

DIAC Statute Rules Number (10) of 2004 ([amended in 2009](#))

**CHAPTER 1
General Provisions**

Article (1)

Definition

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

- **The Ruler** : His Highness Ruler of Dubai.
- **The State** : The United Arab Emirates.
- **The Emirate** : Emirate 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.
- **The Committee** : Executive Committee of the Centre.
- **Director of the Centre** : Director of administration.

Article (2)

Establishment of the Centre

A Centre shall be established for the settlement of commercial disputes under the name of "Dubai International Arbitration Centre" that will have a corporate identity and shall be financially and administratively autonomous. The Centre shall have its seat in Dubai.

Article (3)

Objectives of the Centre

1. The Centre aims mainly at providing services of settling national and international commercial disputes through conciliation, arbitration and other methods of Alternative Dispute Resolution in accordance with the rules and by-laws issued under the provisions of this Statute or the rules agreed upon between the parties of the dispute;
2. Providing consultations and services that are required for carrying out the procedures relating to the settlement of national and international commercial disputes;
3. Promoting and developing cooperation between the Centre and other Arbitration Centres;
4. Promoting awareness of the methods of Alternative Dispute Resolution through conferences, symposia, workshops, training courses, specialist publications and printed material and by other means.

Article (4)

Rules and By-laws

1. The Board of Trustees shall set down the Rules of Conciliation and of Arbitration to be issued upon a decree by the Ruler;
2. Procedures for other methods of Alternative Dispute Resolution shall be regulated under the by-laws issued by the Board of Trustees;
3. The Board of Trustees shall issue by-laws which regulate the administration of the Centre including by-laws regulating electronic communication mechanisms, membership fees and conditions, fees for registering cases and any other fees.

Article (5)

Organizational Structure

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

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

CHAPTER 2 **Board of Trustees**

Article (6)

Formation of the Board of Trustees

The Board of Trustees shall consist of 21 members who are highly qualified in the field of arbitration from amongst legal consultants, lawyers, academics and other specialised professions from inside and outside the Emirate.

Article (7)

Appointment of the Board of Trustees

- a. The Board of Trustees shall be appointed by a decree issued by the Ruler;
- b. If the position of one or more of the members of the Board of Trustees is vacated, substitute members shall be appointed in accordance with the provisions of 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.

Article (8)

Term of the Board of Trustees

- a. The term of the Board of Trustees shall be for three years from the date of appointment and any member may be re-appointed for further period(s). 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.

Article (9)

Functions of the Board of Trustees

- a. The Board of Trustees shall carry out the following functions :
 1. Setting down and supervising the implementation of the general policy which aims to achieve the objectives of the Centre;
 2. Proposing amendments to this statute which should be presented to the Ruler for approval and promulgation by a decree;
 3. Setting down the rules of conciliation and of arbitration which should be presented to the Ruler for approval and promulgation by a decree;
 4. Issuing by-laws regulating the other methods of Alternative Dispute Resolution;
 5. Issuing the administrative and financial by-laws necessary for regulating the activities of the Centre;
 6. Issuing by-laws regulating membership of the Centre;
 7. Adopting the annual budget of the Centre as well as approving the closing account for the previous fiscal year;
 8. Adopting the annual report on the activities and functions of the Centre;
 9. Appointing the Director of the Centre upon the nomination of the Committee;
 10. Any other functions assigned to the board under the provisions of this statute, the rules of conciliation and of arbitration or the by-laws of the Centre.
- b. The Board of Trustees may delegate any of its powers and duties to the Committee.

Article (10)

Election of the Chairman and Vice-chairman of the Board of Trustees

- a. Once appointed, the Board of Trustees shall be called to a meeting by the Director of the Centre for the election of a Chairman and a Vice-chairman. This meeting shall be convened within three months from the date of the issue of the decree appointing the members of the Board.

- b. If the position of Chairman or Vice-Chairman is vacated, or if both or either one of them fails to carry out his duties, the board shall elect a substitute from amongst its members for the remaining term of the Board.

