



*The Ministry of Foreign Affairs and International Cooperation  
Republic of Sierra Leone  
OAU Drive, Tower Hill, Freetown*

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Ref: MFA/Admin/101

12 October 2018

**From:**

The Director-General and Ambassador-at-Large  
Ministry of Foreign Affairs and International Cooperation  
Tower Hill  
Freetown

**To:**

The Clerk of Parliament  
Parliament Building  
Tower Hill  
Freetown

Dear Sir

**Ratification and Accession to the United Nations Convention on the  
Recognition and Enforcement of Foreign Arbitral Awards  
(the New York Convention) 1958**

I am directed to refer to the above subject-matter and to submit the abovementioned Convention and respectfully request dates for the Honourable Minister of Foreign Affairs and International Cooperation to lay the said New York Convention before this Honourable House for ratification.

Please accept the assurance of my highest consideration as I await to hear from you.

Patrick Hassan Morlai Koroma  
**FOR: DIRECTOR-GENERAL & AMBASSADOR-AT-LARGE**

CC: The Honourable Minister of Foreign Affairs and International Cooperation



## EXPLANATORY MEMORANDUM

### to the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention) 1958

The New York Convention was adopted on 10 June 1958 and entered into force on 7 June 1959. This was a remarkably very short period from adoption to entry into force and therefore shows how crucial the Convention is regarded in promoting international trade and commerce. Since the Convention is already in force, Sierra Leone can only accede to it as a matter of international law.

The Convention has 159 Parties including 36 African countries. The Mano River Union African countries within the ECOWAS region that have signed the New York Convention include Cape Verde, Gabon, Ghana, Nigeria, Senegal, Mali, etc.

Arbitration is a fast-growing form of dispute resolution. It is the preferred mode in commercial disputes. Sierra Leone's Arbitration Act (Cap 25) enacted in 1960 is in need of updating. By acceding to the New York Convention and updating our Arbitration Act, Sierra Leone will create the enabling business environment and attract international commercial investors to Sierra Leone, confident in the knowledge that disputes arising from their commercial activities will be resolved and given effect by arbitration.

The main objective of the New York Convention is to facilitate the international recognition and enforcement of arbitration agreements and arbitral awards. The Convention will provide certainty for foreign investors that their decisions to submit disputes to arbitration rather than national courts will be respected and that these awards will be enforced. Accession to the New York Convention can therefore help to attract foreign investment by removing risk for investors.

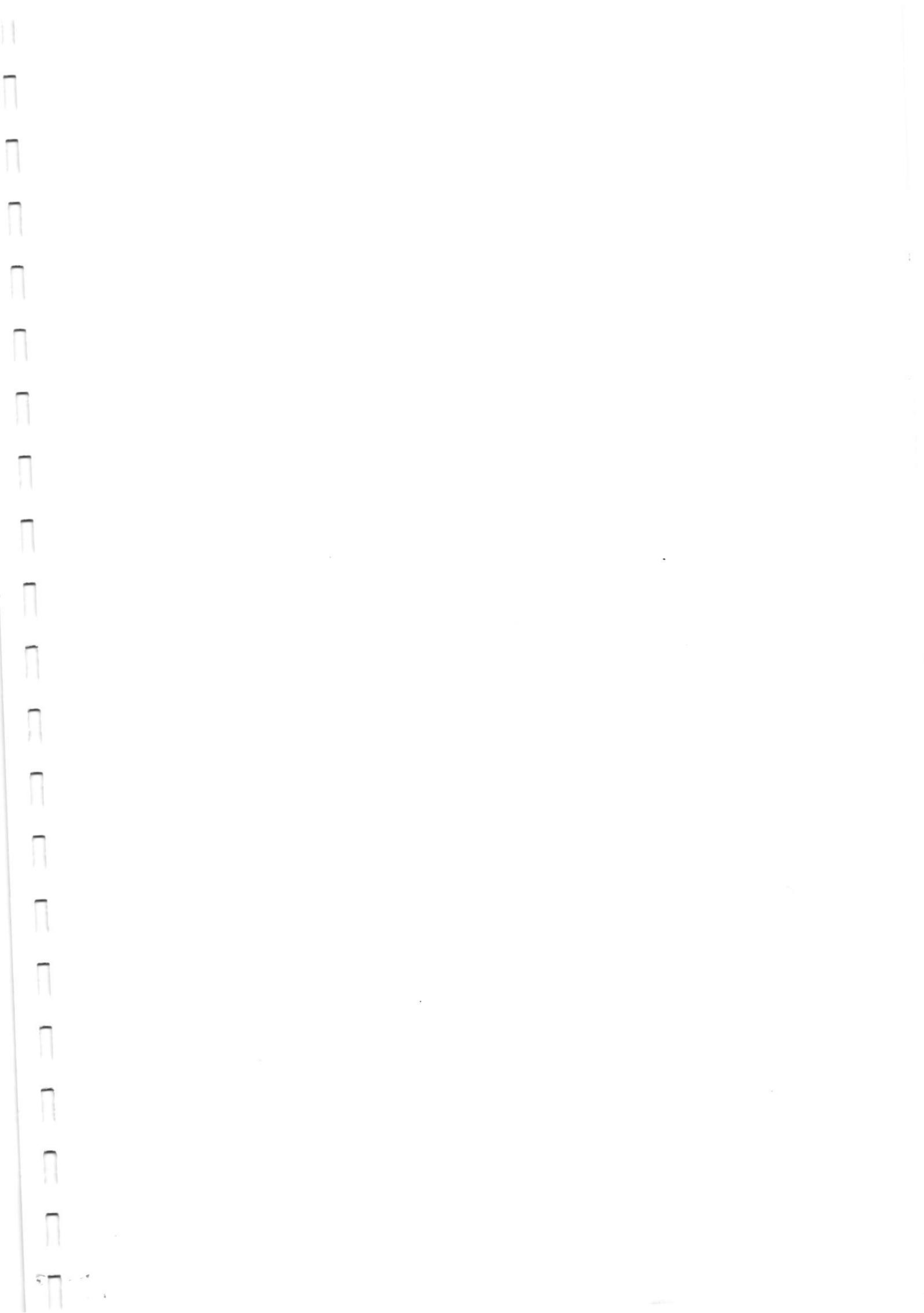
On 26 July 2017, Cabinet approved the Honourable Minister of Foreign Affairs and International Cooperation's request for Sierra Leone to accede to the New York Convention.

