

## *Book Review*



Khawar Qureshi QC and Catriona Nicol, *Qatar International Court and Dispute Resolution Centre – A Guide to the Court and Regulatory Tribunal: Procedure and Jurisprudence*. Dubai: LexisNexis Middle East, 2022. ISBN: 9781474323512. \$82.00.

This first of its kind publication is a timely contribution to the professional literature given the growing importance of the Qatar International Court and Dispute Resolution Centre (QICDRC). The book pioneers an in-depth and comprehensive examination of QICDRC procedural rules and case law. The book covers the period from the founding of the Court in 2009 until the present.

The authors, Khawar Qureshi QC and Catriona Nicol, are both experienced litigators before the court (and internationally). Both authors have contributed to the development of the court over the last decade as advocates and through *amicus curiae* submissions. The Rt Hon The Lord Thomas of Cwmgiedd, President of the Qatar International Court and Dispute Resolution Centre, also contributes a Foreword noting the relevance of such publications in fostering a legal community around the court. Beyond the contribution of the Foreword, Lord Thomas and QICDRC Registrar Christopher Grout are also general contributors to the book.

The book is an indispensable resource for lawyers engaged with the court. The clear writing style and organization also makes this a useful guide for non-legal professionals within the Qatar Financial Centre (QFC) or Qatar Free Zones (QFZ) – or those dealing with QFC or QFZ registered entities. For researchers examining the introduction and development of these new Commercial Centre courts (in Dubai or Astana for example), this book is also a concise document capturing the Qatari experience to date. The book begins by discussing the history and legislative underpinnings of the Qatar International Court and the Regulatory Tribunal. In keeping with the professional tone of the book, the history provided is limited to the legislative and legal developments establishing the QFC and QICDRC. For those interested in a contextual history of the founding of the QFC and the QICDRC, examining the role of

one of its chief architects New Zealand lawyer Phillip Thorpe would be a good starting point.

A detailed contents page and a chapter structure that generally mirrors the organisation of the procedural rules provide for easy reference to specific topics and issues. This is further enhanced by a thoughtful index and table of cases in Appendix 4. The inclusion of applicable legislation in Appendix 1 (Qatar Law No.2/2017 – Promulgating the Civil and Commercial Arbitration Rules; Extracts of Qatar Law No.7/2005 – Qatar Financial Centre Law; Extracts from Qatar law No.15/2021 – Amending Certain Provisions of the Qatar Law No. 34/2005) increases the utility of this volume as a practitioner handbook. Likewise, the inclusion of Court Rules, Tribunal Rules and Practice Directions in Appendix 2, and the Mediation Rules in Appendix 3.

From a scholarly perspective, one of the most interesting jurisprudential questions arising in the history of the QIC is the question of financial centre design and *res judicata* discussed in the case of *Tamimi*.<sup>1</sup> In that case, Qureshi QC intervened as a friend of the court and was at his brilliant best in exploring the meaning of *res judicata* across jurisdictions, and how it might apply in the QFC. For interested observers this case was one of the meatier issues the court has had to explore. It touched upon the intertwined legislative foundations of executive and judicial bodies in the QFC and required the judiciary to grapple with some very interesting issues concerning legal authority. It is understandable how issues like this might not appeal to practitioners and are not covered in the book – even as commentary. In fact, it likely shows great modesty on the part of the authors in choosing not to include such issues, as the authors themselves have been significant actors in those and other important matters in this jurisdiction.

Practitioners looking for binding precedents from within the QICDRC jurisdiction will be delighted at how the authors have created the book. Nearly every case decided by the QIC and Regulatory Tribunal to date has been married to the relevant legislative or regulatory provision. It makes manageable a common law system that for non-common law lawyers may at times seem bewildering.

This approach is helpful for practitioners but also very telling from a jurisprudential perspective.

With this accessible resource, cases brought before the QIC or the Regulatory Tribunal, for example, concerning restrictive covenants will have all the local

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<sup>1</sup> *Abdulla Jasim Al Tamimi v (1) Qatar Financial Centre Authority and (2) Qatar Finance and Business Academy LLC; Abdulla Jasim Al Tamimi v Employment Standards Office* [2018] QIC (A) 3 (20 November 2018).

case law in one place. This will make life easier for both lawyers and judges but also skew the approach of the court towards a distinct common law dynamic.

This consolidation of case law may well become the rock upon which this judicial church is built.

As new judgments increasingly rely upon previously decided disputes, the QIC and Regulatory Tribunal is evolving a unique body of case law. This book will strengthen that development and avoid the hereto-unresolved issue of whether foreign case law is merely helpful or persuasive in interpreting QFC legislation or actually expected when local precedents do not exist. The broader issue this speaks to is whether the QIC and Regulatory Tribunal are common law courts or a cosmopolitan hybrid court.

The approach and construction of this book, and its use of case law to undergird the language of specific legislative and regulatory provisions, reflects the approach and mindset of English common law casebooks and, one may submit, tilts the scales decidedly towards the common law system moving forward. A book of this nature, contributed to, as it is, by the President and Registrar of the court no less, will make it increasingly difficult to maintain the view that the court is anything but a common law court.

*A Guide to the Court and Regulatory Tribunal: Procedure and Jurisprudence* is a wonderful book that is both useful and interesting. Practitioners, professionals involved with the QFC and even scholars will find the book the primary resource on all matters connected with the QICDRC.

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