

High Court rules English judgments are enforceable in the UAE



In *Invest Bank v El-Husseini & Others* [2022] EWHC 3008 (Comm) Bryan J has considered the current law in the United Arab Emirates (“UAE”) and determined that English judgments in the UAE are likely to be enforced, refusing an application for security against a claimant resident in the UAE as a result. The decision relies on, in part, a [letter issued by the UAE’s Ministry of Justice in September 2022 \(“MOJ Letter”\)](#).

This appears to be a departure from our experience of the Court’s approach. In fact, we have twice been able to obtain security for costs orders against a claimant resident in the UAE, as recently as August 2022. It would appear the MOJ Letter has had a significant impact on the approach to be taken to claimant’s domiciled in the UAE, given its recognition of reciprocity between the Courts of the UAE and the Courts of England and Wales, which Bryan J said “*put beyond any doubt*” that there is reciprocity.

Other factors identified by Bryan J as relevant to his determination that it had not been established that there was any real risk of obstacles to enforcement in the UAE included:

1. The claimant’s willingness to agree to submit to the jurisdiction of the DIFC Court for the purposes of enforcement of any order for payment of costs made against it and to not seek declaratory relief opposing enforcement of an English costs order against it in the DIFC.
2. There was no evidence to establish that the UAE Courts could claim “exclusive jurisdiction” over the subject matter of the proceedings, which would render onshore enforcement impossible.
3. There was no UAE public policy against the award, and enforcement, of legal costs (as alleged by the defendants).



The parties spared no expense arguing this application, with no less than eleven factual witness statements before the Court (the eleventh only provided immediately before the hearing commenced), as well as six expert reports on UAE law in three rounds of expert evidence. The application bundle ran to some 2,689 pages, plus a supplemental bundle of 458 pages. It is therefore fair to say that Bryan J heard exhaustive arguments by both sides before reaching his decision and, as expected, the MOJ Letter appears to have encouraged greater cooperation between the English and UAE Courts.

How we can help

From the outset of any litigation, the viability of enforcement should be a key consideration especially when attempting to enforce against overseas assets. If you have a dispute with an international element in the UAE please get in touch with our [commercial dispute resolution team](#).

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