The focal person for this Agreement, on behalf of the Director-General and Ambassador-at-Large, to liaise with Parliament is:

*Patrick Hassan Morlai Koroma*  
*Director, Human Rights and Compliance*  
*Legal Affairs and International Conventions Division*  
*Email: pkoroma@jforeignaffairs.gov.sl*  
*Telephone: 076335579*

**Done:** Ministry of Foreign Affairs and International Cooperation

**Dated:** 12 October 2018



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CP(2017)32

COPY NO.....

14<sup>TH</sup> JUNE 2017

**CABINET**

Accession to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 and drafting of a new Arbitration Act

Memorandum by the Minister of Foreign Affairs and International Cooperation

**1. Recommendations:**

Cabinet is invited to:

- i. endorse the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (the "New York Convention");
- ii. authorize the Minister of Foreign Affairs and International Cooperation to Sign the New York Convention;
- iii. authorise the Minister of Foreign Affairs and International Cooperation to lay the New York Convention before Parliament for ratification;
- iv. authorise the Office of the Attorney-General and Ministry of Justice to draft and subsequently pursue the enactment of a new Arbitration Act which (i) implements the New York Convention prior to accession and (ii) modernises domestic arbitration practice.

**2. Purpose and brief description:**

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards was adopted at a United Nations conference on 10<sup>th</sup> June 1958. It entered into force on 7<sup>th</sup> June 1959 and presently has 157 state parties, which constitute 154 of the 193 United Nations member states plus the Cook Islands, the Holy See, and the State of Palestine. The Convention requires courts of contracting states to give effect to private agreements

to arbitrate and to recognize and enforce arbitration awards made in other contracting states. The New York Convention is the most important international convention that applies to the cross-border enforcement of arbitration awards. The Convention applies to arbitrations which are not considered as domestic awards in the state where recognition and enforcement is sought, and therefore widely considered as the foundational instrument for international arbitration.

International arbitration is a fast-growing form of dispute resolution chosen in international contracts. As one of the key instruments in international arbitration, the New York Convention's main objective is to facilitate the international recognition and enforcement of arbitration agreements and arbitral awards. It has been ratified by 36 of the 54 African States including all other Mano River Union countries. The current Arbitration Act (Cap 25) was enacted in 1960 and is long in need of updating. It makes no distinction between international and domestic arbitration and is no longer fit for purpose.

The New York Convention was specifically identified in Sierra Leone Government's Justice Sector Reform Strategy and Investment Plan III 2015-2018 (JSRSIP III) as an international instrument which Sierra Leone should sign and accede to in order to underline Government's commitment to creating an enabling business environment. This will pave the way for the legislation of a new Arbitration necessary to implement the New York Convention and modernise Sierra Leone's commercial and international contract legal toolkit. Signing and acceding to the New York Convention and its subsequent domestication will strengthen and facilitate domestic arbitral procedures and respect for arbitration by Sierra Leone's courts in general.

