

ARBITRATION AT QICDRC

2025



محكمة قطر الدولية
ومركز تسوية المنازعات

QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

BACKGROUND

1. As part of the diversification of its economy, the State of Qatar has created special economic zones (**SEZs**). There are presently four SEZs in Qatar: the Qatar Financial Centre (**QFC**), the Qatar Free Zones (**QFZ**), Media City, and the Qatar Science and Technology Park. These zones are designed to attract local, regional and foreign investment into the State of Qatar by providing favourable business conditions such as favourable tax regimes, modern pro-commerce laws, and attractive ownership structures. The largest and most active of the SEZs in Qatar is the QFC (focusing on financial and professional services), followed by the QFZ (focusing on logistics and transport).
2. The law that established the QFC, the QFC Law (Law No. 7 of 2005), also established the first iteration of two bodies presently functioning: the QFC Civil and Commercial Court (the '**QFC Court**' or the '**Court**'), and the QFC Regulatory Tribunal (the '**Regulatory Tribunal**') (these bodies, along with arbitration and mediation services, comprise the Qatar International Court and Dispute Resolution Centre (**QICDRC**)). This is a key part of the offering to attract those who wish to incorporate within the SEZs or do business with those established there. The Court, besides hearing cases in litigation initiated before it, also acts as the competent court in respect of any arbitration seated in Qatar where the Parties so choose. There need not be any link with any SEZ.
3. It is important to note that the SEZs in Qatar, and consequently the Court and Regulatory Tribunal, are all onshore. Practically speaking this means that the Court and Regulatory Tribunal are judicial bodies of the State of Qatar. Judgments and decisions they render can be enforced directly across the entire State of Qatar.
4. The Judges of the Court and Regulatory Tribunal are drawn from across the world and encompass different legal traditions. We are an international court in the classic sense of the word. Our Judges come from a variety of common law and civil law traditions. The jurisdictions represented by our Judges are as follows: England and Wales, Scotland, Qatar, USA, France, People's Republic of China, Singapore, Australia, Hong Kong, South Africa, Cyprus, and India. The benches are either comprised of three Judges or a single Judge. Judicial practice has shown that the different legal traditions that contribute to judgments rendered by the Court ensure that they have a richness and philosophical depth, forming an impressive and sophisticated corpus of caselaw. The President of our Court is Lord Thomas of Cwmgiedd, former Lord Chief Justice of England and Wales. The Chairman of the Regulatory Tribunal is Sir William Blair.

ARBITRATION LANDSCAPE IN QATAR AND QICDRC

5. There are two seats of arbitration in Qatar – the State of Qatar and the QFC. Qatar Law No. 2 of 2017 (Issuing the Law of Arbitration in Civil and Commercial Matters – the '**2017 Law**') governs arbitrations where the seat is the State of Qatar. The QFC Arbitration Regulations 2005 (as amended in 2024) governs arbitrations where the seat is the QFC.
6. The Definitions section of the 2017 Law stipulates that either the Civil and Commercial Arbitral Disputes Circuit in the Court of Appeals or the QFC Court can act as the Competent Court in relation to arbitrations subject to the 2017 law. It is therefore essential that the QFC is expressly made the Competent Court in the arbitration agreement; the suggested model clause is:

The Competent Court of the arbitration shall be the First Instance Circuit of the Civil and Commercial Court of the Qatar Financial Centre and, in the case of enforcement, the Competent Judge shall be the Enforcement Judge of the First Instance Circuit of the Civil and Commercial Court of the Qatar Financial Centre.

7. Parties are able to apply to the QFC Court as a Competent Court for a number of matters relating to arbitration, including:
 - i. The appointment and removal of arbitrators.
 - ii. Determining challenges to jurisdiction.
 - iii. Assisting with the taking of evidence.
 - iv. Determining challenges to arbitrators.
 - v. Enforcement of provisional and interim measures.
 - vi. Extending the duration of the arbitral proceedings.
 - vii. Set -aside and enforcement of awards.
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ADVANTAGES OF CHOOSING QFC COURT



SPEED

The QFC Court is agile and disposes of its cases quickly. On the latest statistics, cases on the Small Claims Track took circa 30 days from the case being issued to the judgment being handed down; claims not on the Small Claims Track but decided on the papers took on average 46 days; and the largest cases with trials took on average 128 days.



RIGHTS OF AUDIENCE

Any lawyer admitted to appear before the superior courts of any jurisdiction is entitled to appear before the QFC Court. That notwithstanding, any individual can seek leave from the President of the Court or the Presiding Judge to have rights of audience on a case-by-case basis.



EXPERTISE

The QFC Court has a number of Judges to deploy on arbitration-related cases who are known experts in commercial and investment treaty arbitration and who will therefore be a very safe set of hands for parties, and these Judges reflect the various legal traditions across the world.



APPROACH

In an important recent judgment – *B v C* [2024] QIC (F) 20 – the QFC Court (Justices Ali Malek KC, Dr Muna Al-Marzouqi and Dr Georges Affaki) set out its approach in the context of a challenge to an award on public policy grounds under article 41 of the QFC Arbitration Regulations 2005 (and a further challenge that the arbitration was not conducted in accordance with the parties' agreement). The approach can be described as “hands-off” and “light touch”.



