

The Arbitrator's Response as a Guarantee for Arbitrators in Light of UAE Law: A Comparative Study

Rashid Obaid Al-Matrooshi, Prof. Arieff Salleh bin Rosman

Academy of Islamic Civilization, Faculty of Social Sciences and Humanities, University
Teknologi Malaysia (UTM), Malaysia

Email: Genev1111@hotmail.com, aswar@utm.my

To Link this Article: <http://dx.doi.org/10.6007/IJARBS/v13-i10/18971> DOI:10.6007/IJARBS/v13-i10/18971

Published Date: 24 October, 2023

Abstract

The aim of this research is to determine the objective and temporal scope of the arbitrator's response, and to clarify the controls and procedures for the arbitrator's response according to the UAE Arbitration Law No. (6) of 2018 compared to the Egyptian Arbitration Law No. (27) of 1994 and its amendments. The research relied on the analytical descriptive approach and the comparative approach, and through these Approaches The legal texts related to the arbitrator's response will be analyzed as a guarantee of the arbitrators' guarantees, and the research reached several results, the most important of which is that both the Emirati legislator and the Egyptian legislator permitted the arbitrator to step down voluntarily in the event that a request for a response was submitted against him, and both of them restricted that procedure to a deadline of (15) fifteen days The research recommended that the Egyptian legislator take the idea of the violation of one of the convention or legal conditions in the arbitrator as one of the reasons for the response; As this guarantees the continued impartiality and independence of the arbitrator.

Keywords: Law, UAE, Arbitrators

Introduction

Arbitration is considered one of the important tools for achieving justice in contemporary legal systems. Legal regulations recognize the possibility of achieving judicial protection for violated interests through means other than resorting to the state judiciary, including arbitration, which serves as a mechanism through which parties can forego state court proceedings. In arbitration, the parties agree to submit their disputes to a person or persons of their choosing, or specify the method of selecting them, to resolve the dispute.⁽¹⁾

(1)The UAE legislator defined arbitration in Article 1 of Federal Law No. 6 of 2018 regarding arbitration as follows: "Arbitration is a legal means by which a binding decision is issued in a dispute between two or more

Arbitration, in its essence, represents a parallel system to the judiciary, where the parties involved in a legal relationship agree to take a current or future dispute out of the jurisdiction of the state's public judiciary and place it in the hands of another person or persons chosen by these parties. They entrust them with the resolution of this dispute through a binding and final judgment for both parties. Arbitration is considered a fast and efficient means of resolving disputes that arise between adversaries (Shatta, 2005).

The mission of the arbitrator, in facing the arbitration parties, is accompanied by certain guarantees that ensure the achievement of its purpose and effects. When parties choose an arbitrator, each of them must strive to select an arbitrator who possesses the qualifications that instill confidence in their ability to carry out their task with integrity, honesty, and impartiality during the arbitration proceedings (Hamouda, 2013).

The legitimacy of arbitration, in general, is based on the legislator's authorization to resort to it as an alternative to the regular judiciary. While the legitimacy of resorting to arbitration in a specific dispute is based on the agreement of the disputing parties to arbitrate it, the legislator has permitted the option of arbitration in disputes. However, no one can compel another to abandon the path of the judiciary and resort to arbitration without the mutual consent of the disputing parties together (Sekkar, 2006). Arbitration relies on two principles: the will of the adversaries, represented by their agreement to arbitrate, and the legislator's recognition of this will by authorizing resorting to arbitration. Without this authorization, resorting to arbitration is not possible, as the dispensation of justice is a right of the state through the judiciary, and no one can infringe upon this right, considering the judiciary as an aspect of sovereignty. Therefore, the arbitrants, through their agreement to arbitrate, confer upon the arbitrator the authority to adjudicate the dispute instead of the judiciary.⁽²⁾

Various arbitration laws, including the UAE and Egyptian Arbitration Laws, have been careful to establish numerous safeguards for arbitrators in the face of the parties that have appointed them, with the aim of providing a minimum level of their impartiality and independence from the disputing parties who have selected them. This is because these safeguards are deemed necessary for the establishment of justice, and neglecting or not considering them can lead to the invalidation of the arbitration award. Such neglect may include inequality between the adversaries and a failure to respect the right to defense. Therefore, arbitration parties have the right to disqualify an arbitrator in various circumstances, including in the case of the arbitrator's bias, where his impartiality and independence are compromised.⁽³⁾

Research Problem

This study aims to examine the legal framework of arbitrator challenge in the UAE Arbitration Law No. 6 of 2018 and the Egyptian Arbitration Law No. 27 of 1994. The research problem

parties through an arbitral tribunal based on the parties' agreement." The arbitral tribunal is defined as "a tribunal composed of one or more individual arbitrators for the resolution of the dispute submitted to arbitration." As for the parties to arbitration, they are described as follows: the "claimant," who initiates the arbitration proceedings, and the "respondent," who is the party against whom the claimant has initiated arbitration proceedings, regardless of their number.

(2)Dubai Court of Cassation, Appeal No. (220) of 2004, Commercial, Session of 1/17/2005, Case No. 16 Rights, Vol. 1, p. 240.

(3)Article (16) of Federal Law No. (6) of 2018 concerning Arbitration, and Article (18) of the Egyptian Arbitration Law No. (27) of 1994 and its amendments.

revolves around the exploration of the legal aspects of the arbitrator challenge system. This involves identifying the reasons and deadlines for submitting a challenge request, the regulations governing the application of this system, and delineating the procedures for challenging an arbitrator, including the conditions and consequences of filing a challenge request. Additionally, the study seeks to determine the relevant authority responsible for adjudicating these challenge requests.

Research Objectives

1. To define the subject matter and temporal scope of arbitrator challenge.
2. To clarify the criteria for arbitrator challenge.
3. To outline the procedures for submitting an arbitrator challenge request.
4. To determine the competent authority responsible for adjudicating arbitrator challenge requests.

Research Methodology

This research relies on a descriptive-analytical methodology and a comparative approach. Through these methodologies, the legal texts related to arbitrator challenge, as one of the safeguards for arbitrators, will be analyzed. Specifically, this analysis will be conducted by examining the provisions within the UAE Arbitration Law No. 6 of 2018 in comparison with the Egyptian Arbitration Law No. 27 of 1994 and its amendments. This approach is taken to arrive at the most suitable legal solutions to the research problem.

Research Plan

Arbitrator challenge refers to one of the parties involved in an arbitration dispute expressing their intent not to comply with a specific arbitrator in a particular case due to the existence of a valid reason for challenge, in accordance with specific legal criteria and procedures established by the legislator. In this research, we discuss the topic of arbitrator challenge as one of the safeguards for arbitrators in both the UAE and Egyptian legislations. This is achieved through the following two sections:

- Section One: The Scope and Criteria of Arbitrator Challenge.
- Section Two: Procedures for Arbitrator Challenge.