**Key Features of the proposed Arbitration Act**

As a contracting state to the New York Convention, Sierra Leone's courts will be bound to uphold valid arbitration agreements, stay court proceedings in respect of matters which the parties have agreed should be resolved by arbitration and recognise arbitral awards within the scope of the New York Convention as binding and provide for their enforcement. The key features of a modern Arbitration Act which implements the New York Convention will be as follows:

- a. The Act will include a requirement that court proceedings be stayed where the subject matter of those proceedings is subject to an arbitration agreement, unless the court finds the arbitration agreement is null, void, inoperative or incapable of

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being performed. Such a provision implements the obligation contained in Article II (3) of the New York Convention.

- b. The Act must contain procedural provisions in relation to arbitrations seated in Sierra Leone (e.g. regarding the appointment of arbitrators). Often the parties will decide upon procedural steps themselves, but the Act must set out the procedure that will apply if they do not, or if their chosen procedures are ineffective.
- c. The Act will specify duties with which the tribunal must comply, and the powers of the tribunal (in default of agreement between the parties). These provisions apply where the arbitration is seated in Sierra Leone.
- d. The Act will also provide the courts of Sierra Leone with powers to support and regulate the arbitration process, e.g. to order interim relief in support of the arbitral process; and to determine challenges to arbitrators on the basis of a lack of independence or impartiality. Some of these powers may also be exercised in relation to arbitrations seated outside Sierra Leone.
- e. The Act will also provide the courts of Sierra Leone with the power to review arbitral awards made within Sierra Leone on limited grounds – i.e. for lack of substantive jurisdiction of the arbitral tribunal and for serious procedural irregularity, consistent with international practice.
- f. Finally, the Act will detail the methods for enforcement within Sierra Leone of awards made within and outside Sierra Leone. These provisions allow enforcement of an award in the same manner as a judgment or order of the court, where the court grants leave. The court will be able to refuse recognition and enforcement of foreign arbitral awards on a limited number of grounds, consistent with those found in the New York Convention.

**3. Strategic relevance and urgency:**

- a) Attracting foreign investment: - The New York Convention will provide certainty for foreign investors that their decisions to submit disputes to arbitration rather than national courts will be respected and that the awards will be enforced. Accession to the New York Convention can therefore help to attract foreign investment by removing risk for investors.

- b) International reputation: In a bid to revive the economy, improving the investment climate of Sierra Leone is central. Accession to the New York Convention would be a strong signal to the international community as part of the Government of Sierra Leone's broader strategy to encourage foreign investment and would boost the country's reputation as a favourable investment destination. It will also bring Sierra Leone in line with the other 156 countries that have acceded to the New York Convention to date.
  - c) Reduced costs: Accession may reduce the cost to Sierra Leonean parties (including GoSL) of entering into commercial relations with foreign parties. International commercial parties may add a premium to the price of their dealings with Sierra Leone if they consider there is a greater risk of unsuccessful enforcement of a foreign arbitral award. This particular risk is mitigated with accession to the New York Convention.
  - d) Increased negotiating power: Accession may also enhance Sierra Leone's negotiating power in certain respects in relation to major international contracts. For example, in entering into major project or financial transactions, and in the absence of a mechanism to enforce foreign arbitral awards, Sierra Leone's Ministries and other organs of Government may instead be pressed to agree that disputes will be resolved by the counterparty's local courts. These courts may be unfamiliar to Sierra Leone, and are more costly, or the process may become more convoluted and time-consuming than resolving the dispute by arbitration. As a Contracting State to the New York Convention, Sierra Leone will be in a better position to negotiate for resolution of disputes by way of arbitration only.
  - e) Development of arbitration: A modern Arbitration Act will also strengthen domestic arbitral procedure and thereby improve Sierra Leone's standing as an arbitration-friendly jurisdiction. This may bring benefits to the country by making it a more attractive destination as a seat of arbitration, thus bringing more investment to the country. Other African countries such as Mauritius, Rwanda, Egypt and Kenya are seeking to establish themselves as African-focused arbitration centres.
4. **Expected benefits and target beneficiaries:**
- Additional foreign investment into Sierra Leone by removing risks for foreign investors that foreign arbitral awards will not be recognised and enforced in Sierra Leone;

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- Reduced cost to Sierra Leonean parties (including GoSL) when entering into commercial contracts with foreign parties;
- Enhanced negotiating power for Sierra Leonean parties' in relation to major international contracts;
- Greater domestic arbitration in Sierra Leone and potential development of Sierra Leone as a seat of arbitration;
- Improved investor confidence in the Government as there is increased predictability, transparency, accountability and sustainability of contractual obligations and government policy decisions.

5. **Evidence that proposed intervention is needed and will work:**

- i. The Ebola outbreak in 2015 dealt a serious blow on the already fragile economy. It is important to take every measure that will encourage investors back to the country. Sierra Leone's accession to the New York Convention has been identified as a priority for Sierra Leone by both the international investment community and under the GoSL's JSRSIP III.
- ii. Approval and subsequent Ratification of the New York Convention and the enactment of an Arbitration Legislation will enhance confidence in doing business in Sierra Leone, and thus, attract investors to the country.

