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Arbitration in Pakistan Post-2011 Act: Progress or Procedural Paralysis?

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Headings

This paper assesses the extent to specific post-2011 Supreme which Pakistan's arbitration regime has shown any substantive improvement against not being a pro-enforcement regime since 2011, or whether this regime has created procedural stalling by the court against delay. Based on doctrinal research into laws, the study examines the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act 2011 and Court and High Court judgments to chart the enforcement process and the recurrence of tactics to resist it. According to the findings, the Pakistani courts are moving towards an increase in a Convention-consistent position, in which recognition and enforcement represent the default and merit-based re-litigation is opposed. The article conclude that Pakistan has made doctrinal progress, but procedural drag remains a bane to predictability. It is suggested that enforcement reliability be enhanced through targeted procedural changes and the systematic handling of judicial cases.

Key Words: Pakistan, Arbitration, 2011 Act, New York Convention, Enforcement, Public Policy, Procedural Delays

Introduction

Arbitration has offered a viable foundation in dealing with commercial risk in the Pakistani economy especially in situations where projects are intensive in terms of capital, sensitive and entail technical handling (United Nations Commission on International Trade Law, 2016). A huge variety of constructions and infrastructure contracts, energy and power projects, EPC arrangements, cross-border supply chains,

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telecommunication and technology procurements, and numerous other large value commercial contracts habitually select arbitration due to its capacity to assure expertise-based dispute resolution, and, most importantly, an enforcement route that runs across boundaries more dependably than traditional court verdicts. In the case of Pakistan where foreign investments and syndicated project financing often require believable dispute-resolution commitments, the enforcing dividend of arbitration may have impacts on price, lender comfort and investor entry decisions (Ghouri, 2013; Born, 2014; Blackaby et al., 2015; Siddiqui, 2017).

Pakistan arbitration system is usually practised in two tracks. First, the traditionally court-supervised and procedure-intensive domestic arbitration has generally been linked to the Arbitration Act 1940 and judicial practice. Second, foreign arbitral awards and foreign arbitration arrangements are channeled using a scheme of recognition and enforcement that is pegged upon the commitments of Pakistan under the New York Convention, whereby the post-2011 statute is placed as the key enforcement tool to Convention awards (Shehata, 2020). Practically, the actors in the commercial sphere are more concerned about foreseeable consequences than the formality of labels: both at the front end, can arbitration agreements be enforced by the court, and at the back end, can award enforcement be effected without making enforcement a second full-blooded litigation (Ghouri, 2013; Ullah, 2017).

The 2011 Act was largely interpreted as a reform measure that would bring Pakistan into alignment with the New York Convention pro-enforcement framework i.e. recognition and enforcement, the default and the exception. The move was set to help to take the legal ambiguity in the area of foreign awards, focusing the challenges on conventional, relatively small Convention grounds instead of on broader merits-style challenges, and to narrow the room in which procedural derailments may occur as parties to a dispute engage in jurisdictional battles, plead broadly on public policy grounds, and layer the review onto the enforcement court (Jang et al., 2020). However, comparative enforcement literature demonstrates that the results may be influenced by the manner of court operation on the issue of the functioning of the gateway - even with formally pro-enforcement statutes, the intensity of the review by the public policy can have its effects (Ghouri, 2013; Ranjah, 2020; Idrees et al., 2020).

This article discusses whether the post-2011 foreign-award regime in Pakistan can be seen as meaningful progress towards ensuring Convention-like enforcement or whether it has created some sort of procedural paralysis where enforcement proceeds is routinely delayed by court obstacles and tactical opposition; it seeks to answer whether the reform promise has been met by reality and the consistency of recognition/enforcement or whether various forms of court intervention and tactical opposition have created some sort of paralysis in the enforcement process (Magnarelli, 2020). It thus poses the question: Are the enforcement faster or more consistent post 2011? What are the most persistent procedural impediments - stays, jurisdictional objections, separability/validity, arbitrability and public policy defences - and how do they act as delay multipliers? In which ways have the courts dealt with arbitration agreements and enforcement standards to strengthen or weaken the New York Convention model? (Jang et al., 2020).

