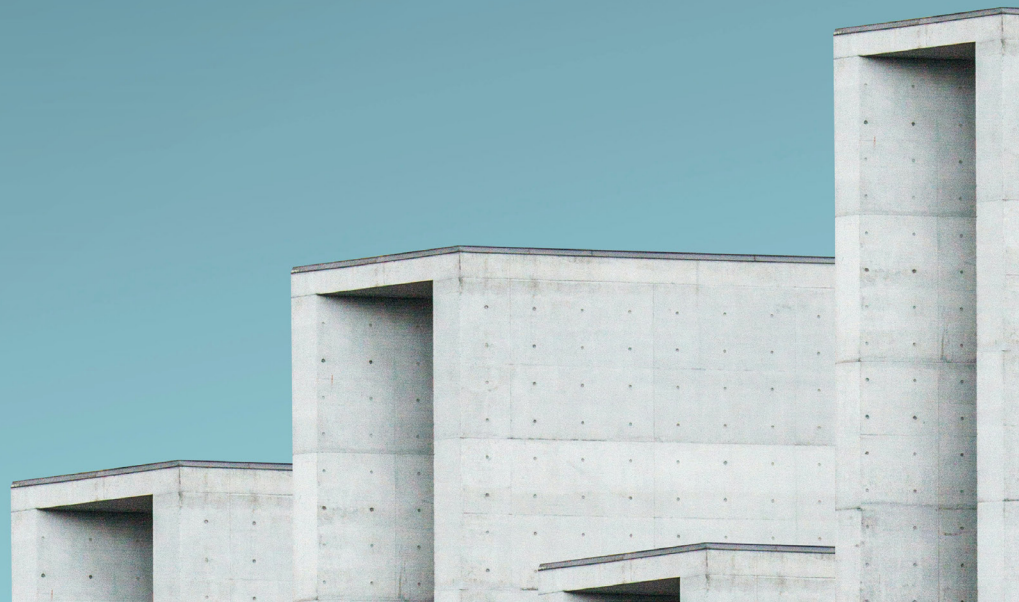

CHAMBERS GLOBAL PRACTICE GUIDES

Enforcement of Judgments 2026

Definitive global law guides offering
comparative analysis from top-ranked lawyers

UAE: Law and Practice

Mohammed Alsuwaidi, Ali Alraeesi, Rajiv Suri and Merline Dsouza
Alsuwaidi & Company





Law and Practice

Contributed by:

Mohammed Alsuwaidi, Ali Alraeesi, Rajiv Suri and Merline Dsouza
Alsuwaidi & Company

Contents

1. Identifying Assets in the Jurisdiction p.4

1.1 Options to Identify Another Party's Asset Position p.4

2. Domestic Judgments p.4

2.1 Types of Domestic Judgments p.4

2.2 Enforcement of Domestic Judgments p.5

2.3 Costs and Time Taken to Enforce Domestic Judgments p.8

2.4 Post-Judgment Procedures for Determining Defendants' Assets p.8

2.5 Challenging Enforcement of Domestic Judgments p.9

2.6 Unenforceable Domestic Judgments p.9

2.7 Register of Domestic Judgments p.9

3. Foreign Judgments p.10

3.1 Legal Issues Concerning Enforcement of Foreign Judgments p.10

3.2 Variations in Approach to Enforcement of Foreign Judgments p.11

3.3 Categories of Foreign Judgments Not Enforced p.11

3.4 Process of Enforcing Foreign Judgments p.11

3.5 Costs and Time Taken to Enforce Foreign Judgments p.12

3.6 Challenging Enforcement of Foreign Judgments p.13

4. Arbitral Awards p.14

4.1 Legal Issues Concerning Enforcement of Arbitral Awards p.14

4.2 Variations in Approach to Enforcement of Arbitral Awards p.14

4.3 Categories of Arbitral Awards Not Enforced p.14

4.4 Process of Enforcing Arbitral Awards p.15

4.5 Costs and Time Taken to Enforce Arbitral Awards p.16

4.6 Challenging Enforcement of Arbitral Awards p.17

Alsuwaidi & Company is a full-service law firm with extensive regional know-how. Since its inception in 1997, the firm has advised leading businesses across the UAE and beyond, helping them navigate complex commercial challenges. It has built a reputation for its knowledge and expertise, and for its formidable standing before all levels of court across the UAE. Alsuwaidi & Company's regional expertise is consolidated by knowledge of international legal systems. The firm includes qualified lawyers registered to practise in the DIFC and ADGM Courts, enabling

it to address clients' needs in all forums. The firm boasts a distinguished arbitration practice, adept at handling high-stakes disputes under leading institutional and ad hoc frameworks. The firm's multilingual team is fluent in Arabic, English, French, Hindi, Urdu and Farsi (Persian), among other languages, enabling effective communication with a diverse clientele and facilitating seamless engagement with regulators, government agencies and judicial bodies across jurisdictions.

Authors



Mohammed Alsuwaidi is a managing partner and founder of Alsuwaidi & Company. He obtained his LLM from the University of Boston and his LLB from UAE University. Mohammed has been appointed as an arbitrator on

more than 80 arbitrations to date. He has been called upon as a UAE law expert in international arbitrations and is a licensed arbitrator in the International Islamic Centre for Reconciliation and Arbitration. He is a board member for the Islamic Lawyers Association, the ICC UAE and the Arbitration Council in the Kingdom of Saudi Arabia. Mohammed is widely published and a renowned legal figure in the UAE.



Ali Alraeesi is a partner at Alsuwaidi & Company with significant experience in all major areas of law and practice in the UAE, including criminal, civil and commercial, and in representing clients' interests before all levels of

the UAE courts. He represents a range of domestic and international clients in contentious matters, including large conglomerates, small to medium-sized companies and prominent business individuals. Ali has developed extensive expertise in handling cases relating to extradition, Interpol, financial crimes, cybercrimes, fraud, forgery, breach of trust, anti-money laundering, defamation, medical negligence, bankruptcy and insurance, as well as criminal matters arising from the infringement of IP rights.



