit to the respondent and the Tribunal a written statement of claim specifying the subject matter of the dispute, claims, and supporting documents.
 - a. The respondent must, within thirty (30) days of receiving the statement of claim and its attachments, submit a full written reply along with supporting documents to both the claimant and the Tribunal.
 - b. The Tribunal may extend the deadline mentioned in paragraph (a) as it deems appropriate.
2. The Tribunal may, at any stage, request the parties to submit the original documents presented before it unless the parties agree to rely on copies.

Article (24)

The Tribunal shall set a hearing date for the parties and notify them sufficiently in advance. It shall hear the parties, but may rely solely on written memoranda and documents if the parties so agree.

Article (25)

Notices shall be delivered personally or to the work address, habitual residence, or postal address specified in the arbitration agreement or the contract governing the relationship subject to arbitration, unless the parties agree otherwise.

Article (26)

1. If the claimant fails to submit a written statement pursuant to paragraph (1) of Article (23) without a valid excuse, the Tribunal shall, upon request of the respondent, dismiss the claim.

2. If the respondent fails to submit a response pursuant to paragraph (2) of Article (23) without a valid excuse, the Tribunal shall, upon request of the claimant, proceed with the arbitration. This shall not be considered an admission of the claimant's allegations, and the Tribunal may issue a default award based on the evidence before it.

Article (27)

The Tribunal shall hear the parties' evidence and record the proceedings of each session in minutes signed according to proper procedures. A copy shall be provided to any party upon request.

Article (28)

1. The Tribunal may, on its own or at a party's request, summon any witness to testify or present documents.
2. If a witness refuses to appear, the Tribunal may request the competent court to issue an order compelling the witness to attend on the specified date.

Article (29)

The Tribunal may request the competent court to issue a commission rogatoire to hear the testimony of a witness residing outside the court's jurisdiction, where it is difficult for the witness to attend.

Article (30)

The Tribunal may, on its own or upon request of a party, appoint one or more experts regarding a specific matter. Each party shall provide the expert with all relevant information and documents.

Article (31)

1. The Tribunal shall send a copy of the expert's report to each party and provide the opportunity for discussion with the expert during a hearing set for this purpose.
2. Each party may submit one or more expert opinions in response to the Tribunal-appointed expert's report.

Article (32)

1. If forgery is alleged before the Tribunal regarding a material document related to the dispute, the alleging party must prove the claim before the competent authorities.
2. Arbitration proceedings shall be suspended until the forgery claim is resolved if the alleging party proves they submitted their claim to the competent authority within one week from being instructed to do so.

Article (33)

The Tribunal may, during the proceedings, issue an order for any interim or precautionary measures it deems appropriate against any party, provided the arbitration agreement authorizes such power. Such orders shall have the same force as a court order and shall be executed accordingly.

Article (34)

The Tribunal may order the parties to deposit any amount it deems appropriate to cover arbitration-related expenses, provided the arbitration agreement explicitly allows such a measure. If the parties

or any of them fail to pay, the Tribunal may request the competent court to issue an order accordingly.

CHAPTER FIVE ARBITRAL AWARD AND CHALLENGE THEREOF

Article (35)

1. Each party to the arbitration may amend or supplement their claims or defenses during the arbitration proceedings, unless the Arbitral Tribunal decides to disallow such amendments to avoid delaying the resolution of the dispute.
2. After the parties have concluded presenting their evidence, the Arbitral Tribunal shall reserve the case for judgment, allowing the parties to submit closing briefs, if they wish, within a period determined by the Tribunal.

Article (36)

The disputing parties may authorize the Arbitral Tribunal to settle the dispute amicably in accordance with the principles of equity. The Tribunal may also propose, on its own or at the request of one of the parties, an amicable settlement of the dispute.

Article (37)

If the parties agree to settle the dispute before the issuance of the arbitral award, the Arbitral Tribunal shall issue a decision approving the settlement under the agreed terms, and such decision shall be considered an award rendered by the Tribunal.

Article (38)

1.
 - a. The Arbitral Tribunal shall render a final award within the time period agreed upon by the parties.
 - b. Unless the parties agree otherwise, the award shall be issued within twelve months from the commencement of the arbitration proceedings. In all cases, the Tribunal may extend this period for no more than six additional months.
2. If the award is not rendered within the period mentioned in Paragraph (1), either party may request the competent court to issue an order granting an additional time period or terminating the arbitration proceedings, and either party may then bring the case before the competent court.
3. The Arbitral Tribunal shall render its decision on the dispute within three months from the date the case is reserved for judgment. The Tribunal may extend this period if necessary.
4. The arbitral award shall be issued unanimously or by majority vote after deliberation if the Tribunal is composed of more than one arbitrator, or by the presiding arbitrator if a majority cannot be reached.

