

CRCICA ANNUAL REPORT

2015

The Cairo Regional Centre for International Commercial Arbitration (CRCICA)
An International Organization operating in Egypt since 1979



TABLE OF CONTENTS

Table of Contents	1
Letter from the Director	2
CRCICA Caseload in 2015: New Record Aggregate Sums in Dispute and Construction Disputes Regain Top Position	4
CRCICA Publishes its Practice regarding the Challenge and Removal of Arbitrators	6
CRCICA renovates its Conference Centre	6
CRCICA Again Considered as “the Current Class of the Field”	6
CRCICA announced a CIArb Recognized Course Provider	6
The International Handball Federation recognizes CRCICA-hosted CAS AHC for use in Middle East Sports Disputes.....	7
CAS APPOINTMENTS OF CRCICA OFFICIALS.....	7
YOUNG PRACTITIONERS HONOR THE NAME OF DR. MOHAMED ABOUL-ENEN	7
Annual CRCICA BOT Meeting	7
CRCICA Advisory Committee Meetings	7
Events Update:.....	8
First ICCA 2016 Roadshow Excites Interest in Cairo, 14 June 2015	8
Second International Conference for a Euro-Mediterranean Community of International Arbitration, 12 November, 2015	8
Mediation Breakfast Seminars	8
Construction Mediation Project.....	9
CRCICA hosts CIArb Cairo Wednesday One Seminars	9
Hosted Events:	9
CRCICA Hosts the Oral Hearings of the Second Annual SHALAKANY LAW OFFICE ARBITRATION MOOT (SAM), Cairo, 4 April 2015.....	9
CRCICA Hosts IDAI First Arbitration Moot, 26 May 2015.....	10
Regional and International Contributions.....	10
International Board And Council Meetings	10
CRCICA Director joins ICCA Delegation in Beijing	10
CRCICA Director acts a Mentor in the 2015-2016 Cycle of the Young ICCA Mentoring Programme	11
Participation in International Conferences	11
Role in Regional Trainings and Conferences	11
Cooperation Agreements	12
Publications.....	13
CRCICA Publishes Arbitral Awards (Volume VI)	13
Journal of Arab Arbitration: 24 th Volume	13
Journal of Arab Arbitration: 25 th Volume	13

LETTER FROM THE DIRECTOR

2015 was a very interesting year for CRCICA. For the third consecutive year, in the 2016 version of the Guide to Regional Arbitration published by the Global Arbitration Review (GAR) in October 2015, CRCICA is enrolled as one of the regional institutions in the Middle East and Africa that are worth a closer look and worth considering for the right case. According to the Guide, CRCICA is seen as "*the current class of the field*".

CRCICA received another valuable recognition in 2015 when approved as a Recognised Course Provider of the training courses qualifying for the membership of the prestigious Chartered Institute of Arbitrators (CI Arb). By virtue of this one of the kind stance in the whole Arab region, CRCICA is entitled to hold two CI Arb modules for both lawyers and non-lawyers, entitling the successful candidates to apply for the CI Arb membership.

It is also worth mentioning that in the summer of 2015, the Executive Committee of the International Handball Federation unanimously agreed to recognize the CRCICA-hosted Alternative Hearing Centre (AHC) of the Court of Arbitration for Sport (CAS) to be used in case of any sports dispute, which may arise in the Middle East, after the consent of CAS.

By the end of 2015, CRCICA announced the inauguration of its renovated Conference Centre to be officially inaugurated on 31 March 2016 on the occasion of the inaugural international investment arbitration conference organized with the Arbitration Institute of the Stockholm Chamber of Commerce (SCC). CRCICA Conference Centre stretches over a total of 420 m² and is composed of one main conference room (upto 151 persons), three breakout rooms, one reading room, one lounge and a refreshment area.

CRCICA caseload in 2015 witnessed an increase in construction cases, which regained its top position with 13 cases compared to 10 cases in 2014. CRCICA caseload also continues to cover a vast variety of disputed contracts including media and entertainment, services, lease and supply agreements, real estate, sale and purchase of shares, hotel management and franchise agreements. 2015 also witnessed an increase in the total sums in dispute reaching US\$ 6,435,713,084 (more than 50 Billion Egyptian Pounds), representing as such new record for the aggregate annual sums in dispute. I am particularly proud of the diversity of the nationalities of the parties and arbitrators coming not only from Africa and Asia, but also from Europe and North America.

