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**THE IMPEDIMENTS FACED BY YEMEN IN ENFORCING  
INTERNATIONAL ARBITRAL AWARDS: A LEGAL ANALYSIS**



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**UUM**  
Universiti Utara Malaysia

**DOCTOR OF PHILOSOPHY  
UNIVERSITI UTARA MALAYSIA  
2018**

**THE IMPEDIMENTS FACED BY YEMEN IN ENFORCING  
INTERNATIONAL ARBITRAL AWARDS: A LEGAL ANALYSIS**



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**A thesis submitted to the Ghazali Shafie Graduate School of Government in  
fulfillment of the requirements for the Doctor of Philosophy  
Universiti Utara Malaysia**



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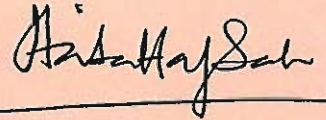
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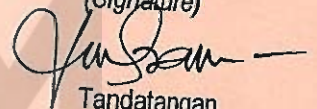
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## ABSTRACT

The importance of an award of international arbitral proceedings is considered to be of no value if the award is not enforceable. The enforcement of international arbitral award (IAA) depends on the national court of a nation. In Yemen, however, the enforcement of IAA by the national court is difficult because of the loopholes of the provisions of Yemeni Arbitration Act 1992 (YAA), tribalism and corruption. The objectives of this study are: firstly, to investigate the provisions of the enforcement of arbitration laws in Yemen; secondly, to study international provisions relating to the enforcement of arbitration laws; thirdly, to study the impact of tribalism on the court of appeal in the enforcement of IAA in Yemen; fourthly, to determine the impact of corruption on the court in the enforcement of IAA in Yemen; and finally, to make suggestions for the improvement of the enforcement of international arbitral awards in Yemen. This study employed two methods namely doctrinal legal research and socio-legal research. The data were collected through face-to-face, semi-structured interview. The researcher applied purposive sampling by choosing expert persons from the Central Organization for Control and Auditing, Public Funds Prosecution, the Supreme National Authority for Combating Corruption, academicians, arbitrator, Judicial Inspection Board member and the Court of Appeal judges who conduct arbitral cases. The collected data were analysed using content analysis method. This study found that YAA is unable to cope with issues relating to the enforcement of IAA. It failed to include some legal provisions that are related to the enforcement. The study also confirmed the adverse impact of tribalism and corruption on the court in enforcing the international arbitral awards. This is because the tribes dominate the government institutions. While, the corruption impedes the judicial operations. Therefore, the suggestions to overcome the impediments are: firstly, the amendment of YAA; secondly, ratification of New York Convention 1958; thirdly, development of strategies to civilize the tribes by the government; and finally, the independence of the judiciary must be enforced.

