

Decree No. (17) of 2019

Approving the

Statute of the Dubai International Arbitration Centre¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Federal Law No. (6) of 2018 Concerning Arbitration;

Law No. (8) of 1997 Regulating the Dubai Chamber of Commerce and Industry, its Implementing Bylaw, and their amendments;

Decree No. (10) of 2004 Establishing the Dubai International Arbitration Centre; and

Decree No. (58) of 2009 Approving the Statute of the Dubai International Arbitration Centre,

Do hereby issue this Decree.

Statute Approval

Article (1)

Pursuant to this Decree, the attached Statute of the Dubai International Arbitration Centre, inclusive of the rules and provisions stipulated therein, is approved.

Supersession and Repeals

Article (2)

- a. The Statute attached to this Decree supersedes the Statute approved pursuant to the above-mentioned Decree No. (58) of 2009.
 - b. Any provision in any other legislation will be repealed to the extent that it contradicts the provisions of this Decree and the Statute attached hereto.
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Publication and Commencement

Article (3)

This Decree will be published in the Official Gazette and will come into force on the day on which it is published.

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 23 April 2019

Corresponding to 18 Shaban 1440 A.H.

Statute of the Dubai International Arbitration Centre

Chapter One

Preliminary Provisions

Definitions

Article (1)

The following words and expressions, wherever mentioned in this Statute, will have the meaning indicated opposite each of them unless the context implies otherwise:

UAE:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
DCCI:	The Dubai Chamber of Commerce and Industry.
Board of Directors:	The board of directors of the DCCI.
DIAC:	The Dubai International Arbitration Centre.
Board of Trustees:	The board of trustees of DIAC.
Chairman:	The chairman of the Board of Trustees.
Executive Committee:	The executive committee of DIAC.
Sub-committees:	The committees formed pursuant to a resolution of the Board of Trustees to perform the duties assigned to them in that resolution.
Director:	The director of DIAC.

Scope of Application

Article (2)

- a. This Statute will apply to the Dubai International Arbitration Centre established pursuant to the above-mentioned Decree No. (10) of 2004. DIAC is hereby affiliated to the DCCI.
- b. DIAC will enjoy full independence in providing its services of resolving disputes through arbitration or conciliation.

Objectives of DIAC

Article (3)

DIAC aims to:

1. manage national, regional, and international arbitration through an integrated and advanced institutional framework;
2. encourage recourse to arbitration as the fastest and most cost-effective means of resolving disputes, with a view to serving the finance and business sector;
3. provide a legal environment that supports the development of business in the Emirate by efficiently and effectively resolving the disputes arising therefrom through arbitration;
4. enhance arbitration procedures to be in line with the requirements of good governance, integrity, and justice;
5. contribute to promoting the culture of arbitration at the local, regional, and international levels; and
6. provide flexible and impartial mechanisms to easily and smoothly resolve disputes.

Functions of DIAC

Article (4)

For the purpose of achieving its objectives, DIAC will have the duties and powers to:

1. provide the service of resolving national and international commercial disputes through arbitration and conciliation, in accordance with the provisions of this Statute and the rules adopted by DIAC or the rules agreed upon by parties to disputes;
2. promote and develop cooperation between DIAC and other specialised local, regional, and international arbitral institutions and arbitration centres;
3. promote awareness on the importance of arbitration and conciliation;
4. organise conferences, symposia, workshops, and training courses; and issue publications specialised in arbitration and conciliation;
5. create a register of qualified arbitrators, experts, and conciliators who are knowledgeable about arbitration or conciliation requirements and procedures; and
6. exercise any other duties or powers required for the achievement of the objectives of DIAC.