It is scoped to the post-2011 period (2011–2020), is chiefly concerned with foreign awards under the 2011 Act, and is only linked to domestic arbitration practice where it affects enforcement routes or judicial dispositions. The research can be relevant to businesses, counsel, and investors who risk legal liability in contracts linked to Pakistan, and to policymakers who need to gauge whether additional reform should focus on doctrine (e.g., public policy and arbitrability) or procedure (e.g., stays and review intensity) (Molina Esteban 2020). The article is structured to review the post-2011 enforcement debate and related doctrinal concepts (Literature Review), followed by the research design and case-law mapping strategy (Methodology), observed patterns of enforcement and common procedural bottlenecks (Results), implications of these patterns on the credibility of the pro-enforcement and what they say about the pro-enforcement and reform options (Discussion) and concludes by stating whether the post-2011 trend is more of progress or stasis and why (Conclusion).

Literature Review

The validity of international arbitration in international business is based on the predictable recognition and enforcement of such arbitration, which is underpinned by the pro-enforcement design of the New York Convention and the limited grounds on which it is refused (Government of Pakistan, 2017) Modern legal theory focuses on the idea that enforcement courts are not to re-decide on the merits, and that exceptions, in particular, public policy exceptions, need to be conceptualized narrowly to prevent enforcement becoming a camouflaged appeal. On the doctrinal side, there are arguments where the boundary of the public policy should be, some writers think it is dangerous to expand the policy into an international or moralized domain because it leads to indeterminacy and can be subject to judicial discretion (Cassimatis, 2019; Orawiec, 2017; International Bar Association, 2015). In combination with the enforcement doctrine, the global baseline of arbitration also places importance on party autonomy, as a matter of fact autonomy is not absolute where autonomy conflicts with the norms of fairness and considerations of justice (Dickson, 2018). Another body of research reveals the dependence of enforcement outcomes on threshold issues, including arbitrability and the role of the lex fori in specifying what a state will allow to be settled outside its courts (Born, 2014; Blackaby et al., 2015; Queen Mary University of London & White & Case LLP, 2015).

This The pre-2011 commentary tends to place the arbitration practice in Pakistan in a court-based system of dispute culture in which arbitration means procedural and not decisional. The statutory environment (especially domestic arbitration practice under the 1940 Act) is often said to be prone to delay due to objections, stays, and litigation over technicalities- involved in creating the perception of arbitration as not a sure way of bringing finality (Ullah, 2017). Doctrinal descriptions also highlight how previously to the 2011 reform, the foreign award enforcement mechanism was perceived as disjointed and susceptible to litigation with a negative impact on confidence in cross-border trade and long-term ventures (Idrees et al., 2020). This literature presents the concept of delay, not as accidental, but as created structurally by the routine court involvement over several phases (Ghouri, 2013).

The literature post-2011 mostly addresses the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act 2011 as a type of reform to bring the procedure of recognition in Pakistan in line with Convention expectations to include; clarification of recognition procedure, limiting of merits review and enhancing investor confidence (Idrees et al., 2020). This expectation is solidified in the literature on reforming arbitration through the lens of comparative contexts: arbitration reforms are frequently assessed according to their ability to close judicial gateways, enhance discipline in the application of enforcement mechanisms, and limit the recidivism of litigation through procedural back and forth. The symbolism of reform promise is usually interpreted to mean modernization by enforcement and not just legislatively (Ghouri, 2013; Idrees et al., 2020; Ranjah, 2020).

Jurisdictional strategy (facilitative vs critical). Comp Scholarship warns these labels of arbitration friendliness when not gauged against actual enforcement practice, i.e. time, regularity, and deference to arbitral findings. Simultaneously, other jurisdictions emphasize reform discussions that statutory upgrades can do nothing to transform judicial reflexes without rational interpretative indicators. Public policy exception (International Bar Association, 2014). Comparative work centered on Pakistan emphasizes the pragmatic danger of the public policy being a flexible instrument of opposition, particularly when the courts perceive it as an extensive scrutiny of a merit, as opposed to an uncommon form of protection. This is consistent with broader criticisms that broad-based thinking of public policy may lead to the destabilisation of the uniformity objectives of the Convention (Queen Mary University of London & White & Case LLP, 2018; Dickson, 2018).

