

**IMMUNITY OF ARBITRATOR IN COMMERCIAL  
ARBITRATION: AN ANALYTICAL STUDY WITH RESPECT TO  
INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK OF  
PAKISTAN**



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A thesis submitted in fulfilment of the requirements for the award of the degree of Master of Laws (LLM) International and Maritime Law

**BAHRIA UNIVERSITY LAW SCHOOL  
ISLAMABAD  
February 2024**

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## **DEDICATION**

This Thesis is a dedication to Science, Industry, Reason and Law as instrument of Order

## ACKNOWLEDGEMENT

In preparing this thesis, I was in contact with many people, researchers, academicians, and practitioners. They have contributed towards my understanding and thoughts. Firstly, I am grateful to my family for their immense support and encouragement. I am also very grateful to my classmates for their support and encouragement. In particular, I wish to express my sincere appreciation to my main thesis supervisor, Dr Ghulam Abbas Sulehry. Without his continued support and interest, this thesis would not have been the same as presented here.

An Arbitrator and an Altar are the same since the injured fly to both for refuge.

Archytas (Aristotle, Rhetoric Book 3[25])

## **ABSTRACT**

The success of the process of arbitration is hindered by the absence of immunity of arbitrator in the arbitration law of Pakistan. The aim of the study is to analyze the provision of immunity of arbitrator, tracing its origin in history, to the development of the concept of immunity in the light of judicial precedents and analyzing the provision of immunity to the arbitrator in the international law as well as common law jurisdictions. The Legal Doctrinal inquiry is conducted under the Normative Framework where immunity provisions of various international arbitral institutions including maritime arbitral institutions and common law jurisdictions have been studied as they are. The case law of common law jurisdictions has been particularly taken in account, to determine the scope and extent of immunity. While it has been found out that immunity extends from Qualified to Absolute in the comity of nations, the existing law of arbitration in Pakistan is devoid of any immunity for the arbitrator. The efforts in this regard have been found to be without substance as they are not based on the current trends in international law, as well as on the study of the context of the immunity of arbitrator. A complete overhaul of arbitration law is recommended along with the provision of immunity to the arbitrator and affiliated staff as well as the institution on the basis of international law.



## TABLE OF CONTENTS

APPROVAL FOR EXAMINATION .....	ii
AUTHOR’S DECLARATION .....	iii
PLAGIARISM UNDERTAKING .....	iv
DEDICATION .....	v
ACKNOWLEDGEMENT .....	vi
ABSTRACT.....	viii
TABLE OF CONTENTS .....	ix
LIST OF AABREVIATIONS .....	xii
LIST OF CASES.....	xiii
RESEARCH STATEMENT.....	xv
INTRODUCTION .....	xv
RESEARCH QUESTIONS .....	xviii
RESEARCH OBJECTIVES .....	xviii
LITERATURE REVIEW.....	xix
RESEARCH METHODOLOGY .....	xxvi
CHAPTER 1 .....	1
THE CONCEPT ORIGINS AND EXTENT OF ARBITRATOR IMMUNITY.....	1
Introduction.....	1
1.1 Legal Doctrinal Aspect of Immunity of Arbitrator .....	2
1.1.1 An Attempt at Definition .....	2
1.1.2 Doctrinal Scholarship and Normative Aspect.....	3
1.2 The Normative Theory .....	4
1.2.1 Normative Monistic view of International and National Law .....	4
1.2.2 Kelsen’s ‘Ought,’ ‘Objective’ and Immunity of Arbitrator.....	5
1.2.3 The Legal System as a Framework.....	6
1.3 Historical Context and Origins of Arbitrator Immunity.....	7
1.3.1 Floyd vs Barker.....	7
1.3.2 The Marshalsea Case .....	8
1.4 From Judicial Immunity to Immunity of Arbitrator.....	9
1.4.1 Historical Tidings of Immunity in USA .....	9
1.4.2 Historical Context of Immunity in United Kingdom.....	10
1.5 Theories of Arbitration .....	11
1.5.1 Contractual Theory .....	11
1.5.2 Jurisdictional Theory .....	13
1.5.3 Hybrid Theory.....	15
1.6 Extent of Arbitral Immunity.....	16
1.6.1 Absolute Immunity .....	17
1.6.2 Qualified or Limited Immunity.....	18
1.6.3 Absence of Immunity or Liability .....	19
Conclusion .....	20