One of the key developments in 2015 is the publication by CRCICA, for the first time since its inception in 1979, of its Practice regarding the Challenge and Removal of Arbitrators comprising the main trends deduced from the decisions of the tripartite *ad hoc* committees formed from among the members of CRCICA's Advisory Committee in matters of challenge and removal of arbitrators.

In 2015, CRCICA continued its regional and international contributions to the development of both international arbitration and commercial mediation. This included holding the first ICCA 2016 Roadshow in June 2015, followed by the Second International Conference for a Euro-Mediterranean Community of International Arbitration, held in November 2015. CRCICA also held and hosted several training programs, workshops, Arbitration Moot Courts, lectures and seminars on arbitration and mediation and was actively promoting both dispute resolution mechanisms in Europe (London and Stockholm), Asia (Beijing and Hong Kong) and the Middle East (Manama and Amman).

Another salient feature of the reported period are CRCICA's publications ranging from its well-known Journal of Arab Arbitration and the Arabic Volume VI of CRCICA Awards, to contributions in the commemorative Kluwer publication "Festschrift Ahmed Sadek El-Kosheri: From the Arab World to the Globalization of International Law and Arbitration" as well as an article by CRCICA Director on the Emergence of new Arbitral Centres in Asia and Africa: Competition, Cooperation and Contribution to the

Rule of Law, to be published by Kluwer in 2016 in the book titled The Evolution and Future of International Arbitration.

After the official inauguration of its new Hearing Centre in 2013, CRCICA is starting the very busy 2016 with the official inauguration of its new state-of-the art Conference Centre. 2016 will also witness the completion of two very ambitious projects that have already started in 2013 and 2014 with respect to the development of CRCICA new website and the case management software. I am confident that, with the devotion and support of my colleagues, CRCICA will be achieving all its future objectives enabling it to serve the arbitration and ADR communities in the region and beyond.

CRCICA CASELOAD IN 2015: NEW RECORD AGGREGATE SUMS IN DISPUTE AND CONSTRUCTION DISPUTES REGAIN TOP POSITION

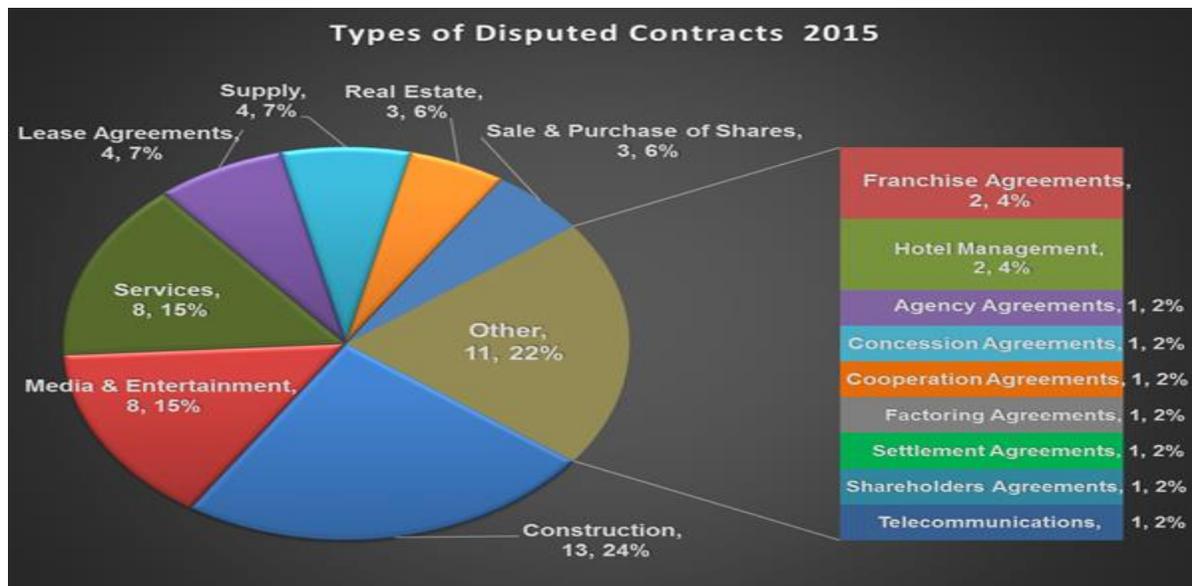
The total number of arbitration cases filed before CRCICA until 31 December 2015 reached 1070 cases. In 2015, 54 new arbitration cases were filed. 14 out of the 54 new cases were filed in the first quarter of 2015, while 12 cases were filed in the second quarter of 2015. The third quarter of 2015 witnessed the filing of 11 new arbitration cases, while 17 new cases were filed in the last quarter of 2015.