Article (39)

1. The arbitral award shall include a summary of the arbitration agreement, the parties, the subject matter, the evidence heard and presented, the claims, the award reasons, the verdict, the date and place of issuance, and the signatures of the arbitrators.
2. The Arbitral Tribunal shall also include in its award all matters related to arbitration fees, expenses, and attorney's fees, and how these are to be paid.

Article (40)

The arbitral award shall be announced in the presence of the parties. If one or more parties fail to attend the session for pronouncement of the award despite having been duly notified, the Tribunal shall render the award in that session and notify the absent party. The award shall be considered as issued in their presence, unless the parties agree otherwise.

Article (41)

Unless otherwise provided by law, the arbitral award or parts thereof may not be published without the consent of the parties or the competent court.

Article (42)

1. The Arbitral Tribunal may, on its own or at the request of a party—provided such request is made within thirty (30) days from the date the award is notified or from the date the other party is informed—correct any clerical, arithmetic, or material errors in the award. Such correction shall be recorded on the original award and signed by the Tribunal.
2. The correction shall be made within thirty (30) days from the date of the award if done by the Tribunal on its own, or within thirty (30) days from the date of the request if made upon a party's application.
3. The Arbitral Tribunal may, upon the request of a party made within thirty (30) days of notification of the award and provided the other party is informed, interpret a specific point or part of the arbitral award. If the Tribunal deems the request justified, it shall issue the interpretation within thirty (30) days of receiving the request. The interpretation shall form an integral part of the arbitral award and shall be subject to its provisions.
4. If the Arbitral Tribunal is unable to convene due to the death or incapacity of one of its members, the competent court shall substitute for the Tribunal, unless expressly agreed otherwise.

Article (43)

Either party may challenge the arbitral award before the competent court on any of the following grounds:

1. If one of the parties to the arbitration lacks legal capacity under the law governing their capacity, unless they were duly represented.
2. If the Tribunal or any of its members were affected by a condition impairing capacity before the award was issued.
3. If the award violates public order in Palestine.
4. If the arbitration agreement is void or has expired.
5. Misconduct by the Arbitral Tribunal, violation of agreed legal procedures, or deviation from the arbitration agreement or its subject.

6. If the award or its proceedings were flawed in a way that affected the judgment.
7. If the award was obtained through fraud or deception, unless it had already been executed before the fraud or deception was discovered.

Article (44)

1. A challenge to the arbitral award must be filed before the competent court within thirty (30) days from the day following the issuance of the award if issued in the presence of the parties, or from the day following its notification otherwise.
2. If the challenge is based on Paragraph (7) of Article (43) of this Law, the limitation period shall begin from the date the fraud or deception was discovered.

Article (45)

1. If the period specified in Article (44) expires without filing a challenge, the competent court shall, upon the request of one of the parties, issue a decision confirming the award and granting it executory effect. This decision shall be final and enforceable in the same manner as court judgments.
2. If the competent court rejects the challenge, it shall confirm the validity of the award and grant it executory effect.
3. If the court annuls the arbitral award, it may, if deemed appropriate, refer the dispute back to the Arbitral Tribunal to reconsider the matters specified by the court.

Article (46)

Considering the provisions of Article (44) of this Law concerning the deadlines, the rules and procedures of appeal in force before the appellate court shall apply to appeals against judgments issued by the competent court.

Article (47)

Once ratified by the competent court, the arbitral award shall have the same force and effect as court judgments and shall be executed in the same manner as any court ruling or decision in accordance with applicable procedures.

Article (48)

Subject to the international conventions to which Palestine is a party and the laws in force in Palestine, the competent court may, even on its own initiative, refuse to enforce a foreign arbitral award in either of the following cases:

1. If the award violates public order in Palestine.
2. If the award is inconsistent with the international treaties and agreements in force in Palestine.

Article (49)

A party against whom a foreign arbitral award has been issued may request the competent court to refuse its enforcement on any of the following grounds:

1. If it proves to the court the existence of any of the grounds set forth in Article (43) of this Law.

2. If it proves that the award has been annulled or its enforcement suspended by a court in the country where it was rendered.
3. If it proves that the award sought to be enforced is under appeal in the country where it was issued and the appeal is still pending; in such case, the competent court shall stay the enforcement proceedings until the appeal is resolved.
4. If a court in Palestine has rendered a judgment that contradicts the foreign award in a case between the same parties and concerning the same subject matter and facts.

Article (50)

The applicant seeking enforcement of a foreign arbitral award must submit to the competent court the following:

1. The foreign arbitral award duly authenticated by the Palestinian political or consular representative in the relevant country, if available.
2. A certified Arabic translation of the award by a legal translator accredited by the competent authorities, with the translator's signature attested by the political or consular representative of the applicant's country, or a translation by a certified Palestinian legal translator who has taken the oath.

Article (51)

A copy of the enforcement order and its attachments shall be served on the party against whom the award is rendered in accordance with applicable procedures.