Article (11)

Meetings of the Board of Trustees

- a. The Board of Trustees shall hold meetings at least twice a year.
- b. The Chairman, upon a proposal by the Committee, shall call upon the Board of Trustees to attend a meeting. 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.
- c. Subject to paragraphs (f) and (g) of this article, the quorum for the meetings of the Board of Trustees shall be realized by the presence of at least eleven members.
- d. 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.
- e. 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.
- f. Deliberations amongst the members of the Board of Trustees and the passing of decisions may be carried out by electronic communication as provided under the by-laws. In this case, all members of the Board of Trustees must approve these decisions.
- g. If the subject of the meeting is related to amending this Statute, rules of conciliation and 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.
- h. The Chairman and the present members shall sign the minutes of the meeting of the Board of Trustees.

Article (12)

Formation of Sub-committees

The Board of Trustees has the power to form sub-committees from amongst its members or others for specified purposes to achieve the objectives and carry out the functions of the Centre. The Board of Trustees may dissolve such sub-committees, dismiss any of its members or reconstitute them as it deems appropriate.

Article (13)

Loss of Membership

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 final legal judgment is issued against him for committing an offense of dishonesty or violation of public morals or for committing a criminal offence.

CHAPTER 3 **The Executive Committee**

Article (14)

Formation

- a. The Executive Committee shall consist of five members to be elected by the Board of Trustees from amongst its members in the first meeting it holds.
- b. The term of appointment of the Committee shall be three years. Any member may be re-elected for further period(s).
- c. The Committee shall elect from amongst its members a Chairman, a Vice-Chairman, a treasurer and a vice-treasurer.
- d. The Chairman of the Committee shall represent the Centre before judicial authorities.

- e. 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.

Article (15)

Functions of the Committee

The Committee shall carry out the following functions:

1. Proposing a draft amendment to this statute and presenting the same to the Board of Trustees.
2. Proposing draft rules of conciliation, of arbitration, and by-laws regulating the other methods of Alternative Dispute Resolution as well as the by-laws regulating the administration of the Centre and presenting the same to the Board of Trustees.
3. Supervising the implementation of this Statute, the rules of conciliation, of arbitration and by-laws of the Centre and issuing instructions necessary for their implementation.
4. Examining and making decisions on membership applications.
5. Appointing dispute settlement panels in accordance with the Rules of Conciliation and Arbitration as well as other methods of Alternative Dispute Resolution.
6. Determining the venue of arbitration where the parties in dispute have failed to do so.
7. Deciding on requests to reconsider the appointment of any conciliators or arbitrators in accordance with the rules of conciliation and of arbitration.
8. Determining the remuneration of conciliators and arbitrators as well as the fees and expenses of conciliation and arbitration or other methods of Alternative Dispute Resolution and the amounts to be paid in advance.
9. Concluding agreements and contracts with other arbitration centres, unions or other bodies.
10. Supervising the implementation of the annual budget of the Centre.
11. Any other duties entrusted to the committee under this Statute, rules of conciliation and of arbitration and the by-laws of the Centre.

Article (16)

Committee Meetings

- a. The Committee shall meet upon an invitation by the Chairman, Vice-Chairman or the Director of the Centre at least once every sixty days 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 the 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 a majority of votes of the present members. If votes are equal, the Chairman shall have a casting vote.
- d. The Chairman and the present members shall sign the minutes of the meeting.
- e. The members of the Committee may approve, in writing or through electronic communication, urgent decisions related to procedures of conciliation and of arbitration which are presented to them by the Director. In such case all members of the Committee should approve these decisions.

CHAPTER 4 Administration of The Centre

Article (17)

Administration staff

- a. The Centre shall be administrated by a director and subordinate administration staff as per an administrative structure proposed by the director and approved by the Committee.
- b. Upon a nomination by the committee, the Board of Trustees shall appoint the Director of the Centre who should hold a post-graduate degree, specialized in arbitration.
- c. The Director of the Centre shall attend the meetings of the Board of Trustees and those of the Committee and shall participate in discussions but will have no right to vote.
- d. The Director shall act as the secretary of the meetings of the Board of Trustees and the Committee.
- e. The Director shall sign on behalf of the Centre the administrative and financial matters in accordance with the powers given to him by the by-laws of the Centre and the decisions issued by the Board of Trustees or the Committee.

