

DIFC Courts and the Vision of the Courts of the Future

Digital Transformation in Justice/Courts of the Future Roundtable

Nairobi, 07 December 2017

Agenda

Presentation

- The Model of DIFC's Dispute Resolution Authority
- Courts of the Future – Where does commercial dispute resolution move?

Q&A

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Commercial dispute resolution matters to countries around the world



- Rule of Law, including commercial dispute resolution = major **driver of economic, political and social development**
- Reliable, fast and transparent commercial dispute resolution as **key decision making factor for international investors** → competitive advantage
- Critical **enabler for large development projects**, e.g, related to infrastructure (water, roads,...), healthcare, etc.
- As demonstrated in Dubai: **Impact achievable quickly and at relatively low cost**, sending important signals

The context – Dubai International Financial Centre (DIFC)



Dubai
International
Financial
Centre

- Special economic zone, located in Dubai, UAE
- Established in 2004
- Leading financial and professional services hub in the Middle East, with global significance
- “Island” within the United Arab Emirates
- Independent regulator and judicial system, common law, 100% foreign ownership, etc.

DIFC established DIFC Courts in 2008, followed by three other divisions, and DRA as umbrella



Quickly, before focusing on DIFC Courts...



- International arbitration center
- Combining the international best practices and reputation of the LCIA with the unique understanding of the local and regional legal and business cultures in the Gulf and wider MENA region
- Increasing caseload beyond the wider MENA region



- Established in 2015 as an independent entity to provide quality ancillary services to the UAE legal community.
- Core functions include training and regulating lawyers, publishing and disseminating information, hosting events for the legal community, and providing free legal advice for people in need.



- Provides a service to non-Muslims in Dubai and Ras Al Khaimah, enabling them to pass on their assets and/or appoint guardians for their children, in accordance with the instructions in their Will
- Eligible individuals achieve that certainty through registering a will at the Registry and having this enforced via the DIFC Courts.

Leading-edge dispute resolution, empowering swift, efficient business and investment



- **Flexible resolution paths** – Courts, Small Claims Tribunal, Arbitration Centre,...
- **English language** – language of global business
- **Common law** – costs recovery, speed, transparency¹
- **Bench of international judges** – with diverse civil and commercial experience
- **24/7 urgent application facilities**
- **Remote, secure, on-line case progression systems**
- **Strong enforcement globally**

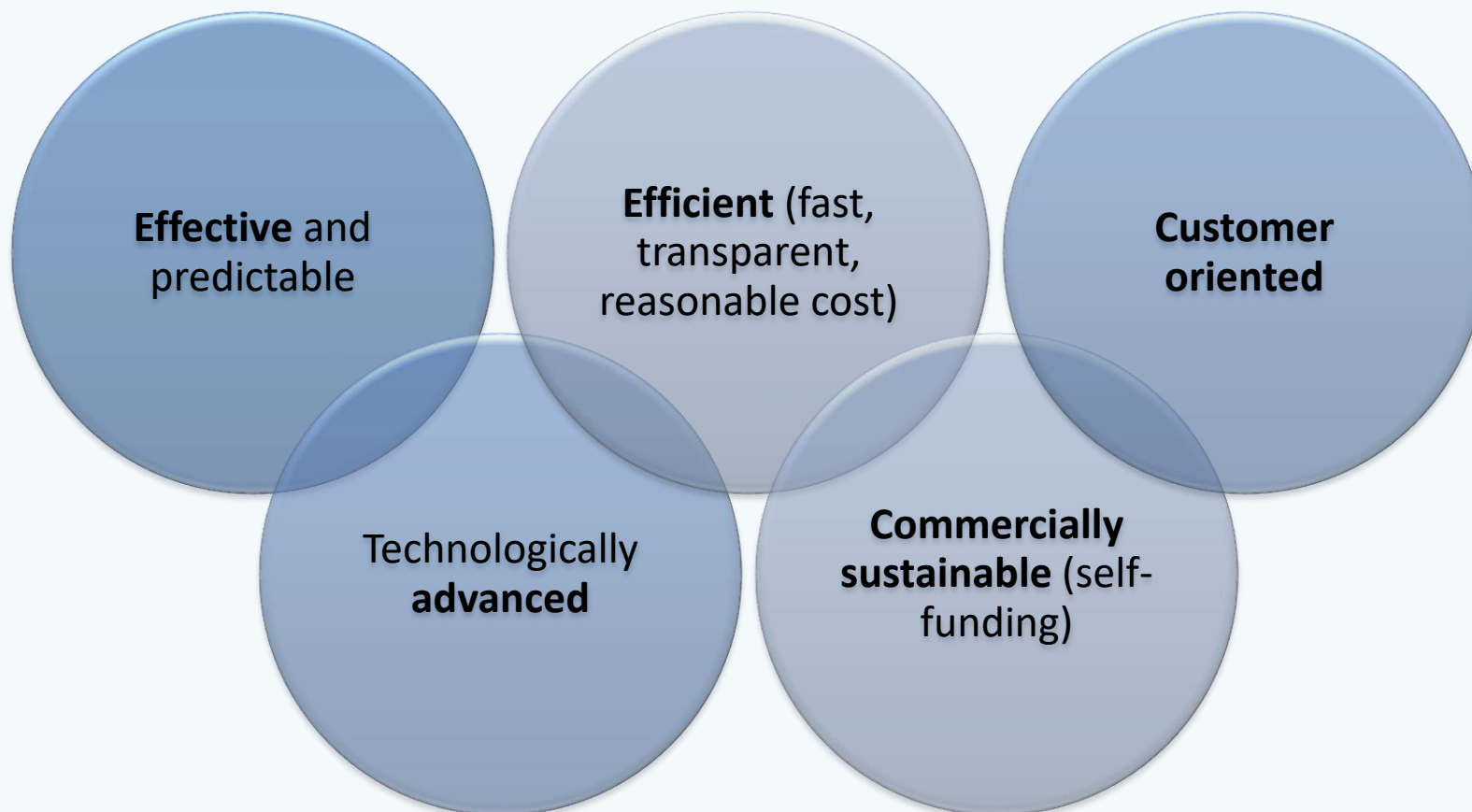
¹ Many principles also applicable in civil law context