Article (52)

Once properly served with the enforcement order, the party against whom the award was issued may submit a response to the court within thirty (30) days from the date of notification. A copy of the response shall be served on the prevailing party in accordance with applicable procedures.

Article (53)

The decision of the competent court to enforce or reject enforcement of a foreign arbitral award may be appealed within thirty (30) days from the day following its issuance, if rendered in the presence of the parties, or from the day following its notification, if rendered in absentia.

CHAPTER SIX FINAL PROVISIONS

Article (54)

The Minister of Justice shall issue the decisions, instructions, and regulations relating to the list of certified arbitrators referred to in Article (11) of this Law.

Article (55)

The Council of Ministers shall issue the necessary regulations and decisions for the implementation of the provisions of this Law within a maximum period of six months from the date of its publication.

Article (56)

The provisions of this Law shall apply to all pending arbitration proceedings at the time it enters into force, provided that the award has not yet been reserved for issuance.

Article (57)

Any provisions that conflict with the provisions of this Law shall be repealed.

Article (58)

All competent authorities, each in its respective field, must implement the provisions of this Law, and it shall enter into force thirty (30) days after its publishing in the Official Gazette.

**Issued in the city of Gaza on: April 5, 2000 AD
Corresponding to: 01 Muharram, 1421 Hijri**

**YASSER ARAFAT
Chairman of PLO Executive Committee
President of the Palestinian National Authority**

Council of Ministers Decision No. (39) of 2004
On
The Executive Regulation of the Arbitration Law No. (3) of 2000

The Council of Ministers,

After having reviewed the Arbitration Law No. (3) of 2000, particularly Article (55) thereof;
And upon the presentation of the Minister of Justice;
And based on the approval of the Council of Ministers in its session held in the city of Ramallah on 12/04/2004,

The Council of Ministers decides as follows:

CHAPTER ONE
DEFINITIONS AND GENERAL PROVISIONS

Article (1)

For the purposes of implementing this Regulation, the following terms and expressions shall have the meanings ascribed thereto below, unless the context indicates otherwise:

Law : Arbitration Law No. (3) of 2000.

Ministry : The Ministry of Justice.

Minister : The Minister of Justice.

Arbitration Institution: An institution licensed to conduct arbitration.

Article (2)

Arbitration shall not be permitted in matters relating to public order or in matters for which reconciliation is not legally permissible, such as criminal penalties, nationality disputes, and personal status matters including divorce, lineage, inheritance, and alimony. However, arbitration may address the estimation of a mandatory alimony, dowry, or any other financial claim arising from personal status cases.

Article (3)

The arbitrator may be a Palestinian from the liberal professions or otherwise. The arbitrator may also be a foreigner licensed to practice arbitration. In the case of multiple arbitrators, the chairperson shall be knowledgeable in Islamic jurisprudence, commercial regulations, and the customs and traditions prevailing in Palestine.

Article (4)

A public servant may serve as an arbitrator with the prior approval of the entity to which they are affiliated.

Article (5)

The Ministry shall prepare lists of accredited arbitrators in Palestine, which shall be issued by a decision of the Minister.

Article (6)

If one of the parties or the arbitral tribunal requests the competent court to appoint an arbitrator or umpire, the court shall select such arbitrator or umpire from the lists of accredited arbitrators at the Ministry.

Article (7)

To be listed in the arbitrators' registry, the applicant must:

1. Be a Palestinian national and enjoy full civil rights.
2. Be of good conduct and reputation.
3. Not have been previously dismissed from public service by disciplinary decision, unless at least three (3) years have passed since the issuance of that decision.
4. Not have been convicted of a felony or a misdemeanor involving moral turpitude or dishonesty, or declared bankrupt unless rehabilitated.
5. Possess the academic and practical experience as specified in this Regulation.

Article (8)

Arbitrators shall be classified into three categories as follows:

Category One: This category handles disputes exceeding one hundred thousand Jordanian Dinars or its legal equivalent. The arbitrator must meet one of the following:

- a. Hold a Ph.D. with not less than five (5) years of practical experience.
- b. Hold a Master's degree with not less than eight (8) years of practical experience.
- c. Hold a Bachelor's degree or its equivalent with not less than ten (10) years of practical experience.
- d. Possess rare or specialized experience in any required technical or practical field not less than fifteen (15) years.

Category Two: This category handles disputes between fifty thousand and one hundred thousand Jordanian Dinars or its legal equivalent. The arbitrator must meet one of the following:

- a. Hold a Ph.D. with not less than three (3) years of practical experience.
- b. Hold a Master's degree with not less than five (5) years of practical experience.
- c. Hold a Bachelor's degree or its equivalent with not less than eight (8) years of practical experience.
- d. Possess rare or specialized experience in any required technical or practical field not less than ten (10) years.