Scope and Criteria of Arbitrator Challenge

Given that an arbitrator carries out a role similar to that of a judge, as they decide on disputes between the parties and issue judgments, the system of arbitrator challenge, or the challenge of the judiciary in general, is considered a procedural system. It is an aspect of exercising the right to litigation, serving as a procedural safeguard that must be provided to both the parties and the arbitrator. This safeguard aims to protect the arbitrator from any potential bias that could lead to a deterioration in their perceived integrity and impartiality (Al-Tarawneh, 2017). In both UAE and Egyptian legislation, there are specific boundaries and criteria for arbitrator challenge. To clarify these aspects, this chapter is divided into two sections:

- The first section discusses the scope of arbitrator challenge.
- The second section addresses the criteria for arbitrator challenge.

The Scope of Arbitrator Challenge

In this section, we discuss the scope of arbitrator challenge, starting with its substantive scope concerning the grounds on which an arbitrator may be challenged. Then, we address its

temporal scope, which refers to the duration or time within which a challenge request may be submitted. Accordingly, we delve into the substantive scope of arbitrator challenge in the first subsection and the temporal scope in the second subsection.

The Substantive Scope of Arbitrator Challenge

The substantive scope of arbitrator challenge refers to the determination of the grounds on which a request to challenge an arbitrator is based. It is noteworthy that while civil procedural laws enumerate the reasons for the disqualification of judges and the grounds for their challenge, arbitration laws follow a different path. They lean towards endorsing the general principle of allowing the challenge of an arbitrator for any reason that might compromise their impartiality, independence, or integrity (Sharabi, 2014).

The possibility of challenging an arbitrator is considered one of the entitlements granted to the parties in an arbitration dispute when confronting the arbitrator. It is a safeguard that cannot be assumed to be waived by the parties (Dawidar, 2009). According to (Article 14) of the UAE Arbitration Law and (Article 18) of the Egyptian Arbitration Law, an arbitrator may be challenged for two reasons:

First: If circumstances arise that raise serious doubts about the arbitrator's impartiality and independence:

The integrity, neutrality, and independence of the arbitrator form the foundation upon which the entire system of proper conduct is built. These principles are articulated in detail throughout the entire arbitration system. Independence and neutrality are interconnected principles, almost two sides of the same coin. There can be no neutrality without independence, and there is no justification for independence without neutrality (Dawidar, 2009).

We find that both the UAE legislator and the Egyptian legislator excelled in crafting Article 14 of the UAE Arbitration Law and Article 18 of the Egyptian Arbitration Law. The wording of these articles is more comprehensive than the provisions adopted by some legislations, which either limit arbitrator challenge cases to those involving judges ⁽⁴⁾ or include similar cases ⁽⁵⁾. The text encompasses any situation that might compromise the impartiality and independence of the arbitrator or render them unfit to adjudicate an arbitration dispute. It is noteworthy that the arbitrator must disclose, upon accepting their role, any circumstances that could raise doubts or suspicions about their impartiality or independence. This duty of disclosure, transparency, and openness carries legal responsibility if the arbitrator breaches it (Al-Sanouri, 2005).

It is worth noting that the requirement for impartiality or independence is not related to public policy but rather to the interests of the parties. Therefore, if impartiality or independence is lacking in the arbitrator, it is the responsibility of the concerned party to assert this defect; otherwise, they forfeit their right to object. In this regard, it has been ruled that "when the arbitrator has fulfilled the duty of disclosure and the parties to the arbitration have consented to his appointment, despite the facts he disclosed that may raise doubts about his impartiality or independence, his appointment becomes definitive. Consequently, none of the parties can challenge the arbitrator based on any of these facts alone. The

(4)As stated in Article 770 of the Law of Civil Procedure issued by Legislative Decree No. 90 on September 16, 1983, and its amendments in Lebanon.

(5)As mentioned in Article 24 of the Royal Decree No. 1.22.34 issued on May 24, 2022, to implement Law No. 95.17 concerning arbitration and mediation in the Kingdom of Morocco.

occurrence of any of these circumstances does not, by itself, render the arbitrator ineligible. Therefore, if the arbitrator notifies both parties of such circumstances and they still agree to appoint him as the arbitrator or if neither of the parties challenges him and obtains a judgment regarding this challenge, then the judgment shall be valid".⁽⁶⁾

According to that, either party has the right to object to the arbitrator if circumstances arise that raise doubts about their impartiality or independence, regardless of whether the arbitrator was appointed by that party, the other party, or any other entity granted the right of selection by that party. Of course, no party can object to an arbitrator they have appointed unless there are reasons that became known after their appointment. Such reasons may include the arbitrator's failure to perform their duties or the presence of legal or material impediments preventing them from fulfilling their role (Al-Wafa, 1998). The party intending to object to any arbitrator must send a notice of objection to all the parties and arbitrators within the timeframe specified in the agreement between the parties, the rules of the relevant arbitration institution, or the applicable arbitration law (Abu-Zeid, 1995).

The researcher notes that this is a trend in the rules and regulations of organized or permanent arbitration centers and institutions. Examples of these rules include the 1985 Rules of Procedure of the London Court of International Arbitration⁽⁷⁾ the 2012 Rules of Arbitration of the International Chamber of Commerce in Paris, and the 1994 Arbitration Rules of the Gulf Cooperation Council Commercial Arbitration Center.

Here, we note that some rules of arbitration bodies and centers tend to provide examples of reasons for the arbitrator's disqualification. For instance, the 1993 Rules of Arbitration and Commercial Conciliation of the Abu Dhabi Commercial Conciliation and Arbitration Center and its amendments state in Article 13/3: "...the arbitrator shall not act as an attorney, representative, employee, partner, close relative up to the fourth degree, guardian, or assessor for any party to the dispute, nor shall they have a direct or indirect interest in the dispute, or have previously acted as a mediator in its settlement through reconciliation or expressed their opinion unless the parties agree otherwise." Similar provisions can be found in the 2007 Rules and Procedures of the Dubai International Arbitration Centre.⁽⁸⁾

Second: If it is proven that the agreed-upon conditions by the parties or those stipulated by the arbitration law are not met:

Although both the Emirati legislator and the Egyptian legislator have emphasized the guarantee of the arbitrators' disqualification, the Emirati legislator uniquely enables the disputing parties to request the disqualification of any arbitrator if it is established that they do not meet the conditions stipulated, whether those conditions are specified in the parties' agreement or by the law itself.⁽⁹⁾ Thus, the Emirati Arbitration Law has added a ground for

(6)Court of Appeal in Cairo, Appeal No. 124, Commercial, Session on 6/1/2009, Case No. 71 of the year 125 of arbitration.

(7)The provision in Article 3/7 of the 1985 London Court of International Arbitration (LCIA) Rules states that: "The decision on the challenge to the appointment of an arbitrator will be made by the LCIA Court if it is satisfied that there is justifiable doubt as to the arbitrator's impartiality or independence, or for any other reason the LCIA Court concludes that the arbitrator is not able to perform his functions effectively."

(8)See: Article 13 of the 2007 Rules of Arbitration of the Dubai International Arbitration Centre (DIAC).

