



Comparison between the Basic Rules* for Arbitration in Iraqi Law and in United Arab Emirates Law

by
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Iraq's Civil Procedures Law No. 83 for 1969 (as amended) has devoted a special chapter on Arbitration, dealt with under Articles 251-276. The United Arab Emirates' Civil Procedures Law No. 11 for 1992 has also devoted a specific chapter to Arbitration, dealt with under Articles 203-218. The two Laws deal with the important basic aspects of Arbitration, thereby reflect the degree of attention given by both legislators to arbitration, as an exemplary tool for resolving disputes, even though neither state has a special Arbitration Law, till now.

If we review the basic rules for Arbitration in the laws of both states, we can notice that they have some major aspects in common while they differ in some others, in addition to some differences on other relevant legal applications. The importance of this study lies in its examination of these aspects.

Basic principles common in the laws of both states:

- The arbitration is only valid if in writing (Article 252 of Iraqi Civil Procedures Law and Article 203 of UAE Civil Procedures Law)
- If one of the parties resorts to taking legal action without taking into account the arbitration clause, whether the case proceeds or not depends on how much the other party objects to this in the first hearing. If the other party does not object in the first hearing, the case may be examined by the court and the arbitration clause is deemed null and void (Article 253/2 of Iraqi Civil Procedures Law and Article 203/5 of UAE Civil Procedures Law).
- If no time limit is set for the arbitrators to issue their award, they must issue it within six months from the date they agreed

**This article has been translated from Arabic*