Category Three: This category handles disputes below fifty thousand Jordanian Dinars or its legal equivalent. The arbitrator must meet one of the following:

- a. Hold a Ph.D.
- b. Hold a Master's degree with not less than two (2) years of practical experience.
- c. Hold a Bachelor's degree or its equivalent with not less than six (6) years of practical experience.
- d. Possess rare or specialized experience in any required technical or practical field not less than five (5) years.

Article (9)

The application for registration in the Ministry's list of accredited arbitrators shall be submitted using the designated form attached to this Regulation. It shall be submitted to the competent department in the Ministry, along with proof of the applicant's identity, place of residence, and all documents required by law and this Regulation.

Article (10)

The competent department in the Ministry shall maintain a register of arbitrator registration applications, recorded in sequential order by the date of submission. A dedicated file shall be created for each application, containing the application, supporting documents, and all related procedures. The department shall issue the applicant a receipt indicating the submission date and registration number.

Article (11)

The following shall be accepted as proof of the identity and residence of the applicant:

- a. Identity card.
- b. Passport.

Article (12)

If the applicant has multiple residences, the one indicated on the identity card shall be deemed valid. However, a more recent address may be accepted if supported by credible evidence acceptable to the competent department at the Ministry. In such a case, the request and the registration certificate shall be annotated with both the address on the identity card and the alternative address.

Article (13)

The competent department at the Ministry shall verify the accuracy of the information recorded in the application and the documents attached thereto, and shall record the result on the application. If the application does not meet the required submission conditions, the applicant must be notified to complete the requirements or provide the necessary documents within fifteen (15) days from the date of the initial submission. Otherwise, the application shall be deemed null and void.

Article (14)

If the competent department verifies that the application fulfills the conditions stipulated in this Regulation, it shall submit the application to the Minister within fifteen (15) days from the date of submission.

Article (15)

The Minister shall issue a decision to register the name of the arbitrator who meets the prescribed requirements in the Ministry's list of accredited arbitrators and shall grant a certificate to that effect.

Article (16)

1. Registration in the Ministry's list of accredited arbitrators shall be renewed annually. The renewal application shall be submitted during the month preceding the expiration of the one-year term.
2. If the arbitrator does not submit a renewal request within the first three months following the expiration of the year, their name shall be removed from the list.
3. Any person whose name has been removed from the list and who wishes to reapply shall be treated as a new applicant.

Article (17)

1. A stamp duty of ten Jordanian Dinars shall be affixed to the initial application for registration in the Ministry's list of accredited arbitrators.
2. A stamp duty of five Jordanian Dinars shall be affixed to the application for renewal of registration.

Article (18)

The Jerusalem Chamber of Commerce and Industry shall undertake the institutional arbitration in Palestine. A decision to this effect shall be issued by the Minister and published in the Official Gazette.

CHAPTER TWO ARBITRATION AGREEMENT

Article (19)

An agreement may be made to arbitrate a specific existing dispute, or a prior agreement may be made to arbitrate any future dispute that may arise from the execution of a particular contract, subject to the following conditions:

1. The agreement must be in writing in any of the following forms:
 - a. Included in a document signed by the parties.
 - b. Made by way of letters, telegrams, or other written means of communication.
 - c. Exchanged through electronic means in the form of an information message between the parties.
2. If the agreement is made after the dispute has arisen, it must include the subject matter of the dispute.

Article (20)

The arbitration agreement shall not be terminated by the death of one of the parties if all the heirs are of legal age. If one of the heirs is a minor, the arbitration agreement shall be terminated unless the legal guardian or custodian agrees to proceed, or the court authorizes the process. In all cases, the agreement shall not terminate if the dispute pertains to the deceased in person.

Article (21)

The arbitration agreement submitted before the arbitral tribunal shall be deemed valid unless proven otherwise.

Article (22)

Only a person with full legal capacity to dispose of rights may validly enter into an arbitration agreement. A guardian or custodian of a minor may not resort to arbitration unless authorized by the competent court to do so.

CHAPTER THREE ARBITRAL TRIBUNAL

Article (23)

The Arbitral Tribunal shall consist of one or more arbitrators, and the parties shall have the freedom to choose the number and identity of the arbitrators.

Article (24)

1. If the parties do not agree on the formation of the Arbitral Tribunal, each party shall appoint an arbitrator, and they shall have the right to appoint an umpire, if necessary.
2. If the parties do not agree on the appointment of the umpire, the arbitrators already appointed shall agree on one. If no agreement is reached, the competent court shall appoint the umpire upon the request of the parties, one of them, or the arbitral tribunal. The court's decision shall be final and not subject to appeal.

Article (25)

If the arbitration agreement designates an arbitration institution, the parties shall be deemed to have accepted the application of its internal rules, which shall include the authority to:

- a. Organize the arbitration procedures.
- b. Appoint the Arbitral Tribunal from the arbitrators listed on its roster.
- c. Decide on requests to challenge the arbitral tribunal or any of its members.
- d. Determine the necessary expenses and how they are to be distributed.