Introduction to DIFC Courts



<https://www.youtube.com/watch?v=kdH4DAmwjF8>

Five principles of DIFC's dispute resolution



DRA has demonstrated: Commercial dispute resolution makes a difference



- **The Oath, Middle East Law Journal** wrote: “The DIFC Courts are considered to be in the **top three commercial courts in the world** and are planning to expand their operations.”
- **Reuters Article:** “For many clients, mainly financial institutions and blue-chip corporations, DIFC Courts have become very important as a service centre... **they’re one reason, if not the main reason, for being headquartered in the DIFC.**”
- **James King, The Banker:** “In recent years, Dubai has been developing its capabilities in the field of dispute resolution, **with its crowning achievement being the creation of its Dubai International Financial Centre courts**, which have only increased Dubai’s appeal as an international finance hub.”

Commercial dispute resolution of the future – DRA reaches out to countries around the world



Partners
(either countries or
special zones/
comparable entities)

- Dedicated to rule of law and attracting (international) investors
- Interested in state-of-the-art commercial dispute resolution
- Open to solutions that are “unconventional” but provide quick and visible impact
- Committed to actual action
- Open to international cooperation



**DIFC Dispute
Resolution
Authority,
Dubai**

- Actual experience and success, not just theoretical know-how
- Globally leading role model
- Continued innovation at the leading edge
- Internationally connected and trusted
- Working closely together with top partners such as Microsoft

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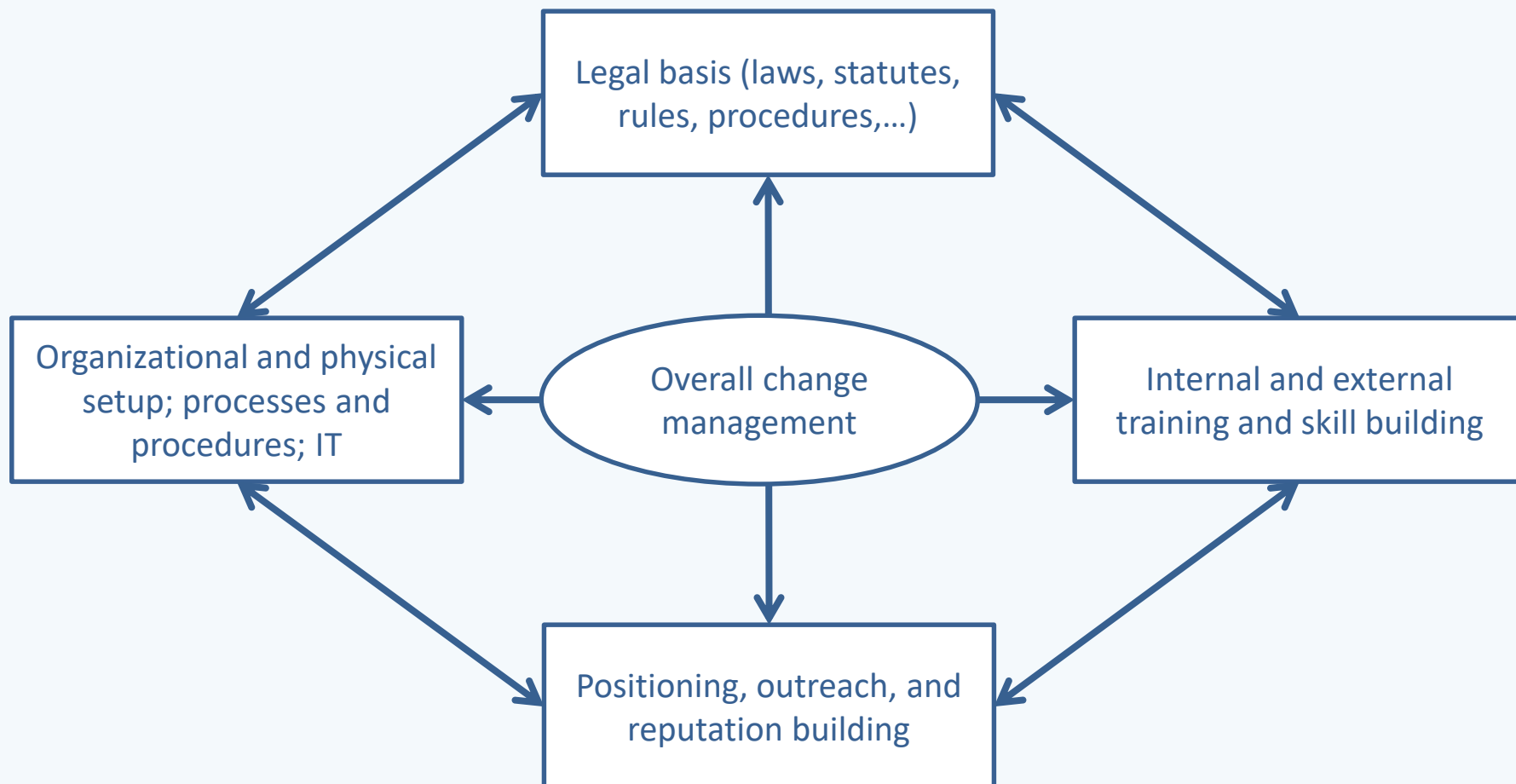
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- **Courts of the Future – Where does commercial dispute resolution move?**