The largest sum in dispute filed in 2015 amounted to US \$971,587,461 and related to the construction of an industrial and commercial project in Damietta Port, Egypt.

According to the statistics of 2015, Construction disputes rank on top of the disputed contracts referred to the Centre (13 Cases) followed by media and entertainment disputes (8 cases) and services (8 cases). Cases arising out of lease and supply agreements filed in 2015 amounted to 4 cases each, while the number of cases arising out of real estate and sale and purchase of shares amounted to 3 cases each. Two cases arising out of both hotel management and franchise agreements were also filed in 2015. The other 7 cases filed in 2015 related to agency agreements, cooperation agreements, concession agreements, factoring agreements, settlement agreements, shareholders agreements, and telecommunications (1 case each).

A promising start for construction cases was actually announced in the first quarter in 2015 and has been confirmed by the end of 2015 with construction cases regaining its top position with 13 cases compared to 10 cases in 2014.

The following pie shows a breakdown of the types of disputed contracts in 2015:



The rich variety of the types of disputed contracts referred to CRCICA in 2015 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices.

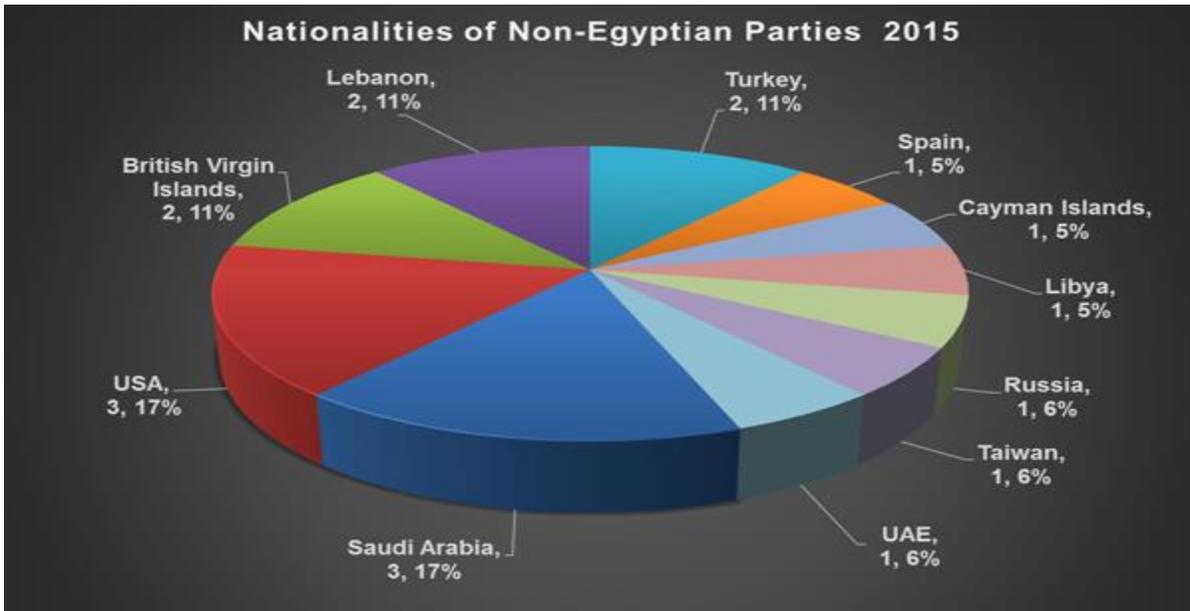
It was previously reported that the second quarter of 2015 witnessed the filing of a counterclaim in a case already registered under the auspices of the Centre. The aggregate sum in dispute after taking into account the counterclaim and the revised main claim reached US\$ 3,972,054,058 (Approx. EGP 30,806,933,504). The fourth quarter of 2015 also witnessed a substantial increase in the main claim in a Gas Supply case already registered under the auspices of the Centre. The aggregate sum in dispute after taking into account the revised main claim reached US\$ 2,586,439,098 (Approx. EGP 20,303,546,919.3).

