

Statute Rules of Dubai International Arbitration Centre

Chapter One General Provisions

Definitions

Article (1):

The following words and phrases shall have the meanings assigned thereto unless the context indicates otherwise:

“The State”: The United Arab Emirates;

“The Emirate”: Emirate of Dubai;

“The Ruler”: His Highness Ruler of Dubai;

“The Centre”: Dubai International Arbitration Centre;

“The Rules”: The Statute Rules of the Centre;

“Methods of Alternative Dispute Resolution”: methods of settling commercial disputes outside litigation. These include conciliation, arbitration and other methods as specified by the rules and by-laws of the Centre;

“Board of Trustees”: Board of Trustees of the Centre;

“Chairman”: Chairman of the Board of Trustees;

“The Committee”: The Executive Committee of the Centre;

“Sub Committees”: Committees constituted by the Board of Trustees to implement assigned duties;

Director: Director of the Centre.

Scope of application

Article (2)

These Rules shall apply to the Dubai International Arbitration Centre in accordance to Decree No (10) of 2004 concerning the establishment of the Dubai International Arbitration Centre. The Centre shall be attached to the Dubai Chamber of Commerce and Industry.

Objectives of the Centre

Article (3)

1. The Centre shall execute the following powers and duties:
2.
 - a. Providing services for settling national and international commercial disputes through using Methods of Alternative Dispute Resolution in accordance with the rules and by-laws issued under the provisions of this Statute or in accordance to the rules agreed upon between the parties of the dispute;
 - b. Providing consultations and services that are required for carrying out the procedures relating to the settlement of national commercial disputes;
 - c. Promoting and developing cooperation between the Centre and other arbitration centres and relevant institutions from within the country or outside it;
 - d. Promoting awareness of the Methods of Alternative Dispute Resolution through conferences, symposia, workshops, training courses, specialist publications and printed materials.

Rules and By-laws

Article (4)

- a. The Centre shall apply the arbitration rules that are in effect to all disputes. The same shall apply when the parties' agreement refer to the application of the Conciliation and Arbitration Rules of the Dubai Chamber of Commerce and Industry Number (12) of 1994.
- b. Disputes shall be settled in accordance to the arbitration rules which are set down by the Board of Trustees and recognised by His Highness The Ruler, to be issued upon a decree;
- c. Procedures for other Methods of Alternative Dispute Resolution shall be regulated under the by-laws issued by the Board of Trustees;
- d. The Board of Trustees shall issue by-laws which regulate the various activities operated by the Centre.

Organizational Structure

Article (5)

The organizational structure of the Centre shall consist of the following:

1. Board of Trustees,
2. Executive Committee,
3. Administrative Body.

Chapter II Board of Trustees

Formation of the Board of Trustees

Article (6)

The Centre shall have a Board of Trustees consisting of a Chairman and no less than (20) members, highly qualified in the field of arbitration from amongst the legal consultants, lawyers, academics and other specialised professions from inside and outside the Emirate.

Appointment of the Board of Trustees

Article (7)

- a. The Chairman and members of the Board of Trustees shall be appointed by a decree issued by the Ruler;
- b. The Board of Trustees shall select a Vice Chairman in its first meeting to perform the Chairman's duties in his absence or if his position is vacated for any reason;
- c. If the position of the Chairman or the Vice Chairman or one or more of the members of the Board of Trustees is vacated, a substitute member shall be appointed in accordance with paragraph (a) hereinabove. However, the Board of Trustees shall continue to perform its duties provided that the remaining number of members shall not be less than thirteen.

Term of the Board of Trustees

Article (8)

- a. The term of the Board of Trustees shall be for three years, and this period is renewable. However, if for any reason, a new member is appointed the term of appointment shall be for the remaining period of the Board term.
- b. If the term of the Board of Trustees expires and no new board is appointed, the Board shall continue discharging its duties and powers until such time as a new Board is appointed.