6. **Consultation across Government:**

Consulted the Ministry of Justice on the appropriateness of the New York Convention which they have accordingly endorsed. The Ministry of justice prepared the initial draft Cabinet paper.

7. **Financial implications:**

There is no identified financial implication.

8. **Legal implications:**

The Ministry of Justice is working on a proposed Legislation which will be submitted upon ratification of the Convention. This memorandum is therefore issued with the concurrence of the Ministry of Justice.

9. **Implementation risks and monitoring:**  
There are no known implementation risks.
10. **Annexes:**
  - i. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958
  - ii. Correspondence from the Law Reform Commission to the Attorney General and Minister of Justice on the drafting of the Arbitration Bill



Signed: Samura M. W. Kamara (Ph.D)  
Minister of Foreign Affairs and International Cooperation

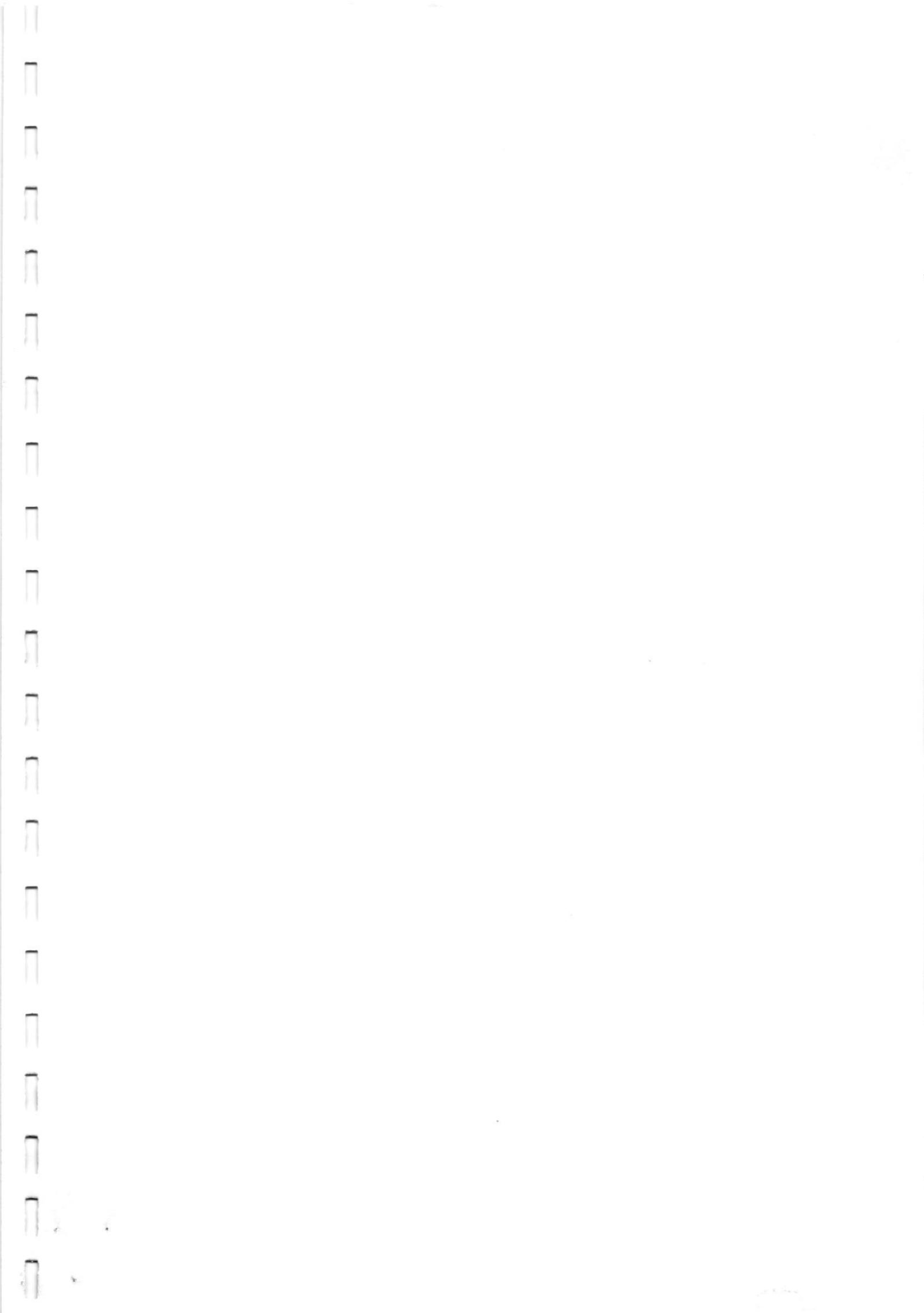
Date: 14<sup>TH</sup> JUNE 2017

UNITED NATIONS CONFERENCE  
ON INTERNATIONAL COMMERCIAL ARBITRATION

CONVENTION  
ON THE RECOGNITION AND ENFORCEMENT  
OF FOREIGN ARBITRAL AWARDS



UNITED NATIONS  
1958



CONVENTION ON THE RECOGNITION AND ENFORCEMENT  