DIAC Regulations

Article (5)

- a. The arbitration rules and procedures of DIAC and any amendment thereto will be governed by a decree issued by the Ruler in this respect.
- b. The conciliation rules and procedures of DIAC and any amendment thereto will be governed by the bylaws approved by the Board of Trustees in consultation with the Board of Directors.
- c. The work procedures of DIAC will be regulated pursuant to the bylaws issued by the Board of Trustees. These bylaws will regulate the areas pertaining to the duties and powers assigned to DIAC under this Statute.
- d. The administrative and financial bylaws and human resources regulations of the DCCI will apply to DIAC and its employees.

Organisational Structure

Article (6)

DIAC will have the following organisational levels:

1. the Board of Trustees;
2. the Executive Committee; and
3. the administrative body.

Chapter Two

Board of Trustees

Formation of the Board of Trustees

Article (7)

- a. DIAC will have a Board of Trustees comprised of a Chairman, a vice chairman, and no more than fifteen (15) members who are experienced and specialised in arbitration and conciliation. Members of the Board of Trustees will be appointed pursuant to a decree of the Ruler upon the recommendation of the Board of Directors.
- b. Where the post of Chairman falls vacant for any of the reasons stipulated in Article (11) of this Statute, the vice chairman will act as the Chairman until a new Chairman is appointed.
- c. Where the post of a member of the Board of Trustees falls vacant for any of the reasons stipulated in Article (11) of this Statute, the Board of Trustees will continue to perform its duties, provided that the number of the remaining members, including the Chairman and vice chairman, is not less than two-thirds (2/3) of the original number of members.

Term of Membership of the Board of Trustees

Article (8)

- a. Membership of the Board of Trustees will be for a term of three (3) years, renewable for the same period.

- b. Where a new member is appointed in place of another member of the Board of Trustees, the new member will serve for the remainder of the term of his predecessor.
- c. Where the Board of Trustees is not reconstituted upon the expiry of its term of membership, the Board of Trustees whose term has expired will continue to perform its duties until a new Board of Trustees is formed.

Functions of the Board of Trustees

Article (9)

- a. The Board of Trustees will supervise DIAC. For this purpose, it will have the duties and powers to:
 - 1. approve, and supervise the implementation of, the general policy and strategic plans of DIAC;
 - 2. propose amendments to this Statute and to the arbitration rules and procedures in consultation with the Board of Directors. The Board of Directors will then submit such amendments to the competent entities in the Emirate for consideration in preparation for approval and issuance pursuant to a decree of the Ruler;
 - 3. approve the organisational structure of the administrative body of DIAC and its internal bylaws and regulations, and submit the same to the Board of Directors for final approval;
 - 4. approve, in consultation with the Board of Directors, the list of fees of arbitrators, conciliators, and experts engaged by DIAC;
 - 5. approve the bylaws prescribing the requirements for registration of arbitrators, conciliators, and experts and the procedures for DIAC membership;
 - 6. approve, in consultation with the Board of Directors, DIAC membership fees and the fees for registration of proceedings, for registration of arbitrators and conciliators, and for other services provided by DIAC;
 - 7. approve the annual report on the work and activities of DIAC, and submit the same to the Board of Directors;
 - 8. approve the annual budget and financial statements of DIAC, and submit the same to the Board of Directors for final approval;
 - 9. form and dissolve Sub-committees and determine their duties;
 - 10. propose the remuneration of members of the Executive Committee and of the Sub-committees formed within DIAC, in accordance with this Statute, and submit the same to the Board of Directors for approval as part of the annual budget of DIAC;
 - 11. approve the code of conduct and professional ethics of arbitrators and conciliators, which must observe the principles of good governance, transparency, integrity, and justice; and
 - 12. exercise any other duties or powers required to achieve the objectives of DIAC, as assigned to it by the Board of Directors.
- b. With the exception of the powers set out in sub-paragraphs (a)(1) and (a)(8) of this Article, the Board of Trustees may delegate any of its powers under paragraph (a) of this Article to the Director or the Executive Committee, provided that such delegation is specific and in writing.
- c. The Chairman or his authorised representative will have the authority to execute cooperation agreements and memoranda of understanding between DIAC and other specialised local and international arbitral institutions and arbitration centres.