Rajiv Suri is a senior associate at Alsuwaidi & Company. With over three decades' experience in IP and commercial laws, he advises clients on strategies involving a wide range of intellectual property rights and

corporate matters, covering prosecution, enforcement, dispute resolution and arbitration. His forte lies in drafting and vetting a variety of forms of commercial contracts and IP agreements including brand acquisition, assignments, licensing, technical knowhow, distributor/vendor contracts, non-disclosure agreements, data protection including those covered by GDPR, etc, dealing in construction disputes, including those before forums such as DIAC, ADCCAC (now Abu Dhabi International Arbitration Centre (arbitrateAD), DIFC, ICC, and under UNCITRAL.



Merline Dsouza is a senior associate at Alsuwaidi & Company with over ten years' experience in arbitration and litigation across complex, high-value commercial, construction and maritime disputes. She advises

individual and corporate clients under major institutional rules, including DIAC, ICC, LCIA, ADCCAC, (now Abu Dhabi International Arbitration Centre (arbitrateAD), IICRA and UNCITRAL, and represents clients before the DIFC, and ADGM. Her practice also extends to criminal matters, including cybercrime, corporate fraud, breach of trust, extradition and medical negligence. Merline's cross-disciplinary expertise enables her to deliver strategic, client-focused solutions.

Alsuwaidi & Company

252 Emarat Atrium Building
Sheikh Zayed Road
PO Box 300
Dubai
UAE

Tel: +971 4 321 1000
Fax: +971 4 321 1001
Email: info@alsuwaidi.ae
Web: www.alsuwaidi.ae

ALSUWAIDI & COMPANY

1. Identifying Assets in the Jurisdiction

1.1 Options to Identify Another Party's Asset Position

Obtaining reliable information on a debtor's asset position in the UAE is inherently challenging, particularly in the absence of a final and enforceable judgment. Even sophisticated parties such as credit agencies and private investigators face limitations in accessing verified asset data due to confidentiality norms and data protection restrictions.

One of the principal remedies available under UAE law is the application for an interim measure in the form of a precautionary attachment order. Pursuant to Article 247 of Federal Decree-Law No 42 of 2022 (the UAE Civil Procedure Law, or CPL), a creditor may apply to the summary judge for an order to attach the debtor's assets provisionally to secure a monetary claim. This remedy is available where the creditor possesses:

- an official or ordinary document evidencing a debt that is due and not subject to any suspensive condition; or
- a judgment or award that is enforceable provided that the debt must be for a specific and ascertainable amount.

The court may, before responding to the attachment request, require further documents, statements or affidavits, and may conduct a summary investigation with the assistance of competent administrative authorities when it finds that necessary before issuing the attach-

ment order. This judicial scrutiny acts as a safeguard to ensure that enforcement of a future final judgment is not rendered futile due to the dissipation of assets.

Alternatively, once a creditor holds an enforceable writ of execution (eg, a final judgment or an arbitral award), they may initiate execution proceedings. If the debtor fails to satisfy the debt within seven days of notification, the court may direct government authorities, including banks, relevant departments including transport and real estate, to disclose assets held in the debtor's name.

2. Domestic Judgments

2.1 Types of Domestic Judgments

The UAE courts operate under a civil law system (onshore courts). The emirates of Dubai and Abu Dhabi have established financial free zones within their territories: the Dubai International Financial Centre (DIFC) and the Abu Dhabi Global Markets (ADGM), which both operate under a common law system.

Enforcement Before Onshore Courts

Domestic judgments and any writ of execution set forth in Article 212 of the CPL can be enforced in the UAE. The form of the writ of execution is as follows.

- Judgments and orders, including penal judgments, along with any refunds, compensation, fines and other civil rights contained therein. This category includes:

- (a) money judgments and non-money judgments, whether rendered by onshore or offshore courts;
 - (b) payment orders;
 - (c) precautionary attachment orders, whether rendered by onshore or offshore courts;
 - (d) interlocutory or interim orders, whether rendered by onshore or offshore courts;
 - (e) judgments in presence or in absentia rendered by the criminal court; and
 - (f) reconciliation judgments rendered by the criminal court.
- Notarised documents in accordance with the law on authentication and notarisation. This category includes any mortgage contract.
 - Minutes of the conciliation ratified by the courts, whether onshore or offshore courts.
 - Other documents granted in the capacity set by the law.

Enforcement Before Offshore Courts

DIFC and ADGM

Each free zone has its own enforcement regime and reciprocal enforcement mechanisms. Judgments of the DIFC Courts and ADGM Courts are enforceable within their jurisdictions and onshore through co-operation protocols with UAE judicial authorities. Both of these courts also recognise and enforce UAE judgments, foreign judgments, and arbitral awards under the New York Convention. Through treaties and memoranda, including the Gulf Co-operation Council (GCC) and Riyadh Conventions and bilateral agreements with countries such as India, China, France and now the UK, they benefit from extensive cross-border enforcement networks.

2.2 Enforcement of Domestic Judgments

Enforcement Before Onshore Courts

For a judgment or any writ of execution to be enforced, it must have the exequatur form affixed by the court. On obtaining the exequatur, the creditor shall rely on Article 233 of the Civil Procedure Law (CPL) on enforcement procedures, in addition to other Articles.

A creditor shall apply to the execution judge, asking for the enforcement of the above-mentioned exequatur, following which the execution court will open a new lawsuit called an “execution case” and notify the

debtor to pay the debt within seven days from the date of the notification. The provisions of the CPL grant the holder of a writ of execution the right to impose precautionary attachments as well as executory attachments over assets that are owned by a debtor or in the possession of a third party. Upon successful application, the court issues an attachment order against the debtor’s assets.

The provisions allow the holder of a writ of execution to request that the court declare the debtor insolvent or bankrupt (as the case may be), and/or impose detainment and a travel ban in certain circumstances to fulfil the judgment debts.

Declaration of bankruptcy or insolvency

UAE law differentiates between bankruptcy and insolvency procedures, as follows:

- bankruptcy procedures apply to commercial companies and any person having the capacity of trader, and are now regulated by the new law – ie, UAE Federal Decree Law No 51 of 2023 on Bankruptcy; and
- insolvency procedures apply to natural persons or non-trader debtors who are regulated by UAE Federal Decree Law No 19 of 2019 on Insolvency, and who are not subject to the provisions of UAE Federal Decree Law No 51 of 2023.