(9)The Article 14 of the UAE Arbitration Law states: 1- An arbitrator may not be challenged except if circumstances exist that give rise to serious doubts about their impartiality or independence, or if it is proven that the conditions agreed upon by the parties or those stipulated in this law are not met. 2- A request to challenge the arbitrator appointed or participated in the appointment of can only be made for a reason that becomes apparent

disqualification that was not included in the Egyptian Arbitration Law. If arbitration is agreed upon and it becomes clear that one of the arbitrators does not meet the conditions agreed upon by the parties, a request for their disqualification can be submitted according to the legal procedures and deadlines.

Likewise, if an arbitration agreement is concluded between the parties and the arbitrators, and it is subsequently revealed that one of the arbitrators has failed to meet one of the conditions stipulated for arbitrators in Article (10) of the UAE Arbitration Law, ⁽¹⁰⁾in this case, a request for the disqualification of that arbitrator may be submitted. It is also evident that the same principle, the disqualification of the arbitrator, applies when there is a lack of both contractual and legal conditions in one of the arbitrators.

It is worth noting that the burden of proving the existence of a disqualifying reason falls on the party seeking the disqualification, following the principle "he who alleges must prove." The subject of the burden of proof is the disqualifying reason. If the party seeking disqualification had knowledge of the reason before the appointment of the arbitrator, they must prove that the reason was not known to them (Mabrouk, 2008). Otherwise, the request for disqualification will not be accepted, in accordance with the provisions of Article (14/2) of the UAE Arbitration Law and its counterpart in Article (18) of the Egyptian Arbitration Law.

The researcher believes that both the UAE legislator and the Egyptian legislator have done well by not listing or specifying the reasons for disqualifying an arbitrator. It is appropriate to leave the matter to the discretion of the parties under the supervision of the competent authority to decide on the request for disqualification, especially since these reasons cannot be exhaustively enumerated in a specific list. The addition made by the UAE legislator regarding the reasons for disqualifying an arbitrator, specifically related to the violation of a condition among the contractual or legal conditions that must be met by the arbitrator, is commendable.

The Time Frame for Arbitrator's Challenge

after the appointment.3- A request for challenge may not be accepted from someone who has previously submitted a challenge request regarding the same arbitrator in the same arbitration and for the same reason. "The Article 18 of the Egyptian Arbitration Law No. 27 of 1994 and its amendments states: 1- An arbitrator may not be challenged except if circumstances exist that give rise to serious doubts about their impartiality or independence. 2- Neither of the parties to the arbitration may challenge the arbitrator they appointed or participated in the appointment of except for a reason that becomes evident after the appointment."

(1) Article (10) of the UAE Federal Law No. (6) of 2018 on arbitration states: 1- The arbitrator, in addition to the conditions agreed upon by the parties, must be a natural person, not a minor, incapacitated, or deprived of his civil rights due to declaring bankruptcy unless his status has been reinstated, or due to being convicted of any crime or a misdemeanor involving honor or trustworthiness, even if his status has been reinstated. 2- The arbitrator must not be a member of the Board of Trustees or the administrative body of the arbitration institution responsible for organizing the arbitration proceedings in the country. 3- It is not necessary for the arbitrator to belong to a specific gender or nationality unless otherwise agreed upon by the parties or stipulated by the law. 4- Any person nominated to serve as an arbitrator must provide a written statement regarding anything that may raise doubts about his independence or impartiality. From the moment of his appointment and throughout the arbitration proceedings, he must promptly notify the parties and all other arbitrators if any circumstance arises that could raise doubts about his independence or impartiality, provided that he has not previously informed them of such a circumstance.

An arbitrator must be challenged within a specific legal time frame, and the UAE legislator has stipulated this time frame in paragraph (1) of Article (15) of the UAE Arbitration Law. ⁽¹¹⁾This provision is in line with the content of Article (19/1) of the Egyptian Arbitration Law in this regard. Through these provisions, we observe the following:

1. Both legislations have defined the timeframe within which a challenge to an arbitrator must be submitted, which is fifteen (15) days, commencing from the date when the party seeking the challenge becomes aware of the constitution of the arbitral tribunal, including the arbitrator to be challenged, or from the date of their awareness of the justifiable grounds for the challenge (Sarghan, 2020).

It is noteworthy that this period for filing a challenge request represents a statute of limitations on the right of the challenging party in this matter, and the expiration of this period signifies that the challenging party has waived their aforementioned right (Musa, 2014).

2. In the scenario where the 15-day period begins from the date when the challenging party becomes aware of the grounds and justifiable circumstances for requesting the challenge, and this date follows their awareness of the constitution of the arbitral tribunal, the legislations do not specify a deadline for filing the challenge request beforehand. This is particularly challenging, given the difficulty of determining when the challenging party became aware of these circumstances and grounds. It relies on their declaration and awareness (Al-Ulama, 2011).

In this regard, the researcher believes that it is essential for the deadline for submitting a challenge request to be the maximum date when the proceedings in the arbitration case are closed. If the request is filed after that, it should be dismissed. Similarly, it is not permissible to submit a challenge request after the issuance of the arbitral award. At that point, the proceedings were concluded, and it's no longer arbitration but a judgment. If arbitration has the peculiarity of enabling the parties to cleanse the arbitral tribunal from any member with doubts about their impartiality or independence, especially since, in most cases, the parties are the ones who select the members of the tribunal. If their choice is contrary to their expectations and contradicts the principles of fairness and impartiality, they should have the opportunity at any stage of the arbitration, provided that it is before the closure of the proceedings, to rectify the error and challenge the arbitrator who may lean away from the scales of justice.

Some jurists argue Sarghan, (2020) that the 15-day deadline granted by the UAE legislator to both the other parties and the challenged arbitrator is a period for reflection and consideration of the challenge request. Its duration is 15 days starting from the date of delivery or announcing the challenge request to the arbitrator. Perhaps the intention here is that the legislator has determined that this period can end with the resignation of the arbitrator being challenged or with the consent of one of the parties to remove that arbitrator and replace them with another. This would effectively conclude the discussion regarding the challenged arbitrator at this point.

We also support this approach, which is applicable to Egyptian legislation, indicating that it is a period granted to the arbitrator who is subject to the challenge to contemplate the matter.

(11)In accordance with Article (15/1) of the UAE Arbitration Law, it is required that the party intending to challenge an arbitrator must notify the arbitrator sought to be challenged in writing, providing the reasons for the challenge. A copy of this notice should be sent to the other members of the arbitral tribunal, as well as to the other parties, within 15 days from the date on which the challenging party becomes aware of the appointment of the arbitrator or the circumstances warranting the challenge.

