DUBAI CONFIRMS THE ALLOCATION OF JURISDICTION OVER THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

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International Arbitration Alert

By: Jennifer Paterson, Mohammad Rwashdeh, Jonathan H. Sutcliffe

INTRODUCTION

The Dubai Conflicts of Jurisdiction Tribunal (CJT), an independent judicial authority established in Dubai by Decree No. 29 of 2024 to resolve conflicts between the Dubai International Financial Centre Courts (DIFC Courts) and onshore Dubai judicial bodies, has recently issued a decision in Application No. 01/2026 Judicial Authority. That decision confirms that the DIFC Courts have jurisdiction to recognise and ratify foreign arbitral awards regardless of the seat of arbitration, while the enforcement of a foreign arbitral award in Dubai, but outside of the Dubai International Financial Centre (DIFC), is subject to the jurisdiction of the onshore Dubai Courts.

BACKGROUND

The matter concerned an arbitral award issued by the Singapore Chamber of Maritime Arbitration in a Singapore-seated arbitration. The award creditor sought ratification and enforcement of the award in the DIFC Courts, and the award debtor sought annulment of the award in the onshore Dubai Courts. Given the conflict of jurisdiction, the award debtor filed an application to the CJT for a ruling that the onshore Dubai Courts were the competent judicial authority, together with a stay of the DIFC Courts' enforcement proceedings.

DECISION

In its decision, the CJT confirmed the conceptual and legal distinction between the recognition and ratification of an arbitral award and the enforcement stage. It held that, under the applicable legal framework, the DIFC Courts have jurisdiction to recognise and ratify arbitral awards regardless of their seat, even in the absence of a nexus to the DIFC, provided that the request is properly brought under the applicable legal framework. This is consistent with Article III of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards (commonly known as the New York Convention)—which requires each contracting state to recognise arbitral awards in accordance with the local rules of procedure, without imposing substantially more onerous conditions than those imposed on domestic awards.

However, the CJT also confirmed that the DIFC Courts' execution jurisdiction is limited to cases where a sufficient enforcement link exists within the DIFC (namely, where execution is directed against assets or entities located

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therein), whereas enforcement in Dubai, but outside the DIFC, is subject to the jurisdiction of the onshore Dubai Courts.

ANALYSIS

The decision is significant because it confirms that award creditors can seek recognition and ratification of a foreign arbitral award in the DIFC Courts, even where there is no nexus to the DIFC. However, the practical utility of doing so may be limited where enforcement of the arbitral award is ultimately sought against assets located onshore in Dubai. In such circumstances, it may be more efficient and cost-effective to apply directly to the onshore Dubai Courts for enforcement. UAE Federal Law No. 42 of 2022 Issuing the Civil Procedures Law provides a streamlined process whereby an award creditor can apply directly to the execution judge for enforcement of a foreign arbitral award without the need to initiate separate proceedings to recognise or ratify the award.

ABOUT THE FIRM

Our Litigation and Dispute Resolution practice has a long history of acting as counsel on high-stakes international arbitration and litigation mandates. Our lawyers in Dubai have extensive experience advising on litigation and arbitration with respect to complex, high-value disputes in the United Arab Emirates and the wider Middle East region.

KEY CONTACTS



JENNIFER PATERSON
PARTNER

DUBAI
+971.4.427.2728
JENNIFER.PATERSON@KLGATES.COM



MOHAMMAD RWASHDEH
SPECIAL COUNSEL

DUBAI
+971.4.427.2742
MOHAMMAD.RWASHDEH@KLGATES.COM



JONATHAN H. SUTCLIFFE
PARTNER

DUBAI
+971.4.427.2747
JONATHAN.SUTCLIFFE@KLGATES.COM

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