OF FOREIGN ARBITRAL AWARDS

*Article I*

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

*Article II*

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal

relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

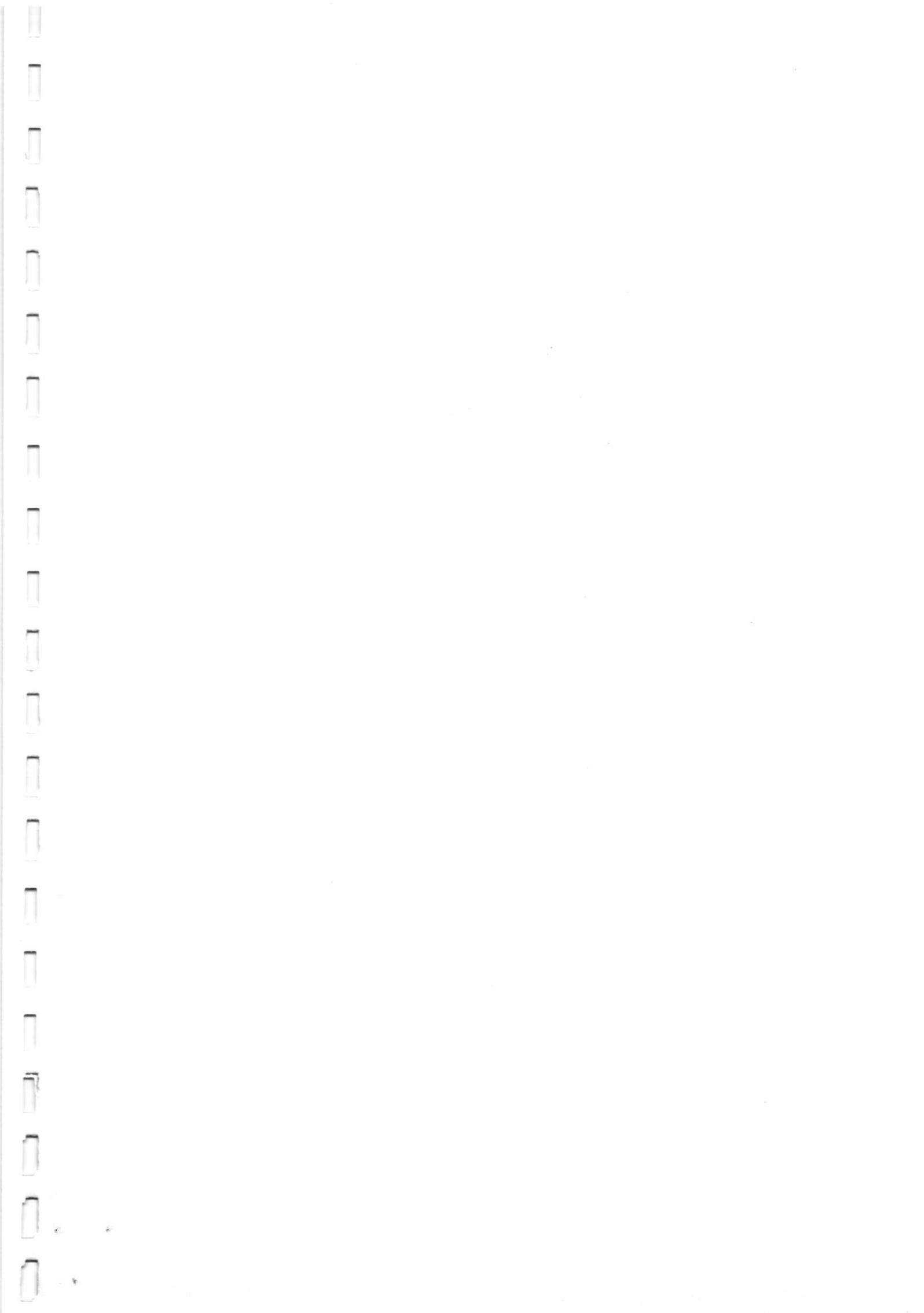
3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

*Article III*

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.

*Article IV*

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforce-



1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive

Article VII

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V (1) (e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VI

(a) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or

(b) The recognition or enforcement of the award would be contrary to the public policy of that country.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

(a) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

(b) The award is in conflict with the public policy of that country; or

(c) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

(d) The award has been annulled or set aside by a competent authority of the country in which, or under the law of which, that award was made.

