

# HERBERT SMITH FREEHILLS PARTNER CRAIG TEVENDALE SPEAKS MENA DISPUTES, AHEAD OF LONDON INTERNATIONAL DISPUTES WEEK 2021

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Firm news

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Herbert Smith Freehills Partner Craig Tevendale is set to be involved in London International Disputes Week (LIDW) 2021, speaking at event about disputes in Middle East and North Africa (MENA). He will speak at an event to be hosted on 10 May, 2021.

LIDW, which is set to be hosted virtually from 10 - 14 May 2021, will bring together legal practitioners from around the world to celebrate the heritage of London as a disputes centre and to consider the future of global dispute resolution.

Herbert Smith Freehills is a proud founding member of this important event and has joined forces with more than 50 other firms, barristers chambers, academics, legal commentators and dispute resolution organisations to initially help launch the week.

On the lead-up to the event, Craig will answer some questions on why LIDW is so important for the Capital and some key issues related to disputes in MENA.

**Why is it important that London hosts International Disputes Week?**

English law is trusted by business worldwide, including for many deals involving MENA parties. Both the English courts and London-seated arbitration are heavily used by international parties and, given the importance of London in the international disputes arena, London International Disputes Week is a key opportunity for London to showcase what it offers and to listen to its users. This year's LIDW is particularly timely, given that the English Commercial Court celebrated its 125th anniversary last year and also given the increased volume of commercial disputes resulting from the pandemic.

### **What are the key issues facing the MENA disputes landscape at the moment?**

This is an interesting time in MENA disputes, with some recent arbitration-friendly legislative developments of particular note. The impact of the UAE's Federal Arbitration Law continues to be felt. It was pleasing to see Iraq signing up to the New York Convention this year, and there have recently been some encouraging pro-enforcement decisions, including in relation to a Dubai-seated DIAC award recently upheld by the Dubai Court of Cassation. The arbitrator diversity gap is also attracting increasing attention in the region. There are growing calls for greater MENA arbitrator presence on tribunals, and for better gender diversity in arbitration more broadly.

### **Do you have any predictions for the future of the MENA disputes?**

In arbitration, many MENA parties are now using MENA seats and this trend seems set to intensify. Dubai has proved particularly popular and the new DIFC-LCIA rules that came out in 2020 have been well received by the international arbitration community. Other MENA seats are also likely to gain further traction, not only well-established centres such as Cairo and Dubai but also up- and-coming GCC venues which are benefiting from renewed legislative and judicial support. Arbitration has gone virtual this year and MENA parties have experienced the cost and time benefits of remote hearings. While in person hearings will doubtless be roaring back, an element of virtual dispute resolution will inevitably be a permanent feature.

### **Any impacts from the pandemic that you're keeping an eye on?**

Aside from the human impact of the pandemic, there has been a significant shift in the disputes landscape. Globally, we have seen an increased number of disputes and this has clearly also played out in the MENA region.

The DIFC-LCIA caseload continues to grow, with an 18% increase on the 2019 figures when compared to 2018. There is every sign that 2020 will have been even busier for the DIFC-LCIA, with the institution already having seen almost the same number of cases by the start of Q3 2020 as were recorded in the whole of 2019. Some key MENA sectors, such as oil and gas, were particularly impacted by the pandemic and the related legal issues will continue to be seen in disputes under trading and operation agreements for some time to come.

# KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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