The above changes led to an increase in the total sums in dispute during 2015 reaching US\$ 6,435,713,084 (more than 50 Billion Egyptian Pounds), representing as such new record for the aggregate annual sums in dispute.

According to the statistics of 2015, parties from Saudi Arabia rank on top of Arab parties referring their disputes to the Centre followed by parties from Lebanon, Libya, and the U.A.E., while parties from the USA rank on top of non-Arab parties referring their disputes to the Centre, followed by parties from Turkey, the British Virgin Islands, Russia, Spain, Taiwan and the Cayman Islands.

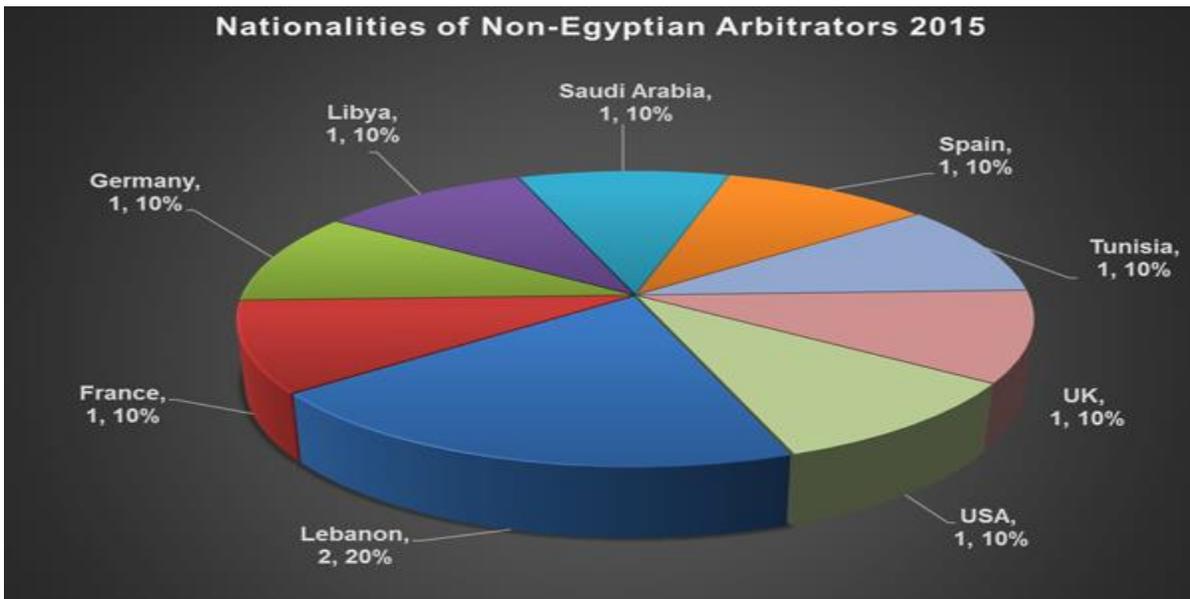
CRCICA is pleased to see that in 2015, its Arbitration Rules have been chosen by parties to two purely international contracts (not involving any Egyptian party) between parties from Saudi Arabia, USA, and the U.A.E.

The following pie shows a breakdown of the nationalities of non-Egyptian parties in 2015:



According to the statistics of 2015, non-Arab arbitrators came from the USA, the UK, Germany, France and Spain, while Arab arbitrators came from Egypt, Lebanon, Saudi Arabia, Libya and Tunisia.