Under either of the aforementioned laws, a judgment creditor can apply to the Court of First Instance, requesting that it declare a debtor bankrupt or insolvent, depending on the capacity of the debtor, if the assets of the latter are insufficient to satisfy the judgment.

Detainment

When the creditor possessing any writ of execution, such as a judgment ordering specific performance, finds that the debtor fails to fulfil their obligations, they may approach the execution judge to request that the debtor’s imprisonment be for a period not exceeding one month, renewable for additional periods. That being said, the decision of the General Assembly of the Court of Cassation in Dubai (Decision No 4/2023) and the General Assembly of the Dubai Court of Cassation (Decision No 9 of 2024) regarding the rules of

debtor detention stipulates that a debtor cannot be imprisoned unless the creditor submits proof that the debtor has the means to pay, or that the debtor is involved in transferring or concealing assets, or that they own assets that may be seized and liquidated to fulfil the debt.

Travel ban

Pursuant to Article 324 of the CPL, if the debt is equal to or more than AED10,000 (excluding debts related to established alimony in support of the debtor's family, work remuneration or omission of an act) and there are reasonable grounds to believe that the judgment debtor may leave the UAE, the creditor may request that the execution judge issue an order for a travel ban prohibiting the debtor from travelling.

In the case of an unliquidated debt, apart from the requirement that the claim for the right of entitlement shall be based on written evidence, the creditor shall provide a guarantee to the court to cover losses or damages the debtor may suffer as a result of being prohibited from travelling if the application for a travel ban is later found to be wrongful or unjustified.

A grievance from an order of the execution judge regarding the travel ban order can be submitted or appealed within seven working days from the day following the date of its issuance before the President of the Court of First Instance or whomever he or she authorises, other than the judge who issued the decision. The decision issued in the grievance is final. The decision of the execution judge may be appealable within ten working days from the date of its issuance if it was issued in person, and from the date of its notification or knowledge if it was issued in absentia.

Enforcement in Dubai outside of DIFC of judgments, decisions or orders issued by DIFC Courts

As per Article 7 (2) of Dubai Law No 12 of 2004 as amended by Dubai Law No 16 of 2011 (the Judicial Authority Law), any Court judgment, decision, order or ratified arbitral award issued by the DIFC Court can be enforced through the Dubai Courts if the following conditions are satisfied:

- they are final and enforceable;

- they are legally translated into Arabic; and
- they are certified by the DIFC Courts for execution and have the following formula of execution affixed by the Courts: "Authorities must take the initiative to enforce this document and assist in implementing it, even forcefully, whenever requested to do so."

In addition, the judgment creditor must obtain an execution letter, commonly referred to as a "Judicial Deputation to Enforcement," from the DIFC Courts. The DIFC Courts Registry issues the execution letter addressed to the Chief Justice of the Dubai Court of First Instance, setting out the enforcement measures sought and authorising the Dubai Courts to proceed with execution. Once these conditions are satisfied, the Dubai Courts may enforce the DIFC judgment without reconsidering or re-litigating the merits of the dispute. The role of the Dubai Execution Court is limited to supervising and implementing enforcement in accordance with the applicable procedural rules.

It should further be noted that Dubai Decree No 29 of 2024 introduced the Conflicts of Jurisdiction Tribunal, which may intervene in cases involving parallel proceedings before the DIFC Courts and Dubai Courts.

Enforcement in emirates other than Dubai of judgments, decisions or orders issued by DIFC Courts

DIFC Court judgments, decisions and orders can be enforced in other emirates of the UAE through the competent local courts or execution authorities in accordance with the procedures and rules applicable in those emirates. Enforcement may be pursued either directly before the competent execution authority or through the referral/deputisation mechanism provided under the Federal Civil Procedures Law, subject to the applicable procedural requirements and any memoranda of understanding entered into between DIFC Courts and local judicial authorities and in accordance with any agreements or memoranda of understanding between DIFC Courts and these onshore courts.

Enforcement of ADGM judgments within onshore jurisdictions

Enforcement of ADGM judgments outside of the ADGM jurisdiction can be done in one of two ways:

- by way of deputising an Abu Dhabi Judicial Department enforcement judge; or
- by a direct application to the Abu Dhabi Judicial Department for enforcement.

Both of these methods would require:

- a copy and a translation of the judgment into Arabic, along with an executory letter from the ADGM Court; and
- written evidence that the judgment has been served upon the judgment debtor.

Enforcement Before Offshore Courts

Enforcement of onshore judgments before DIFC Courts

Charging order

This is undertaken by obtaining a court order putting a charge over property (including land and securities) that is owned by the judgment debtor. This order prevents the judgment debtor from selling assets that are covered by the order without reference to the judgment creditor. It also allows the judgment creditor to seek an order from the court for the sale of those assets in order to pay the judgment debt.

An application is made without notice to the court, and a judge handles the application without a hearing. Following this, a final judgment order can be applied for, where the judgment debtor will be able to dispute the charging order.

Attachment of assets

This follows the same procedure as a charging order but pertains to obtaining a third-party debt for payment owed to the judgment debtor (a third-party debt order). This allows the judgment creditor to receive payment directly from the third party for which an application is made, similar to a charging order, except that the order is final unless the third party applies for it to be reconsidered, contending that the sum payable to the judgment debtor exceeds the amount owed, or no debt is owed to the judgment debtor.

Attachment of earnings

Where the judgment debtor is an individual, the judgment creditor may make an application for an attachment of earnings. This provides for a court order

instructing the judgment debtor's employer to pay a specified amount out of the judgment debtor's earnings to the judgment creditor. The debt must be in excess of USD100. An application is made in the same way as for a charging order.

Enforcement by taking delivery of goods

The judgment creditor may apply to the court to take delivery of the judgment debtor's goods in order to sell them and pay the judgment debt. If the court makes such an order, an enforcement officer (bailiff) will be instructed to serve a writ of execution upon the goods of the judgment debtor. The goods are usually sold by public auction, although an application can be made for sale other than by public auction. The judgment debtor may make an application to the court to stay the execution of the court order for such periods as the court considers reasonable.

An application is made in the same way as for a charging order.

