



## Editorial

It is my honour to welcome you to the fourth and last issue of Volume I of the **DIAC Journal**. This issue includes a special summary of the Board of Trustees meeting held on 22nd November 2004. The DIAC Board members, selected from the world's most distinguished international commercial arbitration specialists, add an element of experience and trust, in addition to confirming the independence of the Centre. A summary of the events organised by the centre will be included in this issue.

On the substantial side, this issue includes several valuable articles on various topics. Starting with Dr. Osama Al Nachef's article, this article focuses on mediation as a suitable means for resolving maritime disputes, whilst providing reasons for the suitability of mediation to this important sector in the Middle East and worldwide. Dr. Al Nachef concludes his article by envisaging DIAC's role in resolving maritime disputes in the region.

In his distinguished style which is based on knowledge and practical experience, Professor Mark Cato, draws comparisons between the laws of the UK and UAE along with the UNCITRAL Model Law. He examines the practical aspects which an arbitrator should consider, and refers through this comparative study, to the importance of developing and issuing an independent arbitration law in the UAE and the importance of joining the New York Convention for the Recognition and Enforcement of Foreign Arbitral Awards. He finds that this is important in order to have a major role in providing arbitration services at a regional and international level.

Professor Dr. Hans van Houtte's article discusses one of the most important aspects of arbitration; the duties of an arbitrator. He explains the rules which govern the ethics and practice of an arbitrator. He concludes that an arbitrator should practice his work through a Code of Ethics, which imposes on the arbitrator the duties of impartiality and independence. Such rules are commonly used internationally through the rules and codes applied in various arbitration institutes.

In his article, Jason Majid reviews the applicable arbitration procedures in Iraq including the commencement of procedures, the appointment of arbitrators, the jurisdiction of courts on arbitration, and the enforcement of arbitration awards. He also provides a modern study on the applicable means available for resolving commercial disputes arising under newly applicable laws of investment and construction agreements in Iraq, and how enforcement of arbitration awards in Iraq are effected under regional treaties, for example the Riyadh Convention. He reaches a conclusion in which he provides several recommendations aimed at developing arbitration services in Iraq.

In Ahmed Sharaf El Din's article, he analyses a judicial decision issued by the Court of Appeal in Cairo relating to the extent of the court's authority to interfere with arbitration procedures, particularly in relation to procedural time limits, notwithstanding the parties' consent on determining such procedural matters and the authority of the arbitral tribunal to extend the time limit for issuing the arbitral award.

The last article written by Ashraf El Motei summarises legislative developments on arbitration during the last century. He refers to the importance of finding a balance