Both legislations, the UAE and Egyptian, have affirmed that if the arbitrator does not voluntarily resign within that period and the parties involved in the arbitration do not agree to remove them, the competent authority will then consider the request and make a decision on it.⁽¹²⁾

Guidelines for Challenging an Arbitrator

The UAE legislator was keen on establishing several guidelines for challenging an arbitrator to ensure that no party exploits this safeguard as a means to obstruct arbitration, act obstinately, or engage in delaying tactics and pressure the other party in the arbitration dispute. Article 14/3 stipulates that "a request to challenge an arbitrator who has previously submitted a request to challenge the same arbitrator in the same arbitration for the same reason shall not be accepted." However, this, of course, does not prohibit the other arbitrator from submitting a new challenge request against the same arbitrator (Al-Omaira, 2021). These guidelines are also included in Article 19/2 of the Egyptian Arbitration Law, with slight differences between the two texts, which we will discuss later. The mentioned article states that "a request to challenge an arbitrator who has previously submitted a request to challenge the same arbitrator in the same arbitration shall not be accepted."

To apply these guidelines outlined in the UAE Arbitration Law and the Egyptian Arbitration Law, specific conditions need to be met (Al-Shihabi, 2015), which we will discuss in the following sections. In the first section, we will focus on the relationship between the challenging party and the arbitrator, while the second section will address the conflict as a whole.

Unity of the Challenging Party and the Arbitrator

Both the UAE legislator in the UAE Arbitration Law and the Egyptian legislator in the Egyptian Arbitration Law stipulate the requirement of the unity of the challenging party and the arbitrator. According to the concept of non-conformity with the provisions of Article (14/3) of the UAE Arbitration Law and Article (19/2) of the Egyptian Arbitration Law - as previously mentioned - submitting a request for the arbitrator's challenge twice by two different parties involved in the arbitration dispute does not affect the acceptance of the request. The acceptance of the challenges is contingent upon the parties making the request, not the number of requests themselves. Therefore, the same party is not entitled to submit more than one request to challenge the same arbitrator.

The minor difference between the provisions of the UAE Arbitration Law and the Egyptian Arbitration Law, as previously mentioned, lies in the UAE legislator's affirmation that the acceptance of multiple challenge requests from the same party concerning the same arbitrator is linked to the reasons for the challenge. Therefore, an individual party involved in arbitration may submit multiple challenge requests regarding the same arbitrator without the risk of rejection if there are multiple reasons for the challenge. However, the Egyptian Arbitration Law does not contain such an exception.

Therefore, multiple challenge requests submitted by the same party in the arbitration proceedings against the same arbitrator are accepted if one of the reasons for the challenge, for example, involves the arbitrator's specific interest in the dispute, while the other reason relates to the arbitrator's relationship with the opposing party or acting as their

(12)According to Article (15/2) of the UAE Arbitration Law and Article (19/1) of the Egyptian Arbitration Law.

representative in another dispute. All of these factors affect the arbitrator's independence and neutrality, allowing for the submission of one or more challenge requests based on these reasons, even if they are filed by the same party seeking the challenge, against the same arbitrator.

While we support what the UAE legislator has outlined in this regard, we believe that submitting multiple challenge requests with varying reasons by the same party against the same arbitrator could potentially be exploited to disrupt the arbitration proceedings and delay the issuance of the arbitration award. It would be preferable to limit the variety of reasons for challenges depending on the timing of their emergence to ensure they are not used for the purpose of causing delays or disruptions in the arbitration process.

Unit of Conflict

Both the UAE legislator in the UAE Arbitration Law and the Egyptian legislator in the Egyptian Arbitration Law have agreed not to accept multiple challenge requests for the same arbitrator when they are submitted by the same challenger – the party requesting the challenge in the context of the same dispute, as previously detailed. Based on the concept of contradiction, multiple challenge requests for the same arbitrator submitted by the same party the party seeking the challenge and for the same reason, are allowed when the disputes subject to arbitration are multiple. Rejecting multiple challenge requests from the same challenger against the same arbitrator for the same reason according to the UAE Arbitration Law is restricted by the unit of the conflict.

This means that one of the arbitration parties has multiple arbitration disputes, and these multiple disputes are considered by arbitrators, one of whom is a common member to those disputes. In other words, one of the arbitrators reviews multiple arbitration disputes, among which are multiple disputes involving the same party seeking the challenge. In this case, the latter is allowed to submit multiple challenge requests in those arbitration disputes to challenge the same arbitrator, even if based on a single reason.

We can give an example of this situation to clarify the idea. Suppose an individual has multiple arbitration disputes that are being considered by multiple arbitrators, one of whom is a common member in all of these disputes. Now, a legal dispute arises between the arbitrator and the individual, where the arbitrator is seeking compensation from the individual for damage caused in a traffic accident. In this case, the arbitrator has become a party against the individual in a legal lawsuit. This allows the individual to submit multiple challenge requests to challenge that arbitrator in each of the arbitration disputes in which the arbitrator is involved as a party, based on the same reason, which is the emergence of a legal dispute between them. There is no room to argue here for the rejection of multiple requests made by the same person against the same arbitrator due to the absence of unity in the dispute in this situation.

Regardless of the circumstances, these regulations are imposed by the requirements of preventing the unwarranted disqualification of arbitration panel members and closing the door to any party seeking to procrastinate, hinder the work of the arbitration panel, or prolong a dispute in which that party senses a weakening of their position (Imran, 2006).

Procedures for the Removal of Arbitrators

We would like to begin by noting that the UAE legislator generally allows arbitrators to agree on the procedures for the removal of an arbitrator. However, if the conditions for removal are met and there is no such agreement, the statutory procedures for removal must be followed.⁽¹³⁾ This is in contrast to the Egyptian Arbitration Law, which does not grant this authorization to arbitrators, even though such an allowance aligns with the nature of contractual arbitration, which permits arbitrators to agree on many of the rules to be applied to their dispute.

The UAE legislator has regulated the procedures for the removal of an arbitrator in Article 14 and 15 of the UAE Arbitration Law when arbitrators do not agree on different procedures, as previously mentioned. On the other hand, the Egyptian legislator has regulated the procedures for the removal of an arbitrator in Article 18 and 19 of the Egyptian Arbitration Law. Therefore, we will discuss the procedures for the removal of an arbitrator in both legal systems through two requests. First, the submission of a removal request, and second, the competent authority for deciding on the removal request.

Submission of the Arbitrator Removal Request

The discussion of the submission of the arbitrator removal request, as outlined in both the UAE Arbitration Law and the Egyptian Arbitration Law, encompasses the conditions for filing such a request. This will be addressed in the first section of this request. In the second section, we will specify the consequences of submitting the arbitrator removal request.

Conditions for Submitting the Arbitrator Removal Request

First: Who Has the Right to Submit the Request

In cases where a general ground for removing an arbitrator exists, both the UAE legislator and the Egyptian legislator have stipulated that the request for removal is limited to the other party, not the one who appointed the arbitrator in question. In other words, as a general rule, the party who appointed the arbitrator or participated in their appointment is not allowed to request their removal, with the exception that this is permitted if the reason for removal becomes apparent to them at a later time after the appointment.