Functions of the Board of Trustees

Article (9)

- a. The Board of Trustees shall carry out the following functions :
 1. Setting down and supervising the implementation of the general policy of the Centre;
 2. Proposing any amendments to this statute and the arbitration rules, which should be presented to the Ruler for approval and promulgation by a decree;
 3. Issuing by-laws regulating the activities of the Centre including; by-laws regulating membership of the Centre; by-laws regulating the fees for all services offered by the Centre;
 1. Adopting the annual report on the activities and functions of the Centre;
 2. Appointing the Director;

3. Any other functions assigned to the Board under the provisions of this statute, the rules of arbitration or the by-laws of the Centre.
- b. The Board of Trustees may delegate any of its powers and duties to the Director or to the Committee.
- c. The Chairman or anyone authorised by him shall sign cooperation agreements between the Centre and other national and international relevant institutions and arbitration centres.

Meetings of the Board of Trustees

Article (10)

- a. The Board of Trustees shall hold meetings upon an invitation by the Chairman at least twice a year or whenever it deems necessary. Invitations for a meeting should be made (45) days prior to the date of that meeting. The invitation shall enclose the agenda of the meeting.

- b. The quorum for the meetings of the Board of Trustees shall be realized by the presence of the majority of its members.
However, if the subject of the meeting is related to amending this statute, rules of arbitration or by-laws of the Centre, two thirds of the members of the board must be present and any decisions must be passed by a majority of votes of at least 11 present members.
- c. The meeting shall be presided over by the Chairman or the Vice-Chairman, in case of the absence of the former. If both are absent, the board will select a Chairman for the meeting from amongst its members.
- d. Decisions shall be passed by a majority of the votes of the members present in the meeting. In case votes are equal, the Chairman will have a casting vote.
- e. Notwithstanding what is mentioned in paragraph (b) of this article, deliberations amongst the members of the Board of Trustees and the passing of decisions may be carried out by electronic communication. In this case, three quarters of the members of the Board of Trustees must approve these decisions.
- f. The Chairman shall sign the minutes of the meeting of the Board of Trustees.

Loss of Membership
Article (11)

A member of the Board of Trustees shall lose membership in any of the following cases:

1. Death;
2. Bankruptcy or insolvency;
3. Resignation by a letter addressed to the Chairman of the Board of Trustees;
4. If he is incapacitated as per the laws of his country of origin or the laws of the State;
5. If a member is convicted of committing offences of dishonesty or violation of public morals or committing criminal offences.

Chapter III
The Executive Committee

Formation
Article (12)

1. An Executive Committee shall be constituted in the Board of Trustees and shall consist of five members to be elected by the Board of Trustees from amongst its members in the first meeting it holds.
2. The term of appointment of the Committee shall be three years. Any member may be re-elected for further period(s).
3. The Committee shall elect from amongst its members a Chairman and a Vice-Chairman.

4. If the post of a member in the Executive Committee is vacated or if he becomes incapable of carrying out his duties, the Board of Trustees shall elect a substitute for the remaining period of the term.

Functions of the Committee
Article (13)

- a. The Committee shall carry out the following functions:
 1. Proposing draft amendments to this statute, rules of arbitration and by-laws regulating the other Methods of Alternative Dispute Resolution and presenting the same to the Board of Trustees;
 2. Supervising the implementation of the arbitration rules and by-laws of the Methods of Alternative Dispute Resolution and issuing instructions necessary for their implementation;
 3. Examining and making decisions on applications for listing arbitrators, conciliators and experts;
 4. Appointing dispute settlement panels in accordance with the Rules of Arbitration and the by-laws relating to the Methods of Alternative Dispute Resolution;
 5. Any other duties entrusted to the Committee under this statute, rules of arbitration and the by-laws relating to the Methods of Alternative Dispute Resolution or other duties as requested by the Board of Trustees.
- b. Notwithstanding what is mentioned in paragraph (a) of this article, the Board of Trustees may assign any of the duties entrusted to the Committee to one or more Sub-Committee to be constituted in accordance to article (15) of this Statute.