(c) The award deals with a difference 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 award can be separated from those not so submitted, that part of the award which contains

(b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) The award deals with a difference 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 award can be separated from those not so submitted, that part of the award which contains

(a) The parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

(b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) The award deals with a difference 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 award can be separated from those not so submitted, that part of the award which contains

Article I

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

(a) The duly authenticated original award or a duly certified copy thereof;

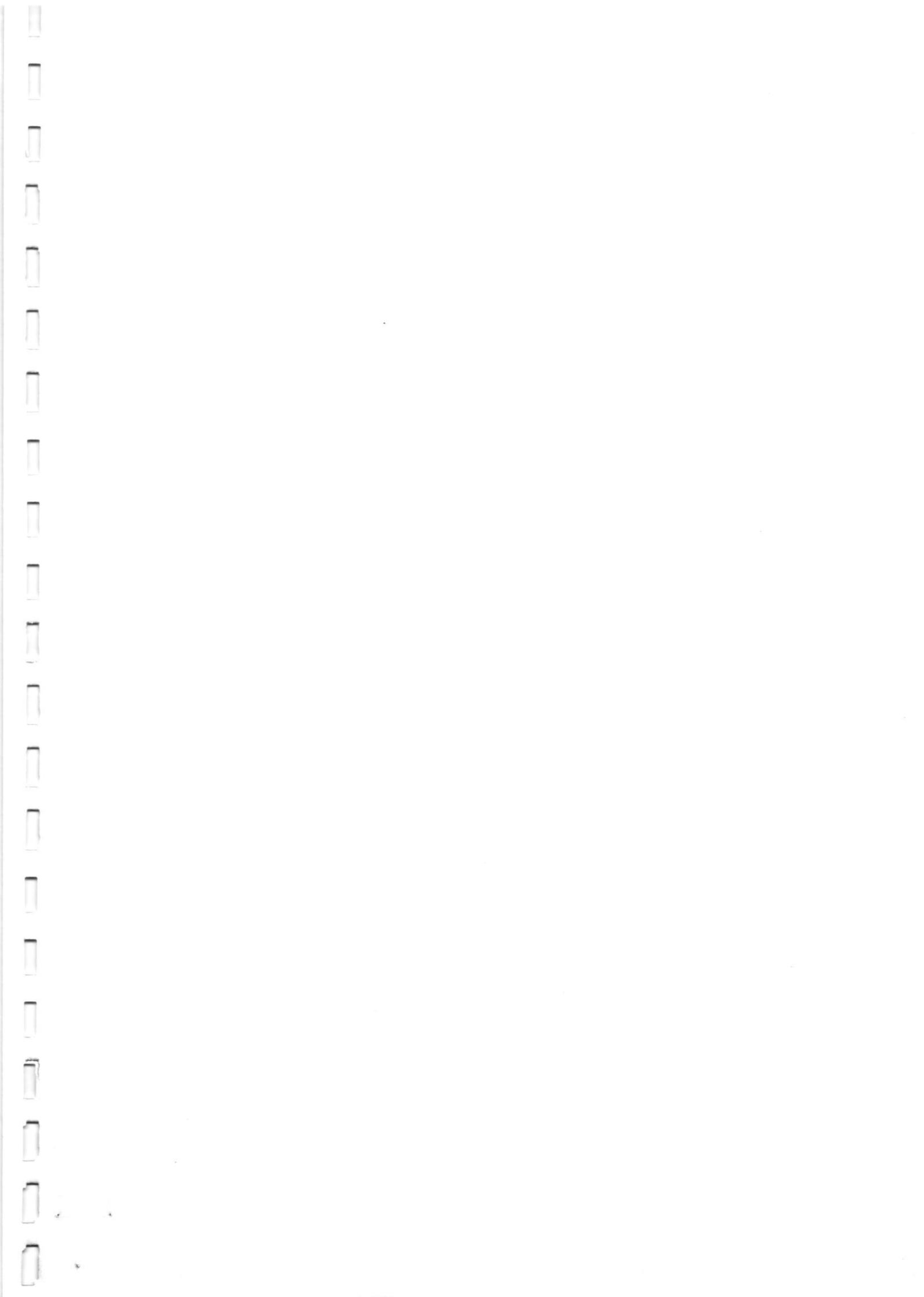
(b) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

(a) The duly authenticated original award or a duly certified copy thereof;

(b) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.



any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

#### *Article VIII*

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

#### *Article IX*

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article X*

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which

it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

#### *Article XI*

In the case of a federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;

(c) A federal State Party to this Convention shall, at the request of any other Contracting



recognition or enforcement proceedings have been instituted before the denunciation takes effect.

*Article XIV*

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

*Article XV*

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

- (a) Signatures and ratifications in accordance with article VIII;
- (b) Accessions in accordance with article IX;
- (c) Declarations and notifications under articles I, X and XI;
- (d) The date upon which this Convention enters into force in accordance with article XII;
- (e) Denunciations and notifications in accordance with article XIII.

*Article XVI*

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII.