Article (26)

1. An appointed arbitrator may accept or decline the assignment within fifteen (15) days of being notified of their nomination. If accepted, the arbitrator shall confirm their acceptance by either:
 - a. Sending a written notice to the parties declaring their acceptance of the arbitration task.
 - b. Signing the arbitration agreement that includes their name.

2. Upon accepting the arbitration task, the arbitrator must disclose to the parties any circumstances likely to raise doubts about their impartiality or independence. If the parties accept the arbitrator after disclosure, they may not request recusal based on those disclosed circumstances.
3. Once the arbitrator accepts the task, they may not withdraw from the proceedings without valid justification.

Article (27)

1. Circumstances likely to raise doubts about the arbitrator's impartiality or independence include, but are not limited to, the following:
 - a. If the arbitrator is related to one of the parties or their spouse up to the fourth degree.
 - b. If the arbitrator or their spouse has an ongoing dispute with any party or their spouse.
 - c. If the arbitrator is a legal representative or partner of a party, a presumed heir, or related by blood or marriage up to the fourth degree to one of the parties' guardians, curators, or to any board member or director of a concerned company.
 - d. If the dispute involves a current interest of the arbitrator, their spouse, or close relatives up to the fourth degree.
 - e. If the arbitrator previously gave a legal opinion, represented a party, or testified regarding the dispute.
 - f. If the arbitrator previously dealt with the dispute as a judge, expert, arbitrator, or mediator.
 - g. If the arbitrator is related by blood or marriage up to the fourth degree to any other member of the Arbitral Tribunal.
2. The aforementioned cases constitute grounds for recusal of the arbitral tribunal or any of its members.

Article (28)

1. If any of the reasons listed in Article (27) apply, a party may request the recusal of the arbitral tribunal or any of its members. However, a party may not request the recusal of an arbitrator they appointed or helped appoint unless the grounds for recusal arose or were discovered after the appointment.
2. In all cases, a recusal request may not be submitted after the closure of the hearing and the conclusion of the arguments.

Article (29)

A recusal request shall be submitted in writing to the arbitral tribunal or the arbitration institution (if institutional arbitration) within fifteen (15) days from the date of discovering the grounds for recusal, and must include the reasons for the request.

Article (30)

1. The arbitral tribunal or the arbitration institution shall consider the recusal request in the presence of the requesting party and issue a decision accepting or rejecting the request within seven (7) days of submission. If the request is denied, the decision must be reasoned. The

requesting party may challenge the decision before the competent court within fifteen (15) days from its issuance. The court's decision shall be final and unappealable.

2. During the examination of the recusal request, the challenged arbitrator shall not be interrogated or required to take an oath.

Article (31)

Filing a recusal request or challenging its rejection before the competent court shall suspend the arbitration proceedings and related deadlines until the request or challenge is resolved.

Article (32)

If the recusal request or challenge is denied, the arbitrator concerned may not bring an independent action against the requesting party unless the request involved defamatory allegations. In such cases, legal action may be taken only after the arbitration proceedings are concluded and the award is rendered.

Article (33)

1. The arbitrator's mandate shall terminate if the recusal request is accepted, or in case of the arbitrator's death, resignation for valid reason, incapacity, loss of legal capacity, or any other cause preventing them from continuing their role.
2. In such cases, a substitute arbitrator shall be appointed in the same manner as the original arbitrator, or by the competent court upon request of one of the parties or the tribunal.
3. The termination of an arbitrator's mandate shall suspend the arbitration proceedings and related deadlines until the appointment of a replacement.
4. Upon appointment of the substitute arbitrator, the deadline for issuing the arbitration award shall be extended by thirty (30) days from the date of appointment.

CHAPTER FOUR ARBITRATION PROCEDURES

Article (34)

Arbitration shall be conducted before the Arbitral Tribunal in accordance with the procedures stipulated in this Regulation, unless otherwise agreed in the arbitration agreement. The parties may agree on additional arbitration procedures, provided such procedures do not affect the competence of the Arbitral Tribunal as prescribed in this Regulation.

Article (35)

The Arbitral Tribunal shall guarantee all rights of defense to the parties to the dispute, treat them equally, and ensure that each party is given full opportunity to present its case throughout the proceedings.

Article (36)

1. The claimant shall submit to the Arbitral Tribunal or the Arbitration Institution a written request that includes the following:
 - a. His name, surname, capacity, nationality, and address.

- b. The name, surname, capacity, nationality, and address of the respondent.
 - c. A statement of the dispute, its facts, and evidence, along with a specification of the claims.
 - d. The name of the appointed arbitrator, if any.
 - e. A copy of the arbitration agreement and the documents related to the dispute.
2. The Arbitral Tribunal or the Arbitration Institution shall verify the availability of all necessary documents to proceed with the arbitration proceedings. If the required documents are incomplete, the concerned party shall be notified to complete them.