**Keywords:** Arbitration, International Arbitral Awards, Tribalism, Corruption, Yemen.

## ABSTRAK

Kepentingan satu 'award' prosiding penimbangtaraan antarabangsa dianggap tidak ada nilai jika 'award' itu tidak boleh dikuatkuasakan. Penguatkuasaan 'award' penimbangtaraan antarabangsa (IAA) bergantung pada mahkamah sesebuah negara. Akan tetapi, penguatkuasaan ini sukar dilaksanakan oleh mahkamah di Yaman kerana halangan-halangan seperti kelemahan di dalam Akta Timbangtara Yaman 1992 (YAA), tribalisme dan rasuah. Kajian ini mempunyai lima objektif iaitu: pertama, menyiasat peruntukan penguatkuasaan undang-undang penimbangtaraan di Yaman; kedua, mengkaji peruntukan antarabangsa berkaitan penguatkuasaan undang-undang penimbangtaraan; ketiga, mengkaji impak tribalisme ke atas mahkamah rayuan dalam penguatkuasaan IAA di Yaman; keempat, menentukan impak rasuah ke atas mahkamah dalam penguatkuasaan IAA di Yaman; dan terakhir, memberi cadangan ke atas penambahbaikan penguatkuasaan IAA di Yaman. Metodologi kajian yang diguna pakai ialah kaedah penyelidikan undang-undang doktrinal dan kajian sosio-perundangan. Manakala data pula dikumpul melalui kaedah temu bual separa struktur secara bersemuka. Kajian mengguna pakai pensampelan bertujuan dengan memilih pakar dalam bidang tertentu daripada Central Organization for Control and Auditing (COCA), Public Funds Prosecution (PFP), Supreme National Authority for Combating Corruption (SNACC), ahli akademik, ahli penimbang tara, ahli Judicial Inspection Board (JIB) dan hakim mahkamah rayuan yang mengendalikan kes penimbangtaraan. Data yang dikumpul telah dianalisis menggunakan kaedah analisis kandungan. Kajian mendapati YAA tidak berupaya untuk menghadapi isu berkaitan dengan penguatkuasaan IAA. Ia gagal untuk memasukkan beberapa peruntukan undang-undang yang berkaitan dengan penguatkuasaan. Kajian juga mengesahkan terdapat impak buruk tribalisme dan rasuah ke atas mahkamah dalam penguatkuasaan IAA. Ini kerana suku kaum mendominasi institusi-institusi kerajaan. Manakala, rasuah pula menjejaskan operasi kehakiman. Oleh sebab itu, cadangan-cadangan bagi mengatasi halangan tersebut ialah: pertama, pemindaan YAA; pengesahan New York Convention 1958; pembangunan pelan strategik untuk mendisiplinkan kabilah oleh pihak kerajaan; dan kebebasan badan kehakiman hendaklah dikuatkuasakan.

**Katakunci:** Timbang Tara, 'Award' Penimbangtaraan Antarabangsa, Tribalisme, Rasuah, Yaman.



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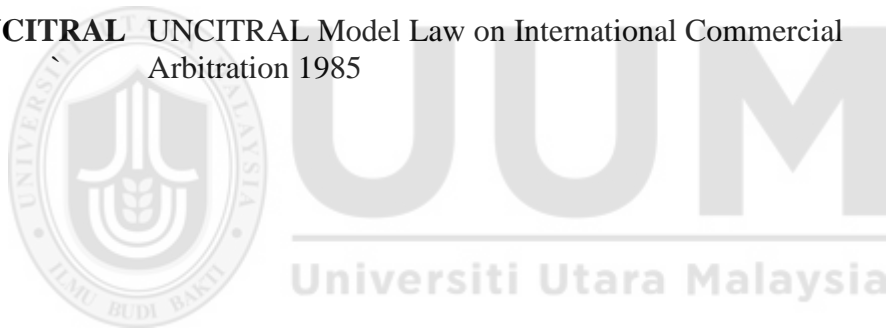
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## LIST OF ABBREVIATIONS

<b>IAA</b>	International Arbitral Award
<b>ICC</b>	International Chamber of Commerce
<b>ICSID</b>	The International Centre for Settlement of Investment Disputes 1965
<b>NYC</b>	New York Convention 1958
<b>GCC</b>	Gulf Countries Cooperation
<b>COCA</b>	The Central Organization for Control and Auditing
<b>PFP</b>	Public Funds Prosecution
<b>SNACC</b>	The Supreme National Authority for Combating Corruption
<b>JIB</b>	Judicial Inspection Board
<b>FDI</b>	The Foreign Direct Investment
<b>UNCITRAL</b>	UNCITRAL Model Law on International Commercial Arbitration 1985





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5. International Law Commission's Article on State Responsibility.
6. The Vienna Convention on the Law of Treaties 1969.
7. United Nations Convention on Jurisdictional Immunities of States and Their Property.
8. UK State Immunity Act 1978
9. Yemeni Arbitration (Act No. 22) 1992.
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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

The growth of the international trade has caused more disputes and consequently, the General Assembly in 1966 was directed by the resolution 2205 (XXI) to form UNCITRAL to handle the increasing disputes instead of relying on the national legal systems which proved to be unable to cope with developments in global trade.<sup>1</sup> The arbitration system is regarded as an appropriate approach, due to its speed and flexibility in relation to procedures, availability of experienced arbitrators, preservation of friendly relationship between disputed parties and other salient benefits that are not available in the national courts.<sup>2</sup> Hence, arbitration imposes its influence on the international trade arena for its salient advantages, by encouraging any dispute to resort to arbitration as an effective means to settle the disputes that have arisen or may arise from the international trade contracts.<sup>3</sup> Consequently, the resolution of these disputes will positively increase the arbitration credibility compared to the national judiciary, which is proven to be more arduous, complicated, and slow.<sup>4</sup> Thus, the

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<sup>1</sup> United Nation Commission on International Trade Law, accessed October 22, 2015, <http://www.uncitral.org>.