In other words, the UAE legislator and the Egyptian legislator have decided to "prohibit the party who appointed or participated in the appointment of an arbitrator from requesting their removal, unless it is proven that they became aware of the circumstances or grounds for removal after the appointment. In other words, if someone appoints an arbitrator knowing in advance that the required conditions are not met or that the arbitrator is not impartial or independent, they are not allowed to request their removal unless new grounds for removal become apparent to that party, which they were not aware of at the time of the appointment."⁽¹⁴⁾

However, if the requesting party did not make the appointment themselves or did not participate in the appointment of the arbitrator whose removal is sought, and the appointment was made by someone else, an institution, an arbitration center, or a judicial court, then there is no dispute that they can submit a request for removal regardless of when

(13)Article 15 of the UAE Arbitration Law provides that "the parties may agree on the procedures for challenging an arbitrator; otherwise, the following procedures shall be followed"

(14)Hassani El Masri, International Commercial Arbitration, Legal Books House, Cairo, 2006, p. 152.

the grounds for removal become apparent, whether it is before or after the arbitrator's appointment (Hamid, 2009).

Second: Time for Submission of the Request

The submission of a request for the arbitrator's removal is done within a specified timeframe. According to the UAE Arbitration Law and the Egyptian Arbitration Law, the request for the removal of the arbitrator must be submitted within (15) fifteen days from the date on which the party seeking removal becomes aware of the appointment of the arbitrator or of the circumstances justifying the removal. ⁽¹⁵⁾We have discussed this matter previously, and to avoid repetition, we refer the reader to the section related to the time frame for the arbitrator's removal.

Third: Form of the Request

Both the UAE legislator and the Egyptian legislator have stipulated that the request for the arbitrator's removal, when submitted by a party to the arbitration, must be in writing. This procedural formality must be adhered to; otherwise, it may lead to the request being rejected. Therefore, the request should not be made orally or through any means other than in writing. The reason behind this requirement lies in the need for documentation and precise delineation of the subject matter of the request.

Fourth: Stating the Reasons and Justifications

The party requesting the removal of the arbitrator must specify in the request the reasons, circumstances, or facts justifying the removal, along with any evidence. The request should also indicate the time when these reasons or circumstances were revealed whether they were known before the arbitrator's appointment or emerged after his selection or appointment. As previously mentioned, neither party to the arbitration is allowed to request the removal of an arbitrator appointed by them or in whose appointment they participated unless the reasons for removal became evident after this appointment. ⁽¹⁶⁾

Fifth: Not Submitting More Than One Request for Removal

The same arbitrator is not permitted to submit more than one request for their removal regarding the same subject of the dispute, for the same reasons, as detailed earlier in the legislation of the United Arab Emirates. This restriction aims to prevent the misuse of the right

(15)As per Article 15(1) of the UAE Arbitration Law and Article 19 of the Egyptian Arbitration Law amended by Law No. 8 of 2000.

(16)In this regard, it is necessary to state the reasons, and the Egyptian Court of Cassation ruled that: "The clear text of Article 19 of Law No. 27 of 1994, replaced by Law No. 8 of 2000, concerning arbitration in civil and commercial matters, indicates that the legislator intended, through this provision, to protect the optional arbitration system from the suspicion of bias on the part of the arbitrators or from the challenge of the parties regarding their neutrality. This is so that the optional arbitration system is equivalent to the judicial system applied to judges of various types and ranks of courts.

Therefore, if a party feels that they will not obtain their rights due to their doubts about the arbitrator's neutrality, they have the right to submit a written request within a specific period to the arbitration body, specifying the reasons through which they do not have confidence in this arbitrator. If the arbitrator requested to be challenged is not recused, the party has the right to refer the request, without fees, to the competent court, as stipulated by Article 9 of the same law. This does not affect the authority of the arbitration body to complete the arbitration proceedings. "Egyptian Court of Cassation, Appeal No: 9568, Session Date: 14/6/2011. The judgment is published on the East laws network website, last visited on: 27/11/2022.

to request removal as a means of arbitrary delay in the proceedings. To avoid repetition, I refer the reader to the second request of the first section in this discussion.

Consequences of Submitting the Request for Removal of the Arbitrator

First: Voluntary Withdrawal of the Arbitrator from Considering the Dispute

Legislators the voluntary withdrawal of the arbitrator from considering the dispute based on the request for their removal, both the United Arab Emirates legislator and the Egyptian legislator agree to grant the arbitrator a period of (15) fifteen days to voluntarily withdraw, commencing from the date of the removal request announcement.⁽¹⁷⁾

Some legal scholars argue that, considering the contractual nature of arbitration proceedings, the arbitrator who is requested to be removed should not insist on remaining in the arbitral tribunal. This is to maintain trust between the party requesting removal and the arbitrator in question.

It is worth noting that the UAE legislator emphasizes that the voluntary withdrawal of the arbitrator in such cases does not imply an acknowledgment of the validity of the reasons presented in the request for removal.⁽¹⁸⁾ However, the Egyptian legislator's law on arbitration does not contain a similar provision.

Secondly: Filing the Removal Request

As mentioned earlier, the UAE legislator provides a 15-day period for the arbitrator to voluntarily step down. If the arbitrator does not declare their withdrawal within this time frame, the requesting party is allowed to file their request with the relevant authority within 15 days from the end of the initial 15-day period, totaling thirty days. It's worth noting that the UAE legislator also grants the requesting party a 15-day period to file the request with the relevant authority.⁽¹⁹⁾

In this regard, we believe that the fifteen-day period granted by the UAE legislator for the requesting party to file their request with the relevant authority is considered a statute of limitations. If this period passes without filing the request with the relevant authority, it leads to the forfeiture of the arbitrator's right to submit the removal request.

In contrast, the Egyptian Arbitration Law does not specify a time frame within which the requesting party can file their request with the competent authority. Instead, the first paragraph of Article 19 emphasizes the arbitrator's right to make an optional recusal, and the

(17)Article 15(2) of the UAE Arbitration Law states: "If the arbitrator requested to be challenged is not recused or the other party does not agree to the challenge within (15) fifteen days from the date of the arbitrator's request for a challenge under the provisions of Article (24) of this law, the requesting party may submit their request to the relevant authority within (15) fifteen days from the end of the mentioned fifteen days. The relevant authority shall decide on the challenge within (10) ten days, and this decision is not subject to appeal by any means of appeal." Article 19(1) of the Egyptian Arbitration Law, as amended by Law No. 8 of 2000, states: "A request for challenge must be submitted in writing to the arbitral tribunal, specifying the reasons for the challenge within fifteen days from the date the challenging party becomes aware of the constitution of this tribunal or the justifiable circumstances for the challenge. If the arbitrator requested to be challenged is not recused within fifteen days from the date of filing the request, the matter shall be referred, without fees, to the court referred to in Article (9) of this law for a decision that is not subject to appeal." These provisions outline the procedures for challenging an arbitrator in both the UAE and Egyptian arbitration laws.

(18)Article 15(4) of the UAE Arbitration Law.