Committee Meetings

Article (14)

- a. The Committee shall meet upon an invitation by its Chairman or the Director of the Centre at least once every three months or whenever necessary. Invitations should be issued one week before the date of the meeting.
- b. The meeting of the Committee shall be presided over by its Chairman or Vice-Chairman. In case both are absent, the Committee shall elect a Chairman for the meeting from amongst its members.
- c. The quorum shall be realised by the presence of at least three members. Decisions shall be passed by majority of votes of the present members. If votes are equal, the Chairman shall have a casting vote.
- d. The Chairman of the meeting shall sign the minutes of the meeting.
- e. The members of the Committee may approve, through electronic communication, urgent decisions related to procedures of conciliation and of arbitration which are presented to them by the Director. In such cases, the majority of members of the Committee should approve these decisions.

Formation of Sub-Committees

Article (15)

- a. The Board of Trustees may form Sub Committees from amongst its members or others for specified purposes to achieve the objectives and carry out the functions of the Centre. Members of the Sub Committee should include one or more from the Board of Trustees;
- b. The Sub Committee shall appoint a Chairman and a Vice Chairman in the first meeting. The Chairman of the Sub Committee should be selected from the members of the Board of Trustees;

- c. Despite what have been stated in article (13) of the Rules, the Board of Trustees may assign any part of the Committee duties and powers to one or more of Sub Committees;
- d. Article (14) of the Rules shall apply to the meeting of the Sub Committees constituted in accordance to paragraph (a) of this Article.

Chapter IV
Administration of The Centre

Administration Staff
Article (16)

- a. The administration staff of the Centre shall consist of the Director and subordinate administration staff as per an administrative structure proposed by the Director and approved by the Board of Trustees.
- b. The Director of the Centre should hold a post-graduate degree, specialized in arbitration.

Duties and Powers of the Director
Article (17)

- a. The Director of the Centre shall carry out the following functions:

b.

1. Proposing the general strategy for the Centre and presenting the same to the Board of Trustees;
2. Proposing the by-laws regulating the administration of the Centre, including the administrative and financial by-laws, and presenting the same to the Board of Trustees;
3. Implementing decisions of the Board of Trustees, the Executive Committee and Sub Committees;
4. Attending the meetings of the Board of Trustees, the Executive Committee and Sub Committees and shall participate in discussions but will have no right to vote;
5. Acting as the secretary of the meetings of the Board of Trustees, the Executive Committee and Sub Committees;
6. Supervising the administration of the Centre's activities and implementing the yearly budget;
7. Signing on behalf of the Centre in accordance with the powers given to the administration staff by the Statute rules, the Rules and by-laws of the Centre and the decisions issued by the Board of Trustees, the Executive Committee and Sub Committees;
8. Preparing the annual report on the Centre actions and various activities in addition to any reports that may be requested by the Board of Trustees and the Executive Committee;
9. The Director may delegate any of his powers and duties to the administration staff;
10. Performing his duties in accordance to the by-laws of the Centre;
11. Performing any other duty or power as may be requested by the Board of Trustees.

Functions of the administration Staff

Article (18)

The administration staff shall carry out the following duties:

1. Receiving requests for conciliation or arbitration or other requests for the settlement of disputes along with relevant submissions and documents and delivering the same to the parties in dispute;