<sup>2</sup> Mohamed Abdel Fattah Twrek, "Maritime Arbitration" (master's thesis, University of Dar Aljameh Aljadidah, 2003), 235.

<sup>3</sup> Shahin Alam, "Commercial Arbitration: Factors making it lose out against other processes," *Middle East Journal of Bussines* (April 2014): 1, accessed September 14, 2015, <http://platform.almanhal.com/Reader/Article/43996>.

<sup>4</sup> Ibid.

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## APPENDICES

### **Appendix A: The Interview from the Central Organization for Control and Auditing (COCA)**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.maaail: bawazeer\_uum@yahoo.com**

Dear Sir/Madam,

Thank you for your willingness to answer the questions of the interview with regard to the study concerns about the Impediments Faced by Yemen in Enforcing International Arbitral Awards: a Legal Analysis. The purpose of this research is to get a degree of Doctor of Philosophy (Ph.D) in law from Universiti Utara Malaysia. I assure that all information will be used for the research only and they will be kept confidential and will not be treated otherwise. I hope that you would help to complete this study by responding honestly.

Thank you  
Yours truly

(Omar Saleh Abdullah Bawazir)  
PhD Candidate in Law

#### **SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

## Section I: INTERVIEWEE INFORMATION

**This section is to gather information about the experts and contains general questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

I. How long have you been in this current post/position?

II. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

III. How did you qualify? Did you qualify by training or by experience?

IV. What is your area of interest?

V. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

## Section II: EXPERT VIEWS

**This section is to examine the influence of corruption on the judiciary and tribunals.**

- 1- Can you tell me whether politicians do interfere on the COCA's good performance?
- 2- Is there interference in COCA from the military?
- 3- Is there interference in COCA from the tribes?
- 4- How far important of independence, good integrity, and transparency in COCA?
- 5- Is independence of COCA protected by the law?
- 6- Are officers of the Central Organization for Control and Auditing COCA protected against arbitrary dismissal, salary reduction, or transfer?
- 7- What are the sources of financing for COCA? If the executive body provides the judiciary financially, is it lead to intervention in COCA?

8- Do you have any suggestions or recommendations will be useful and helpful for this study?



**RESPONDENT**

.....

**Appendix B: The Interview from Public Funds Prosecution (PFP)**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.maail: bawazeer\_uum@yahoo.com**

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Thank you  
Yours truly

(Omar Saleh Abdullah Bawazir)  
PhD Candidate in Law

**SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

**Section I: INTERVIEWEE INFORMATION**

**This section is to gather information about the experts and contains general questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

.....

VI. How long have you been in this current post/position?

.....

VII. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

.....

VIII. How did you qualify? Did you qualify by training or by experience?

.....

IX. What is your area of interest?

.....

X. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

.....

## **Section II: EXPERT VIEWS**

**This section is to examine the influence of corruption influence on the judiciary and tribunals.**

- 9- Can you tell me whether politicians do interfere on PFP's good performance?
- 10- Is there interference in PFP from the military?
- 11- Is there interference in PFP from the tribes?
- 12- How far important of independence, good integrity, and transparency important value in PFP?
- 13- Is independence of PFP protected by the law?
- 14- Are officers of PFP protected against arbitrary dismissal, salary reduction, or transfer?
- 15- What are the sources of financing for PFP? If executive body provides PFP, is it lead to intervention in PFP?
- 16- Do you have any suggestions or recommendations will be useful and helpful for this study?

**RESPONDENT**

.....

**Appendix C: The Interview from the Supreme National Authority for Combating Corruption (SNACC)**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.maail: bawazeer\_uum@yahoo.com**

Dear Sir/Madam,

Thank you for your willingness to answer the questions of the interview with regard to the study concerns about the Impediments Faced by Yemen in Enforcing International Arbitral Awards: a Legal Analysis. The purpose of this research is to get a degree of Doctor of Philosophy (Ph.D) in law from Universiti Utara Malaysia. I assure that all information will be used for the research only and they will be kept confidential and will not be treated otherwise. I hope that you would help to complete this study by responding honestly.

