
THE DISPUTE RESOLUTION REVIEW

SIXTH EDITION

EDITOR
JONATHAN COTTON

LAW BUSINESS RESEARCH

THE DISPUTE RESOLUTION REVIEW

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THE DISPUTE RESOLUTION REVIEW

Sixth Edition

Editor
JONATHAN COTTON

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CONTENTS

| | |
|-------------------------|--|
| Editor's Preface |xi |
| | <i>Jonathan Cotton</i> |
| Chapter 1 | AUSTRALIA..... 1 |
| | <i>Malcolm Quirey and Gordon Grieve</i> |
| Chapter 2 | AUSTRIA..... 34 |
| | <i>Helena Marko, Anna Zeitlinger and Valentin Neuser</i> |
| Chapter 3 | BAHRAIN 51 |
| | <i>Haifa Khunji and Kaashif Basit</i> |
| Chapter 4 | BELGIUM 64 |
| | <i>Geert Bogaert and Stéphanie De Smedt</i> |
| Chapter 5 | BRAZIL..... 87 |
| | <i>Marcus Fontes, Max Fontes and Juliana Huang</i> |
| Chapter 6 | BRITISH VIRGIN ISLANDS 106 |
| | <i>Arabella di Iorio and Ben Mays</i> |
| Chapter 7 | CANADA..... 124 |
| | <i>David Morrirt and Eric Morgan</i> |
| Chapter 8 | CAYMAN ISLANDS 139 |
| | <i>Aristos Galatopoulos and Luke Stockdale</i> |
| Chapter 9 | CHINA..... 152 |
| | <i>Xiao Wei, Zou Weining and Stanley Xing Wan</i> |
| Chapter 10 | COLOMBIA..... 161 |
| | <i>Gustavo Tamayo and Natalia Caroprese</i> |

| | | |
|-------------------|--|-----|
| Chapter 11 | CYPRUS | 174 |
| | <i>Eleana Christofi and Katerina Philippidou</i> | |
| Chapter 12 | DENMARK | 187 |
| | <i>Peter Schradieck and Peter Fogh</i> | |
| Chapter 13 | ECUADOR..... | 199 |
| | <i>Xavier Castro-Muñoz and Fabrizio Peralta-Díaz</i> | |
| Chapter 14 | EGYPT..... | 209 |
| | <i>Khaled El Shalakany</i> | |
| Chapter 15 | ENGLAND & WALES..... | 214 |
| | <i>Jonathan Cotton and Damian Taylor</i> | |
| Chapter 16 | FINLAND..... | 236 |
| | <i>Jussi Lehtinen and Heidi Yildiz</i> | |
| Chapter 17 | FRANCE..... | 248 |
| | <i>Tim Portwood</i> | |
| Chapter 18 | GERMANY..... | 264 |
| | <i>Henning Bälz and Carsten van de Sande</i> | |
| Chapter 19 | GHANA..... | 284 |
| | <i>David A Asiedu and Joseph K Konadu</i> | |
| Chapter 20 | GIBRALTAR..... | 297 |
| | <i>Stephen V Catania</i> | |
| Chapter 21 | HONG KONG..... | 307 |
| | <i>Mark Hughes</i> | |
| Chapter 22 | HUNGARY..... | 332 |
| | <i>Zoltán Balázs Kovács and Dávid Kerpel</i> | |

| | | |
|-------------------|---|-----|
| Chapter 23 | INDIA..... | 347 |
| | <i>Zia Mody and Aditya Vikram Bhat</i> | |
| Chapter 24 | INDONESIA..... | 362 |
| | <i>Luhut M P Pangaribuan</i> | |
| Chapter 25 | IRELAND..... | 375 |
| | <i>Andy Lenny, Claire McGrade, Gareth Murphy and Sara Carpendale</i> | |
| Chapter 26 | ISRAEL..... | 390 |
| | <i>Shraga Schreck and Daniella Schoenker-Schreck</i> | |
| Chapter 27 | ITALY..... | 416 |
| | <i>Monica Iacoviello, Vittorio Allavena, Paolo Di Giovanni and Tommaso Faelli</i> | |
| Chapter 28 | JAPAN..... | 440 |
| | <i>Tatsuki Nakayama</i> | |
| Chapter 29 | JERSEY..... | 454 |
| | <i>David Steenson and Nicholas Mière</i> | |
| Chapter 30 | KUWAIT..... | 467 |
| | <i>Kaashif Basit and Basem Al-Muthafer</i> | |
| Chapter 31 | LIECHTENSTEIN..... | 479 |
| | <i>Christoph Bruckschweiger</i> | |
| Chapter 32 | LITHUANIA..... | 489 |
| | <i>Ramūnas Audzevičius and Mantas Juozaitis</i> | |
| Chapter 33 | LUXEMBOURG..... | 504 |
| | <i>Michel Molitor</i> | |
| Chapter 34 | MALAYSIA..... | 515 |
| | <i>Tiang Joo Su and Yin Faye Lim</i> | |