The following pie shows a breakdown of the nationalities of non-Egyptian arbitrators in 2015:



CRCICA PUBLISHES ITS PRACTICE REGARDING THE CHALLENGE AND REMOVAL OF ARBITRATORS

In **Volume 24 of the Journal of Arab Arbitration**, CRCICA published in Arabic **the main trends deduced from the decisions of the tripartite *ad hoc* committees formed from among the members of CRCICA's Advisory Committee in matters of challenge and removal of arbitrators**¹. The Practice includes a summary of 17 requests for challenge and 5 requests for removal of arbitrators submitted to CRCICA. It covers requests submitted according to CRCICA's Arbitration Rules of 2011 starting from 2012 to date. The Practice outlines the grounds of the requests as well as the decisions issued by the tripartite *ad hoc* committees, which leads to important conclusions about the salient grounds for the upholding or rejection of the requests. The Practice will be available in English soon.

CRCICA RENOVATES ITS CONFERENCE CENTRE

CRCICA is pleased to announce the renovation of its Conference Centre which stretches over a total of 420 m² and is composed of an auditorium, three breakout rooms, one reading room, one lounge and a refreshment area.

The auditorium is named after **Dr. Esmat Abdel Meguid**, the former Secretary-General of the League of Arab States and the honorary Chairman of CRCICA Board of Trustees who exerted valuable contributions during the establishment of CRCICA. It capacitates 151 seats in theatre style setting, a major 5-seat podium plus one-stand alone podium.

The room is furnished with high-tech equipment for the smooth functioning of events; this includes 3 built-in screen 75" with immersive viewing experience and 3 lingual simultaneous translation equipment, 2 high-definition remotely operated Ceiling Mount cameras recording automatically and video conference features. The Room is privileged with a terrace overview of the historical Aquarium Grotto Garden and a side Nile View.

Each of the 3 break out rooms has a round table with a capacity of 10 seats based on the standard training practices and logistical needs.

CRCICA AGAIN CONSIDERED AS "THE CURRENT CLASS OF THE FIELD"

For the third consecutive year, in the 2016 version of the guide published by the Global Arbitration Review (GAR): Guide to Regional Arbitration (October 2015), CRCICA is enrolled as one of the regional institutions in the Middle East and Africa that are worth a closer look and worth considering for the right case. It is seen as "the current class of the field". Among other aspects, the study recognized the Centre as highly affordable, as having new rules that help to counteract worst practice and thus facilitate enforcement.

CRCICA ANNOUNCED A CIARB RECOGNIZED COURSE PROVIDER

CRCICA has been recently approved as a Recognised Course Provider of the training courses qualifying for the membership of the Chartered Institute of Arbitrators (CIArb). By virtue of this one of the kind stance in the whole Arab region, CRCICA is entitled to hold both CIArb modules; Module I: Law of obligations and Civil Evidence which prepares candidates having no legal background to participate at Module 2: Law of Arbitration. Candidates are then entitled to apply for the CIArb membership.

The International Handball Federation recognizes CRCICA-hosted CAS AHC for use in Middle East Sports Disputes.

¹ http://www.crcica.org.eg/newsletters/nl032015/auia_vol24_ar01_main_trends.pdf

THE INTERNATIONAL HANDBALL FEDERATION RECOGNIZES CRCICA-HOSTED CAS AHC FOR USE IN MIDDLE EAST SPORTS DISPUTES

In June 2015, the International Handball Federation recognized CRCICA-Hosted CAS AHC to be used in case of any sports dispute, which may arise in Middle East, after the consent of CAS. This recognition lends a strong boost for to the Agreement CRCICA concluded with the International Court of Arbitration for Sport (ICAS) in 2012, nominating it as a host of an Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS) based in Switzerland.

CAS APPOINTMENTS OF CRCICA OFFICIALS

Dr. Nabil Elaraby, Chairman of CRCICA Board of Trustees and Secretary General of the League of Arab States, has been appointed as President of the Arbitration Division of the Court of Arbitration for Sport (CAS). CRCICA Director has also been appointed in CAS *ad hoc* Division for the RIO 2016 Olympics which will be a temporary office on the site of the Rio 2016 Olympic Games in order to resolve legal disputes which may arise during the games. It is notable that Egypt and Korea are the only two countries from the Afro-Asian Region to be represented in this Division.