Meetings of the Board of Trustees

Article (10)

- a. The Board of Trustees will convene at the invitation of the Chairman, or the vice chairman in case of absence of the Chairman, or upon the request of the Executive Committee, at least four (4) times a year and where required, at the time and venue specified in the meeting invitation.
- b. The rules and procedures for holding and managing the Board of Trustees meetings, the methods of passing its decisions and recommendations and recording the minutes of its meetings, the means of communication amongst its members, and any other related matters will be regulated by the relevant bylaws approved by the Board of Trustees.
- c. Meetings of the Board of Trustees will be chaired by the Chairman or, in his absence, by the vice chairman. Where both the Chairman and the vice chairman are absent, the Board of Trustees will elect from amongst its members the chair of the meeting.
- d. Where the subject matter of a meeting relates to amending the DIAC Rules of Arbitration and Conciliation or any of the DIAC bylaws, the meeting will be valid only if attended by at least two-thirds (2/3) of the members of the Board of Trustees, provided that the Chairman or vice chairman is in attendance. In this case, the resolutions of the Board of Trustees will be passed by a majority vote of at least three-quarters (3/4) of attending members.

Termination of Membership

Article (11)

The membership of a member of the Board of Trustees will be terminated if he:

1. passes away;
2. is declared bankrupt or insolvent;
3. resigns by means of a letter addressed to the Board of Trustees;
4. becomes of defective legal capacity or legally incapacitated under the laws of his country of citizenship or the UAE laws; or
5. is convicted by a final court judgement in a felony or other crime affecting honour or trustworthiness, even if he has been rehabilitated.

Chapter Three

Executive Committee and Sub-committees

Formation of the Executive Committee

Article (12)

- a. An Executive Committee will be formed at DIAC. The Executive Committee will be comprised of at least five (5) members of the Board of Trustees including its chairman and vice chairman. Members of the Executive Committee will be appointed pursuant to a resolution of the Chairman, based on consultation with the Board of Trustees members, at the first meeting of the Board of Trustees.
- b. Membership of the Executive Committee will be for a term of three (3) years, renewable for the same period.

- c. Where the post of a member of the Executive Committee falls vacant, or the member becomes incapable of performing his duties for any reason whatsoever, the Chairman will, in consultation with the Board of Trustees members, appoint another member to replace him for the remainder of the tenure of the Executive Committee.

Functions of the Executive Committee

Article (13)

- a. The Executive Committee will have the duties and powers to:
1. propose amendments to the DIAC Rules of Arbitration and Conciliation in accordance with Articles (5) and (9) of this Statute;
 2. supervise the implementation of this Statute, the DIAC Rules of Arbitration and Conciliation, and the bylaws that are relevant to the duties of DIAC; and issue the instructions required for their implementation;
 3. consider and determine applications for registration on the lists of arbitrators, conciliators, and experts;
 4. appoint arbitral tribunals and conciliation panels in accordance with the DIAC Rules of Arbitration and Conciliation;
 5. assist the Board of Trustees in all urgent matters referred to it, when so requested;
 6. prepare periodic reports on its performance, and submit these to the Board of Trustees;
 7. seek assistance from experts and specialists as it deems appropriate to assist it in performing its duties under this Statute, provided that they do not have a vote in its deliberations; and
 8. exercise any other duties or powers assigned to the Executive Committee under this Statute, the DIAC Rules of Arbitration and Conciliation, and the bylaws of the DIAC; or assigned to it by the Board of Trustees.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the Board of Trustees may assign any of the duties and powers of the Executive Committee stipulated in paragraph (a) of this Article to one or more of the Sub-committees formed in accordance with Article (15) of this Statute.

