

# DRAFTING ENFORCEABLE ARBITRATION AWARDS IN THE UAE



United Arab  
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مركز دبي للتحكيم الدولي

Dubai International Arbitration Centre

An Initiative by Dubai Chamber of Commerce & Industry

# DRAFTING ENFORCEABLE ARBITRATION AWARDS IN THE UAE

## DATE

24 - 25 June, 2014

## VENUE

2<sup>nd</sup> Floor of the Dubai Chamber of Commerce and Industry  
Baniyas Road, Deira, Dubai

## WHAT IS THE AIM OF THE COURSE?

To provide knowledge of and practice in, the requirements for the writing of a reasoned and enforceable arbitration Award in a commercial dispute. The course is based on the latest version of the UNCITRAL Arbitration Rules and Model Law and on the DIAC Arbitration Rules (2007), but with a distinct session on the law applicable to arbitration in the UAE.

## WHAT ARE THE LEARNING OUTCOMES?

To demonstrate a knowledge and understanding of what is involved in writing an enforceable Arbitral Award, including:

- distilling issues from submissions and putting them in chronological order;
- dealing with all the matters pleaded by the parties;
- deciding all matters in dispute fairly;
- allocating costs appropriately;
- demonstrating an intelligent and intelligible use of language, grammatically correct and correctly spelled;
- completing all the legal and other requirements for enforceability;
- demonstrate practical skill in writing a formal document that is legally satisfactory, clear, cogent, comprehensive and concise and demonstrate skill in evaluating evidence, distilling issues from submissions and deciding issues by applying legal principles to facts.

## COURSE PROGRAMME

The course will be held over two full days

## TOPICS

- Introduction
- Purpose of an Arbitral Award (resolving the dispute, informing the parties, informing the court difference between awards and judgements)
- Legal and Substantive Requirements (form of award, dated, seat of the arbitration)
- Legal Framework for the arbitration (arbitration agreement, law of the contract, law of the arbitration, other relevant law)
- Types of Award (reasoned/unreasoned, final, partial, award by consent)
- Structure of an Award (heading, final or interim award, recitals, operative award, reasons section of the award, facts, issues, findings, dealing with cost issues)
- Writing an International Award (procedural compliance, language and reasoning, awards and costs, formalities)
- Costs and Interest
- Writing in Plain English (purpose, punctuation, top tips for writing in plain English)
- The Reasoning Process (reasons, starting to write, telling the story, understanding the evidence, deciding);
- Notification of an Award
- Challenge / Enforcement (New York Convention 1958)
- Peculiarities of Award Writing in the UAE;
- Award checklist (for awards written in the UAE).

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## COURSE FEES

- AED 4500
- AED 4000 for DIAC Associate Members and/or Fellows of the Chartered Institute of Arbitrators

The fees include course materials, certificate of participation, lunch and refreshment breaks.

## REGISTRATION

- Online registration: [www.diac.ae](http://www.diac.ae)
- For offline registration, please contact Ms Ritta Saoud at the DIAC events at +971-4-2028270/375  
e-mail: [ritta.saoud@dubaichamber.com](mailto:ritta.saoud@dubaichamber.com) / [Diacevents@dubaichamber.com](mailto:Diacevents@dubaichamber.com)

## LIMITED PLACES

The number of delegates is limited and therefore places on the course shall be on a first pay first served basis.

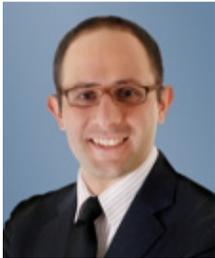
Please note that this award writing course is not being run at an introductory level. It has been designed for professionals with a good working knowledge and experience of international arbitration. Participants should ideally have already acted as an arbitrator or be a “Fellow” of the Chartered Institute of Arbitrators.

## CANCELLATION

- 25% will be refunded if cancellation is done 15 working days prior to the event
- No refund if cancellation is done 14 working days prior to the event

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## TUTORS:



**Course Director**  
**Alain Farhad**

*Senior Associate, Freshfields Bruckhaus Deringer's International Arbitration Group, Dubai - UAE*

Alain is a member of Freshfields Bruckhaus Deringer's international arbitration group based in Dubai since January 2011. Prior to relocating to Dubai, Alain practiced law in Paris. Alain is admitted as an attorney and counselor at law in the State of New York and as an Avocat à la Cour in Paris and has rights of audience before the DIFC Courts.