| | | |
|-------------------|--|-----|
| Chapter 35 | MAURITIUS | 533 |
| | <i>Muhammad R C Uteem</i> | |
| Chapter 36 | MEXICO | 547 |
| | <i>Miguel Angel Hernández-Romo Valencia</i> | |
| Chapter 37 | NETHERLANDS | 563 |
| | <i>Ruud Hermans and Margreet Poot</i> | |
| Chapter 38 | NIGERIA..... | 583 |
| | <i>Babajide Ogundipe and Lateef Omoyemi Akangbe</i> | |
| Chapter 39 | NORWAY | 598 |
| | <i>Jan B Jansen and Sam E Harris</i> | |
| Chapter 40 | PORTUGAL..... | 613 |
| | <i>Francisco Proença De Carvalho</i> | |
| Chapter 41 | ROMANIA | 624 |
| | <i>Levana Zigmund</i> | |
| Chapter 42 | SAUDI ARABIA | 636 |
| | <i>Mohammed Al-Ghamdi and Paul J Neufeld</i> | |
| Chapter 43 | SCOTLAND..... | 656 |
| | <i>Jim Cormack and Laura Crilly</i> | |
| Chapter 44 | SINGAPORE..... | 671 |
| | <i>Thio Shen Yi, Karen Teo and Freddie Lim</i> | |
| Chapter 45 | SOUTH AFRICA | 684 |
| | <i>Gerhard Rudolph and Nikita Young</i> | |
| Chapter 46 | SPAIN | 702 |
| | <i>Esteban Astarloa and Patricia Leandro Vieira da Costa</i> | |
| Chapter 47 | SWEDEN | 725 |
| | <i>Jakob Ragnwaldh and Niklas Åstenius</i> | |

| | | |
|-------------------|---|-----|
| Chapter 48 | SWITZERLAND..... | 737 |
| | <i>Peter Honegger, Daniel Eisele, Tamir Livschitz</i> | |
| Chapter 49 | TURKEY..... | 755 |
| | <i>H Tolga Danişman</i> | |
| Chapter 50 | UKRAINE..... | 774 |
| | <i>Sergiy Shklyar and Markian Malskyy</i> | |
| Chapter 51 | UNITED ARAB EMIRATES..... | 785 |
| | <i>D K Singh and Sharon Lakhan</i> | |
| Chapter 52 | UNITED STATES..... | 796 |
| | <i>Nina M Dillon and Timothy G Cameron</i> | |
| Chapter 53 | UNITED STATES: DELAWARE..... | 812 |
| | <i>Elena C Norman and Lakshmi A Muthu</i> | |
| Chapter 54 | VIETNAM..... | 831 |
| | <i>Do Trong Hai</i> | |
| Appendix 1 | ABOUT THE AUTHORS..... | 845 |
| Appendix 2 | CONTRIBUTING LAW FIRMS' CONTACT DETAILS.... | 877 |

EDITOR'S PREFACE

Building on the previous five editions under the editorship of my partner Richard Clark, I am delighted to have taken on the role of editor from him. *The Dispute Resolution Review* has grown to now cover 54 countries and territories. It is an excellent resource for those, both in-house and in private practice, whose working lives include involvement in disputes in jurisdictions around the world.

The Dispute Resolution Review was first published in 2009 at a time when the global financial crisis was in full swing. Against that background, a feature of some of the prefaces in previous editions has been the effects that the turbulent economic times were having on the world of dispute resolution. Although at the time of writing the worst of the recession that gripped many of the world's economies has passed, challenges and risks remain in many parts of the world.