YOUNG PRACTITIONERS HONOR THE NAME OF DR. MOHAMED ABOUL-ENEN

The Young Arab Arbitrators Forum (YAAF) has launched the biennial "Aboul-Enein Memorial Prize Competition" as the first and only competition of its kind in the Arab world to commemorate the role of Dr. Mohamed Aboul-Enein as a scholar and educator in the field of international arbitration and to challenge young arbitration practitioners to reflect on their practices of arbitration and showcase their writing talents.

The Winner of the Aboul-Enein Memorial Prize Competition 2015-16 is Mr. Essalhin Faraj, for his essay, "Reflections on Arbitration under OHADA" which will be published at the 25th Volume of the Journal of Arab Arbitration.

CRCICA congratulates Mr. Faraj and extends its sincere appreciation for YAAF's commemoration of the role of Dr. Mohamed Aboul-Enein, the former Director of CRCICA and the catalyst for its renaissance over more than 25 years.

ANNUAL CRCICA BOT MEETING

Annual CRCICA BOT Meeting was successfully held on 17 November 2015 at the Centre. Presided by his Excellency Dr. Nabil Elaraby, the meeting was attended by members from Egypt, Somalia, Switzerland. During the meeting, CRCICA Director presented CRCICA's activities and caseload in 2014-2015 as well as its financial statement of operations for the year ending on 31 December 2014 as audited by the external auditor. The BOT unanimously hailed the works and achievements of the Centre over the past year. It is notable that as of 2015 CRCICA has on its Board, two new eminent members from Nigeria (Olufunke Adekoya) and Somalia (Judge Abdulqawi Yusuf).

CRCICA ADVISORY COMMITTEE MEETINGS

CRCICA Advisory Committee convened four times over the year. Various technical issues were discussed including conflicts of interests within the context of applications for the challenge or removal of arbitrators; a judgment rendered by the Cairo Court of Appeal, endorsing the decision of a tripartite *ad hoc* committee, composed pursuant to the CRCICA Arbitration Rules to decide on the challenge of a co-arbitrator; the res judicata effect of the decisions issued by the tripartite *ad hoc* committees composed by

the Centre from among the AC members to rule on applications for challenge or removal of arbitrators and the possibilities to standardize CRCICA's institutional reaction towards certain arbitral acts likely to affect the soundness of the arbitration process such as the repeated appointment of arbitrators.

EVENTS UPDATE:

First ICCA 2016 Roadshow Excites Interest in Cairo, 14 June 2015

The first ICCA 2016 Roadshow was held in Cairo on 14 June, raising the anticipation there for the 23rd ICCA Congress, to be held in Mauritius on 8-11 May 2016.

The ICCA 2016 Roadshows are a series of short symposia, held in five major African cities, which give participants a taste of the content and style of the ICCA Congress, and provide them with practical information about the Congress itself.

Second International Conference for a Euro-Mediterranean Community of International Arbitration, 12 November, 2015

The United Nations Commission on International Trade Law (UNCITRAL), the Organization for Economic Cooperation and Development (OECD) and the Cairo Regional Centre for International Commercial Arbitration organized the Second International Conference for a Euro-Mediterranean Community of International Arbitration on 12 November 2015, Cairo – Egypt. The Euro-Mediterranean International Arbitration series of events was first launched in Marseille, France in 2014 as a part of the MENA-OECD Investment Program which is created to support investment policy reform in the Middle East and North Africa region. It aims at promoting a sustainable Euro-Mediterranean arbitration community as part of a broader agenda for securing investments, key for stabilization and economic growth in the South and the East of the Mediterranean.

Mediation Breakfast Seminars

In 2015, CRCICA organized twelve mediation breakfast seminars in cooperation with the International Finance Corporation (IFC) tackling the following topics; “Practical Experiences and Expertise in Mediation”, “Preparation Stage of Mediation: An Important Step Forward Towards a Successful Amicable Settlement”, “Contractual Drafting of the Mediation Clause”, “Alternative Disputes Resolution Techniques and the Settlement of Investment Disputes: Exploring the Recent Amendments of the Egyptian Investment Law”, “The Role of the Legal Advisor in Construction Mediation”, “Construction Contracts, Risk and Disputes: Can Mediation Play a Positive Role?”, “The Future of International Mediation”, “Distinction between Facilitative and Evaluative Mediations: Which is More Appropriate?”, “Mediation of Construction Disputes: The Role of the Legal advisor”, “Cost Effective Management of Construction Disputes: The Role Mediation Can Play”, “Cost-Benefit of Commercial Mediation”, “The Art of Mediation Regulation”.