Thank you

Yours truly

(Omar Saleh Abdullah Bawazir)

PhD Candidate in Law

**SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

**Section I: INTERVIEWEE INFORMATION**



**This section is to gather information about the experts and contains general questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

XI. How long have you been in this current post/position?

XII. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

XIII. How did you qualify? Did you qualify by training or by experience?

XIV. What is your area of interest?

XV. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

## **Section II: EXPERT VIEWS**

**This section is to examine the influence of corruption on the judiciary and arbitration.**

- 17- Are cases of corruption involving judges, court officials, and lawyers normally prosecuted in the courts?
- 18- Do you have any statistic about number of judges, court officers, or lawyers that have been prosecuted in the court?
- 19- What are sanctions impose on the judges, court officer, and lawyers found to have committed corrupt practice?
- 20- Can you tell me whether politicians interfere on the SNACC's good performance?
- 21- Is there interference in SNACC affairs from the military?
- 22- Is there interference in SNACC affairs from the tribes?
- 23- How far important of independence, good integrity, and transparency important value in SNACC?
- 24- Is independence of SNACC protected by safeguards of due process in disciplinary proceedings?

- 25- Are SNACC protected against arbitrary dismissal, salary reduction, or transfer?
- 26- What are the sources of financing for SNACC? If executive body provides the Supreme National Authority for Combating Corruption SNACC, is it lead to intervention in SNACC?
- 27- Do you have any suggestions or recommendations will be useful and helpful for this study?



**RESPONDENT**

.....

**Appendix D: The Interview for the Academicians**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.maail: bawazeer\_uum@yahoo.com**

Dear Sir/Madam,

Thank you for your willingness to answer the questions of the interview with regard to the study concerns about the Impediments Faced by Yemen in Enforcing International Arbitral Awards: a Legal Analysis. The purpose of this research is to get a degree of Doctor of Philosophy (Ph.D) in law from Universiti Utara Malaysia. I assure that all information will be used for the research only and they will be kept confidential and will not be treated otherwise. I hope that you would help to complete this study by responding honestly.

Thank you  
Yours truly

(Omar Saleh Abdullah Bawazir)  
PhD Candidate in Law

**SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

## Section I: INTERVIEWEE INFORMATION

**This section is to gather information about the experts and contains general questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

XVI. How long have you been in this current post/position?

XVII. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

XVIII. How did you qualify? Did you qualify by training or by experience?

XIX. What is your area of interest?

XX. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

## Section II: EXPERT VIEWS

**This section is to examine the influence of corruption on international arbitral award. In addition, this section intends to come up with the findings of the interview specifying the difficulties and obstacles which both parties may face i.e. either the disputed parties or the arbitrators.**

- 1- In your experience as an academic lecturer have you any information relating to the difficulties in enforcing international arbitral award?
- 2- If your answer to question (1) is yes, please elaborate what kind of difficulties?
- 3- Do you have any information about corruption case relating to the arbitration or judiciary?
- 4- If your answer is NO to question (3), have you ever heard another an academic lecturer has information about corruption case relating to the arbitration or judiciary?
- 5- If judges or arbitrators are found guilty of corruption charge, what is the punishment imposed by the court?

- 6- Do you have any information on interference from politicians regarding the arbitration or the judiciary or anti-corruption agencies?
- 7- Do you have any information on interference from the military against the arbitration or the judiciary or anti-corruption agencies?
- 8- Whether the tribalism interference affect the enforcement of international arbitral award?
- 9- Whether the tribal alternative dispute resolution mechanism affect the arbitration system?
- 10- Do you think that independence, good integrity, and transparency important values in the operations of the arbitration or the judiciary or the anti-corruption agencies?
- 11- How far practiced of independence, good integrity, and transparency in the judiciary and anti-corruption agencies?
  