The significance of recession for disputes lawyers around the world has been mixed. Tougher times tend to generate more and longer-running disputes as businesses scrap for every penny or cent. Business conduct that was entrenched is uncovered and gives rise to major disputes and governmental investigation. As a result of this, dispute resolution lawyers have been busy over the last few years and that seems to be continuing as we now head towards the seventh anniversary of the credit crunch that heralded the global financial crisis. Cases are finally reaching court or settlement in many jurisdictions that have their roots in that crisis or subsequent 'scandals' such as *LIBOR*.

The other effect of tougher times and increased disputes is, rightly, a renewed focus from clients and courts on the speed and cost of resolving those disputes, with the aim of doing things more quickly and for less, particularly in smaller cases. The Jackson Reforms in my home jurisdiction, the United Kingdom, are an example of a system seeking to bring greater rigour and discipline to the process of litigation, with a view to controlling costs. Whether such reforms here and in other countries have the desired effect will have to be assessed in future editions of this valuable publication.

Jonathan Cotton
Slaughter and May
London
February 2014

Chapter 51

UNITED ARAB EMIRATES

*D K Singh and Sharon Lakhan*¹

I INTRODUCTION TO DISPUTE RESOLUTION FRAMEWORK

The United Arab Emirates (UAE) is a federation of seven emirates comprising Abu Dhabi, Ajman, Dubai, Fujairah, Ras Al Khaimah, Sharjah and Umm Al Quwain, with each of them enjoying a certain degree of autonomy both economically and judicially. The UAE is governed by a federal Constitution, which was promulgated in 1971. Under the Constitution each of the emirates within the UAE ceded certain elements of their sovereignty to the federation and retained some elements for themselves. As a result, the federation exercises executive and legislative jurisdiction in certain defined matters. Matters that have not been assigned specifically to the exclusive jurisdiction of the federation remain vested with each emirate.

As a result the legal system in the UAE is complex, in part because essentially each emirate has its own court structure in place. There are tangible differences in procedure and law at regional level, which for practitioners and those engaged in legal disputes necessitates the appointment of regional advocates to ensure proper conduct of proceedings, most emirates, while maintaining their local court structures in place, have opted into the UAE Federal Judicial Authority, which exercises ultimate jurisdiction over all judicial matters.

Dubai and Ras Al Khaimah maintain their own independent court structure and are not subject to the UAE Federal Judicial Authority, they are nevertheless bound to and apply federal law in conjunction with any locally enacted laws and decrees. There are three main branches within the court structure of the UAE: civil, criminal and shariah law. The legal system is based on civil law principles and Islamic shariah law and the legislation is primarily sourced from federal codes, decrees, resolutions and cabinet decisions.

¹ D K Singh is a partner and Sharon Lakhan is an associate at KBH Kaanuun.

In addition to the Civil Law structure most emirates have enacted various laws for the establishment of free zones, which have been given different levels of autonomy to operate. There are many commonly used free zones within the UAE, which are designed to satisfy niche business purposes, such as the Jebel Ali Free Zone (JAFZA), the Dubai International Financial Centre (DIFC) or the Dubai Media City (DMC). They offer very attractive business opportunities for investors, for instance 100 per cent foreign ownership, compared to 49 per cent for companies set up outside the free zones, relatively low incorporation costs and minimal or non-existent taxation on income.

The DIFC is an onshore free zone with its own independent English-speaking court system based on common law principles. It boasts a full set of laws, regulations and court procedures largely based on English law and the relationship between the DIFC courts and the Dubai courts is the subject of a memorandum of understanding between the courts. A protocol in regards to jurisdiction has also been put in place to avoid conflicts between the courts and they have largely been working very efficiently, issues of reciprocal enforcement of court orders are also regulated and this has further enhanced the reputation and effectiveness of the DIFC courts.

II THE YEAR IN REVIEW

This year has seen many interesting developments both within the DIFC courts and the federal courts. In the DIFC disputes relating to delayed real estate projects arising out of the financial crisis have finally reached full trial. Particularly noteworthy are the matters of CFI 025/2012 (1) *Kenneth David Rohan & Others v. Daman Real Estate Capital Partners Ltd (Rohan)* and CFI 034/2012 *Amit Dattani and Others v. Damac Park Towers Company Limited (Dattani)*.