Insolvency proceedings – appointment of a receiver

This is an unusual method of enforcing a judgment debt and should only be used as a last resort where it is not possible to use the other methods of enforcement. The difficulty will be that the fees of a receiver may outweigh the assets of the judgment debtor or that a significant proportion of the judgment debtor's assets are covered by security from banks, etc, which may take precedence over the debts owed to the judgment creditor.

Freezing order

A judgment creditor may apply for a freezing order where the judgment debtor may move assets out of the court's jurisdiction. Good evidence of such a risk will be needed.

Enforcement of onshore judgments – DIFC Courts

The DIFC Courts can enforce judgments from onshore UAE courts. This is undertaken by an application made to the DIFC Court with all relevant details of the debtor along with a copy of the award to be enforced. The DIFC Court Registrar may deal with the application without the need for a hearing, although one may occasionally be required. Once the DIFC Court has decided that the onshore award can be enforced, the

usual methods of enforcement (as noted previously in this section) can be used.

Enforcement of onshore judgments – ADGM Courts

The ADGM Courts have entered into a memorandum of understanding with the Abu Dhabi Judicial Department on the mutual and reciprocal recognition and enforcement of judgments, decisions, orders and ratified arbitral awards. The process is similar to the DIFC Courts. Post submission of application to the ADGM Courts by the Creditor, a judgment will be enforced according to the relevant procedures.

DIFC

Judgments issued by the DIFC Courts are to be enforced pursuant to the Rules of the DIFC Courts (RDC), as stipulated in Article 42 thereof. Parts 36 and 45 of the RDC are the relevant rules governing such enforcement.

ADGM

Part 29 of the ADGM Court Procedure Rules sets out the rules to be complied with in filing an enforcement application. Apart from complying with the ADGM Court Procedure Rules, an applicant must also observe the rules together with any relevant practice direction to which a judgment pertains.

2.3 Costs and Time Taken to Enforce Domestic Judgments

Before Onshore Courts

The timeframe for enforcing a domestic judgment varies widely, from two months to two years, depending on factors such as the availability, nature and valuation of the debtor's assets, third-party involvement, and the auction process. For example, bank account attachments may be completed in a week, while asset-heavy enforcements such as ship auctions may take several months.

Costs typically include court filing fees, publication fees (if public notification is required), expert evaluations, translations and administrative charges. These can range from approximately AED1,000 to AED5,000, depending on the complexity of the enforcement, the asset class involved, and the number of steps required.

Before Offshore Courts (DIFC and ADGM Courts)

For enforcement, ADGM Courts charge up to USD3,000 for court matters and USD3,000 for the enforcement of arbitration awards.

Both courts permit charging orders on property as a form of security for a judgment debt.

In addition, an unpaid judgment debt represents a strong claim in insolvency proceedings. However, care must be taken here to avoid proceeding against a judgment debtor who may have other preferred creditors.

2.4 Post-Judgment Procedures for Determining Defendants' Assets

Onshore Courts

The most efficient way to determine a defendant's assets is to request that the execution judge, against nominal court fees, issue directives to any natural or legal persons designated by the petitioner or creditor to disclose any such information pertaining to their assets. This may include public and regulatory authorities, such as:

- the Real Estate Regulatory Agency;
- the Land Department;
- the Central Bank of UAE;
- different company registries;
- the Roads and Transport Authority;
- the Securities and Commodities Authority;
- customs;
- insurance companies; and
- the financial markets in the UAE.

Offshore Courts

Under Part 50 of the RDC, the DIFC Court may order a judgment debtor to attend court to provide information so that a judgment creditor may enforce a judgment against them. The judgment creditor makes an application without notice to the court, which will issue an order for the judgment debtor to attend court so that they can be questioned under oath.

Under Part 30 of the Court Procedure Rules, the ADGM Court has a similar process to the DIFC Court for a judgment debtor to attend court to provide information.

2.5 Challenging Enforcement of Domestic Judgments

Before Onshore Courts

The debtor has two channels available to challenge any enforcement procedure and to seek a stay pending the outcomes of a challenge.

Challenging enforcement before the Court of First Instance

The debtor may challenge enforcement by filing a grievance within seven days from the day following the date of the issuance of any decision of the execution judge before the President of the Court of First Instance or their authorised representative on the following grounds:

- order of priority among the prevailing parties;
- postponement of the execution of the decision for any reason;
- granting the debtor a time limit to pay the amount for which settlement of the execution has been ordered, or allowing them to pay it in instalments;
- acceptance or rejection of the guarantee;
- a travel ban or refusal to order a travel ban; or
- an arrest warrant or refusal to order an arrest warrant.

The decision issued in the grievance shall be final and may not be subject to appeal.

Challenging enforcement before the Court of Appeal

The debtor may challenge enforcement by filing an appeal within ten days from the day following the date of the issuance of any decision of the execution judge before the Court of Appeal on the following grounds:

- the competence or lack of competence of the execution judge to enforce the writ of execution;
- the assets seized are such that they may or may not be seized or sold;
- the participation of parties other than litigants in the enforcement procedures;
- the decision to imprison the debtor, provided that the appellant presents a sponsor responsible for bringing the judgment debtor or paying the amount adjudged – if they are unable or fail to bring them before court, the court shall impose upon them to

pay the amount of the guarantee, and will collect that amount in the manner under which the judgments are executed; or

- the decision issued determining the amount for execution, and whether or not to continue its implementation.

The decision of the Court of Appeal might be appealed in cassation in certain circumstances.

Before Offshore Courts

As common-law courts, both the DIFC and ADGM Courts will allow appeals to be brought by the unsuccessful party in relation to the judgment itself. The process of enforcement allows a party to challenge the enforcement within those proceedings, and the judgment may be set aside if it was wrongly entered or was not within the court's jurisdiction.

2.6 Unenforceable Domestic Judgments

Onshore Courts

Domestic judgments must be enforced within 15 years of the date that the judgment became enforceable or of the date of the last executory transaction – ie, the last act performed in relation to execution.

All judgments that have the exequatur form affixed by the court can be enforced, except those that have been stayed by the execution judge or stayed and/or overruled by the Court of Cassation, and those that do not impose an obligation on the parties, such as some non-money judgments or some declaratory judgments confirming the proper termination of a contract. These kinds of judgments can be relied upon but cannot be enforced.