Interim relief and stays. Scholarship recognizes interim measures and enforcement-stage stays as a commonplace second battleground, where courts can successfully stay arbitral finality can be done through procedural channels in cases where the award is otherwise itself enforceable. Issues of forums (jurisdiction,

parallel proceedings) (Siddiqui, 2017). Such areas of friction as jurisdiction issues and non-signatory issues are highlighted to be the key areas of dispute in both fora that can increase proceedings in both directions and can affect the speed and predictability (Chan & Neoh, 2020; Shehata, 2020; Magnarelli & Ziegler, 2020).

Arbitration institutional development. It is also commented that the design of clauses, institutional competence, and procedural-quality determine whether arbitration can be reduced or reproduced-especially when parties create hybrid arrangements that subject to litigation regarding process (Molina Esteban, 2020). Even the new debate dwells upon the impact that technology and appointment dynamics may have on the sense of fairness and efficiency (Schwing, 2020). The existing literature is deep in doctrine yet frequently sparse in empirically observable ways: it can seldom describe the post-2011 Pakistani cases in systematic categories (bottleneck type: public policy, stays, jurisdictional objections, appeals) or even identify whether there are any empirically observable benefits of faster and more predictable enforcement (Blackaby 2015). The divide, however, does not lie in the lack of criticism, but in the lack of systematic trend analysis and procedural typology that would be able to help draw the distinction between the progress of reform and procedural paralysis in practice (Idrees et al., 2020) (Queen Mary University of London & White & Case LLP, 2015; Queen Mary University of London & White & Case LLP, 2018).

Methodology:

Research Design

This study adopts a mixed-method legal research design anchored in doctrinal (black-letter) analysis and supplemented—where feasible—by a qualitative empirical component. The doctrinal core examines how Pakistan's post-2011 arbitration enforcement regime operates in law and in judicial practice by analyzing statutes and judicial decisions. The optional qualitative component (semi-structured interviews and/or a short expert survey) is included to capture "on-the-ground" procedural realities such as typical delay points, litigation tactics, and enforcement bottlenecks that may not be fully visible from reported judgments alone. Together, these methods allow the study to assess whether the post-2011 framework reflects progress (predictable, efficient enforcement) or procedural paralysis (repeated court hurdles and delays).

Data Sources

Primary legal materials include:

1. Statutes and rules: the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act 2011 (the "2011 Act") and related procedural instruments that shape enforcement practice (e.g., the Code of Civil Procedure provisions relevant to execution, stays, appeals, and interim measures where invoked in enforcement proceedings). In addition, Pakistan's broader ADR framework (e.g., the Alternative Dispute Resolution Act, 2017) provides context for court attitudes toward non-judicial settlement and procedural management (Government of Pakistan, 2017).
2. Case law: reported and publicly accessible judgments from Pakistan's High Courts and the Supreme Court involving (a) recognition/enforcement of foreign awards, (b) challenges or resistance strategies connected to enforcement, and (c) disputes concerning arbitration agreements when they materially affect enforcement outcomes (e.g., jurisdictional objections, validity/scope disputes, and parallel proceedings).

Secondary materials include peer-reviewed journal articles, practitioner commentary, institutional arbitration rules (where relevant to clause design or procedure), and policy-oriented documents (e.g., law reform discussions, consultation papers, and arbitration-center guidance). Secondary sources are used to contextualize judicial trends and interpret doctrinal debates (such as public policy, arbitrability, and separability) but do not replace primary authority in the analysis. International soft-law guidance (e.g.,

UNCITRAL Notes and IBA Guidelines/Rules) is used where relevant to procedural best practices and tribunal conduct (United Nations Commission on International Trade Law, 2016; International Bar Association, 2014; International Bar Association, 2020).

Sampling Strategy

The population comprises judicial decisions during 2011–2020 that are relevant to the operation of the 2011 Act and the enforcement environment for foreign awards in Pakistan. Sampling follows a purposive, inclusion-based approach designed to capture the enforcement workflow and its friction points.

Inclusion Criteria (Case Selection):

- Decisions that explicitly cite the 2011 Act or apply it to recognition/enforcement of foreign awards.
- Decisions dealing with enforcement-related procedural disputes, including but not limited to: stays, interim injunctions restraining enforcement, jurisdictional objections in enforcement court, public policy defences, due process objections (notice/hearing), challenges tied to arbitration agreement validity/scope, and execution-stage complications.
- Appellate decisions (including Supreme Court) where the reasoning clarifies enforcement standards or procedural limits.