In *Rohan* the key issues were whether the extension notices served by the developer on the claimants were validly issued, in particular, whether it was necessary for the notice to specify:

- a* the actual provision on which it relied;
- b* the extended date or range by which completion would occur; and
- c* in the case of force majeure extension notice, particulars of the circumstances giving rise to the force majeure event.

The then Deputy Chief Justice Sir Anthony Coleman found that the notices did not need to meet the criteria in order to be valid. As a result the court held that the claimants validly terminated their sale and purchase agreements (SPAs) and awarded judgment in their favour with costs and interest. In obiter comments the court made it clear that in order to rely on a force majeure extension notice the developer is required to give more than a mere assertion that a force majeure had occurred, the notice must identify each event and the delay this is likely to cause, and it went further in suggesting that evidence of the impact of the force majeure could be required as a condition to granting the extension.

The case of *Dattani* is expected to have far-reaching implications not only legally but also in terms of investor confidence. The claimants in this matter entered into SPAs for the purchase of residential and retail units in the Park Towers development in 2004.

The anticipated completion date (ACD) was defined as 36 months from the handover of the plot from the master developer. Following a number of delays and extension notices issued by the defendant the claimants served notices to remedy in Q3 of 2011. Shortly after the defendant issued handover notices, upon inspection of the units it is the claimants' case that the units were not ready for possession and occupation, not least because the common areas, including passage to units themselves, were unsafe for use resulting in the claimants serving termination notices on the SPAs shortly after. The defendant pleaded that it was in possession of a completion certificate from the relevant authority and relied on this to show that the building must have been safe for habitation and ready for possession and occupation. The key issues for the court to resolve will be whether:

- a* the completion certificate was final or provisional pending specified works to be done;
- b* the defendant prematurely issued the handover notices;
- c* if the defendant knowingly issued the handover notices prematurely to avoid the termination notices, whether it would be appropriate for the court to award an increase in damages under Article 40(2) of DIFC Law No. 7 of 2005 (punitive damages);
- d* the claimants were entitled to terminate the SPAs; and
- e* having access to part of the plot and commencing construction constitutes plot handover and therefore whether time starts to run towards the ACD.

The DIFC Court Rules like the courts in the United Kingdom have no provision for class action suits. The claimants in this case were a group of investors who sought a group litigation order but on reconsideration sought and successfully obtained an order for consolidation of two separate claims in one action on the basis that the facts in both cases were substantially similar.

The facts of this case bear a resemblance to those of many investors during the boom years and the outcome will be closely followed by the legal community in the Middle East and investors alike. Judgment on this matter is expected in mid-2014.

III COURT PROCEDURE

i Overview of court procedure

The court procedure in the federal courts is governed by the UAE Federal Law No. 11 of 1992 as amended (the Code). The judicial system is essentially inquisitorial in nature and is heard at first instance by a single judge. As in other civil law jurisdictions there is no concept of a jury trial. In reaching a decision, the judge will place little or no reliance on precedents but will investigate the facts and apply the law accordingly; often judges will rely heavily on expert witnesses in reaching their judgments. In the DIFC the court procedure can be found in the Rules of the DIFC court (RDC), which, on the whole, is very similar to the English Civil Procedure Rules (CPR). In addition the RDC has incorporated certain provisions of court procedure from other common law jurisdictions.

ii Procedures and time frames

The time limits to bring civil claims under UAE law vary. The general rule on the statute of limitations is 15 years for a contractual claim, three years for a tort claim and one year for employment claims. In order to commence proceedings a claimant is required to file a claim in the relevant court office and pay the applicable fee. Depending on the type of claim, or the nature of any application, deadlines for the filing of documents and hearing dates can vary. The procedural timetable is flexible to accommodate the complexity of the issues in the case. It also depends on the number of hearings required to address the pleaded issues in the case.

