

Law & Order: the rise of international commercial courts in the Middle East

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Welcome to the inaugural international commercial courts edition of Law Update.

Business in the world's international commercial courts is thriving and the global business community is taking notice. A recent article in *The Economist* magazine exalts the emergence of slick new English commercial courts in the UAE, Qatar and Kazakhstan, while in post-Brexit Europe, English language courts have opened in Frankfurt, Hamburg, Paris and Amsterdam. In the UAE in particular, the Courts of the financial free zones of the Dubai International Financial Centre and Abu Dhabi Global Market are challenging London's dominance as the commercial court of choice for international litigants. This is not by chance. With international benches drawn from common law jurisdictions around the world including England, Australia and Malaysia, the DIFC, ADGM and Qatar Financial Centre Courts have played a pivotal role in attracting and supporting foreign investment into the region. The role of international commercial courts in the region should not be downplayed – they provide certainty, efficiency and a familiar legal framework which assure investors and businesses that rights will be safeguarded and judgments and awards enforced.

The importance of investing in efficient and well-respected courts to foster investment is evident when considering that Dubai ranks first in the Middle East and Africa and third in the world in the number of foreign direct investment projects attracted. It also ranks first in the Middle East and North Africa and sixth in the world in terms of foreign direct investment capital inflows, after Singapore, Shanghai, London, New York, and Hong Kong, demonstrating how Dubai has been admitted to the ranks of world-class economic centres. Abu Dhabi has achieved similar success, and together they demonstrate that the UAE is an

attractive proposition for foreign investment and recognised at the top of global lists of the best places in the world to do business.

In particular, the DIFC Courts have arguably become one of the most successful commercial courts with a track record of resolving all types of international and domestic commercial disputes: there are currently nearly 1,000 active cases before the Courts with a total case value of nearly AED 6 billion, or over US\$ 1.5 billion.

We want this edition to give you some real insights on the rise of international commercial courts in the Middle East, update you on what's new and provide some food for thought. For many people who have never set foot inside a court room nor participated as an observer or litigant in court proceedings what we know about the courts and themes of justice and equity is informed by books, movies and television. Indeed, some of the greatest literature, television series and motion pictures of our time have been set in or around a court room. My own introduction to the law and litigation (which I have practised since I was a fresh graduate straight out of law school) came from reading classics such as *To Kill a Mockingbird* and *Bleak House* to watching some of my favourite shows in the 1990s like *Kavanagh QC*, and *Rumpole of the Bailey*, not to mention the more light hearted *LA Law* and *Ally McBeal*. Who hasn't watched an episode of *Suits* or *Boston Legal* and wondered whether lawyers in real life do in fact storm into judge's chambers and demand to be heard? We all have our favourites, and our authors in this edition are pleased to share with you theirs.

We kick off this international courts edition with an article looking back at some of the milestones and developments in the ADGM Courts' relatively short history. Having celebrated only five years, we reflect on its place and role as a common law jurisdiction in the region.

We then look to the future. With the DIFC and ADGM Courts being regarded amongst the most tech-savvy courts in the world, we explore whether artificial intelligence ('AI') is a real threat to law firms, and ask if machines can really perform the jobs we do as lawyers. We also look to the stars and the DIFC Court's 'Courts of Space' initiative.

It's not all focused on the UAE. We explore the modernisation of the courts of the Kingdom of Bahrain and highlight how they are adopting technology and introducing initiatives that automate and digitalise the judicial system, and provide an update on the Qatar Financial Centre Courts.

From there, we move to discussions of choice of jurisdiction – how the common law courts can provide interim remedies in arbitral proceedings, choice of jurisdiction clauses in commercial contracts, and anti-suit injunctions between the DIFC and Dubai Courts.

We round out this edition with a look at recent DIFC Court of Appeal decisions affecting trust law in the DIFC and submissions to foreign jurisdictions under the Riyadh and GCC Conventions. We end with an article on the recognition and enforcement of foreign judgments in the DIFC, and a case note on a ground-breaking recent order for sale of a commercial building in the ADGM.

There is so much more in this packed edition that makes informative and insightful reading. Whilst we are proud and excited by what has been achieved in a short period of time, there is so much more to be done in the Middle East. Watch this space.

We hope you enjoy this edition and find it informative and interesting. Please feel free to share any ideas for future articles or feedback generally with me at r.jaballah@tamimi.com.