Meetings of the Executive Committee

Article (14)

The rules and procedures for holding and managing the Executive Committee meetings, frequency of its meetings, the methods of passing its recommendations and decisions and recording the minutes of its meetings, the means of communication amongst its members, and any other related matters will be regulated by the relevant bylaws approved by the Board of Trustees.

Formation of Sub-committees

Article (15)

- a. The Board of Trustees may, pursuant to a resolution it issues in this respect, form Sub-committees from amongst its members or other persons.
- b. A Sub-committee may invite the experts and specialists it deems appropriate to attend its meetings, provided that they do not have a vote in its deliberations.

- c. The rules and procedures for holding and managing Sub-committees' meetings, frequency of their meetings, the methods of passing their recommendations and decisions and recording the minutes of their meetings, the means of communication amongst their members, and any other related matters will be regulated by the relevant bylaws approved by the Board of Trustees.

Chapter Four

Management of DIAC

Appointment and Duties of the Director

Article (16)

- a. The Director will be appointed pursuant to a resolution of the Board of Directors on the nomination of the Board of Trustees.
- b. The Director will have the duties and powers to:
 - 1. propose the general policy and strategic plans of DIAC, submit the same to the Board of Trustees for approval, and follow up their implementation;
 - 2. propose the bylaws regulating DIAC work, and submit the same for approval in accordance with the provisions of this Statute;
 - 3. consider applications for registration on the lists of arbitrators, conciliators, and experts and for DIAC membership;
 - 4. propose the organisational structure of DIAC administrative body, and submit the same to the Board of Trustees for approval;
 - 5. implement the resolutions issued by the Board of Trustees, Executive Committee, and Sub-committees;
 - 6. attend the meetings of the Board of Trustees, Executive Committee, and Sub-committees; and participate in their discussions without having the right to vote;
 - 7. act as secretary of the meetings of the Board of Trustees, the Executive Committee, and Sub-committees; and assign any DIAC employee as secretary of the meetings of Sub-committees;
 - 8. supervise the management of the affairs of DIAC and the implementation of its annual budget;
 - 9. represent DIAC before third parties and sign documents on its behalf as per the authority and powers granted to him under this Statute; the rules and bylaws of DIAC; and the resolutions issued by the Board of Trustees, the Executive Committee, or Sub-committees;
 - 10. prepare the annual report on the achievements, work, and activities of DIAC and any other periodic reports requested by the Board of Trustees or the Executive Committee;
 - 11. provide the Board of Directors, when preparing the draft annual budget of DIAC, with financial data and information on the annual plan and administrative and logistic needs of DIAC, within the time frames prescribed by the Board of Directors in this respect; and
 - 12. exercise any other duties or powers assigned to him by the Chairman, the Board of Trustees, or the Executive Committee.

Duties of the Administrative Body

Article (17)

Subject to the duties and powers of the Director stipulated in Article (16) of this Statute, the administrative body of DIAC will, under the Director's supervision, exercise the duties and powers to:

1. receive applications for arbitration and conciliation, other applications for dispute settlement, any responses thereto, and all relevant documents; and notify the parties to the dispute thereof;
2. provide the parties to disputes, upon their request, with names of arbitrators, conciliators, and dispute settlement experts and specialists depending on their qualifications, experience, and areas of expertise;
3. prepare a summary of each dispute, and submit the same to the Executive Committee together with a copy of the arbitration application;
4. create a register to keep the files of arbitration and conciliation applications filed with DIAC; and maintain original copies of the awards rendered in respect thereof;
5. provide information on arbitration and conciliation, and explain the procedures adopted in dispute resolution;
6. develop the forms required for facilitating the arbitration and conciliation procedures;
7. create, maintain, and update an electronic register of the names, addresses, and areas of expertise of arbitrators, conciliators, experts, and DIAC members;
8. submit to the Director reports on achieved tasks and on future plans that are required for achieving the objectives of DIAC;
9. submit proposals for developing the arbitration and conciliation process;
10. record and maintain the minutes of meetings of the Board of Trustees, the Executive Committee, and Sub-committees;
11. publish and supervise periodicals and other publications of DIAC;
12. organise and participate in symposia, lectures, training courses, and workshops on dispute settlement through arbitration and conciliation;
13. cooperate with other specialised local and international arbitral institutions and arbitration centres in fields that promote the objectives of DIAC. This includes exchanging expertise and lists of arbitrators, conciliators, and experts;
14. manage the correspondence and communications that are required for the achievement of the objectives of DIAC, and that enable DIAC to exercise its duties and functions under this Statute;
15. notify the parties to disputes of the date, time, and venue of arbitration hearings where so requested by arbitral tribunals, arbitrators, or conciliators; and
16. exercise any other duties or powers that are assigned to it by the Director or that are required for running the daily business of DIAC.