All proceedings in UAE civil matters are based upon the written pleadings of the parties supported by the documentary evidence. Witnesses and experts are not required to give oral evidence at trial. There is no standard disclosure and inspection process under the UAE civil procedure. A party is therefore only required to produce the written evidence it seeks to rely on. However, there is scope under the UAE Law of Evidence for a party to apply for specific disclosure of documents in the other party's possession in certain limited circumstances. Expert evidence is also not exchanged in UAE court proceedings. Instead the court appoints an expert from a list of experts maintained by the court.

iii Class actions

There are no specific provisions in the Civil Procedure Law in relation to class actions. The DIFC Court Rules, on the other hand, do make provision for what is known as a group litigation order. The Chief Justice will consider the similarities of fact and law between two or more cases when deciding whether to make such an order. If such an order is made, the Court has a wide discretion as to how the matters are to be dealt with. The rules envisage that a register will be maintained by the DIFC court and that a 'test' case can be run to trial, following which, all facts and findings from the case will be equally applicable to those cases that have been accepted on the Group Litigation Register.

iv Representation in proceedings

Parties to litigation proceedings in the UAE may appoint a local advocate who has rights of representation and audience; the courts will require an attested power of attorney in order to accept submissions from the local advocate on behalf of their clients. Generally only Emirati nationals or nationals of another GCC country may represent a party in court. A party may also appear in person.

Lawyers or counsel from other common law jurisdictions generally conduct proceedings in the DIFC courts. Litigants in person are also permitted to appear, although there are special requirements for a company appearing in person. The DIFC courts have also pioneered a pro bono scheme to encourage access to justice. A number of free legal sessions are held throughout the year, where participating firms provide free legal advice in short sessions. A party seeking pro bono representation in the DIFC courts must file an application with the registry. Those that are accepted are allocated to one of the participating firms in the pro bono scheme.

v Service out of the jurisdiction

Service of UAE process must generally be served through diplomatic channels. This can be extremely time-consuming.

The DIFC Court Rules, in acknowledgment of the international nature of the Centre, provide that no special permission is required to serve DIFC court documents out of the jurisdiction, provided that service is effected in accordance with the law in the place of intended service.

vi Enforcement of foreign judgments

The UAE is a signatory to the New York Convention, additionally it has signed a number of bilateral treaties with other countries such as India and others in the GCC and therefore the UAE courts are bound to seek enforcement of certain foreign arbitral awards and judgments, provided these meet the specified criteria in the convention or the treaties. However, there have been isolated cases where this has not been implemented and foreign judgments have not been ratified, in particular, where the foreign judgment is at odds with the local laws or policy decisions. This area of law is developing fast and the landscape is expected to be clarified in the near future with new legislation under discussion.

vii Assistance to foreign courts

The DIFC courts have entered into cooperation agreements with a number of common law courts such as the New South Wales Supreme Court of Australia and the Commercial Court of England and Wales, there are more such agreements expected as the DIFC courts continue to strengthen their links across the world.

viii Access to court files

Only the parties and their lawyers are entitled to access the court file in the UAE federal courts.

Access to DIFC court files is governed by Part 6 of the RDC. With the exception of insolvency proceedings, parties who are not party to proceedings may only obtain from the court record the statements of case (but not attachments) and judgments, which are in any event made available to the public through the DIFC court's website.

ix Litigation funding

Litigation funding is not a common practice in either court or arbitration proceedings in the UAE, although the law does not specifically preclude it. Most recently, however, particularly in arbitration proceedings there is an increasing number of law firms who are prepared to fund part of their clients' proceedings in exchange for an increase in their fees or a share of the recovery in the event of a successful outcome. Third-party funding remains unlikely in the federal courts because there is minimal recovery of costs from the losing party.

On the other hand, many DIFC firms operate under conditional fee agreements with their clients, and, rather encouragingly for the legal community in the DIFC, there has been a steady increase in the number of claims being funded by third parties.

This difference is perhaps due to the nature and amount of potential costs that can be recovered in the common law system.

IV LEGAL PRACTICE

i Conflicts of interest and Chinese walls

Although Dubai lawyers are required to be registered with the Dubai Ruler's Court, there is little supervision of the legal profession beyond that requirement. Therefore, the management of conflicts of interest, both ethically and practically, is largely a matter for individual firms. Lawyers practising in the DIFC are additionally required to be registered with the DIFC courts to be eligible to conduct litigation in the DIFC.