Q&A

Five hypotheses as “food for thought”

- 1 Commercial dispute resolution is a paid-for service; customer centric providers will win.
- 2 Commercial dispute resolution will become far more differentiated, as well as internationally competitive.
- 3 Private solutions will complement and compete with state-offered or endorsed solutions.
- 4 Artificial intelligence is about to change the face and nature of dispute resolution fundamentally.
- 5 The courtroom of the future will be virtual, with remote access the rule rather than the exception.

Creating Courts of the Future requires a comprehensive and integrated approach



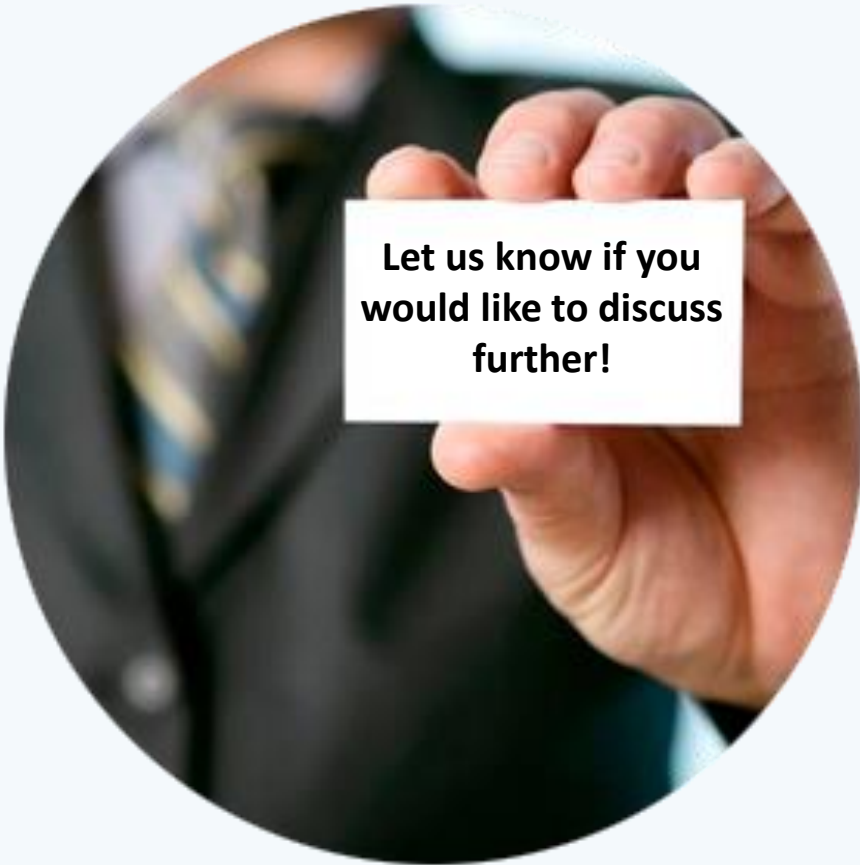
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Contact details



**Let us know if you
would like to discuss
further!**

Dr Andreas Baumgartner

Executive Director

Dispute Resolution Authority

Dubai International Financial Centre

Level 3, Precinct Building 5 (South)

The Gate District

P.O Box: 507048, Dubai,

United Arab Emirates

T: +971 4 427 3306

M: +971 56 537 2276

E : Andreas.Baumgartner@dra.ae

W: <http://www.dra.ae>