Alain acts as legal counsel in international disputes arising out of commercial contracts and investment protection treaties. He has acted in over forty international arbitration proceedings conducted under the rules of arbitration of the ICC, DIAC, ICSID, LCIA and UNCITRAL. Alain is also regularly appointed to act as sole arbitrator, co-arbitrator or chairman of arbitral tribunals in a variety of international arbitration proceedings.

Alain is a member of the ICC UAE Steering committee. He regularly publishes and speaks at conferences in relation to international arbitration matters. He is also a lecturer at the University of Versailles and the Sorbonne Abu Dhabi University.

He is fluent in English, French and Farsi and has some knowledge of Romanian, German and Russian.



**Alec Emmerson**

*Consultant, Dispute Resolution, Clyde & Co, Dubai - UAE*

Alec moved initially into the disputes sector on joining Clyde & Co in 1977, having previously spent five years handling corporate insolvencies. He managed the Hong Kong office from 1984 onwards, handling headline cases such as the Carrion fraud and many "phantom" ship frauds. Alec also handled numerous arbitrations, investment dispute, disaster and commercial contract litigation, and was well-known in most areas of insurance dispute resolution. He returned to London in 1996, and then moved to the Dubai office in 1999 as head of the dispute resolution group, where he continues to practise in the same areas. He retired early as a partner in mid 2008 to work as an independent arbitrator and as a consultant for the firm acting for clients in complex disputes including ADCCAC, DIAC, DIFC-LCIA, ICC, LCIA, LMAA, SCMA & SIAC disputes.

He sits as an arbitrator in a wide range of disputes under most of these institutions' rules as well as in UNCITRAL and other ad hoc arbitrations. Alec provides his expertise to teams in the firm handling a wide range of arbitrations.

Alec is a Fellow of the Chartered Institute of Arbitrators and is listed as a leading individual in the 2009 to 2014 international Who's Who of commercial Arbitration and other publications.

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**Ian Dalley**  
*Partner, Dentons, Abu Dhabi - UAE*

Ian heads the engineering and construction dispute resolution team of the law firm Dentons in Abu Dhabi. He is dual qualified as a professional design engineer and an English solicitor. He is a Chartered Arbitrator and UAE course director with the Chartered Institute of Arbitrators, and his membership of dispute resolution panels includes DIAC and LCIA-DIFC. He has been involved in ad hoc, ICC, LCIA, UNCITRAL, ICSID, DIAC and ADCCAC arbitrations and is a CEDR accredited mediator. Ian holds a Masters in Engineering from Imperial College, University of London, and is a Chartered Engineer and a Fellow of the Institution of Engineering & Technology. He has been resident in the UAE for seven years.



**Dr. Gordon Blanke**  
*Counsel and Sector Leader, International Arbitration Group of Baker & McKenzie. Habib Al Mulla, Dubai - UAE*

Gordon is Counsel and Sector Leader in the International Arbitration Group of Baker & McKenzie. Habib Al Mulla, Dubai. He has extensive wide-ranging experience in all types of international commercial arbitration in both the common and civil law legal systems, having acted as advising counsel and arbitrator under most leading institutional arbitration rules (including the ICC, LCIA, DIFC-LCIA, DIAC, ADCCAC and JAMS arbitration rules) and ad hoc in arbitrations seated in the US, Europe and the Middle East in relation to a variety of industry sectors, including private equity, banking & finance, construction/real estate, commodities, hospitality, travel/leisure, shipping, oil & gas etc. Gordon speaks regularly on international arbitration. He has published over 100 books and articles on international arbitration, including in particular Comparison of Gulf International Arbitration Rules and Comparison of MENA International Arbitration Rules, both published with Juris in 2010 and 2011 respectively, and most recently Annotated Guide to Arbitration in the UAE: Volume I - The UAE Arbitration Chapter, Thomson Reuters, 2014. Gordon is on the editorial board of a number of leading arbitration journals, including Arbitration, the Journal of the Chartered Institute of Arbitrators. Gordon is fluent in English, French, German and Spanish.



