

# Kluwer Arbitration Blog

## New Arbitration Rules of the Qatar International Center for Conciliation and Arbitration: A Step Forward in Dispute Resolution

Khaled Elgarhe (Qatar International Center for Conciliation and Arbitration) · Thursday, January 23rd, 2025

The [Qatar International Centre for Conciliation and Arbitration](#) (“QICCA”) has recently introduced new [arbitration rules](#), effective from 1 January 2025 (“2024 Arbitration Rules”). These revised rules are aligned with global best practices and aim to enhance the efficiency, transparency, and flexibility of the arbitration process, solidifying QICCA’s position as a leading international arbitration institution within the MENA region.

The process of consultation and finalisation of the 2024 Arbitration Rules by QICCA extended over two years and involved extensive collaboration amongst scholars, notable QICCA arbitrators, lawyers, and practitioners from Qatar and around the world. Numerous comments and suggestions were incorporated into the 2024 Arbitration Rules based on feedback from these experts and practitioners.

The newly-unveiled arbitration rules underscore QICCA’s commitment to providing an efficient and flexible framework for resolving disputes.

One of the primary goals of the new rules is to streamline the arbitration process, minimising delays, reducing procedural complexities, and shortening the average duration of arbitration proceedings. This will enable parties to resolve disputes more effectively and efficiently.

### **Qatari and Civil Law Legal Principles**

While the 2024 Arbitration Rules reflect insights from international arbitration standards, drawing from practices adopted by leading arbitral institutions worldwide, they also incorporate Qatari and civil law legal principles as well as business practices. This balanced approach enhances QICCA’s appeal as a venue for both regional and international parties seeking a reliable arbitration platform.

The 2024 Arbitration Rules, in many respects, offer parties greater flexibility in the arbitration process, including the possibility of consolidating multiple arbitrations, joinder of third parties, bifurcating the proceedings, and expedited procedures for small claims. Additionally, the 2024 Arbitration Rules permit parties to depend entirely on online submissions and electronic communications with QICCA and the arbitral tribunal, or any alternative case management system implemented by QICCA. In fact, QICCA has also introduced a new electronic filing of Notices of

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Arbitration and Responses to the Notice of Arbitration.

Furthermore, the 2024 Arbitration Rules offer greater transparency through detailed provisions on the appointment and disclosure of arbitrators, management of the arbitral process, and publication of awards.

### **Strengthening Neutrality and Impartiality**

Neutrality and impartiality are fundamental to QICCA's arbitration services. The 2024 Arbitration Rules enhance protocols for selecting and appointing arbitrators, emphasising party autonomy and transparency. Article 12.3 provides that QICCA is to simultaneously provide to each party an identical list containing at least three names of suitable candidates. Each party is to rank the names in order of preference and return the list to QICCA within 7 days, and QICCA shall appoint the sole arbitrator from among the names approved on the lists returned to it and in accordance with the order of preference indicated by parties.

When nominating or appointing sole arbitrators, QICCA is to take into account the nature of the dispute, the language and location of the arbitration, the applicable laws, parties' locations, the relationship between the arbitrator and parties, the arbitrator's availability, and their nationality (Article 12.4). Article 12.2 highlights that any criteria mutually agreed by the parties should also be taken into account. Finally, the 2024 Arbitration Rules affirm parties' right to appoint the co-arbitrators and the presiding or sole arbitrator from outside QICCA's approved lists, provided they are neutral and independent. These measures are designed to foster confidence in the arbitral process, ensuring fair and unbiased outcomes.

### ***Ad Hoc* Arbitration**

The 2024 Arbitration Rules confirm QICCA's ability to provide administrative services for *ad hoc* proceedings. This aligns with QICCA's current approach, which offers several types of support to *ad hoc* proceedings. This commitment is formalised in Article 3 of the 2024 Arbitration Rules, which allows parties to agree to deviate from the 2024 Arbitration Rules if QICCA is designated as appointing authority. By promoting such flexibility, QICCA is set to strengthen its role in *ad hoc* proceedings in Qatar and beyond.

### **Efficiency**

In order to expedite the constitution of the arbitral tribunal, the 2024 Arbitration Rules require the parties to nominate their arbitrators in the Notice of Arbitration and the Response to the Notice of Arbitration. This marks a significant change from the 2012 Arbitration Rules, under which the respondent was required to nominate their arbitrator within 30 days of the claimant's nomination, and the president of the tribunal within a further 30 days of respondent's nomination.

To further expedite the process of constituting the arbitral tribunal, the 2024 Arbitration Rules require the arbitral tribunal to establish a procedural timetable as soon as it is constituted. In addition, the arbitral tribunal is explicitly empowered to conduct proceedings based solely on documentary evidence (Article 20.4), to rule on any jurisdictional objections as a preliminary matter (Article 29.5), and for the presiding arbitrator solely to decide on procedural matters and issue procedural orders (Article 62.2).

## **Strengthened and Comprehensive Procedural Provisions**

Chapter III of the 2024 Arbitration Rules lays out specific and detailed procedural provisions that empower the arbitral tribunal to effectively manage the proceedings and navigate various stages of the arbitration process. This approach ensures smooth handling of cases and promotes efficient dispute resolution, even in situations where parties opt for less experienced arbitrators, a scenario often observed in arbitration involving local parties.

Another key feature of the 2024 Arbitration Rules is the arbitral tribunal's authority to determine the applicable rules governing evidence-taking (Article 32.2). The 2024 Arbitration Rules introduce simplified and specific protocols for evidence collection, including provisions on witness and expert evidence (Articles 32-33). The authority to determine the admissibility, relevance, materiality, and weight of the submitted evidence remains with the arbitral tribunal (Article 32.10).