The DIFC court has a basic code of conduct in place that deals very broadly, *inter alia*, with conflicts of interest. A more comprehensive draft code of conduct is presently circulating within the profession and the public for comment, and is likely to be adopted on a voluntary basis, in the first instance, before eventually becoming mandatory for firms practising in the DIFC.

ii Money laundering, proceeds of crime and funds related to terrorism

UAE statutory provisions prohibiting money laundering are contained in UAE Federal Law No. 4 of 2002, Regarding the Criminalisation of Money Laundering in the UAE, and in Federal Law No. 1 of 2004 on Combating Terrorism. Within the UAE, the Central Bank is the competent body to receive and investigate activity reports concerning suspicious financial activity. Any financial proceeds from the following are criminalised under anti-money laundering (AML) legislation in the UAE:

- a* narcotics and psychotropic substances;
- b* kidnapping, piracy and terrorism;
- c* offences violating the environmental law;
- d* illicit dealing in firearms and ammunition;
- e* bribery, embezzlement and misuse of public funds;
- f* fraud, breach of trust and related offences; and
- g* any other related offences specified in international agreements to which the UAE is a party.

Sanctions for breach of AML legislation include:

- a* imprisonment for up to seven years;
- b* fines up to 300,000 dirhams;
- c* confiscation of the proceeds (or the equivalent thereof); and
- d* criminal liability of financial institutions.

Within the DIFC, authorised firms and ancillary service providers (such as law firms) are governed by the Anti-Money Laundering Module and the DFSA Rulebook, and are subject to strict requirements to undertake due diligence to identify their clients and to report suspicious money transactions. Firms licensed by the DFSA are required to implement adequate policies, procedures, systems and controls to prevent money laundering and terrorism financing. Law firms in the DIFC are subject to annual

audits regarding their compliance with these AML obligations. These requirements are consistent with international standards, including those of the Financial Action Task Force.

While the DIFC has its own AML regulations, as promulgated by the DFSA, UAE AML legislation still applies, with criminal sanctions for breach of the UAE AML laws.

V DOCUMENTS AND THE PROTECTION OF PRIVILEGE

i Privilege

The rules governing privilege in the DIFC are contained in Part 28 of the RDC. Part 28.16 of the RDC, read with Part 28.42 of the RDC entitles a party to object to producing documents that are subject to legal impediment or privilege under the legal or ethical rules determined by the court to be applicable.

Part 28.50 of the RDC states that where a party inadvertently allows a privileged document to be inspected, the party who has inspected the document may use it or its contents only with the permission of the court.

Due to the fact that the DIFC courts are common law courts operating according to their own set of procedural rules, which are broadly based on the Civil Procedure Rules of the English courts, should the RDC fail to provide a more appropriate legal basis for privilege, only in that event may the DIFC court rely upon English legal principles to do so. Therefore, all lawyers, both local and foreign, who practise within the DIFC are bound by these principles regardless of the laws pertaining to privilege in their home jurisdictions.

The English law principles of privilege can be broken down into two parts. Those of litigious or dispute resolution-related privilege and those of legal advice privilege.

Litigious privilege relates to the principle that all confidential communications between a lawyer and anyone else, which are for the sole or dominant purpose of obtaining or providing legal advice or evidence for use in existing or foreseeable litigation or which are aimed at the settlement of a dispute, must be kept private and confidential unless it is absolutely necessary to do so. In practice, although it is not completely necessary, all communications, which are a genuine attempt aimed at the settlement of a dispute, should be articulated to be ‘without prejudice’ in order for the legal privilege to apply.

Similarly, the privilege associated with the giving of legal advice ensures that all confidential communications between a lawyer, both in-house and otherwise, and its client, for the specific purpose of obtaining or providing legal advice, must be protected and should only be released outside that lawyer–client relationship to the extent that it is deemed to be in the best interests of society to do so.

ii Production of documents

The RDC defines ‘document’ as anything in which information of any description is recorded, including electronic documents, such as e-mail and other electronic communications, word-processed documents, and databases. In addition to documents that are readily accessible from computer systems and other electronic devices and media, the definition covers those documents that are stored on servers and back-up systems and

electronic documents that have been ‘deleted’ as well any additional information stored and associated with electronic documents known as metadata.

Unlike some other jurisdictions where a party is required to submit all relevant documentation, in the DIFC courts a party is only required to submit to the other parties all documents available to it on which it relies, including public documents and those in the public domain, except for any documents that have already been submitted by another party.

Notwithstanding the above, Part 28 of the RDC entitles a party to submit a request to produce documents to the other party containing:

- a* a description of a requested document sufficient to identify it;
- b* a description, in sufficient detail (including subject matter), of a narrow and specific requested category of documents that are reasonably believed to exist;
- c* a description of how the documents requested are relevant and material to the outcome of the case; and
- d* a statement that the documents requested are not in the possession, custody or control of the requesting party, and the reason why that party assumes the documents requested to be in the possession, custody or control of the other party.