2.7 Register of Domestic Judgments

Onshore Courts

There is no central register of all judgments in the UAE onshore courts. Lawsuit files are accessible exclusively to the parties to the proceedings and can be accessed through the electronic court system using the parties' credentials.

Offshore Courts

DIFC Courts

The basic case details of all public cases filed with the DIFC Courts are recorded in the courts' e-registry,

which the public is able to access. However, the documents involved in the cases and the documents of the parties are not disclosed. All judgments, decisions or orders of public cases can also be accessed through the DIFC Courts' website.

ADGM Courts

The public can access cases if they know details such as the case number or the parties' names. The ADGM Courts' online list shows the start date of the case, but no other information. However, a copy of the judgment can be downloaded upon the closure of the case.

3. Foreign Judgments

3.1 Legal Issues Concerning Enforcement of Foreign Judgments

Before Onshore Courts

The UAE is a signatory to several multilateral and bilateral treaties facilitating the reciprocal recognition and enforcement of foreign judgments. These include the Riyadh Arab Agreement for Judicial Co-operation, the GCC Convention on the Execution of Judgments, and bilateral treaties with France, India, China, Kazakhstan and the United Kingdom.

In 2020, India formally recognised the UAE as a reciprocating territory for civil judgments, covering both onshore and free zone courts.

Interestingly, in a recent judgment, which was delivered on 17 March 2026 by the Telangana High Court in India in Civil Revision Petition No 480 of 2026, namely, *Sri Naralasetty Pavan Chandra Nagoor v Sri Ravi Kumar Meruva*, it was held that a money decree passed by the Sharjah Federal Court is fully enforceable in India, and that an Indian judgment debtor cannot use the excuse that he "was not present" in the foreign court to wriggle out of paying up. While laying emphasis on the treaty signed with UAE, the Court upheld the order of the Sharjah Court on merits and directed the attachment and sale of the judgment debtor's property in India[MD1.1][RS1.2].

Further, although the UAE-UK treaty initially excluded enforcement, a 2022 UAE Ministry of Justice memo confirmed that UK judgments are now enforceable

in the UAE under the principle of reciprocity, following the English High Court's decision in *Lenkor Energy Trading DMCC v Puri*. This case concerned the enforcement in England of a Dubai Court judgment arising from dishonoured cheques linked to oil trading transactions, thus strengthening legal reciprocity between the UK and UAE.

Thus, these treaties form a robust cross-border framework for the enforcement of judgments within as well as outside of the UAE.

Before Offshore Courts

DIFC Courts

The DIFC Courts have signed bilateral memoranda of guidance on enforcement with several foreign courts, including the High Court of England and Wales, the High Court of Hong Kong, the Supreme Court of Singapore and the Federal Court of Malaysia to promote mutual understanding and co-operation in the recognition and enforcement of money judgments.

The DIFC is bound by the treaties ratified by the UAE. Accordingly, the DIFC Courts conform to such treaties and enforce any such foreign judgments, orders or awards. In order to ensure enforcement of a foreign judgment, the following factors are to be considered:

- the judgment must be final and conclusive, even though it is subject to appeal;
- the DIFC Courts will not enforce certain types of foreign judgments (eg, judgments ordering the payment of taxes, fines or penalties); and
- the foreign court must have had jurisdiction to determine the dispute, according to the DIFC Rules on the Conflict of Laws – the DIFC Courts will generally consider the foreign court to have had the required jurisdiction only where the person against whom the judgment was given:
 - (a) was present in the jurisdiction at the time when the proceedings commenced;
 - (b) was the claimant or counterclaimant in the proceedings;
 - (c) submitted to the jurisdiction of the foreign court; or
 - (d) agreed to submit to the jurisdiction of the foreign court before commencement in respect of the subject matter of the proceedings.

If the foreign judgment complies with these requirements (even where there is no treaty), the grounds to challenge recognition and enforcement will be limited to the judgment having been obtained by fraud or being contrary to public policy, or where the proceedings were conducted in a manner that the DIFC Courts consider to be contrary to natural justice.

Whilst the RDC do not specify a limitation period for the recognition and enforcement of foreign judgments, orders or awards under the laws of England and Wales (which can be applied in the DIFC Courts where no specific DIFC law applies), the limitation period is considered to be six years.

Before ADGM Courts

Whilst similar to the DIFC Courts' procedure for the enforcement of foreign judgments, orders and awards, the ADGM Courts are more restrictive in that they require reciprocity to be established. In the ADGM Court system, a foreign judgment may be registered if it is final and conclusive, and satisfies specific conditions, such as not being under appeal or procured by fraud (Article 172 of the ADGM Regulations). However, judgments concerning taxes, fines or penalties are excluded from enforcement.

3.2 Variations in Approach to Enforcement of Foreign Judgments

Onshore Courts

After satisfying the requirements of the Tier 1 procedure outlined in **3.4 Process of Enforcing Foreign Judgments**, the provisions of the CPL do not differentiate between the enforcement of domestic and foreign judgments, notwithstanding the country of issuance of those foreign judgments.

Offshore Courts

The DIFC and ADGM Courts do not differentiate between the enforcement of domestic and foreign judgments, notwithstanding the country of issuance of those foreign judgments (see **3.4 Process of Enforcing Foreign Judgments**).

3.3 Categories of Foreign Judgments Not Enforced

Onshore Courts

A foreign judgment or order may not be enforced by UAE courts if the relevant court does not have the jurisdiction to do so. The condition of jurisdiction can be fulfilled as follows:

- the jurisdiction should be given to the authorised Court of First Instance in the location where the debtor has its address or residence; or
- the jurisdiction should be given to the authorised Court of First Instance in the location of movable or immovable assets that are owned by the debtor or in the possession of a third party.

Any foreign judgment or order that does not satisfy the conditions set out in **3.1 Legal Issues Concerning Enforcement of Foreign Judgments** cannot be recognised and therefore cannot be enforced in the UAE.

Offshore Courts

DIFC

The DIFC Courts will look to ensure that the issuing court had the jurisdiction to render the judgment and may refuse enforcement when they find otherwise.