(19)Article 15(2) of the UAE Arbitration Law.

decision on the request will be made by the competent authority in case the arbitrator does not voluntarily recuse himself. In other words, the presentation of the arbitrator's removal request automatically leads to the competent authority's decision in case the arbitrator does not voluntarily recuse himself.

In our view, the Egyptian legislator has crafted this provision more effectively by not stipulating a specific time frame for the requesting party to submit their request to the competent authority. The decision on the request is automatically made as soon as the arbitrator fails to make an optional recusal within the granted period, saving time and effort in the arbitration process.

Thirdly: with regard to deciding on the removal request

The legislator in the United Arab Emirates has set a specific time limit of ten days for the competent authority to make a decision regarding the removal request. In our view, this aligns with the nature of expedited and concise arbitration that distinguishes it from the regular court system. On the other hand, no such provision is explicitly mentioned in the Egyptian Arbitration Law.

Fourthly: No Suspension of Arbitration Proceedings

Under the UAE Arbitration Law, notifying the arbitrator of the removal request or submitting the request to the competent authority does not automatically lead to a suspension of arbitration proceedings. The arbitral tribunal, including the arbitrator sought to be removed, can choose to continue with the arbitration and issue an arbitral award. This is the case even if the competent authority has not yet ruled on the removal request.⁽²⁰⁾ In contrast, according to the Egyptian Arbitration Law, the submission of a removal request does not result in the suspension of arbitration proceedings. If a decision is made to remove the arbitrator, whether by the arbitral tribunal or by a court upon hearing an appeal, the proceedings that have already taken place in the arbitration, including the arbitral award, are considered valid as if the arbitrator had not been removed.⁽²¹⁾

Some argue that the continuation of arbitration proceedings despite the submission of a request for the arbitrator's removal is aimed at preventing the disruption of the arbitration process. This is due to concerns about the potential abuse of this right by one of the parties and, in addition, to uphold the principle of continuity in arbitration proceedings, a fundamental principle advocated by jurisprudence. Various arbitration centers and institutions emphasize this principle in their laws and regulations, which distinguishes arbitration with one of its most important characteristics: the expeditious resolution of disputes.⁽²²⁾

Another view emphasizes the necessity of suspending arbitration proceedings before the arbitrator whose removal is sought immediately until a final decision is reached regarding the removal request. This perspective argues that this matter is dictated by legal logic, as it is inconceivable for the arbitrator to continue his or her duties after a removal request has been made (Salama, 2002).

On the other hand, some argue that it is necessary to suspend arbitration proceedings as soon as the removal request is filed. They justify this by stating that if the purpose of continuing

(20)The third paragraph of Article (15) of the UAE Arbitration Law

(21)The fourth paragraph of Article 19 of the Egyptian Arbitration Law

(22)Transferred by Ibrahim Al-Sharqawi Al-Shihabi, the previous reference, page 113.

the proceedings is to thwart delaying tactics and misconduct, then achieving this goal cannot be accomplished by allowing the proceedings to continue after the removal request has been made. Instead, it is better for the removal request to be submitted directly to the competent court, without involving the arbitration tribunal, and the competent court should be obliged to promptly decide on the removal request (Brierre, 2004).

We, in turn, support what the Egyptian legislator has adopted in this direction, which is not to suspend arbitration proceedings in the event of a request for the arbitrator's removal. This is done to avoid any attempts at delay or postponement caused by the removal request. At the same time, it considers all the procedures taken, including the arbitration award, as if there were no removal. The Egyptian Arbitration Law has thus balanced the interests of all parties on one hand and ensured that the removal requests are not exploited for the purpose of delay and procrastination on the other. Additionally, it guarantees the issuance of an arbitration award from those who meet the necessary conditions.

Fifth: Appointment of a Substitute Arbitrator:

Once the body authorized to rule on the request for the removal of the arbitrator accepts the request and removes the arbitrator accordingly, it becomes obligatory to appoint a substitute arbitrator in accordance with the procedures followed in selecting the arbitrator whose term has ended. This effect is agreed upon in both the UAE Arbitration Law and the Egyptian Arbitration Law.⁽²³⁾

The Authority Competent to Rule on the Request for the Removal of the Arbitrator

The entities responsible for considering the request for the removal of the arbitrator and making a ruling on it differ somewhat in UAE legislation compared to Egyptian legislation. Therefore, we will discuss the issue of the competent entity to consider and rule on the request for the removal of the arbitrator in two subsections:

1. The Jurisdiction of the Entity Authorized to Rule on the Request for the Removal of the Arbitrator.
2. The Jurisdiction of the Court to Rule on the Request for the Removal of the Arbitrator.

Jurisdiction of the Entity Authorized to Rule on the Request for the Removal of the Arbitrator

Article (15/2) of the UAE Arbitration Law stipulates that the request for the removal of the arbitrator is submitted to the competent entity, and the competent entity referred to is the entity entrusted with arbitration or the court⁽²⁴⁾. Therefore, according to the provisions of the UAE Arbitration Law, the entity authorized for arbitration is any natural or legal person to whom the parties agree to delegate any of the authorities prescribed under this law.⁽²⁵⁾

We can deduce from this that the legislator in the United Arab Emirates allows the parties to arbitration to agree to grant a natural or legal person chosen by them any of the powers provided for in the UAE Arbitration Law. In doing so, the UAE legislator has expanded the contractual and optional nature of the parties to the arbitration dispute in all the details related to resolving their dispute before the arbitration tribunal.

(23)Article (17/1) of the UAE Arbitration Law, and Article (21) of the Egyptian Arbitration Law.

(24)According to Article (1) of the UAE Arbitration Law concerning definitions.

(25)According to Article (1) of the UAE Arbitration Law concerning definitions.

Based on this, the natural or legal person agreed upon by the parties to the arbitration dispute can consider the request for the arbitrator's challenge filed by the requesting party and rule on it within a period of ten (10) days.

The Emirati legislator further expanded when allowing the chosen person, whether a natural person or a legal entity, as an appointed authority. In the event that a decision to challenge the arbitrator is issued by this person, they have the authority to determine suitable fees and expenses for the arbitrator, or to recover any fees or expenses paid to them. The legislator prohibited any appeal against the decisions made by this chosen person - the appointed authority - by any means of appeal.⁽²⁶⁾

Therefore, the party seeking the arbitrator's challenge cannot appeal the decision that rejected their request while the arbitrator whose challenge was upheld cannot appeal the decision to defend their impartiality and independence, or to prove that the allegations against them are unfounded.⁽²⁷⁾

The opinion of some legal scholars regarding this matter is that it avoids creating new disputes before the relevant authority, whether it is the appointed person or the court, which would distract the parties from the substantive dispute and move them from the arbitration arena to the state court arena in disputes that offer no benefit (Wali, 2014).