The party to whom the request to produce documents is addressed shall supply to the other parties all the documents requested in its possession, custody or control, to which no objection is made.

Notwithstanding the above, the party to whom the request to produce documents is addressed may object to the production of some or all of the documents requested for the following reasons, which are to be determined by the court:

- a* lack of sufficient relevance or materiality;
- b* legal impediment or privilege under the legal or ethical rules determined by the court to be applicable;
- c* unreasonable burden to produce the requested evidence;
- d* loss or destruction of the document that has been reasonably shown to have occurred;
- e* grounds of commercial or technical confidentiality that the court determines to be compelling;
- f* grounds of special political or institutional sensitivity (including evidence that has been classified as secret by a government or a public international institution) that the court determines to be compelling; or
- g* considerations of fairness or equality of the parties that the court determines to be compelling.

Part 28.19 of the RDC deals with the factors that may be relevant in deciding the reasonableness of a search for electronic documents which are, including but not limited to:

- a* the number of documents involved;
- b* the nature and complexity of the proceedings;
- c* the ease and expense of retrieval of any particular document. This includes:

- the accessibility of electronic documents or data including e-mail communications on computer systems, servers, back-up systems and other electronic devices or media that may contain such documents, taking into account alterations or developments in hardware or software systems used by the producing party or available to enable access to such documents;
- the location of relevant electronic documents, data, computer systems, servers, back-up systems and other electronic devices or media that may contain such documents;
- the likelihood of locating relevant data;
- the cost of recovering any electronic documents;
- the cost of producing any relevant electronic documents; and
- the likelihood that electronic documents will be materially altered in the course of recovery, or production; and

d the significance of any document that is likely to be located during the search. It may be reasonable to search some or all of the parties' electronic storage systems. In some circumstances, it may be reasonable to search for electronic documents by means of keyword searches (agreed as far as possible between the parties) even where a full review of each and every document would be unreasonable. There may be other forms of electronic searches that may be appropriate in particular circumstances.

Part 28.37 of the RDC exists to aid the court in dealing with the issue of oppressive or disproportionate obligations of the parties with regards to the production of documents in that it empowers the court to, at any time, request a party to produce to the court and to the other parties any documents that it considers to be relevant and material to the outcome of the case.

In conclusion, although a party only has to disclose those documents available to it and on which it relies, if the other party or the court requests that party to disclose any relevant document, including those stored overseas, electronically or otherwise, and there is no valid reason why it should not be disclosed, that party must disclose any such document regardless of its whereabouts, insofar as it is reasonably possible to do so, as determined by the court on a case-by-case basis.

VI ALTERNATIVES TO LITIGATION

i Overview of alternatives to litigation

Alternatives to litigation are becoming increasingly viable options within the UAE. Parties to disputes in the Dubai courts, for example, are encouraged to explore settlement procedures in the Centre for Settlement of Disputes through Conciliation prior to commencing litigation. This forum is overseen by experienced judges, and early anecdotal evidence suggests that this is an effective means for parties to resolve issues amicably.

ii Arbitration

Outside the courts, arbitration remains the most popular method of dispute resolution in the UAE, particularly for construction and property-related cases. Dubai has two

arbitration centres – the Dubai International Arbitration Centre (DIAC) and the DIFC-LCIA. Abu Dhabi has its own centre.

Arbitration in the UAE is presently governed by the Civil Procedure Code, and the supervising courts are the relevant local courts in each emirate. The Civil Procedure Code is not comprehensive when it comes to arbitration, containing only a few relevant provisions.

Despite its popularity, arbitration in the UAE presents significant challenges, due in large part to the lack of a specific arbitration law. This frequently causes problems at the ratification and enforcement stages of proceedings, where parties almost invariably challenge and courts frequently disallow ratification of awards on highly technical grounds, although courts are not permitted to go behind the merits of an award. Coupled with an automatic right to appeal, this makes the ratification and enforcement stage of a dispute time-consuming and unpredictable.

A draft arbitration law has been circulated for comment, which is expected to resolve some of these challenges. As yet, however, there has been no indication of when such a law might come into effect.