Article (18)

Functions of the administration staff

Taking into consideration the duties and powers given to the Director of the Centre under the provisions of this Statute, the administration staff shall carry out the following duties:

1. Providing the parties in dispute, upon their request, with the names of arbitrators, experts and specialists in dispute settlement, in accordance with their qualifications, experiences and specialties.
2. 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.
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. Informing the parties to the dispute of the dates and venues of sessions if so requested by the conciliation or arbitration panel.
6. Providing secretarial, translation and filing services for the arbitration sessions as well as providing suitable arbitration venues.
7. 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.
8. Developing necessary forms for facilitating procedures for conciliation and arbitration as well as other methods of Alternative Dispute Resolution.
9. Keeping and updating the list of members of the Centre as well as their addresses and various specialties.
10. Submitting reports to the Committee and the Board of Trustees on the tasks that have been completed and the future plans necessary for the realization of the objectives of the Centre.
11. Submitting proposals for the development of arbitration and dispute settlement processes.
12. Organizing elections of the Board of Trustees and the Committee in accordance with the provisions of this Statute.
13. Recording the minutes of meeting of the Board of Trustees and the Committee.
14. Publishing and supervising periodicals, bulletins and other publications of the Centre.
15. Organizing and participating in symposia, lectures, training courses and workshops on the settlement of disputes and commercial arbitration.
16. Cooperating with other national and international arbitration Centers in all fields that realize the objectives of the Centre including the exchange of expertise and lists of arbitrators and experts.
17. Carrying out correspondence and communications for the realization of the objectives of the Centre.
18. Carrying out the duties assigned to them by the Board of Trustees and the Executive Committee as well as other duties necessary for discharging the day-to-day business of the Centre.

CHAPTER 5 Membership of The Centre

Article (19)

Membership Applications

Persons interested to become members of the Centre should submit their applications to the Director of the Centre as per the form prepared for this purpose. The Director shall study the application and present his recommendations to the Executive Committee to decide on the application.

Article (20)

Membership categories and conditions

The by-laws regulating membership of the Centre shall specify the categories, criteria, conditions and fees of membership.

CHAPTER 6 Financial Affairs

Article (21)Financial Sources

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

1. Fees paid for the registration of cases,
2. Membership fees,
3. Revenues realized from various activities carried out by the Centre,
4. Financial contributions approved by the Board of Trustees.

Article (22)Annual Budget

- a. The administration staff shall prepare the annual budget of the Centre to be presented to the Executive Committee for decision at least three months before the beginning of the fiscal year. The budget will then be presented to the Board of Trustees for its adoption.
- b. The fiscal year of the Centre shall begin on the first day of January of each Gregorian year and end on the last day of December of the same year.

CHAPTER 7
Concluding Provisions

Article (23)Confidentiality and Impartiality

- a. Meetings and deliberations of the Board of Trustees and the Committee 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 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. The parties of the dispute may agree in writing to the appointment of one or more of the members of the Board of Trustees as conciliators or arbitrators.

Article (24)Liability

Neither the Centre nor any of its employees, members of the Board of Trustees 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.

Article (25)Communications and Correspondences

- a. Any invitation or communication provided for under this Statute, by-laws, Rules of Conciliation and of Arbitration or any other procedures for the settlement of disputes 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.

CHAPTER 8
Transitional Provisions

Article (26)

- a. The Centre established under this Statute shall replace the Conciliation and Commercial Arbitration Centre of Dubai Chamber of Commerce and Industry and shall carry out the duties of the latter. All the rights and obligations of the Conciliation and Commercial Arbitration Centre of Dubai Chamber of Commerce and Industry shall be transferred to the Centre.
- b. The Centre shall implement the Conciliation and Commercial Arbitration Act of Dubai Chamber of Commerce and Industry No. 2 of 1994 until the Rules of Conciliation and of Arbitration are issued in accordance with Article 4 hereof.
- c. The administration staff appointed by Dubai Chamber of Commerce and Industry under the Conciliation and Commercial Arbitration Act No. 2 of 1994 shall continue its duties in accordance with the provisions of this statute.

Article (27)

The Conciliation and Commercial Arbitration Committee of Dubai Chamber of Commerce and Industry shall carry out the duties of the Executive Committee until the Committee is formed in accordance with the provisions of this Statute.

Article (28)

Any provision in any other legislation, which contradicts the rules of this Statute shall be invalidated to the extent of the contradiction.

Article (29)

This Statute shall be effective as from the date of issue and shall be published in the Official Gazette.