We would like to highlight that the Egyptian legislator previously granted the authority to consider and decide on a recusal request to the same arbitral tribunal itself, before the amendment to Article 19 of the Egyptian Arbitration Law by Law No. 8 of 2000. Some rightfully argued that "this is contrary to judicial and legal logic because the same person, namely the arbitrator, should not serve as both a party and a judge simultaneously. This becomes particularly evident when the arbitral tribunal consists of a sole arbitrator. Moreover, this practice departs from the general rules of judicial recusal, which should be followed in the absence of specific provisions" (Al-Hasan, 2018). One of these rules is stated in Article 121 of the UAE Civil Procedures Law, which stipulates that "the Court of Appeal shall recuse itself if the request is made to recuse one of its judges or one of the judges in the Court of First Instance to which it is subordinated."⁽²⁸⁾ However, the previous text was amended after being challenged for its unconstitutionality.⁽²⁹⁾ According to the new text, the competent court, as specified in Article 9 of the Egyptian Arbitration Law, is responsible for deciding on the recusal request.

We emphasize here that the decision to reject the request to recuse the arbitrator issued by the competent court under the Egyptian Arbitration Law is not subject to appeal.⁽³⁰⁾

(26)Article (15/5) of the UAE Arbitration Law.

(27)Abdullatif Sultan Al Ulama, the previous reference, page 163.

(28)The Federal Civil Procedures Law No. 11 of 1992 and its amendments.

(29)The Supreme Constitutional Court in Egypt ruled on the unconstitutionality of the phrase included in item (1) of Article (19) of Law No. 27 of 1994 on Arbitration in Civil and Commercial Matters, which states, "The arbitration body has ruled on the request." The court stated in its judgment that what is stated in this item about the arbitration body ruling on the request contradicts the guarantee of impartiality required by the judicial process and violates the principle of the state's subjection to the law. The court emphasized the need for the legislative authority to enact an alternative provision that addresses this constitutional flaw. Supreme Constitutional Court in Egypt, Case No. 85 of 1999, Session Date: 6/11/1999. The judgment is published on the official website of the Egyptian Court of Cassation (www.cc.gov.eg), last visited on: 27/11/2022.

(30)Article 19(1) of the Egyptian Arbitration Law, as amended by Law No. 8 of 2000

The jurisdiction to rule on the request for the removal of the arbitrator

under the UAE Arbitration Law may be assigned to the court.⁽³¹⁾ The term "court" in this context refers to the Federal or local Court of Appeal agreed upon by the parties or within the scope of its jurisdiction regarding the arbitration.⁽³²⁾

It is permissible for the requesting arbitrator to submit a response request after the expiration of the fifteen-day period allocated for the arbitrator to voluntarily step down, which begins from the date of their announcement of the response request. This request can be submitted within a subsequent fifteen-day period to bring it before the agreed-upon appellate court, whether it is a federal or local court or the appellate court that has jurisdiction over the arbitration.

The UAE legislator has granted the appellate court - referred to above - the authority to determine what it deems appropriate regarding the fees and expenses for the arbitrator or the reimbursement of any fees or expenses paid to them. This decision issued by the appellate court is not subject to appeal through any means.

It's worth mentioning that the judgment issued by the appellate court - mentioned earlier - regarding the request for the arbitrator's recusal is not subject to appeal through any means.⁽³³⁾ Therefore, neither the party requesting the recusal nor the arbitrator whose recusal is requested can appeal the judgment issued by the appellate court, whether it includes the dismissal or acceptance of the request.

However, in accordance with general principles of liability, the arbitrator who was recused can seek compensation for any moral damages suffered if it is proven that the party requesting recusal abused their right to seek recusal, with the intention to harm the arbitrator's reputation, integrity, or standing (Al-Khair, 2017).

We previously mentioned that, under the Egyptian Arbitration Law, recusal of an arbitrator used to be exclusively decided and ruled upon by the arbitral tribunal. After the text was amended by Law No. 8 of 2000, the authority to decide on recusal of an arbitrator became the jurisdiction of the court originally designated for resolving the dispute, the Cairo Court of Appeal, or any other agreed-upon court in Egypt if the arbitration is international or commercial. The Egyptian Arbitration Law also explicitly prohibited appealing the decision made by the competent court regarding the recusal request.⁽³⁴⁾

We support the idea of not allowing appeals against decisions or judgments related to the recusal request, whether they are accepted or rejected. This approach helps save time, effort, and streamlines the process, especially since both UAE and Egyptian legislations provide parties involved in arbitration with the opportunity to challenge the validity of arbitral awards.⁽³⁵⁾

(31)According to Article 1 of the UAE Arbitration Law, the "relevant entity" is defined as the "party authorized to arbitrate or the court."

(32)As per the definition of the "court" in Article 1 of the UAE Arbitration Law

(33)Article 15(2) of the UAE Arbitration Law

(34)In accordance with Article (19/1) of the Egyptian Arbitration Law, as amended by Law No. 8 of 2000.

(35)Based on Article 53 of the UAE Arbitration Law and Article 53, 54 of the Egyptian Arbitration Law.

Conclusion

In this research, we have discussed the topic of arbitrator removal as one of the guarantees provided to the parties when they choose arbitration as a method for resolving their disputes, based on the legislations of the United Arab Emirates and the Arab Republic of Egypt. Our discussion has led to the following results and recommendations:

1. The UAE Arbitration Law and the Egyptian Arbitration Law have established the right to request arbitrator removal as a guarantee for the parties involved in arbitration. Simultaneously, they outline all the substantive and procedural rules for exercising this right.
2. The UAE legislator allows arbitrators to agree on procedures for arbitrator removal, with such agreements taking precedence over the procedures outlined in the Arbitration Law. This aligns with the consensual nature of arbitration. However, the Egyptian Arbitration Law does not provide for this allowance.
3. Both the UAE and Egyptian legislators permit arbitrators to recuse themselves voluntarily upon the submission of a removal request, and they have both set a deadline of 15 days for this procedure.
4. In the UAE, the legislator grants the requesting party a 15-day period to file their request with the relevant authority after the optional recusal period has elapsed. In the case of the Egyptian Arbitration Law, the removal request is automatically processed if the arbitrator does not voluntarily recuse themselves.
5. The UAE legislator obligates the competent authority, whether it is a delegated entity or a court, to decide on the removal request within 10 days from the date it is filed by the party requesting removal. The Egyptian legislator does not provide specific provisions on this matter.