The advantages of DIFC-LCIA arbitrations is that the ratification process is conducted in the DIFC courts, which is much quicker and whose outcome is much more predictable.

iii Mediation

Mediation is a less common in the UAE, and there is no specific law in place to supervise this more informal type of dispute resolution. The DIFC-LCIA does have a framework of rules to conduct mediations and can act as an appointing body if parties wish to pursue this option.

The DIFC courts often encourage parties to seek amicable resolution by reconciliation and this has led to *ad hoc* mediations being conducted to enforce a settlement. The litigants have yet to be convinced about the efficiency of such a process and are often reluctant to engage with this alternative method.

iv Other forms of alternative dispute resolution

The DIFC Court Rules allow parties to proceedings to agree to participate in what is known as justice by reconciliation. Litigants can seek an order for justice by reconciliation at any stage after a claim has been filed, and are free to appoint their own independent adjudicator and to select their own procedural framework. This allows for greater informality of proceedings, which in some cases can be an advantage over traditional court proceedings. Typically, parties to justice by reconciliation opt for a model similar to mediation.

VII OUTLOOK & CONCLUSIONS

Still in its infancy, relative to much of the rest of the world, the UAE legal system continues to evolve, rapidly coming into line with international best legal practice, while retaining a distinctive Middle Eastern influence.

The UAE legal system is unique to the extent that it allows for two contrasting judicial systems to coexist within the same jurisdiction. After amendments to the laws, it is now possible for parties to 'opt in' to the DIFC courts' jurisdiction for adjudication of their disputes. This represents a significant and positive development for foreign investors who are more familiar with the common law system.

The key issues in the development of the UAE legal and court system that can facilitate more efficient resolution of disputes are as follows:

- a* a more harmonious relationship between the Dubai and DIFC courts as is being promoted by the Summary of the Protocol of Enforcement between Dubai courts and DIFC courts;
- b* development of an arbitration law that would enhance the effectiveness of ad hoc and institutional arbitrations conducted in the UAE with support of the law and the courts (a current lacuna being the inability of courts to provide injunctive relief in and of the arbitral process); and
- c* enlargement of treaties and agreements for mutual and reciprocal enforcement processes between UAE and other countries following treaties such as the GCC Convention 1996, the Riyadh Convention 1983 and the Paris Convention 1992.

In December 2013, the DIFC Arbitration Law was amended to remove a potential inconsistency with the UAE's obligations under the New York Convention. The potential inconsistency was flagged in a judgment of the court of first instance, where it was held that the DIFC Arbitration Law did not provide the DIFC Court with the power to stay court proceedings pending the outcome of the foreign-seated arbitration proceedings. The amendment has rectified that inconsistency, clearly specifying that the court does have such a power. This amendment demonstrates the DIFC's commitment to honouring its obligations under the New York Convention and will give reassurance to the wider arbitration community.

Following the havoc wreaked in Dubai by the severe property downturn in 2008 and 2009, the Dubai government has taken steps in 2013 to prevent such devastation in the future, through a number of legislative measures to promote stability and growth in the property market. One such measure was the increase of the property registration fee from 2 per cent to 4 per cent, in an effort to curb the practice of 'flipping' properties, which practice is widely considered to have contributed to previous instability and sudden price increases. This will potentially reduce the number of disputes coming to court in the future.

2014 is expected to see the promulgation of new laws that will assist investor protection, with provisions aimed at limiting fast resale of property, setting thresholds for premiums and reducing developers' reliance on off-plan sales to fund construction. It is also expected that there will be further progress in bringing new arbitration laws and changes in company law.

Appendix 1

ABOUT THE AUTHORS

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D K Singh is a dual-qualified lawyer with experience of and permission to work in two jurisdictions: India and the United Kingdom with over 10 years' experience. He is a partner in the corporate group and his expertise covers mainstream company and commercial work. He has brought a wealth of experience to the Dubai office of KBH Kaanuun, particularly in the areas of mergers and acquisitions (acting for both public and private companies), company law and administration matters.

Mr Singh is also an experienced arbitrator and works closely with the dispute resolution group to assist clients in international arbitrations. He has, for three years running, been listed as a leading individual by *Chambers Asia* for his dispute resolution work and is also listed as a lead individual for developing the Indian practice of a UK-based firm.

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