Exclusion Criteria

- Cases unrelated to arbitration enforcement (e.g., purely contractual disputes with no arbitration connection).
- Decisions involving only internal administrative issues or where arbitration is incidental and not legally determinative.
- Duplicate reports of the same decision (where multiple publications exist, the most complete version is retained).

Court coverage: Supreme Court and all High Courts with available reported/accessed judgments. Where a case is unreported but reliably accessible (e.g., official court portals), it is included with clear identification of source and date.

Analytical Approach

The doctrinal analysis proceeds in two linked stages:

Stage A: Structured case-law content analysis. Each included judgment is coded using a standardized extraction template capturing:

- Case metadata: court, date, sector/context (where discernible), procedural posture, and nature of relief sought.
- Outcome variables: enforcement granted/refused; enforcement stayed/adjourned; partial enforcement; remittal/directions.
- Grounds invoked by the resisting party: public policy; arbitrability; jurisdiction/competence of forum; invalidity/scope of arbitration agreement; due process (notice/opportunity to be heard); fraud/illegality assertions; parallel proceedings and forum objections.
- Judicial reasoning markers: standard of review applied (strict Convention-limited vs broader review), deference to arbitral tribunal's determinations, treatment of evidence, and any explicit statements about pro-enforcement posture.

- Procedural delay mechanisms: interim relief/stays; repeated adjournments; multi-tier appeals; execution-stage barriers; requirements perceived as overly formal; or relitigation tendencies.

Stage B: Thematic coding and bottleneck typology. After initial extraction, qualitative coding groups decisions into recurring themes (e.g., "public policy elasticity," "jurisdictional gatekeeping," "stay-as-strategy," "parallel proceedings," "execution friction"). This produces a procedural bottleneck typology—a structured map of where and how enforcement slows.

Optional Empirical Component (if Conducted)

- Participants: purposive recruitment of 10–20 stakeholders, including arbitrators, arbitration counsel (claimant and respondent-side), in-house counsel in construction/energy/finance, and where appropriate, registry/court-practice informants.
- Instrument: semi-structured interview guide covering common enforcement timelines, typical resistance strategies, how stays are obtained, documentation burdens, forum selection, and perceived predictability.
- Triangulation: interview insights are compared against the coded case trends to confirm, refine, or challenge inferences from judgments.

Measures and Indicators

The study reports three families of indicators:

1. Time-to-resolution indicators (where data allow):
2. Typical/observed time from enforcement filing to enforcement order (reported as ranges and medians when exact dates are available from the record).
3. Presence and duration of stays or injunctions affecting enforcement progress.
4. Objection frequency and success rate:
5. How often specific grounds are raised (public policy, jurisdiction, due process, arbitrability, agreement validity/scope).
6. How often each ground leads to refusal, stay, remittal, or other material delay.
7. Ranked procedural choke points:
8. A ranking of recurrent bottlenecks based on (a) frequency across cases and (b) severity of impact (e.g., whether it commonly produces stays or multi-forum litigation).

Ethics and Limitations

For doctrinal research using public judgments, ethical risk is minimal; however, the study ensures accurate quotation/paraphrase and proper attribution. For interviews/surveys, participants provide informed consent, identities are anonymized unless explicit permission is granted, and sensitive client details are excluded.

Key limitations include: (1) access bias—reported judgments may overrepresent appellate matters and underrepresent settled or unreported enforcement disputes; (2) measurement limits—time-to-enforcement may be unavailable or inconsistently recorded; (3) causality constraints—delays may reflect not only legal doctrine but also litigation culture, court capacity, and party strategy; and (4) generalizability—findings primarily reflect accessible case law and may not capture all enforcement activity across Pakistan. Despite these constraints, combining structured case coding with (optional) practitioner triangulation strengthens the validity of conclusions about whether post-2011 practice reflects progress or paralysis.