Lectures were delivered by eminent speakers with high mediation profiles whether on the international or the national level such as Eng. Aisha Nadar, Member of FIDIC Updates Task Group and IFC Consultant on the Construction Mediation Project, Judge Louise Otis, civil and commercial mediator and arbitrator and a retired Justice of the Quebec Court of Appeal and Prof. Dr. Nadja Alexander, Conflict Specialist, Mediator and Conflict Coach based in Hong Kong.

Construction Mediation Project

The International Finance Corporation (IFC) Mediation Program in Egypt, in close cooperation with CRCICA has recently developed a construction mediation project meant to promote the use of mediation in construction disputes through system design, workshops, capacity building and training.

Within this context, a Construction Mediation Working Group (CMWG) was established to drive forward the effective implementation of mediation in the Egyptian Construction Sector in close coordination with Eng. Aisha Nadar, IFC International Consultant.

The CMWG has most recently decided to undertake the preparation of a document focusing on construction dispute resolution and the role of mediation in Egypt. The publication will be a joint venture between IFC and CRCICA.

CRCICA HOSTS CIARB CAIRO WEDNESDAY ONE SEMINARS

Since 2000, CRCICA has been hosting the monthly seminars of the Cairo Branch of the Chartered Institute of Arbitrators, In 2015, the record of these seminars featured very interesting topics to arbitration practitioners such as “The Law and Practice of the Arbitrators' Duty to Ascertain the Content and Apply the Law Governing the Merits of the Dispute” , “Non-competition Clauses in Commercial Contracts in Light of the Law on Protection of Competition and the Arbitration Law”, “Developing Countries and International Law: Confrontation, Contribution, or Acting Behind the Enemy Lines?”, “Critical Analysis of Some Practical and Legal Problems in International Commercial Arbitration: Case Study”, “The Enforcement of Judgments and Arbitration Awards”, “International Arbitration Agreement: Is Legal Uniformity Still a Possibility?”, “Investment Climate in Egypt out of a Legal Perspective”, “Reflections on CRCICA Practice Notes”, “The Role of the French Cour de Cassation in Arbitration”, “Islamic Finance: Transactions and Disputes”.

Seminars were delivered by a pool of experts including Judge Dominique HASCHER, Judge at the French Cour de Cassation, Adjunct Professor of Law (University Paris 1 Pantheon-Sorbonne), Member of ICCA Governing Board and former General Counsel and Deputy Secretary-General of the ICC and Prof. Dr. Georges ABI-SAAB, Emeritus Professor of International Law at the Graduate Institute of International Studies in Geneva, and Former Chairman of the Appellate Body of the World Trade, Organization (WTO).

HOSTED EVENTS:

CRCICA Hosts the Oral Hearings of the Second Annual SHALAKANY LAW OFFICE ARBITRATION MOOT (SAM), Cairo, 4 April 2015

On 4 April 2015, CRCICA hosted the Oral Pleadings of The Annual Shalakany Law Office International Commercial Arbitration Moot (SAM). SAM is an annual competition of teams representing law schools throughout Egypt and is intended to stimulate the study of international commercial law and to promote and develop interest and skills in international commercial arbitration. The nature of the Moot is intended to lead participants to interpret the texts of international commercial law to develop an expertise in advocating a position before an arbitral panel. The Moot is designed as an educational learning program in the form of a competition. It is not intended to be a competition with material benefits.

The pleadings were divided into four teams of students coming from the Cairo University English Section Law, IDAI-Paris I-Sorbonne (Cairo University French Section Law) and Ain Shams University.

The IDAI Sorbonne team won the competition and was awarded the first prize.

CRCICA Hosts IDAI First Arbitration Moot, 26 May 2015

Created in November 2004 upon by the students of the *Institut de Droit des Affaires Internationales* (IDAI), Université Paris 1 Panthéon-Sorbonne, the *Club d'arbitrage et de plaidoirie de l'IDAI* aims at training selected students of the IDAI to acquire the necessary advocacy skills that would enable them to participate in local; regional and international moot courts including the reputable annual Willem C. Vis International Commercial Arbitration Moot. Within this context, the first Internal Moot held by the *Club d'arbitrage et de plaidoirie de l'IDAI* was hosted by CRCICA on 26 May 2015 where five groups of students pleaded their cases before six arbitral tribunals composed of a blend of eleven experienced specialists and graduates.

