



Note on Arbitration Under UAE Law

by

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Introduction

There is a consensus that the Middle East needs a world-class arbitration centre especially if it wishes to continue to attract major international transactions. Dubai is fully aware of this and, as the Middle East's leading business place, has been working towards its implementation. Over the last few years, Dubai has observed the emergence of arbitration institutions with modern rules based on best international practices, a broad range of arbitrators, the involvement of high-caliber international arbitrators in major arbitration proceedings and the implantation of world-class arbitration legal practitioners. At the same time, the U.A.E has acceded to the New York Convention, which, along with the regional and Gulf Cooperation Council's conventions, is meant to facilitate the enforcement of arbitration awards in the Middle Eastern region.

Furthermore, Dubai courts' jurisprudence is increasingly encouraging parties to refer their differences to arbitration. The following review of the Dubai Court of Cassation jurisprudence illustrates this fact.

The frame is set for Dubai; it lacks, however, one last thing: the enactment of the long-awaited new arbitration law¹.

It should be pointed out from the outset, that the UAE - like other Gulf and Arab countries - is inspired by the civil law system². The following jurisprudential review,

1 A draft based on the UNCITRAL Model Law, taking into consideration the legal system of the UAE, is to be proposed to the Federal Government shortly; this draft is the fruit of the contribution of Dr. Husam Talhuni, Dr. Habib Al Mulla and Karim Nassif.

2 "Code Napoleon" and especially Egypt. After the formation of the federation, the UAE looked towards Egypt for the drafting of its major codes. Egyptian legal experts thus heavily influenced the legislative process in the UAE. Even today, many years after the formation of the federation, UAE courts will look to Egyptian authorities for guidance on matters that are unclear in UAE laws. The fact that many judges sitting in UAE courts are Egyptian adds to this formula. However, it is not correct to assume that the UAE codes are copies of the Egyptian codes or that the Egyptian authorities will apply indiscriminately. The UAE's legislation definitely differs from that of Egypt when it comes to particular details.