Article (37)

Upon receipt of the arbitration request and payment of the fees, the Arbitral Tribunal or the Arbitration Institution shall notify the applicant of receipt and shall notify the respondent thereof within seven (7) days from the date of receipt of the request, via registered mail with acknowledgment of receipt.

Article (38)

1. The Arbitral Tribunal or the Arbitration Institution may set a specific period for the claimant to submit a written statement to the Arbitral Tribunal or the Arbitration Institution setting out his claims, the issues in dispute, his demands, and attaching copies of the documents or evidence relied upon. The claimant shall also send a similar copy to the respondent.
2. If the claimant fails to submit the written statement within the specified time without a valid excuse, the Arbitral Tribunal or the Arbitration Institution shall, upon the respondent's request, decide to dismiss the claimant's claim.

Article (39)

1. The respondent shall, within thirty (30) days from the date of notification and receipt of the claimant's statement and its attachments, submit a reply memorandum setting out his defenses and any counterclaims, accompanied by copies of the supporting documents. He shall also send copies to the Arbitral Tribunal. The Arbitral Tribunal may grant an extension, upon request, not exceeding twenty (20) days.
2. If the respondent fails to submit his reply within the aforementioned period, the Arbitral Tribunal shall proceed with deciding the dispute based on the evidence presented by the claimant. In such case, the Tribunal may render a default award based on the submitted elements and evidence.

Article (40)

Any notification or notice related to the arbitration shall be served by the Arbitral Tribunal or the Arbitration Institution through messengers or official entities, whether upon the request of the parties or initiated by the Tribunal or the Institution. The competent official entities shall assist the Tribunal or the Institution in performing their duties within their jurisdictions.

Article (41)

The notification or notices shall be prepared in Arabic in two or more copies depending on the number of parties. If one of the parties is a foreigner, a certified legal translation shall be attached. The notice shall include the following information:

1. The date and time the notification was served.
2. The name, surname, profession or job, address of the notifying party, and that of his representative if any.
3. The full name, profession or job, and full address of the person to be served.
4. The name and signature of the messenger or the notifying entity.
5. The name, seat of the Arbitral Tribunal or Arbitration Institution, subject of the procedure, and its scheduled date.

Article (42)

1. The documents shall be served to the person to be notified at his workplace, habitual residence, or postal address specified in the arbitration agreement or the contract governing the relationship subject to arbitration. They may also be delivered to the elected domicile specified by the parties. The recipient shall sign to acknowledge receipt.
2. If the person to be notified is not present, the documents may be delivered to his attorney, manager, employee, or a spouse or relative residing with him, provided the recipient signs to acknowledge receipt.

Article (43)

If the messenger or notifying entity finds no one eligible to receive the documents as per the previous article, or if the eligible recipient refuses to accept the documents, this shall be noted in the original notification.

Article (44)

Unless otherwise stipulated in any other law regarding judicial notifications, the notification shall be delivered as follows:

1. For the State: to ministers or heads of governmental entities, or their authorized deputies.
2. For public entities: to their legal representative or authorized deputy.
3. For private companies, associations, and institutions: at their registered headquarters as indicated in the commercial register or to the chairman, general manager, or their deputy. For foreign companies with branches or agents in Palestine, it shall be served to such branch or agent.

Article (45)

The Arbitral Tribunal or the Arbitration Institution shall set a date for a hearing, and the parties shall be notified at least seven (7) days prior to the set date.

Article (46)

On the scheduled hearing date, the parties shall appear in person or through representatives holding a power of attorney from an advocate or an authorization notarized or issued by an official authority and duly certified. A copy of the power of attorney shall be filed with the case file after being reviewed by the Tribunal or Institution, without prejudice to the Tribunal's right to request personal attendance of either party when necessary.

Article (47)

If one of the parties or their representative fails to attend the first hearing, and the Tribunal confirms that they were personally notified, it may proceed to decide the dispute if both parties have filed their claims, defenses, and supporting documents. The award shall be considered as rendered in their presence. If the absent party was not personally notified, the Tribunal must postpone the hearing and notify them again. If there are multiple respondents, and some have not been personally notified and all fail to appear, the Tribunal shall, unless in urgent cases, postpone the hearing to a later session for proper notification. The award shall be deemed rendered in presence of those who fail to attend that subsequent session.

The award shall also be deemed rendered in presence of the party if they or their representative attend any subsequent hearing or submit a defense memorandum. If the absent party appears before the end of the hearing, any decisions rendered therein shall be nullified.

Article (48)

If the Tribunal finds that a party's absence was due to invalid service of notice for the hearing, it must postpone the hearing and notify the party again with a valid notice.