- 12- Do you think that the independence of arbitral tribunals or the judiciary or anti-corruption is protected by the law?
- 13- Do you think the arbitrators or judges or the members of anti-corruption agencies are protected against arbitrary dismissal, salary reduction, or transfer?
- 14- Do you know what are the sources of financing the judiciary and arbitral tribunals or anti-corruption agencies?
- 15- If executive body supports the arbitration or the judiciary or the anti-corruption agencies financially, do you think it leads to intervention in the arbitration or the judiciary or the anti-corruption agencies?

### **Section III: EXPERT VIEWS**

#### **Examine the processes and the procedures followed by the tribunal and the competent court to enforce the international arbitral awards.**

- 1- In case where the applicant requests the other party (i.e. the defendant) to deposit some amount of money in order to avoid financial damage to the applicant (i.e. the defendant) does not comply with the final arbitral awards, how does the Tribunal and the competent court deals with this?
- 2- What are the remedies available to the applicant (i.e. the seeking party) if the defendant fails to comply with the international arbitral awards?
- 3- In case if the defendant fails to comply with the IAA and the applicant incurred no damage suffered by the plaintiff, will the defendant still be punished? Why?
- 4- In relation to the arbitral awards issued by the Tribunal or the National Court outside Yemen such as to freeze the defendant`s assets in Yemen, what is the mechanism followed in this case?
- 5- Does the competent court have the power to issue interim measures in arbitration taking place outside Yemen to ensure the enforcement of the international awards if requested by the applicant of the tribunal?
- 6- What are the requirements to request interim measure of protections?
- 7- Could the competent court gives assistance to the Tribunal in case of the applicant or the tribunal requested interim measure of protections before issuing the final awards?
- 8- Does the judiciary exercise effective monitoring on the enforcement of the international arbitral awards?
- 9- Do judges ensure the timely enforcement of international arbitral awards?

10- Do you have any suggestions or recommendations that will be useful and helpful for effective enforcement of international arbitral awards?



**RESPONDENT**

.....

**Appendix E: The Interview from the Arbitrator**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.mmail: bawazeer\_uum@yahoo.com**

Dear Sir/Madam,

Thank you for your willingness to answer the questions of the interview with regard to the study concerns about the Impediments Faced by Yemen in Enforcing International Arbitral Awards: a Legal Analysis. The purpose of this research is to get a degree of Doctor of Philosophy (Ph.D) in law from Universiti Utara Malaysia. I assure that all information will be used for the research only and they will be kept confidential and will not be treated otherwise. I hope that you would help to complete this study by responding honestly.

Thank you  
Yours truly

(Omar Saleh Abdullah Bawazir)  
PhD Candidate in Law

**SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

## Section I: INTERVIEWEE INFORMATION

**This section is to gather information about the experts and contains general questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

XXI. How long have you been in this current post/position?

XXII. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

XXIII. How did you qualify? Did you qualify by training or by experience?

XXIV. What is your area of interest?

XXV. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

## Section II: EXPERT VIEWS

**This section is to examine the influence of corruption on international arbitral awards. In addition, this section intends to come up with the findings of the interview specifying the difficulties and obstacles faced by the disputed parties or the arbitrators.**

16- Whether the provisions relating to the enforcement of arbitration laws in Yemen are adequate?

17- In your experience as an arbitrator have you faced difficulties in enforcing international arbitral awards?

18- If your answer to question (1) is yes, please elaborate as to what kind of difficulties are?

19- Is there any interference from politicians on the arbitrator's good function?

20- Is there any interference from military on the arbitrator's good function?

21- Whether the tribalism interference affect the enforcement of international arbitral award?



- 22- Whether the tribal alternative dispute resolution mechanism affect the arbitration system?
- 23- How far important are independence, good integrity, and transparency to the arbitration?
- 24- Is arbitration processes independently protected by the law?
- 25- Do you believe the arbitration processes in Yemen are protected against arbitrary dismissal, salary reduction, or transfer?
- 26- What are the sources of financing for the arbitration? If the executive body provides the arbitration financially, is it led to intervention in the arbitration processes?