## **Expedited Procedures**

Chapter IV of the 2024 Arbitration Rules introduces the expedited procedures which apply to claims below QAR 1 million (approximately USD 275,000). In expedited proceedings, the arbitral tribunal is to be composed of a sole arbitrator appointed by QICCA, within 37 days of submitting the Notice of Arbitration. As per Article 47 of the 2024 Arbitration Rules, the arbitral tribunal must conduct the proceedings expeditiously acknowledging the parties' agreement to refer the dispute to expedited process. The proceedings are conducted exclusively on the papers and the award must be rendered in 3 months. This new provision aligns the 2024 Arbitration Rules with the majority arbitration rules and international standards.

## **Third Party Funding**

As per Article 9 of the 2024 Arbitration Rules, parties are now required to disclose details of any third-party funding at the commencement and throughout the arbitral proceedings.

## **Party Autonomy**

The 2024 Arbitration Rules place significant emphasis on party autonomy, granting parties greater control over the arbitration process. While reinforcing the arbitral tribunal's responsibility to conduct efficient proceedings, the 2024 Arbitration Rules empower parties to agree on several key aspects.

Under the 2024 Arbitration Rules, parties have enhanced autonomy in determining the timeframe for the arbitration proceedings, a marked departure from the 2012 Rules, which required the arbitral tribunal to exert its best efforts to render the award within 6 months from receipt of the file from QICCA.

In addition, the 2024 Arbitration Rules introduce the following autonomy to parties: the option to proceed with arbitration based on documents only, establish the rules of evidence-taking, choose the means of communication between parties and the arbitral tribunal, apply expedited proceedings, nominate the presiding arbitrator, and use a tribunal-appointed expert.

The 2024 Arbitration Rules also grant parties the authority to determine the seat of arbitration and designate the location where the arbitration hearings will take place. This provision contrasts with the 2012 Arbitration Rules, which granted the arbitral tribunal the ultimate authority to decide on

these matters in the absence of a prior agreement.

### **Consolidation and Joinder**

The 2024 Arbitration Rules allow consolidation of two or more arbitrations into one case under certain circumstances where the cases relate to the same dispute, or where (some of) the disputing parties are the same.

As per Article 21 of the 2024 Arbitration Rules, the consolidation request can be submitted either before or after the constitution of the arbitral tribunal. If the request is submitted prior to the constitution of the arbitral tribunal, QICCA may accept the request for joinder where it is *prima facie* satisfied that such additional person is a party to the arbitration agreement, either as an original party thereto or a party to which the agreement is assigned or extended, or when that person agreed to the joinder request. Article 21.3 clarifies that QICCA's decision is without prejudice to the arbitral tribunal's power to rule on its own jurisdiction upon its appointment.

If the joinder request is submitted to the arbitral tribunal, it may grant the request where the additional party is a party to the arbitration agreement, either as an original party or a party to which the agreement is assigned or extended. If the additional party is not bound by the arbitration agreement or if the joinder would affect the constitution of the tribunal, the request should be denied (Article 21.4).

### **Representation**

The 2024 Arbitration Rules explicitly provide that there is no prohibition for parties to be represented by a non-Qatari lawyer. According to Article 7 of the 2024 Arbitration Rules, the arbitral tribunal is authorised to make decisions regarding this matter and may require parties to provide adequate proof of representation, as the arbitral tribunal deems appropriate.

### **Emergency Arbitrator**

The 2024 Arbitration Rules include a comprehensive chapter on emergency arbitration, allowing parties to request urgent relief in situations requiring immediate action before the arbitral tribunal has been constituted. As per Article 50, any party may, concurrently with, or following the filing of a Notice of Arbitration, submit a written application to QICCA to appoint an emergency arbitrator, prior to the constitution of the Arbitral Tribunal.

Article 57 specifies the conditions under which emergency relief may be granted. The emergency arbitrator must be satisfied that there is a reasonable possibility of a successful claim, the applicant risks incurring actual or potential harm that is not reparable by way of damages if the emergency relief is not granted, extremely urgent circumstances exist, and the interests of the applicant outweighs the harm that may be incurred by the party against whom the emergency relief is directed.

### **Costs and Fees**

The 2024 Arbitration Rules provide for more transparent and predictable costs and fees, ensuring that parties are aware of the expenses involved in the arbitration process.

Notably, the administration and arbitrator fees have been reduced for cases below QAR 5 million

(approximately USD 1.4 million). This change aims to encourage parties to utilise QICCA's arbitration services by making the process more financially accessible. For this purpose, the 2024 Arbitration Rules also clarified that parties are no longer responsible for the fees of the tribunal secretary, and such fees now form part of the arbitral tribunal's fees.

To support the effective implementation of the 2024 Arbitration Rules, QICCA is launching a series of workshops and seminars in early 2025 to familiarise stakeholders with the nuances of the updated framework and help them maximise the benefits of the new rules. QICCA also intends to publish practice notes and guidelines to the arbitrators and parties with respect to the proper application and interpretation of its arbitration rules.

## Conclusion

QICCA's introduction of the 2024 Arbitration Rules marks a significant step towards strengthening dispute resolution mechanisms in the State of Qatar. By focusing on efficiency, flexibility, and digital integration, QICCA is well-positioned to meet the evolving needs of businesses and legal practitioners. As Qatar continues to expand its role on the global stage, these enhancements are set to further solidify its reputation as a key player in the international arbitration arena.

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