Article (49)

The Arbitral Tribunal shall hear the parties, and it may rely solely on memoranda and documents if the parties agree to that.

Article (50)

The Tribunal shall consider the dispute brought before it in a confidential manner, however, the hearing may be made public upon agreement of the parties.

Article (51)

The Arbitral Tribunal may not, without a valid excuse, postpone the dispute more than once for the same reason presented by one of the parties.

Article (52)

The Arbitral Tribunal shall enable each party to present their observations, defenses, and arguments either in writing or orally, within the appropriate time limits set by the Tribunal. The respondent shall always be the last to speak. The Tribunal shall collect all necessary documents and papers in the dispute and prepare them for adjudication.

Article (53)

The presiding arbitrator shall manage and organize the hearing, and direct questions to the parties or witnesses. Each arbitrator has the right to address questions to the parties or witnesses and discuss them through the presiding arbitrator.

Article (54)

At any stage of the proceedings, the parties may request the Arbitral Tribunal to record in the minutes any agreements they reach, such as admission, settlement, waiver, or otherwise. The Tribunal shall then issue a decision accordingly.

Article (55)

Any party to the arbitration may request a reasonable adjournment to submit relevant documents or observations that may affect the outcome of the dispute. The Tribunal may grant or repeat such adjournments if it deems there is sufficient justification.

Article (56)

The Arbitral Tribunal shall hear the parties' evidence and record all facts and procedures of the session in a written record that includes the date and place of the hearing, the names of the arbitrators and the parties, and a summary of what transpired in the session. The minutes shall be signed by the presiding arbitrator, the arbitrators, and the parties. A copy shall be provided to each party upon request.

Article (57)

1. The Arbitral Tribunal may, on its own motion or at the request of one party, compel the other party to produce any document relevant to the dispute and in their possession, in the following cases:
 - a. If the document is common between both parties, especially if it was prepared for their mutual benefit or serves to establish their reciprocal rights and obligations.
 - b. If the party possessing the document has relied on it at any stage of the dispute.
 - c. If the law permits compelling production of such document.
2. The request to compel production shall include:
 - a. A description of the document.
 - b. The document's content, as detailed as possible.
 - c. The fact from which the document is inferred.
 - d. The evidence, clues, and circumstances supporting the belief that the document is in the other party's possession.
 - e. The reason for compelling the other party to produce the document.

Article (58)

The Arbitral Tribunal may reverse an earlier decision on evidence procedures, provided the reasons for doing so are recorded in the minutes. The Tribunal may also disregard the results of any procedure it previously ordered, with justification included in the arbitral award.

Article (59)

A party requesting to hear a witness must state the facts to be proven either in writing or orally during the session and shall bring the witness(es) to the scheduled hearing. The Tribunal shall hear the testimony in accordance with applicable rules. The opposing party may refute such facts using the same method.

Article (60)

1. The Arbitral Tribunal may, when necessary, appoint one or more experts to provide a technical report on relevant technical or material matters in the dispute. The appointment order shall specify the expert's mission, any urgent measures the expert may take, the Tribunal's

assessment of the expert's fees, the responsible party, and the security deposit for the expert's expenses.

2. If the appointment order includes a requirement for a party to deposit funds for the expert's expenses and that party fails to do so, the appointed expert shall not be obligated to perform the task. The non-paying party may not rely on the expert appointment decision if the Tribunal finds that the failure was unjustified.

Article (61)

The expert may hear the statements of the parties or others during the course of the assignment. Each party must provide the expert with all relevant information and documents related to the matter under investigation.

Article (62)

The expert shall submit a report to the Arbitral Tribunal containing his findings and opinion within the time limit set in the appointment decision. The Tribunal may question the expert regarding the report's conclusions. If multiple experts are appointed, the Tribunal shall specify whether they will work jointly or individually.

Article (63)

The Arbitral Tribunal may request a supplemental report from the expert to address deficiencies or shortcomings in the original report. The parties may also submit advisory reports. In all cases, the Tribunal is not bound by the experts' opinions.

Article (64)

The Arbitral Tribunal may, on its own motion or upon request by one of the parties, decide to visit a site to inspect contested facts or matters relevant to the dispute. The Tribunal shall prepare a written record of the inspection procedures.

Article (65)

The Arbitral Tribunal shall ensure due process, guaranteeing each party the opportunity to confront the other, to be informed of the arbitration proceedings, and to review the relevant documents and evidence within appropriate timeframes.

Article (66)

If the competent court authorizes precautionary or urgent measures in a dispute under arbitration, it may order attachment or take other interim actions without affecting the subject matter of the dispute. The court must cancel the attachment if the Arbitral Tribunal so decides.

Article (67)

1. The Arbitral Tribunal may require the parties to deposit a suitable amount to cover arbitration expenses, provided the arbitration agreement explicitly includes the parties' acceptance of this principle.
2. The amount determined by the Tribunal shall be deposited with the competent court's treasury, and its deposit, withdrawal, or partial disbursement shall require the court's approval.

