

THE ARBITRAL AWARD

Published 30 October, 2023

Last week we discussed ways in which the parties involved in a dispute may appoint an arbitrator as well as powers of the arbitrator once appointed. You can read about it [here](#). Today we look into the arbitral award.

The Arbitral Award

Under rule 35 of the Botswana Institute of Arbitrators rules, the arbitrator shall publish his award by delivering a copy to all parties within 90 days after the conclusion of the hearing. However, the period may be extended by mutual agreement with the parties.

A valid final arbitral award brings the dispute between the parties to an end. The arbitrator's powers also come to an end upon publication of the award, save for statutory power to correct clerical errors.

The Enforcement Of The Award

The arbitrator lacks authority to compel parties to comply with the award. Compliance is therefore voluntary. However, if the unsuccessful party fails to comply with the award, the successful party may make an application for enforcement of the award in the same manner as the judgment or order of the court in terms of section 20 of the Arbitration Act.

Setting Aside The Arbitral Award

A party dissatisfied with the arbitral award may apply to the court under section 13 of the Arbitration Act, for an order setting aside the award ONLY where the arbitrator has misconducted the proceedings, or where the award has been improperly procured.

Our firm has broad experience in both construction and commercial arbitrations. For more insight on this offering please contact kelebileone@bookbinderlaw.co.bw or info@bookbinderlaw.co.bw