ADGM

The registration of the judgment will be set aside if the ADGM Court of First Instance is convinced that the issuing court has no jurisdiction in the circumstances of the case. In order to do so, the Court will go through the criteria set out in Article 175 (2) of the ADGM Court Regulations for an issuing court to assume jurisdiction.

3.4 Process of Enforcing Foreign Judgments

If a creditor chooses to pursue enforcement through the onshore courts, the UAE Federal system – following the civil law approach – requires reciprocity. Foreign judgments are enforced in accordance with the principles set out in Article 222 of the CPL governing the enforceability of foreign court judgments. Under the DIFC Court system, enforcement of foreign judgments is governed by Article 22 of DIFC Law No 10 of 2004 and Article 7 of Dubai Law No 12 of 2004, applying common-law principles, where recognition is not strictly dependent on the existence of a recipro-

cal enforcement treaty. In contrast, the ADGM Court system, under Chapter 10 of the ADGM Regulations 2015, aligns with the federal courts in requiring reciprocity for the recognition and enforcement of foreign judgments.

Onshore Courts Route

The process entails a two-tiered procedure, described as follows.

Tier 1

A party seeking the enforcement of a foreign writ of execution before an onshore court must obtain an execution order from the execution judge by filing an “exequatur petition” as per the conditions and procedures for the initiation of a lawsuit set forth in Articles 44 and 222 of the CPL. The court will issue its decision within five working days from the date of the submission of the petition. The execution order may only be issued if the conditions required for the enforceability of the aforementioned foreign writ of execution are fulfilled.

For the Tier 1 procedure, the execution judge’s order of execution remains subject to the usual channels of appeal – ie, before the Court of Appeal and the Court of Cassation, and in accordance with the rules and procedures prescribed for filing an appeal.

Tier 2

After obtaining the exequatur, the creditor shall rely on the provisions stipulated in the CPL concerning the enforcement procedures, in addition to other articles, by applying for the enforcement of the exequatur from the execution judge, following which the execution court will open a new lawsuit (called an execution case) and serve a summons notice on the debtor requesting payment of the debt with seven days from the date of the notification.

For a detailed explanation of execution mechanics (including precautionary attachment, insolvency petitions, detainment and travel bans), see **2.2 Enforcement of Domestic Judgments**. These procedures apply mutatis mutandis to foreign judgment enforcement once the exequatur is granted.

Offshore Courts Route

For execution within the DIFC of judgments rendered outside the DIFC, the procedures set out in the RDC must be followed. An enforcement application (the type of which depends on the type of assets to be enforced) is made to the DIFC Courts Enforcement Division.

Foreign judgment creditors have been known to utilise the Judicial Authority Law to seek an order of the DIFC Courts to ratify their foreign judgments and then enforce those judgments before the Dubai Courts, and in some circumstances even when the matter and assets had no nexus with the DIFC Courts. While earlier decisions of the Judicial Tribunal established under Dubai Decree No 19 of 2016 had, in certain circumstances, limited the use of the DIFC Courts as a conduit jurisdiction, recent legislative developments – including Dubai Law No 2 of 2025 – have reinforced the DIFC Courts’ role as an international enforcement hub.

The ADGM Courts similarly apply common-law principles for the recognition and enforcement of foreign judgments, subject to compliance with the ADGM Court Procedure Rules and applicable jurisdictional requirements.

3.5 Costs and Time Taken to Enforce Foreign Judgments

Before Onshore Courts

Since the enforcement process of foreign judgments and any foreign writ of execution follows a two-tier procedure (see **3.4 Process of Enforcing Foreign Judgments**), the timeframe and the costs are split between the two tiers.

Tier 1

The court will issue its decision on the execution order application within three days from the date of its submission.

Tier 2

See **2.3 Costs and Time Taken to Enforce Domestic Judgments**.

Before Offshore Courts (DIFC and ADGM Courts)

The DIFC and ADGM Court processes can vary, due to potential enforcement challenges and required hearings to ensure compliance with court requirements. This may take several months, depending on the challenge and hearing preparation. Costs are low for straightforward applications for recognition and enforcement, but any challenge by the defendant could be lengthy and complex.

3.6 Challenging Enforcement of Foreign Judgments

Before Onshore Courts

It is not possible for any UAE court to order the execution of a foreign judgment before the following is verified:

- the reciprocity requirement – the UAE court must ensure that the judgments and orders delivered by a foreign country may be ordered to be executed in the UAE under the same conditions as prescribed in the law of that country for the execution of judgments and orders issued in the UAE;
- the UAE courts are not exclusively competent in the dispute in which the judgment or order was rendered;
- the judgment or order is delivered by a competent court in accordance with the law of the country in which it was issued, and the judgment or order is duly ratified and authenticated (ie, it must be shown that the judgment or order has been rendered enforceable in the jurisdiction in which it was made by having the exequatur form affixed by the court of issuance);
- the litigants in the case in which the foreign judgment was delivered were summoned and were duly represented;
- the judgment or order has the force of *res judicata* in accordance with the law of the court that issued it;
- the judgment does not contradict any existing judgment or order rendered by any UAE court, and does not contain anything contrary to public policy or morality in the UAE; and
- the execution judge has the right to obtain the documents supporting the application before issuing their decision.

Therefore, if a creditor obtained an execution order that the debtor finds does not comply with these conditions, the debtor may challenge the execution order following the Tier 2 procedure, as stated in **3.4 Process of Enforcing Foreign Judgments**.

Before Offshore Courts

DIFC

The DIFC Courts will only look to ensure that the court that issued the judgment had jurisdiction to determine the dispute, and will assume that the foreign court had jurisdiction where the defendant:

- was present in the jurisdiction when proceedings were commenced;
- was a party to the proceedings; or
- otherwise submitted to the jurisdiction of the relevant court (ie, by filing a defence or party agreement).

ADGM

The following requirements must be met in order to avoid a challenge.

- In the case of a judgment given in an action in person:
 - (a) the judgment debtor voluntarily appeared in the proceedings;
 - (b) the judgment debtor was a claimant or counterclaimant in the proceedings in the original court;
 - (c) the judgment debtor had agreed to submit to the jurisdiction of that court or of the courts of the country of that court, before the commencement of the proceedings;
 - (d) the judgment debtor was resident in – or, being a body corporate, was registered under the laws of – the country of that court when the action was commenced; or
 - (e) the judgment debtor had an office or a place of business in the country of that court, and the proceedings in that court were in respect of a transaction effected through or at that office or place.
- In the case of a judgment given in an action, the subject matter of which was immovable property, or, in an action in rem, the subject matter of which was movable property, that property must have

been situated in the country of that court when the action was commenced.

