

# Interview with Sayed Abdelbaki Seif El Nasr

Chief Justice of the Dubai Court of Appeal



*Interviewed by Dr. Hussam Al Talhuni*

## 1 What, in your view, is the relationship between law and arbitration?

The relationship between them is co-operation on one hand, and control on the other. The judiciary ensures that the parties to the arbitration, have a written agreement and that they observe the application of law. Under the applicable law of the United Arab Emirates, arbitration is governed by 15 Articles i.e. *Articles 203-218 of the Law of Civil Procedures*, which set out the provisions to be observed by the two parties to the arbitration. At this point, the law stipulates that the arbitral agreement should be made in writing, even in such circumstances where the arbitrator is authorised to settle the issue by conciliation. The question brought for arbitration should not in any way be in violation of the Public Order.

The law does not prevent the parties from agreeing on the application of a foreign law and to make the arbitral rules subject to the international trade law or the French law etc., even if the business relationship, the subject matter of arbitration, is purely local. In such a case, the parties may agree on the application of another law, as long as such law is not in conflict with public order, and that the parties involved should not have the intention to override the imperative and applicable rules in the country.

The judiciary assists the parties to the arbitration on the selection of an arbitrator, as the parties are permitted to agree on the arbitrator. However, if they do not reach an