Recommendations

1. We recommend that the Egyptian legislator consider the idea of regarding a breach of any contractual or legal conditions by the arbitrator as a ground for removal. This would ensure the continuity of the arbitrator's neutrality and independence.
2. We advise the UAE and Egyptian legislators to restrict the time frame for submitting a request for arbitrator removal when it is based on the circumstances known to the party requesting removal. It is not acceptable to leave the door open for arbitrator removal requests after the issuance of the arbitral award.
3. We suggest that the Egyptian legislator exempts multiple requests for arbitrator removal from consideration when they are submitted by the same party requesting removal and against the same arbitrator, provided the grounds for removal are the same. Simultaneously, we recommend the UAE legislator, if it chooses to adopt this proposal, to restrict the multiple grounds for removal to circumstances that arise at different times to prevent misuse for the purpose of obstructing and delaying the arbitration proceedings.
4. We propose that the UAE legislator abolishes the grace period granted to the arbitrator for submitting a request for arbitrator removal to the competent authority after the optional recusal period, making it an automatic process, as is the case in the Egyptian legislation. This would save effort and time expected in the arbitration process as an alternative dispute resolution method.
5. We advise the UAE legislator to follow the direction taken by the Egyptian legislator regarding the unaffected procedures of the arbitration dispute upon the submission of a request for arbitrator removal. Even though these procedures continue, they should be

considered as if no removal request had been made until the issuance of an arbitrator's removal decision. This approach safeguards the rights of all parties, ensures compliance with the conditions required for arbitrators by law throughout the arbitration process, and achieves the desired justice.

References

- Alkhair, A. A. (2017). *Internal Arbitration and International Commercial Arbitration*, National Center for Legal Publications. Cairo, Egypt.
- Al-Tarawneh, I. B. (2017). *The Role of the Arbitrator in Arbitration Disputes*. Master's Thesis in Private Law, Middle East University. Amman, Jordan.
- Sharabi, T. S. A. (2014). *The Legal Consequences of the Request for the Removal of an Arbitrator: A Comparative Study*. Master's Thesis, Faculty of Law, Middle East University. Amman, Jordan.
- Al-Sanouri, M. A. (2005). *The Role of the Arbitrator in Private International Arbitration Disputes*. Dar Al-Thaqafa for Publishing and Distribution, Oman.
- Al-Wafa, A. A. (1998). *Optional and Compulsory Arbitration*, Ma'arif Establishment, Alexandria, Egypt.
- Ahmed, H. A., NorZafir, M. S., & Rohaizat, B. (2021a). The neural correlates of emotion in decision-making. *International journal of academic research in business and social sciences*, 11(7), 64-77.
- Ahmed, H. A., NorZafir, M. S., & Rohaizat, B. (2021). To better understand the role of emotional processes in decision-making. *International Journal of Academic Research in Economics and Management Sciences*, 10(2), 49-67.
- Ahmed, H. A., NorZafir, M. S., Shaymah, A. A.-Z., & Ahmad, K. (2022d). Consumer Behaviour to Be Considered in Advertising: A Systematic Analysis and Future Agenda. *Behavioral Sciences*, 12(12), 472.
- Abu-Zeid, R. (1995). *General Principles in International Commercial Arbitration*. Dar Al-Kotob Al-Qanuniya, Cairo, Egypt.
- Alsharif, A. H., Salleh, N. Z. M., Ahmad, W. A. b. W., & Khraiwish, A. (2022). Biomedical Technology in Studying Consumers' Subconscious Behavior. *International Journal of Online and Biomedical Engineering*, 18(8), 98-114.
- Alsharif, A. H., Salleh, N. Z. M., Baharun, R., & Effandi, Y. M. (2021c). Consumer behaviour through neuromarketing approach. *Journal of Contemporary Issues in Business and Government*, 27(3), 344-354.
- Al-Hasan, S. A. (2018). *Challenge and Termination of Arbitrators under Sudanese Law: A Comparative Study*. Master's Thesis in Law, Faculty of Law, University of Gezira. Khartoum, Sudan.
- Al-Khair, A. A. A. (2017). *Domestic Arbitration and International Commercial Arbitration*. National Center for Legal Publications. Cairo, Egypt.
- Al-Ulama, A. L. S. (2011). *The Simple in Arbitration*. Dubai Judicial Institute. Dubai. UAE.
- Al-Omaira, K. M. (2021). *Institutional Arbitration in Kuwait, A Comparative Analytical Study*. Kuwait Institute for Judicial and Legal Studies. Kuwait, Kuwait.
- Al-Shihabi, I. A.S. (2015). *The Mediator in Arbitration*, Al-Afak Al-Mashreqa Nasharun. Oman, Oman.
- Ahmed, H. A., NorZafir, M. S., & Lina, P. (2023b). A Comprehensive Bibliometric Analysis of fNIRS and fMRI Technology in Neuromarketing. *Scientific Annals of Economics and Business*, 70(3), 1-14.

- Brierre, M. (2004). *International Commercial Arbitration*. Arab Renaissance House. Cairo, Egypt.
- El-Wafa, A. A. (1998). *Optional and Mandatory Arbitration*. Menaat Al-Maaref Establishment, Alexandria, Egypt.
- Hamouda, H. M.M. (2013). *Termination of Arbitration Proceedings: A Comparative Study*. Ph.D. thesis, Faculty of Law, Ain Shams University. Ain Shams, Egypt.
- H-Alsharif, A., Md Salleh, N., & Baharun, R. (2020). Research trends of neuromarketing: A bibliometric analysis. *Journal of Theoretical and Applied Information Technology*, 98(15), 2948-2962.
- H-Alsharif, A., Md Salleh, N., & Baharun, R. (2021a). Neuromarketing: Marketing research in the new millennium. *Neuroscience Research Notes*, 4(3), 27-35.
- H-Alsharif, A., Md Salleh, N., & Baharun, R. (2021b). Neuromarketing: The popularity of the brain-imaging and physiological tools. *Neuroscience Research Notes*, 3(5), 13-22.
- Shatta, A. M. (2005). *Explaining the Arbitration Law According to the Opinions of Jurisprudence and the Judiciary*. Dar Al-Nahda Al-Arabia, Cairo, Egypt.
- Salama, A. A. K. (2002). *Arbitration in Domestic and International Financial Transactions*. Arab Renaissance House, Cairo, Egypt.
- Reda El Sayed Abdel Hamid, R. E. S. A. (2009). *Arbitration in Real Estate Disputes*. Nahda Publishing. Cairo, Egypt.
- Sarghan, B. A. F. (2020). *Explanation of the UAE Arbitration Law*. Dar Al-Hifaz Publishing, Dubai, UAE.
- Musa, H. (2014). *Nullity of Arbitration Awards Under UAE Law*. Future Library. Dubai, UAE.
- Mabrouk, A. (2008). *The Mediator in the Legal System of Arbitral Awards Enforcement*. Dar Al-Fikr. Cairo, Egypt.
- Sekkar, M. A. (2006). *Arbitration Legislation in Egypt and Arab Countries*. Al-Ma'arif Establishment. Alexandria, Egypt.
- Lina, P., Ahmed, H. A., & Alharbi, I. B. (2022). Scientometric analysis of scientific literature on neuromarketing tools in advertising. *Baltic Journal of Economic Studies*, 8(5), 1-12.
- Imran, F. (2006). *Laws and Regulations of Arbitration*. National Center for Legal Publications. Cairo, Egypt.
- Wali, F. (2014). *Arbitration in National and International Commercial Disputes*. Dar Al-Maaref. Alexandria, Egypt.
- Zeid, R. A. (1995). *General Principles of International Commercial Arbitration*. Dar Al-Kotob Al-Qanouniya. Cairo, Egypt.