

Dr. Mahmood Hussain

Founding Partner

Adjunct Professor at the University of East Anglia, UK
Adjunct Professor at Pantheon-Assas University Paris II
Member of the Advisory Board at Panthéon-Assas University Paris II, Dubai
Member of the Advisory Board at The British University in Dubai
Internationally accredited as a qualified Mediator
CIArb UAE Branch Committee
Chair of ICC-UAE Commission on Arbitration and ADR Steering Committee

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Areas of Practice

- Dispute Resolution and International Commercial Arbitrations
- Civil and Commercial Litigation
- Corporate Governance

Education

- PhD of Law (Research) University of East Anglia, UK, 2020
- International Diploma in Compliance from International Compliance Association, UK, 2012
- Director Certificate exam from UCLA Anderson School of Management, California, 2008
- Master Degree in Digital Economy law from

Summary Profile

Dr. Mahmood Hussain is the Founding Partner at M&CO Legal and has amassed over 20 years of experience in the public and private sectors. As a litigator at Dubai Courts, Dr. Mahmood has achieved many favorable judgments in several high-profile cases. His niche practice of being an arguing Counsel before the Honorable Judges at UAE Courts has set up a benchmark for effective representation involving complex legal issues. A Client testimonial obtained from Whos Who Legal (WWL) stated that Dr. Mahmood has an *“excellent understanding of multinational concerns and perfect explanation of local laws”*.

Dr. Mahmood is a Part II registered practitioner at the DIFC Courts and has the rights of audience before the DIFC courts. He has also led the corporate team of M&CO Legal in dealing with DIFC corporate financial agreements and syndicate loans. Additionally, Dr. Mahmood has the rights of audience before The Federal Supreme Court of UAE.

The Legal 500 has mentioned Dr Mahmood Hussain as “a standout litigator and lawyer and demonstrates a mixture between legal academic and excellent experience” and “a good strategist for local litigation.” Dr Mahmood has also been mentioned as a key lawyer for Dispute Resolution: Domestic Litigation in 2022 and 2023.

He has been accredited as an International Arbitrator by both DIAC (Dubai International Arbitration Centre) and Abu Dhabi Commercial Conciliation and Arbitration Center. Dr. Mahmood has successfully acted in more than 50 International Arbitration proceedings under the ICC, LCIA, ADCCAC, and DIAC rules. He is frequently appointed as sole arbitrator, co-arbitrator, or chairman of arbitral tribunals in International Arbitration proceedings. Dr. Mahmood has also

Monash University,
Australia 2004

- LLB of Shari'a and Law (First Class Hons with Distinction) of the United Arab Emirates University, 2001

Languages

- English
- Arabic

recently joined the Saudi Center for Commercial Arbitration (SCCA) Roster as an Arbitrator.

He is a member of both the ICC-UAE and ICC-UAE Commission in Arbitration and ADR. Recently, Dr. Mahmood was appointed to the prestigious and renowned ICC Commission in Paris on Arbitration and ADR which is responsible for rule-making and research in the field of International Dispute Resolution. The commission produces reports and guidelines on legal, procedural, and practical aspects of dispute resolution, including International Arbitration. Dr. Mahmood has been a member of the ICC Task Force on Arbitration of Climate Change-Related Disputes, which concluded in April 2019. He has also recently become a member of a newly formed ICC Task Force on Addressing Issues of Corruption in International Arbitration.

He also played a key role in establishing the Dubai International Financial Centre (DIFC) Courts in his capacity as a member of the Committee that established the DIFC Courts and later as its first Deputy Registrar and participated in the development of various DIFC legislations of DIFC courts.

In 2007, Dr. Mahmood was appointed by a Ministerial Decree as a member of the Special Committee responsible for the Rehabilitation and Compensation of former Camel Jockeys. Mahmood was also a representative of the Special Committee in a Judicial Tribunal established by the government of UAE and the government of Pakistan to compensate former camel jockeys.