Results:

Sample Captured and Coding Frame

Using the doctrinal coding protocol described in the Methodology, I compiled a case-mapping dataset of 7 publicly accessible, reported judgments (2018–) applying or materially interpreting the 2011 Act and New York Convention standards. The dataset is not exhaustive (unreported orders and paywalled databases may contain additional matters), but it captures the core post-2011 enforcement themes visible in open sources.

Table 1. Case-mapping dataset (2018–2020) and coded outcomes

#	Case (law report)	Court	Decision date	Award type	Seat / rules / forum (as stated)	Procedural posture	Outcome (coded)	Key issues/objections seen in judgment
1	Louis Dreyfus Commodities Suisse S.A. v Acro Textile Mills Ltd. (PLD 2018 Lah 597)	Lahore HC	Reported 2018	Final (appeal award)	Award dated 30.09.2011	Sec.6 recognition/enforcement application	Enforced (order recognizes and enforces; judgment in award amount)	Respondent argued award not "foreign" / outside Act and should be treated as "local award"
2	Orient Power Co. (Pvt.) Ltd. v SNGPL (2020 SCMR 1728)	Supreme Court	17.08.2020	Final	(Underlying: foreign award framework under 2011 Act)	Civil appeal from LHC enforcement pathway	Enforcement upheld (appeal dismissed)	Court discussed public policy meaning under Pakistani law in enforcement context
3	Dhanya Agro Industrial Pvt. Ltd. v Quetta Textile Mills Ltd. (2019 CLD 160)	Sindh HC	Order 16.08.2018 (reported 2019)	Final	Seat Liverpool, England; award effective 12.11.2015	Sec.6 enforcement; respondent absent →ex parte	Enforced ("award… made rule of the Court; suit decreed")	Service/non-appearance; judgment emphasizes expeditious purpose of 2011 Act
4	China Water & Electric Corp. (CWE) v NHA (2019 CLD 1365)	Islamabad HC	27.09.2019	Interim award	ICC arbitration; interim award 06.07.2016	Sec.6 application to enforce interim award	Interim award enforced (recognized; executable "as though… decree")	"Finality" objection addressed: enforcement not refused merely because interim measures are temporary
5	Tradhol International S.A. v Shakarganj Ltd. (PLD	Lahore HC	28.04.2020	Final award	LCIA award (foreign)	Sec.6 application; objections filed	Enforced + converted to execution (Order XXI r.10 CPC)	Objections included public policy framing and validity challenges;

#	Case (law report)	Court	Decision date	Award type	Seat / rules / forum (as stated)	Procedural posture	Outcome (coded)	Key issues/objections seen in judgment
	2020 Lah 621)							court applies pro-enforcement posture
6	A.M. Construction Co. v Taisei Corp. (2018 SCMR 640)	Supreme Court	Reported 2019	Foreign award (classification dispute)	Focus on definition/ seat test under 2011 Act	Challenge filed in civil court under 1940 Act; forum/jurisdiction dispute	Court-interference curtailed (civil court lacks subject-matter jurisdiction; LHC + civil court orders set aside)	Clarifies "foreign arbitral award" test and rejects parallel treatment under older statutes
7	Franzen International Ltd. v Parmar Construction Co. (2018 SHC KHI 2656)	Sindh HC	Hearing 26.09.2017; order 08.10.2018	Final	(Foreign award; enforcement under Act)	Sec.6 enforcement proceedings	Enforced (recognized/enforced; executable as decree)	Typical Article V objections addressed (court proceeds to decree/execution)

Enforcement Outcomes: "Progress" in Recognition, but Litigation Pathways Still Extend Timelines

Across the five direct enforcement decisions in the open dataset (Louis Dreyfus, Dhanya Agro, China Water, Tradhol, Franzen), the courts granted recognition/enforcement in every instance (5/5).

On appeal, the Supreme Court dismissed the challenge in *Orient Power*, keeping the enforcement trajectory intact.

Separately, *Taisei* demonstrates a procedural "paralysis" vector: the award-debtor attempted to route the dispute through civil-court proceedings under the 1940 Act, requiring Supreme Court correction to restore the 2011 Act channel.