- The jurisdiction of the original court is recognised by any applicable Abu Dhabi law or any ADGM enactment.

4. Arbitral Awards

4.1 Legal Issues Concerning Enforcement of Arbitral Awards

Before Onshore Courts

The enforcement of domestic arbitral awards is regulated by the UAE Federal Arbitration Law No 6 of 2018 (the UAE Arbitration Law), as amended by Federal Law No 15 of 2023 (the Amended Arbitration Law). The enforcement of foreign arbitral awards is regulated by the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 (the New York Convention), which the UAE ratified without any reservation, meaning that even arbitral awards issued in a non-contracting state may be recognised and enforced in the UAE under the New York Convention.

Besides the New York Convention, the UAE also signed the 1966 Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (the ICSID Convention) on 23 December 1981, which entered into force on 22 January 1982.

Before Offshore Courts

The Conventions previously referred to apply to awards being enforced in the UAE, including in the DIFC and the ADGM.

For the enforcement of onshore awards in the financial free zones (and vice versa), the procedures outlined in **2.2 Enforcement of Domestic Judgments** for the enforcement of judgments are equally applicable to the enforcement outside of the DIFC in Dubai of arbitral awards granted in the DIFC and governed by Article 7 of the Judicial Authority Law (and vice versa).

4.2 Variations in Approach to Enforcement of Arbitral Awards

In terms of enforcement, the UAE laws distinguish between domestic arbitral awards seated in the UAE

and foreign arbitral awards seated outside of the UAE. While the confirmation and enforcement of domestic arbitral awards are governed by Articles 55–57 of the UAE Arbitration Law, the recognition and enforcement of foreign arbitral awards are governed by the provisions of the New York Convention, which prevail over the provisions of domestic UAE laws.

4.3 Categories of Arbitral Awards Not Enforced

Onshore Courts

See **4.6 Challenging Enforcement of Arbitral Awards** regarding domestic arbitral awards that may be nullified pursuant to the UAE Arbitration Law and are thereby not capable of being enforced, and regarding foreign arbitral awards seated outside of the UAE not being subject to any nullification procedures.

In the UAE, although most arbitral awards that are either confirmed (for domestic arbitral awards) or recognised (for foreign arbitral awards) and thereafter enforced are money judgments, certain non-money awards may also be either confirmed or recognised but not enforced in certain cases.

The arbitral award creditor in a domestic arbitral award may choose to apply only for its confirmation or for its confirmation and enforcement. Similarly, the arbitral award creditor in a foreign arbitral award may choose to apply only for its recognition or for its recognition and enforcement.

See **4.4 Process of Enforcing Arbitral Awards** regarding the two-tier process to recognise or confirm and enforce an arbitral award, and regarding the difference between the confirmation or recognition of an award from one side and the enforcement thereof from another.

Therefore, the confirmation or recognition of an award refers to the doctrine of *res judicata* and serves as a shield to ensure that an action may not be disputed once its merit has been decided on by the arbitrator, as happened in the arbitration case *Omnium de Traitement et de Valorisation SA (OTV) v Hilmarton Ltd* (Com Ct, NLD, 8 June 1999, [1999] 2 Lloyd's Rep 223).

Offshore Courts

In both the DIFC and ADGM Courts, an arbitral award will not be enforced if:

- a party to the arbitration agreement lacked capacity;
- the arbitration agreement is not valid under the applicable law;
- the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the proceedings, or was otherwise unable to present its case;
- the award decides on matters not falling within the terms of reference or exceeding their scope – however, if those matters can be separated from those on which the tribunal had the authority to rule, only the portion of the award addressing issues on matters not submitted to arbitration may be set aside;
- the composition of the tribunal or the procedure was not in accordance with the parties' agreement or, in the absence of such an agreement, with the applicable law;
- the subject matter of the difference is not capable of settlement by arbitration under the DIFC or ADGM laws; or
- the recognition or enforcement of the award would be contrary to the public policy of the UAE.

4.4 Process of Enforcing Arbitral Awards

Process for Enforcing Domestic Arbitral Awards Before Onshore Courts

The process entails a two-tiered procedure, as described in the following.

Tier 1 – confirmation

First, the award is to be confirmed by the competent Court of Appeal in whose jurisdiction the arbitration was conducted by following the procedure of confirmation set forth in Article 55 of the UAE Arbitration Law. The award creditor will then obtain an execution order (ie, *exequatur*) forcibly to enforce the award against the debtor.

Tier 2 – enforcement

Once an arbitral award is confirmed, it becomes enforceable and can be enforced by the same means as used in Tier 2, described in **3.4 Process of Enforcing Foreign Judgments**.

It is noteworthy that, for the purposes of enforcement, Articles 18 and 21 of the UAE Arbitration Law empower the president of the UAE Courts of Appeal to issue orders of interim measures for a UAE-seated onshore arbitration, upon the request of a party or the arbitral tribunal.

Process for Enforcing Foreign Arbitral Awards

The process entails a two-tiered procedure, as described in the following.

Tier 1 – recognition

A party seeking the enforcement of a foreign arbitral award before an onshore court must obtain an execution order in the same manner as stated for Tier 1 in **3.4 Process of Enforcing Foreign Judgments**. The court will issue its decision on an *ex parte* basis within three days from the date of the submission of the petition.

The execution order may only be issued if the conditions required for the enforceability of the foreign arbitral award stated in Articles IV and V of the New York Convention are fulfilled.

The execution judge's order of execution remains subject to the usual channels of appeal, as noted for Tier 1 in **3.4 Process of Enforcing Foreign Judgments**.

Tier 2 – enforcement

After obtaining the *exequatur* previously referred to in Tier 1, the creditor shall rely on the Civil Procedure Code in the same way as explained in **3.4 Process of Enforcing Foreign Judgments**.