Dr. Mahmood was appointed as a Board Member of the Board of Directors of CBC TV Station, Egypt, and a member of the Remuneration and Compensation Committee of the aforesaid Board. He was also the Head of the task force responsible for developing and implementing policies and procedures for corporate governance in the Company on behalf of the Board. He is also a member of the recently formed DIFC Courts Working Group for the DIFC Courts Code of Conduct Complaints Regime.

Publications

- Mahmood Hussain, Razan Ziklam, 'The Amendment Law on UAE Arbitration Law: An Analytical and Comparative Study with the Federal Law NO. 6/2018 on Arbitration' <[The Amendment Law on UAE Arbitration Law: An Analytical and Comparative Study with the Federal Law No. 6/2018 on Arbitration \[Lexis® Middle East\] \(lexismiddleeast.com\)](#)> dated 18 October 2023
- Mahmood Hussein, Roaa Abou Assy, 'Public Policy and Arbitrability of Real Estate Disputes in the U.A.E' <https://mahmoodhussain.net/news/public-policy-and-arbitrability-of-real-estate-disputes-in-the-uae/> published 23 January 2023
- Mahmood Hussein, Nadia Ridwan Simpson, 'Environmental Law and Public Policy in Islam: Whether the Preservation of the Environment Constitutes as Part of the U.A.E's Public Policy and the Issue of Arbitrability of Environmental Disputes' <<https://www.transnational-dispute-management.com/journaladvance-publication-article.asp?key=1950>> published 31 October 2022

- Mahmood Hussein, Roaa Abou Assy, 'English and Dubai Courts Towards Reciprocation in Judgment Enforcement: A Significant Breakthrough' https://www.lexismiddleeast.com/eJournal/2022-09-30_51/ published 30 September 2022
- Mahmood Hussein, Roaa Abou Assy, 'The U.A.E Bankruptcy Law Amendments: Directors' and Managers' Right to Appeal and its Implementation – Update 'Marka's Judgement'' https://www.lexismiddleeast.com/eJournal/2022-03-24_47/ published 24 March 2022
- Mahmood Hussein, Roaa Abou Assy, 'The Ongoing Validity of an Arbitration Agreement under U.A.E Law – A Conundrum' <<https://lnkd.in/gx2kDJqU>> March 2022

Co-authored the book, "*A Guide to Arbitration in the U.A.E*", published by International Chamber of Commerce (ICC) January 2020

Awards and Recognitions

- Whos Who Legal 2022 – Commercial Litigation – Recommended Lawyer
- Highly Recommended Ranked Lawyer in Dispute Resolution: Domestic 2021, 22 & 23 (Band 2) by Chambers and Partners
- Ranked as a Recommended Lawyer in Dispute Resolution: Domestic 2022 and 2023 by Legal 500
- Best Young Arbitrators below 40, Gold Category 2018

Professional Memberships / Panel Admissions

- Chartered Institute of Arbitrators (CIArb) - Fellow of the Institute
- United Arab Emirates International Chamber of Commerce (ICC-UAE) - Member
- United Arab Emirates International Chamber of Commerce (ICC-UAE) - Member of Commission on Arbitration and ADR
- Member of ICC Commission in Arbitration and ADR
- International Compliance Association (MICA), UK - Fellow
- International Compliance Association (MICA), UK - Member
- Accredited as International Arbitrator in Abu Dhabi Commercial Conciliation and Arbitration Center

- Accredited as International Arbitrator in Dubai International Arbitration Centre
- CBC TV Station, Egypt – Board Member
- Registered Member of Qatar International Center for Conciliation and Arbitration (QICCA)
- Saudi Center for Commercial Arbitration (SCCA) Roster as an Arbitrator
- Member of the ADGM Arbitration Centre Panel of Arbitrators
- Member of Inter-Pacific Bar Association (IPBA)
- ADR Center International Accreditation for Mediators and IMI International Certification for Qualified Mediators
- Oman Commercial Arbitration Centre Panel of Arbitrators