2. Providing the parties in dispute, upon their request, with the names of arbitrators, experts and specialists in disputes' settlement, in accordance with their qualifications, experiences and specialties;
3. Preparing a summary of the dispute and presenting the same to the Committee along with a copy of the request for arbitration;
4. Preparing and keeping the record and files of requests for conciliation, arbitration and settling disputes submitted to the Centre and keeping the original version of the awards issued in that connection;
5. Providing information related to commercial arbitration and other Methods of Alternative Dispute Resolution as well as explaining the actions taken for the settlement of disputes in accordance with the Rules of Conciliation and Arbitration or any other national or international rules;
6. Developing necessary forms for facilitating procedures for conciliation and arbitration as well as other Methods of Alternative Dispute Resolution;
7. Keeping and updating the list of arbitrators, conciliators, experts and members of the Centre as well as their addresses and various specialties;
8. Submitting reports to the Director on the tasks that have been completed and the future plans necessary for the realization of the objectives of the Centre;
9. Submitting proposals for the development of arbitration and dispute settlement processes;
10. Organizing elections of the Board of Trustees, the Committee and the Sub Committees in accordance with the provisions of this Statute;
11. Recording the minutes of meeting of the Board of Trustees, the Committee and the Sub Committees.
12. Publishing and supervising periodicals, bulletins and other publications of the Centre;
13. Organizing and participating in symposia, lectures, training courses and workshops on the settlement of disputes and commercial arbitration;
14. Cooperating with other national and international arbitration Centres in all fields that realize the objectives of the Centre including the exchange of expertise and lists of arbitrators and experts;
15. Carrying out correspondence and communications for the realization of the objectives of the Centre;
16. Carrying out the duties assigned to them by the Director as well as other duties necessary for discharging the day-to-day business of the Centre.

Chapter V
Lists of Arbitrators, Conciliators and Experts

Article (19)

Applications to join the lists of Arbitrators, Conciliators and Experts may be made through submission of an application form prepared for this purpose to the Centre, with the recommendation of the Director and the approval of the Sub Committee constituted by the Board of Trustees for this purpose.

Membership
Article (20)

Applications to join the Associate Membership of the Centre may be made through the submission of an application form prepared for this purpose to the Centre, which will be in accordance to the conditions specified in the membership by-laws issued by the Board of Trustees for this purpose, which shall specify the categories, criteria, conditions and fees of membership.

Chapter VI
Financial Affairs

Financial Sources
Article (21)

The financial sources of the Centre shall consist of the following:

1. Fees paid for the registration of cases,
2. Membership fees,
3. Revenues realised from various activities carried out by the Centre,
4. Annual financial support decided by the Dubai Chamber of Commerce and Industry.
5. Any other financial contributions approved by the Board of Trustees.

Annual Budget
Article (22)

- a. The fiscal year of the Centre shall begin on the first day of January and shall end on the 31st of December of each year;
- b. The Director shall prepare the annual budget of the Centre to be presented to the Dubai Chamber of Commerce for its approval then to the Board of Trustees for its adoption. The budget must be presented to the Board of Trustees at least two months preceding the beginning of the fiscal year.

Confidentiality and Impartiality
Article (23)

- a. Meetings and deliberations of the Board of Trustees and the Committees shall be confidential. No member may attend the meeting or participate in discussing any dispute to which he is a party, has a direct or indirect interest therein, or where he acts as a legal attorney, guardian or administrator of the private business of either party. In all events, each member shall declare any of these cases whenever they occur.
- b. Neither the members of the Board of Trustees, any members of the Committee nor the Director and the administration staff shall divulge any information and/or documents related to the activities of the Centre.
- c. All information provided by the parties in dispute shall be considered confidential and all those who may have access to them shall not divulge the same unless under mutual agreement of both parties or upon the request of a competent judicial authority.
- d. Either party of the dispute may appoint one or more of the members of the Board of Trustees as a conciliator or arbitrator.

Liability
Article (24)

Neither the Centre nor any of its employees, members of the Board of Trustees, its Committees or members of any dispute settlement panel shall be held liable for any unintentional error in their work related to the settlement of disputes by the Centre.

Communications and Correspondences
Article (25)

- a. Any invitation or communication provided for under this Statute, Rules of Arbitration or the by-laws regulating the

Methods of Alternative Dispute Resolution, shall be made in writing. It may be sent by fax, registered mail or any other form of electronic communication specified in the by-laws of the Centre.

- b. The communication shall take effect on the day following delivery to the person to whom the said communication is addressed.