The parties have two possible channels to challenge the enforcement procedures and to seek a stay pending the outcomes of the challenge, depending on the grounds of the challenge (see **2.5 Challenging Enforcement of Domestic Judgments**).

Enforcement in Dubai Outside of the DIFC of Arbitral Awards Ratified by DIFC Courts

Awards recognised by the DIFC Courts may be enforced outside the DIFC in accordance with the Judicial Authority Law, which provides for the same procedures as outlined in **2.2 Enforcement of Domestic Judgments**. Recognition under this Law includes

ratification for the purposes of Article 7 of the Judicial Authority Law.

Process of Enforcing Arbitral Awards Before the Offshore Courts

DIFC

Articles 42–44 of the DIFC Law No 1 of 2008 as amended by virtue of DIFC Law No 1 of 2013 (the DIFC Arbitration Law), together with Parts 43.62–43.74 of the RDC, are relevant for the enforcement of awards within the DIFC (wherever the seat of the award).

A party must make an application for enforcement in the DIFC Courts under Articles 42 (1) and 43 of the DIFC Arbitration Law, and under Part 43 of the Rules of the DIFC Courts, by using a Part 8 claim form. Applications can be made without notice. Subject to any challenges to recognition and enforcement, the DIFC Court will issue an order in both English and Arabic if it decides to recognise the award.

The applicant must then serve the DIFC Court order on the other party. It should be noted that the award cannot be enforced until a period of 14 days has elapsed since the publication of the award or until any set-aside order has been finally dealt with.

Parts 43.62–43.74 of the RDC regulate the enforcement of arbitral awards, regardless of the seat of the award.

The documents for enforcing an award in the DIFC include:

- a witness statement exhibiting the original award, or a certified copy;
- the original arbitration agreement, or a certified copy (if these are not in English, a certified translation should also be provided); and
- a draft recognition/enforcement order in English and Arabic.

ADGM

Part 4 of the ADGM Arbitration Regulations 2015 and Chapter 10 of the ADGM Court Regulations are the pertinent legislation for the ADGM procedure. Article 56 of the ADGM Arbitration Law sets out the basic

requirements for the recognition or enforcement of an arbitral award, regardless of the seat of the arbitration.

The documents for enforcing an award in the ADGM include:

- the original or a duly certified copy of both the arbitral award and the arbitration agreement; and
- an application for the enforcement of an award, which must contain:
 - (a) an arbitration claim form;
 - (b) the name and registered business address (or usual or last known place of residence for an individual) of the award creditor and debtor; and
 - (c) any information on the extent to which the award has been complied with at the date of the application.

4.5 Costs and Time Taken to Enforce Arbitral Awards

Domestic Arbitral Awards Before Onshore Courts

The court fees payable for Tier 1 related to the confirmation of the award vary, depending on the emirate in which the application is submitted. The court will issue its decision on an ex parte basis within 60 days of submission of the request for confirmation and enforcement.

For Tier 2, after obtaining the confirmation of the award and the exequatur previously referred to in Tier 1, the creditor shall rely on the provisions of the CPL in the same way as explained in 3.4 **Process of Enforcing Foreign Judgments**. The costs and timeframe will be the same as described in 2.3 **Costs and Time Taken to Enforce Domestic Judgments**.

Foreign Arbitral Awards Before Onshore Courts

The court fees payable are the same as previously listed for Tier 1. The court will issue its decision on the execution order application within three days from the date of its submission.

For Tier 2, see 2.3 **Costs and Time Taken to Enforce Domestic Judgments** and 3.4 **Process of Enforcing Foreign Judgments**.

Enforcement of Arbitral Awards Before Offshore Courts

The cost and time taken to enforce arbitral awards before the DIFC Courts and ADGM Courts is similar. As with the enforcement of judgments and foreign judgments, the cost and time very much depend on whether the award is challenged, and the nature of that challenge. Despite this, in recent years the process has become more streamlined, with both Courts usually dealing with straightforward enforcements within a few months.

4.6 Challenging Enforcement of Arbitral Awards

Challenges of Domestic Arbitral Awards Before Onshore Courts

To challenge a domestic arbitral award under a nullity action, Article 53 (1)(a)-(h) of the Arbitration Law sets out eight grounds on which the court may object to an arbitral award or refuse an application for confirmation.

The court will also nullify an arbitral award if the subject matter of the dispute is not capable of being decided by arbitration or if the arbitral award is in conflict with public order and the morality of the state.

Disputes that are not capable of being decided by arbitration in the UAE and that are subject to the exclusive jurisdiction of UAE courts include those relating to:

- commercial agency;
- labour;
- personal status (of a familial nature); and
- criminal matters.

An applicant who seeks to nullify a domestic arbitral award may bring their action within 30 days from the date of notification of the arbitral award to the applicant. The decision issued by the court for any such nullification shall be final and may only be subject to appeal by cassation.

Procedures for challenges of domestic arbitral awards

Any challenges against the confirmation of a domestic arbitral award may be raised in the same manner as described in Articles 56 and 57 of the UAE Arbitration Law.

For an order obtained under Tier 2, any challenges may be raised following the two possible channels outlined in **2.5 Challenging Enforcement of Domestic Judgments**, to challenge the enforcement procedures and to seek a stay pending the outcomes of the challenge, depending on the grounds of the challenge.

Challenges of Foreign Arbitral Awards Before Onshore Courts

Although the UAE courts have jurisdiction to decide on a nullity action against domestic arbitral awards, foreign arbitral awards are not subject to any nullification procedures; the foreign arbitral award debtor can resist enforcement only.

Procedures for challenges of foreign arbitral awards

The procedures are the same for Tier 1 and Tier 2, as outlined in **3.4 Process of Enforcing Foreign Judgments**.

Challenging Enforcement of Arbitral Awards Before Offshore Courts

In both the DIFC and ADGM Courts, the process of challenging the enforcement of arbitral awards complies with the provisions of the New York Convention.

CHAMBERS GLOBAL PRACTICE GUIDES

Chambers Global Practice Guides bring you up-to-date, expert legal commentary on the main practice areas from around the globe. Focusing on the practical legal issues affecting businesses, the guides enable readers to compare legislation and procedure and read trend forecasts from legal experts from across key jurisdictions.

To find out more information about how we select contributors, email Luke.Wilson@Chambers.com