**Lara Hammoud**  
*Senior Legal Advisor, ADNOC, Abu Dhabi - UAE*

Lara Hammoud has been practicing international arbitration for over twelve years. She is currently a Senior Legal Counsel in the Litigation and Arbitration Division of the Abu Dhabi National Oil Company (ADNOC). She also acts as arbitrator in cases under the auspices of leading international and regional arbitration institutions. Before joining ADNOC, Lara was a Senior Associate in Shearman & Sterling's International Arbitration group. She joined the Abu Dhabi office of the firm in 2008 and has been based in Abu Dhabi office since then.

Before joining Shearman & Sterling LLP, Lara spent six years at the International Chamber of Commerce (ICC). She was for four years member of the Secretariat of the ICC Court of International Arbitration, where she managed international arbitrations. She was then promoted to Director of ICC Dispute Resolution Services and the Secretary to the ICC Commission on Arbitration. Lara is a French qualified lawyer and holds a DESS in International Commercial Law from the University Paris X and an LLM in Commercial Law from the University of Bristol. She speaks Arabic, English, French and Italian.

Lara is the writer and editor of numerous articles and books relating to international arbitration. She also regularly appears as speaker in international conferences and arbitration workshops.

# DRAFTING ENFORCEABLE ARBITRATION AWARDS IN THE UAE

## ORGANIZERS

### **Dubai International Arbitration Centre (DIAC)**

The DIAC is a prominent arbitration centre in the Middle East. It was initially established by the Dubai Chamber of Commerce and Industry (Dubai Chamber) in 1994 as the Centre for Commercial Conciliation and Arbitration. The DIAC is a non-profit institution that is independent in its operations from both the Government of Dubai and the Dubai Chamber. The DIAC provides the local, regional and international business communities with high-caliber arbitration services.

The services that DIAC offers include the overseeing of arbitration proceedings, the appointment of arbitrators from a pool of locally and internationally qualified professionals, the dealing with challenges against tribunal members and any matters related to DIAC's fees and costs structure.

DIAC also maintains a directory of experts who are recognised for their professional knowledge and practical experience in this field.

Located in the heart of Dubai on the 14th floor of the Dubai Chamber's headquarters, DIAC offers modern facilities, including meeting and hearing rooms with a range of electronic services.

The DIAC Arbitration Rules, adopted in 2007, are in line with international standards. The implementation of the DIAC Arbitration Rules by the DIAC is ultimately supervised by the DIAC's Board of Trustees, comprised of experienced local and international arbitration specialists. Furthermore, certain decisions and functions, including the appointments of arbitrators, are made by the DIAC's Executive Committee, which is comprised of five members of DIAC's Board of Trustees.

The centre's associate membership allows members to enhance their knowledge and experience in international commercial arbitration by participating in seminars, training workshops and international conferences.

For more information about DIAC please visit: [www.diac.ae](http://www.diac.ae)

### **Chartered Institute of Arbitrators (CIArb)**

With 12,000+ members worldwide, the CIArb is the professional home for dispute resolution, setting global standards for dispute management.

The Chartered Institute exists for the global promotion, facilitation and development of all forms of private dispute resolution to maximize the contribution that dispute resolution practitioners make.

In addition to providing education and training for arbitrators, mediators and adjudicators, we act as an international centre for practitioners, policy makers, academics and those in business concerned with the cost-effective and early settlement of disputes - giving users confidence that the very best people are helping to resolve their disputes.

For more information on the Chartered Institute's membership grades and training please see <http://www.ciarb.org/united-arab-emirates/>

#### **Your local CIArb branch**

With over 650 members, the UAE Branch is just one of a growing network of CIArb branches across the world, offering CIArb members opportunities to communicate and network with other professionals on a global basis.

We offer members, and those interested in becoming members, training & education, social/networking events and more, as well as access to central services from the CIArb's Executive Office in Bloomsbury Square, London UK and at [www.ciarb.org](http://www.ciarb.org).

For all training related queries please contact Mr Graeme Freear who is responsible for delivery of all of our training in the UAE [gfr@vanoord.com](mailto:gfr@vanoord.com).

For any other queries please visit <http://www.ciarb.org/united-arab-emirates/contact-us/> to find the relevant person.

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## FURTHER INFORMATION

### **Travel and Accommodation**

Participants are responsible for making their own visa, travel and hotel arrangements.

### **Disclaimer**

The organizers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other Published particulars.



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