Article (68)

The Arbitral Tribunal may refer to the competent court to:

1. Take legal action against a witness who fails to attend.
2. Take legal action against a witness who refuses to take the oath or testify.
3. Issue an order requiring the parties to deposit a sum of money to cover arbitration expenses if they or any of them fail to do so upon the Tribunal's order.
4. Issue a commission rogatory to hear the testimony of a witness residing outside the court's jurisdiction and unable to appear.
5. Order the appearance of a witness at a specified date if he refused to appear despite being summoned by the Tribunal.
6. Appoint an arbitrator or umpire from the list of accredited arbitrators of the Ministry, in cases provided for by law.
7. Order the publication of the arbitral award or part thereof in cases provided for by law.

CHAPTER FIVE ARBITRAL AWARD AND ITS EXECUTION

Article (69)

1. Once the case is ready for adjudication, the Arbitral Tribunal shall declare the closure of pleadings and reserve the case for deliberation and issuance of the award.
2. Deliberation shall take place in secret and may only be attended by the arbitrators who heard the case.
3. Upon closing the pleadings, the Arbitral Tribunal shall set a date for issuing the award, either at the same session or in a subsequent one, in accordance with the provisions of Articles (35), (36), (37), and (38) of the Law.
4. The parties may submit closing briefs within the time period determined by the Arbitral Tribunal in accordance with the previous paragraph.
5. The Arbitral Tribunal shall issue its decisions without being bound by formal procedures, except those stipulated in the Law and this Executive Regulation.

Article (70)

1. During the deliberation period, the Arbitral Tribunal may not hear any clarifications from either party or their representatives unless the other party is present. It may not accept any memoranda or documents without ensuring the other party is notified of them.
2. If the Tribunal finds that the memoranda or documents submitted, or the clarifications heard, are material to the case, it may extend the deadline for issuing the arbitral award and reopen the pleadings. This shall be done by a decision indicating the reasons and justifications, and the parties must be notified of the newly scheduled hearing date.

Article (71)

The arbitral award shall be issued unanimously or by majority vote of the Arbitral Tribunal, and shall be pronounced by the presiding arbitrator or the umpire at the designated hearing.

Article (72)

If the arbitral award is issued unanimously, it must be signed by all arbitrators. If it is issued by majority, it shall be signed by the arbitrators who participated in its issuance, and the dissenting opinion shall be recorded in the minutes of the award session.

Article (73)

The arbitral award must include: the name of the sole arbitrator (if applicable) or the names of the arbitrators who issued it, the date and place of issuance, a summary of the arbitration agreement and its subject matter, the names, titles, and capacities of the parties, a concise summary of their defenses and arguments, the reasoning and operative part of the award. The original copy of the award must be signed by the arbitrator(s) and the secretary and kept in the case file.

Article (74)

If the Arbitral Tribunal is unable to convene due to the death of one of its members, or of the sole arbitrator (if applicable), or due to illness or incapacity preventing performance of their duties, the competent court may substitute the Tribunal for purposes of correction or interpretation of the award previously issued by it, unless the parties have expressly agreed otherwise.

Article (75)

A foreign arbitral award may be enforced in Palestine after obtaining an enforcement order from the competent court, in accordance with the conditions set forth in the Palestinian law and the relevant bilateral or multilateral international agreements to which Palestine is a party.

Article (76)

For a foreign arbitral award to be enforceable in Palestine, the following conditions must be met:

- a. The award must be based on a valid arbitration agreement according to the laws of the country where it was issued.
- b. The award must be issued by the arbitral tribunal stipulated in the arbitration agreement or constituted in the manner agreed upon by the parties.
- c. The award must be issued in accordance with the arbitration procedures applicable in the country of issuance.
- d. The award must have become final in the country where it was issued.
- e. The award must pertain to a matter legally subject to arbitration under Palestinian law and must not conflict with public order in Palestine.

Article (77)

The competent court shall consider the enforcement request in the presence of the applicant (the prevailing party) and shall verify the fulfillment of all legal conditions and ensure that the arbitral award does not contravene public order or international agreements to which Palestine is a party. The court shall then issue a decision either approving or rejecting the enforcement.

CHAPTER SIX TRANSITIONAL AND FINAL PROVISIONS

Article (78)

The provisions of this Regulation shall apply to all arbitration proceedings pending at the time of its entry into force, provided that the case has not yet been reserved for award.

Article (79)

All competent authorities, each within its respective jurisdiction, shall implement the provisions of this Regulation, which shall come into force as of the date of its publication in the Official Gazette.

All competent authorities, each in its respective field, must implement the provisions of this regulation, and it shall enter into force after its publishing in the Official Gazette.

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**AHMAD QUREI (ABU ALAA)
Prime Minister**