CHAPTER 2 .....	22
THE INTERNATIONAL LAW AND IMMUNITY OF ARBITRATOR.....	22
Introduction.....	22
2.1    Developments in International Law of Arbitration .....	23
2.1.1    The Protocol on Arbitration Clauses (Geneva protocol 1923) .....	23
2.1.2    The Geneva Convention 1927 and The New York Convention 1958 .....	23
2.1.3    The United Nations Commission on International Trade Law (UNCITRAL Law).....	24
2.1.4    The UNCITRAL Rules .....	25
2.1.5    Immunity of Arbitrator and UNCITRAL Rules.....	26
2.2    International Arbitration Institutions and Immunity of Arbitrator .....	27
2.2.1    ICC Arbitration rules and Immunity of Arbitrator .....	28
2.2.2    Exclusion of Liability of Arbitrator Under ICDR Rules.....	29
2.2.3    LCIA Arbitration Rules and Immunity of Arbitrator .....	31
2.2.4    Exclusion of Liability of Arbitrator in SCC Rules .....	33
2.3    The Ad hoc Aspect of Maritime Arbitration .....	35
2.4    Maritime Arbitration, the International Maritime Law and Immunity of Arbitrator .....	36
2.5    International Maritime Centers and Immunity of Arbitrator.....	38
2.6    Maritime Arbitration in London and Immunity of Arbitrator .....	39
2.6.1    The LMAA Rules and Immunity of Arbitrator .....	39
2.7    Immunity of Arbitrator in New York Maritime Arbitration .....	41
2.7.1    Society of Maritime Arbitrators (SMA).....	41
2.7.2    The MAA and Arbitral Immunity .....	42
2.8    Singapore Maritime Arbitration and Immunity of Arbitrator .....	44
2.8.1    Arbitral Immunity under SCMA Arbitration Rules .....	45
2.8.2    SMAA and Immunity of Arbitrator .....	45
2.9    Maritime Arbitration in India and Immunity of Arbitrator .....	46
2.9.1    Maritime Arbitration Rules of the ICA and Immunity of Arbitrator .....	47
Conclusion .....	47
CHAPTER 3 .....	49
THE LEX ARBITRI IN COMMON LAW JURISDICTIONS AND IMMUNITY OF ARBITRATOR .....	49
Introduction.....	49
3.1    The Influence of Lex Mercatoria in Arbitration.....	49
3.2    The Function of Lex Arbitri in Arbitration .....	51
3.3    Lex Mercatoria or Lex Arbitri.....	52
3.4    Lex Arbitri in United Kingdom and Immunity of Arbitrator .....	54
3.4.1    Arbitration Act and Immunity of Arbitrator .....	55
3.5    Immunity of Arbitrator under United States Lex Arbitri .....	57
3.5.1    Federal Arbitration Act (FAA) and Immunity of Arbitrator .....	59
3.5.2    US Courts and Immunity of Arbitrator .....	60
3.6    Immunity of Arbitrator under Lex Arbitri in India.....	64
3.6.1    Legal framework for Domestic and International Arbitration .....	65
3.6.2    Arbitration and Conciliation Act and Immunity of Arbitrator .....	66
in India .....	66
Conclusion .....	68
CHAPTER 4 .....	69

CRITICAL ANALYSIS OF IMMUNITY OF ARBITRATOR AND LEX ARBITRI IN PAKISTAN .....	69
4.1 The Legal Framework of Arbitration in Pakistan .....	69
4.1.1 The Arbitration Act 1940 and Immunity of Arbitrator .....	70
4.1.2 Recognition and Enforcement Act 2011 and Immunity of Arbitrator .....	71
4.1.3 Arbitration International Investment Disputes Act and Immunity of Arbitrator .....	73
4.2 Animadversion of Arbitration Law in Pakistan .....	74
4.3 Efforts to Replace the Domestic Arbitration Law .....	78
4.3.1 Draft Arbitration and Conciliation Act 2015 .....	78
4.4 Draft Arbitration Act 2023 and Immunity of Arbitrator.....	79
4.4.1 Shortcomings in the Immunity Provision .....	80
4.4.2 Public Policy Provision and Effect on Immunity of Arbitrator .....	82
4.4.3 Other Provisions Limiting the Role of Arbitrator .....	83
4.5 The Argument for Arbitral Immunity in Pakistan .....	85
4.6 The Scope and Extent of Judicial Immunity in Pakistan .....	85
4.7 Status of Arbitrator in the Opinion of Courts.....	87
4.8 Courts Opinion about International Law.....	89
4.9 UNCITRAL Arbitration Rules and Pakistan Arbitration Law .....	90
Conclusion .....	91
CONCLUSIONS AND RECOMMENDATIONS .....	92
Conclusions.....	92
Recommendations.....	94
Specific .....	94
General.....	95
BIBLIOGARPHY.....	96

## LIST OF AABREVIATIONS

AAA	American Arbitration Association
AIDA	Arbitration Investment Dispute Act
APC	Arbitration Protocol Convention
BC	Before Christ
CAA	Construction Arbitration Association
UN-ECOSOC	United Nations Economic and Social Council
FAA	Federal Arbitration Act
FICCI	Federation of India Chamber of Commerce and Industry
FINRA	Financial Industry Regulatory Authority
IAA	International Arbitration Act
ICA	Indian Council of Arbitration
ICC	International Chamber of Commerce
ICDR	International Centre for Dispute Resolution
LCIA	London Court of International Arbitration
LMAA	London Maritime Arbitration Association
LTD	Limited
MAA	Maritime Arbitration Association
PCA	Permanent Court of Arbitration
REFA	Recognition and Enforcement Act
SCC	Stockholm Chamber of Commerce
SCMA	Singapore Chamber of Maritime Arbitration
SMA	Society of Maritime Arbitration
SMAA	Singapore Maritime Arbitration Association
UK	United Kingdom
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNCLOS	United Nations Convention on the Law of the Sea
US	United States
USA	United States of America

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