

# Mediation and JDR in the QICDRC

## 4<sup>th</sup> JDRN Meeting



محكمة قطر الدولية  
ومركز تسوية المنازعات

**QATAR INTERNATIONAL COURT  
AND DISPUTE RESOLUTION CENTRE**

# Introduction to the QICDRC

- The courts and judiciary in the State of Qatar operate under the Supreme Judicial Council, which sits under the Ministry of Justice. The Court of Cassation is the highest court in the State, and Qatar employs a civil law system.
- The QICDRC comprises the Qatar Financial Centre (QFC) Civil and Commercial Court (the QFC Court), the Regulatory Tribunal, and mediation and arbitration services, initially established in 2005, and is an exception to the other national courts of the state of Qatar.
- Nevertheless, the QFC Court is a national state court. Judgments are issued and enforced through the same procedures as other national courts in the state of Qatar. The first case before the QFC Court was in 2009.
- The QICDRC deploys common law procedures rather than civil law procedures, and lies under the Ministry of Investment and Trade rather than the Ministry of Justice.
- The State of Qatar has, over the last quarter-century, sought to diversify its economy. One of the ways in which it has done this is through the creation of special economic zones (SEZs), designed to attract foreign investment.

# Introduction to the QICDRC

- There are four main SEZs: the Qatar Financial Centre (QFC) (focused on professional services); the Qatar Free Zones (focused on logistics and technology), Media City and Qatar Science and Technology Park. The QFC is the largest and provides favourable business conditions, including a favourable tax regime, 100% foreign ownership, full repatriation of profits, and laws based on international best practice familiar to international investors.
- Part of the attraction of the QFC is the QFC Court and the QFC Regulatory Tribunal, which serve as the default bodies to resolve disputes from the QFC.
- Importantly, the QICDRC is an opt out body: broadly speaking, there must be a link to an SEZ for either the QFC Court or Regulatory Tribunal to have jurisdiction.

# The Court, Regulatory Tribunal, and the Applicable Law

- The QICDRC and its QFC Court are led by its President, The Rt. Hon. The Lord Thomas of Cwmgiedd, former Lord Chief Justice (LCJ) of England and Wales (each President has been a former LCJ of England and Wales). The QFC Court deals with civil and commercial disputes.
- The QFC Regulatory Tribunal is led by its Chairman, Sir William Blair (former Judge-in-Charge of the Commercial Court of England and Wales), and resolves regulatory disputes arising from decisions of SEZ authorities.
- The QICDRC boasts 16 judges, hailing from a variety of jurisdictions, including Qatar, England and Wales, Australia, Singapore, France, China, India, and South Africa uniquely covering both the common law and civil law traditions.
- The Court has two circuits, the First Instance Circuit and the Appellate Division. The decisions of the Appellate Division are final and may not be appealed further.
- The law applied at the QICDRC is the law of the SEZ in question. For example, the QFC has a key piece of primary legislation (its creating statute) and various regulations governing activities within it (e.g. contract, companies, insolvency, employment regulations etc): those are applied in the first instance.
- Parties are free to agree on the governing law of their contracts. The Court will generally respect the choice of the parties unless it conflicts with public order or public policy. Where appropriate, the QICDRC applies national Qatari law e.g. where the SEZ law is silent.

# Mediation at the QICDRC

- The QICDRC provides mediation services through its Mediation Centre, which consists of a panel of high-quality, multi-lingual mediators and modern user-friendly set of mediation rules.
- Parties can apply for mediation through the QICDRC website or by contacting the Court/Registry directly. Mediation can be conducted in-person, virtually, or in a hybrid format.
- Mediation in the QICDRC is available for parties in 3 ways; either Court initiated, voluntary request, or through contractual mediation clauses.
- The Court's Rules and Procedures (the '**Rules**') expressly empower judges to encourage parties to consider mediation and adjourn or stay proceedings where it is appropriate to do so:

*5.1 The Court will encourage the parties, whenever it is appropriate to do so, to resolve their disputes by resorting to arbitration or mediation or any other method of alternative dispute resolution*

*26.1 The Court may at any time adjourn or stay proceedings so that the parties can attempt to settle their differences by mediation or by another form of alternative dispute resolution.*

# Mediation at the QICDRC

## *Informal Encouragement*

- Mediation may arise at different procedural stages; before proceedings are initiated, after a case has been filed, or following active judicial case management (e.g. directions, case management conferences etc).
- A defining feature of mediation at the QICDRC is the critical role played by both the judiciary and the Registrar in identifying cases that are suitable for mediation.
- Every case filed before the Court goes to the Registrar for approval and the Registrar is able, amongst other things, to review the case at an early stage, accept, or reject. This review includes an assessment of whether the case or dispute might benefit from mediation.
- Informal encouragement: where appropriate the Registrar may raise mediation informally with the parties at an early point in the proceedings. At this stage this is not something that might be mandated.
- If parties agree to mediate, the QICDRC will suggest mediation to be conducted through the QICDRC Mediation Centre, but parties have the option to conduct this separately.

# Mediation at the QICDRC

## *Court Directed Mediation*

- Mediation can also be directed by the Court. The QICDRC adopts a distinctive Judge-Mediator model. This is also referred and suggested by the Registrar to the Judge(s) on the case where the matter appears to be appropriate for mediation.
- Following directions or a case management hearing, the Court may seek agreement of the parties to mediation and stay proceedings pending the outcome of that mediation. The Judge is already familiar with the case.
- If mediation does not result in settlement, any Judge who acts as Mediator is removed from further adjudication of the matter and litigation resumes before a different constituted bench.
- From experience, this model has proven to be much more effective and efficient as it reduces duplication of effort and allows for the Judge/Mediator to draw on existing familiarity with the factual and procedural background of the dispute.
- There are no fees.

# Mediation at the QICDRC

## *Fees and Outcome of Mediation*

- The process is private and confidential. All discussions, negotiations, and documents exchanged throughout are treated as “without prejudice” and are inadmissible in subsequent proceedings.
- Where a settlement is reached, this is recorded in writing and signed by both parties and can be enforced through the Court, subject to jurisdiction.
- Parties referred to the QICDRC Mediation Centre are obliged to pay the mediator’s fees (negotiated with the mediator) and any administration fees (QICDRC administration fees such as room hire are minimal).
- Where mediation is directed by the QFC Court/Regulatory Tribunal, the fees will be borne by the QFC Court/Regulatory Tribunal.
- The Registrar may terminate the mediation if there is a failure to pay any applicable fees.

**Thank you**  
**Q & A**