State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

*Article XVII*

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

*Article XVIII*

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

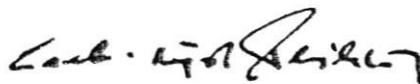
2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3. This Convention shall continue to be applicable to arbitral awards in respect of which



I hereby certify that the foregoing text is a true copy of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958, the original of which is deposited with the Secretary-General of the United Nations, as the said Convention was opened for signature, and that it includes the necessary rectifications of typographical errors, as approved by the Parties.

For the Secretary-General,  
The Legal Counsel:

  
Carl-August Fleischhauer

United Nations, New York  
6 July 1988

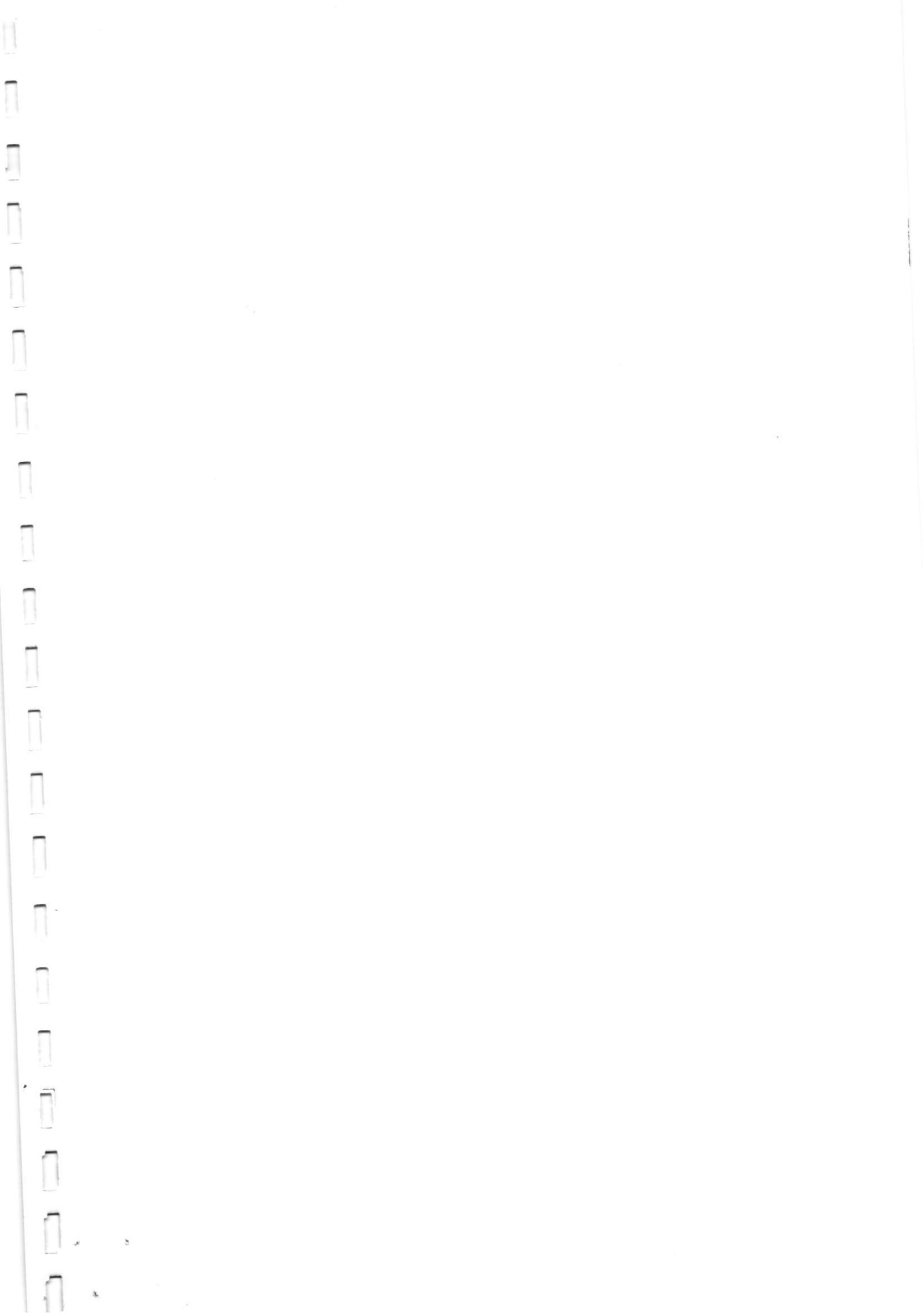
Je certifie que le texte qui précède est une copie conforme de la Convention pour la reconnaissance et l'exécution des sentences arbitrales étrangères, conclue à New York le 10 juin 1958, et dont l'original se trouve déposé auprès du Secrétaire général de l'Organisation des Nations Unies telle que ladite Convention a été ouverte à la signature, et que les rectifications matérielles nécessaires, telles qu'approuvées par les Parties, y ont été incorporées.