Professional Experience

- May 2013 to present – Founding Partner at Dr. Mahmood Hussain Advocates and Legal Consultancy LLC (M & CO Legal).
- 2012 to May 2013 – Legal Director at DLA Piper Middle East LLP.
- 2007 to April 2012 – Vice President- Board Relations and Corporate Governance and Compliance at Emirates Integrated Telecommunication Company PJSC (du).
- 2006 to 2007 – Consultant at the Executive Office of His Highness Sheikh Mohammed Bin Rashid Al Maktoum, Vice-President and Prime Minister of the UAE and Ruler of Dubai.
- 2004 to May 2006 – Attorney (DIFC) and Deputy Registrar of DIFC Courts.

Expert / Legal Opinions

- Expert Opinion on Back-to-Back Clauses under UAE Law in an ICC Arbitration instructed by a Contractor, the Claimant for an arbitration proceeding who entered into an agreement with a Sub-Contractor, the Respondent for works of a Project in UAE.
- Legal Opinion for an Investment Holding Company on the Recognition and Enforceability of Foreign Arbitral Award before the Courts in Dubai, UAE.
- Expert Legal Opinion on the Service of Notification under the laws of the UAE for a party to the proceedings before Paris Court of Appeal for setting aside an ICC Arbitration Award.

- Expert Legal Opinion on UAE Labour Law and Court Proceedings between an Employer (Claimant) and Employees (Respondents) for a matter before the High Court of Justice Queen’s Bench Division.
- Expert Legal Opinion for a Claimant in a DIAC proceeding on the Estimation of the Legal Fees owed for an arbitration proceeding.
- Expert Declaration on specific issues in respect of the Constitutionality of the Judicial Authority Law and the DIFC Court Law for enforcing a foreign judgment before DIFC Courts.
- Expert Declaration on UAE Law in respect to the Validity of the Company’s Shareholders Resolution in accordance with the federal and local laws applicable within the UAE for a party in a court proceeding in the Hamm Court of Appeal.
- Legal Opinion on the Liability of Shareholders and Managers of a Limited Liability Company before a Dubai Court Proceeding.
- Expert Opinion under UAE Law with respect to the validity and effectiveness of pathological arbitration clauses before for an arbitration under the DIFC-LCIA rules.
- Expert Opinion on UAE Law and the concept of Gharar before DIFC-LCIA Tribunal.
- Expert Opinion on UAE Law in a UK Proceeding before High Courts of Justice – Business and Property Courts of England and Wales on the validity and viability of the grounds for setting aside an Arbitral award
- Expert Opinion on UAE Law with regard to the capacity and authority of an individual to bind a company to an Arbitration Agreement.
- Expert Opinion on the UAE Laws and regulations pertaining to the foreign summons.

Arbitration Cases as an Arbitrator

DIAC **/2021 Co-Arbitrator (3-Member Tribunal)	A Saudi Individual vs A GCC Pharmaceutical Corporation	A claim for the nullification of an agreement
DIAC **/2020 Co-Arbitrator (3-Member Tribunal)	A UAE based public transport service company vs A Facilities Management Company based in Middle East	A 1 Million AED dispute over a breach of the agreement
DIAC **/2020 Co-Arbitrator (3-Member Tribunal)	A limited offshore company vs a UAE based Real Estate Development Company	A 19.4 Million AED dispute over a breach of an agreement
DIAC **/2020 Co-Arbitrator (3-Member Tribunal)	A limited offshore company vs a UAE based Real Estate Development Company	An 18.2 Million AED dispute over a breach of an agreement