Chapter Five

Financial Affairs

Financial Resources of DIAC

Article (18)

The financial resources of DIAC will consist of:

1. the annual financial support allocated by the DCCI to DIAC;
2. fees for registration of arbitration and conciliation applications;
3. fees for registration of arbitrators, conciliators, and experts; and
4. revenues generated from the activities and services of DIAC.

Accounts and Financial Year of DIAC

Article (19)

- a. In regulating its accounts and records, DIAC will apply the same accounting rules and principles adopted by the DCCI.
- b. The financial year of DIAC will commence on 1 January and will end on 31 December of each year.

Chapter Six

Final Provisions

Registration on the Lists of Arbitrators, Conciliators, and Experts

Article (20)

Registration on the lists of arbitrators, conciliators, and experts will be subject to the approval by the Executive Committee of an application submitted to DIAC on the form prescribed for this purpose, supported by the required documents; and upon the recommendation of the Director or a Sub-committee formed for this purpose.

DIAC Membership

Article (21)

Membership of DIAC will be awarded in accordance with this Statute upon submitting an application to DIAC on the form prescribed for this purpose. Membership will be awarded in accordance with the membership bylaw approved by the Board of Trustees, which determines membership categories, requirements, and fees.

Confidentiality and Impartiality

Article (22)

- a. Meetings and deliberations of the Board of Trustees and DIAC committees will be held *in camera*. No member of the Board of Trustees or member of such committees may attend or participate in meetings or vote on any matter or decision to which he is party, in which he has a direct or an indirect interest, or in respect of which he is an agent, a legal representative, a guardian, or a custodian of one of the disputants. In any event, each member must disclose such a relationship or conflict of interest, if any.
- b. A member of the Board of Trustees, a DIAC committee member, the Director, or any employee of the administrative body must not reveal or disclose, during or after his term of service with DIAC, any information or documents related to the work of DIAC.
- c. All information provided by the parties to a dispute are deemed confidential. Any person who gains access to such information must not reveal or disclose them without the written consent of the parties to the dispute or a request of the competent judicial authority.

Appointment to Arbitral Tribunals

Article (23)

A member of the Board of Trustees or of any DIAC committee; the Director; or a DIAC employee may not act as arbitrator, whether as a sole arbitrator, a presiding arbitrator, or a member of an arbitral tribunal, in any dispute referred to DIAC.

Exemption from Liability

Article (24)

Neither DIAC, nor any employee thereof, nor any member of the Board of Trustees, nor any member of a DIAC committee, nor any member of an arbitral tribunal will incur civil liability for any act or omission resulting from an inadvertent fault that he may commit in the course of performing his duties in relation to dispute settlement by DIAC.

Notices and Communications

Article (25)

- a. All notices, communications, and correspondence stipulated in this Statute and in the DIAC Rules of Arbitration and Conciliation must be in writing, and may be dispatched by facsimile, by registered mail with acknowledgement of receipt, or by the electronic means of communication specified in the DIAC bylaws.
- b. Notices, communications, and correspondence will take effect as of the day following delivery of the same to the addressee.