**Section III: EXPERT VIEWS**

**Examine the processes and the procedures followed by the tribunal and the competent court to enforce the international arbitral awards.**

- 11- In case where the applicant requests the other party (i.e. the defendant) to deposit some amount of money in order to avoid financial damage to the applicant (i.e. the defendant) does not comply with the final arbitral awards, how does the Tribunal and the competent court deals with this?
- 12- What are the remedies available to the applicant (i.e. the seeking party) if the defendant fails to comply with the international arbitral awards?
- 13- In case if the defendant fails to comply with the IAA and the applicant incurred no damage suffered by the plaintiff, will the defendant still be punished? Why?
- 14- In relation to the arbitral awards issued by the Tribunal or the National Court outside Yemen such as to freeze the defendant`s assets in Yemen, what is the mechanism followed in this case?
- 15- Does the competent court have the power to issue interim measures in arbitration taking place outside Yemen to ensure the enforcement of the international awards if requested by the applicant of the tribunal?
- 16- What are the requirements to request interim measure of protections?
- 17- Could the competent court gives assistance to the Tribunal in case of the applicant or the tribunal requested interim measure of protections before issuing the final awards?
- 18- Does the judiciary exercise effective monitoring on the enforcement of the international arbitral awards?
- 19- Do judges ensure the timely enforcement of international arbitral awards?
- 20- Do you have any suggestions or recommendations that will be useful and helpful for effective enforcement of international arbitral awards?

**RESPONDENT**

.....

**Appendix F: The Interview from the Judicial Inspection Board (JIB)**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.maail: bawazeer\_uum@yahoo.com**

Dear Sir/Madam,

Thank you for your willingness to answer the questions of the interview with regard to the study concerns about the Impediments Faced by Yemen in Enforcing International Arbitral Awards: a Legal Analysis. The purpose of this research is to get a degree of Doctor of Philosophy (Ph.D) in law from Universiti Utara Malaysia. I assure that all information will be used for the research only and they will be kept confidential and will not be treated otherwise. I hope that you would help to complete this study by responding honestly.

Thank you  
Yours truly

(Omar Saleh Abdullah Bawazir)  
PhD Candidate in Law

**SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

**Section I: INTERVIEWEE INFORMATION**

**This section is to gather information about the experts and contains general**

**questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

XXVI. How long have you been in this current post/position?

XXVII. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

XXVIII. How did you qualify? Did you qualify by training or by experience?

XXIX. What is your area of interest?

XXX. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

## **Section II: EXPERT VIEWS**

**This section is to examine the influence of corruption on the judiciary and arbitration.**

- 28- Are cases of corruption involving judges and court officials normally prosecuted in the courts?
- 29- Do you have any statistic about number of judges or court officers that have been prosecuted in the court?
- 30- What are sanctions impose on the judges and court officer found to have committed corrupt practice?
- 31- Are there complaints come to you that related to corrupt judge like receiving bribery?
- 32- Can you tell me whether politicians interfere on the judge's good performance?
- 33- Is there interference in judicial affairs from the military?
- 34- Whether the tribalism interference affect the enforcement of international arbitral award?
- 35- How far important are independence, good integrity, and transparency important value in JIB?

- 36- Do you Exercise Independence, Integrity and Transparency in the Judicial Inspection Abroad?
- 37- Is independence of JIB protected by safeguards of due process in disciplinary proceedings?
- 38- Is JIB protected against arbitrary dismissal, salary reduction, or transfer?
- 39- What are the sources of financing for JIB? If executive body provides JIB, is it lead to intervention in JIB?



**RESPONDENT**

.....

**Appendix G: The interview from the Court of Appeal judges**

**The Interview from the Judicial Inspection Board (JIB)**

**Omar Saleh Abdullah Bawazir**

**PhD Candidate in Law**

**School of Law**

**College of Law, Government and International Studies (Section A)**

**Universiti Utara Malaysia**

**06010 UUM Sintok**

**Kedah- Darul Aman**

**H/P: 0173109496**

**E.maail: bawazeer\_uum@yahoo.com**

Dear Sir/Madam,

Thank you for your willingness to answer the questions of the interview with regard to the study concerns about the Impediments Faced by Yemen in Enforcing International Arbitral Awards: a Legal Analysis. The purpose of this research is to get a degree of Doctor of Philosophy (Ph.D) in law from Universiti Utara Malaysia. I assure that all information will be used for the research only and they will be kept confidential and will not be treated otherwise. I hope that you would help to complete this study by responding honestly.