Pour le Secrétaire général,  
Le Conseiller juridique :

Organisation des Nations Unies  
New York, le 6 juillet 1988



Certified true copy XXII-1  
Copie certifiée conforme XXII-1  
October 2004



# LAW REFORM COMMISSION



Block 8  
Special Court Complex  
New England Ville  
Freetown  
Tel: 076-610654

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Joseph Fitzgerald Kamara Esq  
Attorney-General and Minister of Justice  
Office of the Attorney-General & Minister of Justice  
Guma Building  
Lamina Sankoh Street  
Freetown

13 April 2017

Dear Attorney-General,

## **Consultation process on arbitration law reform**

I refer to the proposed reform of Sierra Leone's arbitration law, by way of the enactment of a new domestic Arbitration Act and Sierra Leone's subsequent accession to the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958.

The Law Reform Commission has been charged with preparing a draft Arbitration Bill that creates a modern piece of arbitration legislation, based on a set of well-established and internationally familiar principles.

I note for the benefit of any concerned parties that the following consultation process has been undertaken in connection with the preparation of the draft Arbitration Bill:

1. A sub-committee of the Law Reform Commission was established to oversee the process. The members of the Committee are drawn from relevant sections of the Sierra Leonean legal community, to draw on their expertise and various professional perspectives. The sub-committee members are the Honourable Justice Emmanuel Ekundayo Roberts (Supreme Court of Sierra Leone, sub-committee chair), the Honourable Justice DEB Edwards (Court of Appeal of Sierra Leone), the Honourable Justice Bintu Alhadi (High Court of Sierra Leone), Messrs Ibrahim S. Yillah and Mohamed L. Tarawally (both Barristers and Solicitors of the High Court of Sierra Leone), Mr Lahai Farmah (legal consultant, Law Officers' Department), Mr Maynard AB Timbo Esq (Secretary, Law Reform Commission), Mr Abbas Kamara (Legal Draftsperson, Law

Reform Commission) and Melvina Lisk (secretary to the sub-committee, Law Reform Commission). The composition of the sub-committee reflects the specialised nature of arbitration law.

2. In preparing the first draft of the Bill, the Law Reform Commission had reference to various international laws and standards including the English Arbitration Act of 1996, its analogues in Kenya and Malaysia, and the UNCITRAL Model Law on International Commercial Arbitration.
3. A first draft of the Bill was prepared by the Law Reform Commission and sent to Herbert Smith Freehills LLP, a global commercial law firm, in mid-2016. Herbert Smith Freehills' arbitration experts reviewed the draft Bill and in December 2016 provided comments to the Law Reform Commission for its consideration. In April 2017 Herbert Smith Freehills also provided drafting to provide for domestic implementation of the Washington Convention on the Settlement of Investment Disputes (also known as the ICSID Convention), to which Sierra Leone is already a party.
4. The Herbert Smith Freehills draft was reviewed by the Law Officers' Department and the Law Reform Commission. On 13 March 2017 a meeting took place in Freetown between Herbert Smith Freehills' arbitration experts (Andrew Cannon and Hannah Ambrose) and representatives of the Law Reform Commission and the Law Officers' Department to discuss the draft Bill further.
5. The draft Bill is being presently considered by the sub-committee and a finalised draft Bill is expected to be available shortly.

The Law Reform Commission should be happy to discuss the foregoing consultation process in further detail or any other matters connected with the arbitration law reform should it be of assistance.

Yours sincerely,



Maynard A. B. Timbo Esq  
Secretary, Law Reform Commission



Cc: The Chairman, LRC

MINUTES OF THE 2<sup>ND</sup> MEETING (2017) OF THE CABINET, HELD IN THE CABINET ROOM, STATE HOUSE, ON WEDNESDAY 26<sup>TH</sup> JULY 2017

ACCESSION TO THE NEW YORK CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARD 1958 AND DRAFTING OF A NEW ARBITRATION ACT

**Memo. No: CP(2017)3**

**SUMMARY OF PROPOSAL**

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards was adopted at a United Nations Conference on 10th June 1958. It entered into force on 7th June, 1959 and presently has 157 state parties, which constitute 154 of the 193 United Nations Member States plus the Islands, the Holy See, and the State of Palestine. The convention requires courts of contracting states to give effect to private agreements to arbitrate and to recognize and enforce arbitration awards made in other contracting states. The New York Convention is the most important international convention that applies to the cross-border enforcement of arbitration awards. The convention applies to arbitrations which are not considered as domestic awards in the state where recognition and enforcement is sought, and therefore widely considered as the fundamental instrument for international arbitration which is a fast-growing form of dispute resolution chosen in international contracts.

**CABINET DECISION**

CABINET approved the proposal from the Minister of Foreign Affairs and International Cooperation;