¹ The grounds for set-aside under article 41 are restrictive. A party must prove that (i) a party to the Arbitration Agreement was under some incapacity; or the agreement is not valid under the law of the agreement or under the law of the QFC; (ii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present its case; (iii) the Award deals with a dispute not contemplated by or not falling within the terms of the submission to Arbitration, or concerns decisions on matters beyond the scope of the submission to Arbitration, provided that – if the decisions on matters submitted to Arbitration can be separated from those not so submitted, then only that party of the award may be set aside; (iv) the composition of the Arbitral Panel or the arbitral procedure was not in accordance with parties' agreement, unless the agreement conflicted with a provision of the Regulations from which the parties cannot derogate, or failing such agreement was not in accordance with the Regulations. An Award may also be set aside if the QFC Court finds that the subject matter of the dispute is not capable of settlement by Arbitration under QFC Law; or the Award is not in the interest of the QFC. Applications to set aside may not be made more than 3 months after the date on which the applicant has received the Award, or where a request was made to the Arbitral Panel under article 40 (Correction and Interpretation of Award; Additional Award), from the date on which the request had been disposed of by the Arbitral Panel. The limitation period does not apply where the Award is in conflict with the public policy of the QFC.

- a. The QFC Arbitration Regulations 2005 are based on the UNCITRAL Model Law, which in turn is modeled on the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
- b. The Court considered that there is a body of jurisprudence that has been built up from the many jurisdictions that have adopted the Model Law and it is possible to consider that there are important general principles in international arbitration law and that it is entirely appropriate to use international materials when interpreting article 41 of the QFC Arbitration Regulations 2005. In other words, the QFC follows the same approach as other major arbitration jurisdictions do when it comes to applications to annul or enforce arbitration awards.
- c. Arbitration is a consensual process that ends in a determination by a tribunal which is final with very limited and specific grounds of challenge.
- d. Public policy/interest of the QFC and that of the State of Qatar are aligned.
- e. Public policy exceptions are to be narrowly construed; this is because the policies underlining the enforcement of awards are those of finality and pro-enforcement. The users of international arbitration value these policies. They also value certainty and the knowledge that challenges to awards are on narrow grounds and are exceptional. This means that challenges when made must be carefully scrutinised against the strictest standards.
- f. The fact that the arbitral tribunal chosen by the parties has made a mistake of law or fact is not a ground of challenge. Public policy is not infringed if a tribunal incorrectly applies the law to the facts.
- g. On the challenge on the ground that the procedure was not in accordance with the parties' agreement because the tribunal preferred the evidence of the witness of one party over that of another party, it is not for the Court to review or second guess procedural decisions by a tribunal, and the Court will not interfere with the findings of fact and assessment of the evidence by a tribunal, particularly where the Tribunal has produced a comprehensive and detailed award. How a tribunal expresses its reasons is a matter on which the Court cannot or should not interfere. Moreover, a deficiency in setting out reasons is not a ground for challenging an award.
- h. Consistent with the policy of minimal curial intervention, the Court will only interfere if serious prejudice has been shown, and this includes a causation requirement. The jurisdiction to annul will not be exercised where the matter complained of is inconsequential or minor or does not cause serious prejudice. This is because of the underlying policies underpinning international arbitration as noted above.
- i. Based on the UNCITRAL Model Law, the QFC Arbitration Regulations represent a modern system of dispute resolution firmly rooted on respect for party autonomy, certainty and finality. One aspect

of party autonomy is that the parties choose those who are going to decide their dispute or delegate that choice to the selected arbitral institution. This involves acceptance of the risk that the tribunal might come to a decision that may be thought to be wrong in fact or law. This Court does not sit on appeal from a tribunal's findings whether of fact or law. Moreover, the Court will not interfere with tribunal's case management decision or how a tribunal decides to express itself in the award when it gives reasons for its decision. Nor is a hearing before a tribunal a mere rehearsal for arguments to be later presented in a challenge before the annulment court. Challenges to awards are exceptional. The Arbitration Regulations, based on international arbitration principles observed across many jurisdictions, provide narrowly defined grounds for judicial intervention reflecting a pro-enforcement policy towards arbitration awards.

The QFC Court and Regulatory Tribunal are dual language bodies. Thus, parties are free to make written or oral submissions either in English or Arabic, and hearings are conducted in both languages according to the preferences of the parties. Materials will be translated by the QICDRC free of charge, and in-court live interpretation is also provided free of charge for hearings. Judgments are simultaneously issued in both English and Arabic. A number of the Judges of the QICDRC are native Arabic speakers.

The QICDRC also provides modern and spacious arbitration facilities to host arbitrations in a confidential and comfortable setting, at minimal rates.



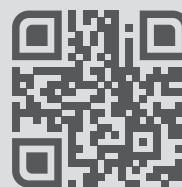
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