Thank you  
Yours truly

(Omar Saleh Abdullah Bawazir)  
PhD Candidate in Law

**SUMMARY OF RESPONSES INTERVIEW:**

Place of Interview:

Date/time of Interview or response:

Duration:

## Section I: INTERVIEWEE INFORMATION

**This section is to gather information about the experts and contains general questions including respondent's background, their qualifications (trainings or experiences), and their field of education.**

What is your post/position?

XXXI. How long have you been in this current post/position?

XXXII. Would you like to tell me something about your work and your responsibilities?

(Please comment on how far your responsibilities extend throughout the organization).

XXXIII. How did you qualify? Did you qualify by training or by experience?

XXXIV. What is your area of interest?

XXXV. Other than your official duty, have you become a member in any other professional bodies involving arbitration matters? If yes, what was it?

## Section II: EXPERT VIEWS

**This section is to examine the influence of corruption on the judiciary and arbitration.**

- 40- Are cases of corruption involving judges and court officials normally prosecuted in the courts?
- 41- Do you have any statistic about number of judges or court officers that have been prosecuted in the court?
- 42- What are sanctions impose on the judges and court officer found to have committed corrupt practice?
- 43- Are there complaints come to you that related to corrupt judge like receiving bribery?
- 44- Can you tell me whether politicians interfere on the judge's good performance?
- 45- Is there interference in judicial affairs from the military?
- 46- Whether the tribalism interference affect the enforcement of international arbitral award?

- 47- How far important are independence, good integrity, and transparency important value in JIB?
- 48- Do you Exercise Independence, Integrity and Transparency in the Judicial Inspection Abroad?
- 49- Is independence of JIB protected by safeguards of due process in disciplinary proceedings?
- 50- Is JIB protected against arbitrary dismissal, salary reduction, or transfer?
- 51- What are the sources of financing for JIB? If executive body provides JIB, is it lead to intervention in JIB?



**RESPONDENT**

.....

**Appendix H: Consent Form**

Dear participant

My name is Omar Saleh Abdullah Bawazir; I am a PhD candidate at the University Utara Malaysia.

You are invited to participate in this research study which aims at studying titled the impediments faced by Yemen in enforcing international arbitral awards: a legal analysis. The following points will highlight the role of the participant and other important issues.

- 1- You will be kindly asked to participate in an interview with the researcher. Your participation in this study is absolutely voluntary. At the interview you (i.e. the participant) will have the freedom to express your opinions, prior experiences and perceptions regarding whatever the impediments of inadequacy of Yemeni Arbitration Act, tribalism, and corruption on the enforcement of international arbitral awards in Yemen.
- 2- The participant has the right to withdraw from the study at any time without worrying about any penalties or consequences.
- 3- The interview location and timing will be decided by the participant to assure his/her convenience. The interview will last for approximately 30 minutes.
- 4- The participant’s identity will be kept confidential, will not be disclosed to any third party and will not be mentioned within the study’s body or the final report. A coding procedure will be used to replace the participant’s name in order to ensure his/her identity confidentiality. However, the results of the study can be published but without declaring the names of the participants.
- 5- The interview will be digitally recorded in order to be transcribed later for the purpose of analysis and information extraction. The interview material will be stored securely for a period of two years; after that it will be destroyed.

After clarifying all the important points regarding this study and the participants’ role and rights, if you have any further inquiries you may contact the researcher on the following contact information; the researcher’s e-mail (bawazeer\_uum@yahoo.com) and mobile No. (0060173109496).

Thanks for your participation, your time and efforts are truly appreciated.

Name of Expert:

Title:

Place of Job:

Current Position:

Contact Information

Frequently Used E-Mail:

Official E-Mail (if any).....

Phone No.:

Signature of the interviewee -----, Date: .....

Researcher Information

PhD Candidate (Omar Saleh Abdullah Bawazir) Studying at University Utara Malaysia, College of Law, Government and International Studies (COLGIS).

Place of Job: student at University Utara Malaysia.

Phone No: 0060173109496

E-Mail: bawazeer\_uum@yahoo.com