



## **Enforcement of an arbitration awards in Tunisia**

1- Historicity of arbitration in Tunisia Tunisia is one of the first African and Arab states to regulate arbitration she joined the New York Convention on the recognition and enforcement of judgments arbitrales. since 1967, to the New York Convention of 1958 on Recognition and Enforcement of Foreign Arbitral Awards and will recognize and enforce awards made in the territory of another contracting State .Foreign judgments and courts decisions are also recognised and enforced in Tunisia by the way of a procédure of exequatur .

### **2- Tunisian Arbitration rules Article 79**

#### **Article 79 of Tunisian :**

The provisions of this section are applicable to arbitral awards rendered in international arbitration matters in any country in the world and, under the principle of reciprocity, to foreign arbitral awards.

#### **Article 80**

An arbitral award, irrespective of the country in which it was made, is res judicata according to Article 32 of this Code. The award shall be enforced upon application in writing to the Court of Appeal of Tunis subject to the provisions of this article and Articles 81 and 82 of this Code.

#### **Article 81**

Recognition or enforcement of an arbitral award, irrespective of the country in which it was made, may be refused only in the following two cases:

I. At the request of the party against whom it is invoked, if that party furnishes to the Court of Appeal of Tunis where recognition or enforcement is sought, proof that:

a) A party to the arbitration agreement referred to in Article 52 of this Code was under some incapacity; or the said agreement is not valid under the law to which parties have subjected it or, failing any indication thereon, under the rules of private international law.



- b) The party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case.
- c) The award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced.
- d) The composition of the arbitral tribunal or the arbitral procedure was not in accordance with the arbitration agreement in general, with the designated institutional arbitration rules, with the law of the country held to be applicable or the provisions on the constitution of the arbitral tribunal of this Chapter.
- e) The arbitral award has been set aside or suspended by a court of the country in which, or under the law of which, that award was made. II. If the court finds that the recognition or enforcement of the arbitral award would be contrary to public policy as understood in private international law.

To learn more about the procedure of enforcement contact us :

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