Table 2. Outcome distribution (coded from Table 1)

Category	Count	Share
Enforcement granted (Sec.6 orders; includes interim award enforcement)	5	71.4%
Enforcement upheld on appeal	1	14.3%
Court-interference curtailed (jurisdiction correction; restores 2011 Act pathway)	1	14.3%
Enforcement refused	0	0%
Total cases coded	7	100%

What Objections were Raised Most Often (And how they Performed)

Within the contested matters, objections clustered around:

1. Classification / gateway objections (whether an award is "foreign" and which statute applies),
2. Public policy, and
3. "Finality/binding" arguments (especially for interim measures).

Table 3. Frequency of major objection themes (in the open dataset)

Objection / theme (coded)	Cases where raised or central	Count
"Not a foreign award" / wrong statute / forum (gateway classification)	Louis Dreyfus; Taisei	2
Public policy exception invoked/argued	Orient Power; Tradhol	2
Interim award not enforceable because not "final"	China Water	1
Non-appearance/service posture shaping enforcement	Dhanya Agro	1
Post-enforcement execution mechanics (conversion into execution proceedings)	Tradhol	1

Observed success pattern (qualitative): In this open dataset, the objections above did not defeat enforcement, except that the "gateway" classification dispute in *Taisei* delayed the enforcement track by triggering collateral proceedings that had to be set aside.

Procedural choke points: where "paralysis" emerges even in a pro-enforcement posture

The judgments show that procedural resistance tends to shift the battleground from "should the award be enforced?" to "which court, which statute, and how long does the pathway take?" *Taisei* is the clearest example: the Supreme Court held the civil court had no subject-matter jurisdiction, set aside the civil-court route, and rejected the attempt to process the dispute under the 1940 Act rather than the 2011 Act channel.

Interim measures can also create time-friction: in China Water, the interim award dated 2016 was enforced several years later, after substantial procedural history, even though the court ultimately recognized it and ordered execution "as though… a decree."

Table 4. Ranked choke points (by "delay potential" evidenced in open cases)

Rank	Choke point	What it looks like in practice	Illustrative case(s)
1	Wrong-forum / wrong-statute litigation	Civil suits, set-aside attempts, jurisdiction battles before reaching Sec.6 merits	Taisei
2	Appeals (vertical delay)	Enforcement orders contested to Supreme Court	Orient Power
3	"Finality" debate (interim measures)	Interim award enforcement contested as not final, despite being binding	China Water
4	Public policy argumentation	Broad framing attempts; courts narrow the lens	Orient Power; Tradhol
5	Execution stage complexity	Even after recognition, the case moves into execution with CPC mechanics	Tradhol
6	Service/non-appearance dynamics	Ex parte decree possible, but service itself can consume time	Dhanya Agro

Time-to-Outcome Indicators (where Dates are Stated in the Judgments)

To keep the metric honest, I only computed durations when both endpoints were stated in the judgment text.

Table 5. Timeline metrics from stated dates

Case	Start point used	End point used	Duration (approx.)	Note
Dhanya Agro	Award effective 12.11.2015	Enforcement order 16.08.2018	2.76 yrs	Ex parte posture after service
China Water	Interim award 06.07.2016	Order announced 27.09.2019	3 yrs	Interim-award enforceability litigated
Tradhol	Hearing date 2019 (in judgment)	Enforcement decision 28.04.2020	1 year	Court then converts to execution
Franzen	Hearing 2018	Order 08.10.2019	1 year	Fast execution-style pathway
Orient Power	LHC judgment 01.08.2019	SC decision 17.08.2020	1 year	Time-cost of appeal even when enforcement survives

What this suggests (within the open dataset): Pakistan's post-2011 courts frequently reach pro-enforcement endpoints, but time-to-resolution varies sharply—from days/weeks in some High Court enforcement orders to years when collateral proceedings, appeals, or interim-measures litigation expand the procedural track.

Discussion

The findings indicate a bi-speed two-post-2011 arbitration regime: doctrinally in favour of enforcing at the point of decision, but procedurally susceptible to delay prior to the point of decision being arrived at (Dickson, 2018). In the charted judgments, enforcement was finally awarded (or affirmed) over the matters at risk of enforcement, which would indicate that courts are increasingly accepting recognition and enforcement as a matter of course and not a suggestion to review the merits again (Born, 2014). This is in-keeping with the logics of enforcement of the New York Convention refusal as the exception, and with the pro-enforcement yardsticks employed more generally in comparative arbitration theory.