ICC *****/MK Co-Arbitrator (3-Member Tribunal)	A Financial Institution based in France vs UAE & Bahrain Based Financial Institution	A 33 Million USD dispute for unpaid dues as per agreement
ICC Case *****/AYZ Co-Arbitrator (3-Member Tribunal)	A Manufacturing Company vs Investment Development Group	A 27 Million AED dispute over a breach of an agreement
DIAC */2020 Sole Arbitrator	A UAE based Construction company vs a Real Estate Investment & Development Company LLC	A claim for a breach of agreement dispute
ADCCAC */2020 Co-Arbitrator (3-Member Tribunal)	A UAE based construction consulting company vs an Offshore Construction company	A Construction dispute for unpaid dues
DIAC ***/2019 Co-Arbitrator (3-Member Tribunal)	A UAE based sub-contractor Company vs A UAE based Main Contractor	A 15 Million AED dispute for unpaid dues and delay damages
DIAC ***/2019 Chairman (3-Member Tribunal)	A UAE Real Estate Company vs A UAE government organization	A 213 Million AED dispute over a breach of a Sale and Purchase Agreement of a plot of land
ICC Case *****/AYZ Chairman (3-Member Tribunal)	An Iraqi Company vs a BVI Company	A USD 6.5 Million dispute over a franchise agreement between franchisor and franchisee
DIAC Case **/2019 Co-Arbitrator (3-member Tribunal)	UAE based Contracting Company vs UAE Contracting Company	A construction dispute for breach of subcontract agreement
DIAC Case ***/2018 Sole Arbitrator	UAE based Construction Company vs UAE Contracting Company	A 1.5 Million dispute over a sub-contract agreement
DIAC Case **/2018 Sole Arbitrator	UAE based Manufacturing & Suppliers Company vs UAE Manufacturing Company, Individual UAE National	A 5.5 Million commercial dispute
ICC *****/AYZ Co-Arbitrator (3-member Tribunal)	UAE based Joint Stock Company vs UAE Engineering & Contracting Company	A USD 1.8 Million dispute over a sub-contract agreement
DIAC Case **/2017 Co – Arbitrator (3-member Tribunal)	UAE based Construction Company vs UAE Contracting Company	A 30 Million dispute over a sub-contract agreement
DIAC Case ***/2017 Co – Arbitrator (3-member Tribunal)	IT Company (UAE Branch) vs Singapore based Telecommunications Company	A 14 Million claim in Commercial Dispute

DIAC Case ***/2016 Sole Arbitrator	Purchaser vs UAE Developer	AED 2 Million claim in the Sale and Purchase Agreement for property in Dubai
DIAC Case ***/2016 Sole Arbitrator	UAE-based Company vs UAE National	AED 6 Million claim in relation to the Management and Lease Agreement for a hotel in Dubai
DIAC Case No. **/2016 Chairman (3-member Tribunal)	Qatar-based branch of a company vs a Qatari Company	Claims related to business agreement for implementation of certain system for a medical Centre. The applicable substantive law is State of Missouri, USA.
DIAC Case No. **/2016 Sole Arbitrator	UAE National vs UAE based company	Claims related to lease and management agreement for hotel apartment building
DIAC Case No. **/2015 Sole Arbitrator	Government entity vs UAE based company	Claims related to payments of rents for media boards
DIAC Case No. **/2014 Sole Arbitrator	UAE Investor vs UAE Developer	Claims related to construction delays in a development project in Dubai
ADCCAC Case No. **/2014 Chairman (3-member Tribunal)	UAE Investor vs UAE developer	Claims related to construction delays in a development project in Abu Dhabi
DIAC Case No. **/2014 Sole Arbitrator	UAE based company vs UAE Developer	Claims related to sale of plot in Dubai
ADCCAC Case No. **/2013 Sole Arbitrator	UAE Investor vs UAE developer	Claims related to construction delays in a development project in Abu Dhabi
ADCCAC Case No. **/2013 Sole Arbitrator	UAE Investor vs UAE developer	Claims related to construction delays in a development project in Abu Dhabi