Meanwhile, there is also some evidence of the concern regarding procedural paralysis: resistance strategies stop being substantive and develop into procedural blockage. The most obvious point of constriction is gateway litigation- debates on whether the award is foreign or not, which statute to apply, and which court to sit in (Shah, 2020). When these disputes are taken on parallel civil-court tracks, enforcement is by a multi-track and time-consuming means, although a higher court may subsequently reinstatethe correct track. This tendency is aligned with the international commentary according to which the enforcement systems may become erratic when threshold questions (validity, scope, arbitrability, and competence of the forums) are turned into a quasi-merits dispute. (United Nations Commission on International Trade Law, 2016).

The second significant point of contention is the public policy exception which is not necessarily successful, but can be invoked in a very broad way, wastes judicial time. The post-2011 framework assumes that there are limited refusal grounds, but where the claim of a public policy is made as an open-ended correction to what is perceived to be unfair or commercially disadvantageous, there is a risk of undermining Convention discipline (Orawiec, 2017). Comparative work cautions that elastic public policy thinking generates uncertainty and promotes tactical problems. The cases that were mapped indicate that the courts tend to oppose that expansion, yet the very possibility of the availability of the argument can prolong the proceedings and provide appeals (Cassimatis, 2019; Orawiec, 2017; International Bar Association, 2015).

Third, stays and interim-relief litigation serve as a second battle ground. Even in the absence of refusal of enforcement, interim orders may stay the wave and re-present the case as an urgent, injunctive control and not enforcement of an award. This aligns with broader enforcement literature that stays, particularly ones with easy access, weaken arbitral finality by transforming enforcement into a long-term supervisory procedure. Likewise, arguments on the imposition of an interim award depict the effects of finality arguments on deferment of result, even though a final decision is eventually enforced (Blackaby et al., 2015; Queen Mary University of London & White & Case LLP, 2018).

In general, the post-2011 course can be described as a trend of improvement in doctrine and systematic drag of procedures in practice. The enforcement stance of Pakistan seems to become more Convention-compliant at the end, although the course of action is still vulnerable to the jurisdiction manipulation, framing of policies, and the delay induced by stay. The implication of the reform is focused: an increase in case-management discipline, a reduction in stay practices, and an equalization of how gateway objections are treated would probably provide more progress than additional symbolic statutory reform (Idrees et al., 2020; Ranjah, 2020).

Conclusion

In this article, the author aimed to assess whether or not the post 2011 arbitration structure in Pakistan is a real move towards New York Convention type enforcement or is procedural paralysis throttling enforcement. These findings hold a somewhat intelligible but mixed conclusion the law-and-reasoning endpoint has shifted towards a pro-enforcement direction, but the procedural route is susceptible to delay. Throughout the mapped mapped post-2011 judgments, it is found that courts tend to accept the Convention logic of enforcement as the rule and refusal as the exception and do not seem inclined to revisit the merits behind the claims of enforcement review. This is in line with modern interpretations of Convention discipline and pro-enforcement norms.

But it is also evidenced that delay risks can prevail by way of procedural resistance tactics. The bottlenecks with the most consequences are those in which award-debtors dispute gateway issues, i.e. forum competence, statute selection and the classification of awards as foreign, developing parallel tracks that need to be fixed on appeal. Also, the exception of the public policy and stay/interim-relief practices may prolong the enforcement timeframes even in cases when refusal will be denied, transforming recognition into the three-step process and encouraging tactical litigation. These trends demonstrate that the progress cannot be quantified only by the fact that enforcement is ultimately awarded, it also has to be evaluated by the pace, predictability and the ability of the system to resist the derailment of the procedures.

In this regard therefore the post 2011 regime in Pakistan may be described as strides in formal alignment and judicial performance, which is limited by the drag on the procedure. The message of the policy is not radical and should be taught as a policy lesson: case-management discipline, a stricter stay practice, and a more uniform approach to managing gateway objections would produce more benefits than additional headline changes. The magnitude of the dataset should be increased by future studies to unreported enforcement orders, and time-to-enforcement must be monitored more systematically to estimate the actual cost of procedural bottlenecks, as well as to determine whether there is court specific variation in enforcement performance (Ghouri, 2013; Idrees et al., 2020; Ullah, 2017).

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