REGIONAL AND INTERNATIONAL CONTRIBUTIONS

International Board And Council Meetings

IFCAI Council & General Assembly Meetings, Manama, Bahrain

In his capacity as Vice President of IFCAI, CRCICA Director chaired the IFCAI Council meeting hosted by the BCDR in Manama, Bahrain on March 24, 2015 and discussed matters of interest to the arbitral institutions, future activities as well as the results of the 13th IFCAI Biennial Conference on "Hot Issues in International Arbitration in the Arab World and Arbitral Institutions and Issues of Conflicts of Interest" held in Manama, Bahrain on March 23, 2015.

The IFCAI Council meeting was followed by the IFCAI General Assembly meeting attended by 12 arbitral institutions from Europe, Asia, Africa, the USA and Latin America. The attendees discussed the features of the new IFCAI website as well as future IFCAI projects.

ICCA Board Meeting, Hong Kong, China

In his capacity as Vice-President of the ICCA Governing Board, CRCICA Director attended the annual Board meeting held on 12 May 2015 in Hong Kong. Discussions focused on ICCA's ongoing projects and future events.

SCC Board Meeting, Sweden, Stokholm

On 18 September 2015, CRCICA Director attended the Annual Board Meeting of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) which was established in 1917 (celebrating 100 years of existence in 2017) and has developed into one of the world's leading forums for dispute resolution.

Sweden and the SCC play a unique role in the international system developed for bilateral and multilateral investment protection worldwide.

CRCICA Director joins ICCA Delegation in Beijing

A delegation from the International Council for International Arbitration (ICCA) including CRCICA Director visited Beijing from 7 to 9-May 2015 and held meetings with Chinese officials, judges, arbitral institutions and students including a meeting with officials from the Ministry of Commerce of the People's Republic of China (MOFCOM), a meeting at the Supreme People's Court of the People's Republic of China with its President and senior Chinese judges and finally a meeting with senior officials of the Beijing Arbitration Commission. The meetings focused on the future of international arbitration in China and the role of institutions and state courts in bettering its practices.

On the occasion of the visit of ICCA delegation to Beijing, Young ICCA organized an International Arbitration Panel Discussion. The workshop was hosted by Tsinghua University. The topic of the session was "Getting Into and Getting Ahead in International Arbitration". It was moderated by ICCA's Executive Director, Ms Lise Bosman, and featured CRCICA Director among the speakers who provided their views on how to successfully build a career in international arbitration.

CRCICA Director acts a Mentor in the 2015-2016 Cycle of the Young ICCA Mentoring Programme

The 2015–2016 cycle of the Young ICCA Mentoring Programme has already commenced with CRCICA Director again acting as Mentor. The mentoring group consists of the following three Mentees: Ms. Silke Noa Kumpf, associate in Brown Rudnick's London office; Ms. Laura Lozano, associate at González-Bueno & Asociados in Madrid; Mr. Amr Arafa, LL.M. Candidate for the Master of International Dispute Settlement in Geneva.

CRCICA Director is assisted by a "Buddy", Ms. Maria Athanasiou, an independent arbitration practitioner based in Cyprus, whose role is to facilitate communication within the mentoring group, make any necessary organizational arrangements, and act as a catalyst to ensure that the mentoring group remains motivated and active.

Participation in International Conferences

13th IFCAI Biennial Conference, Manama – Bahrain

On March 23, 2015, Manama hosted the 13th IFCAI Biennial Conference on "Hot Issues in International Arbitration in the Arab World and Arbitral Institutions and Issues of Conflicts of Interest". The Conference was co-organized with the Bahrain Chamber for Dispute Resolution (BCDR-AAA). CRCICA Director addressed "Institutional Arbitration in the Arab World: Challenges and Perspectives". This covered mainly the salient challenges facing the development of institutional arbitration in the Arab World as well as future perspectives.

Queen's Mary School of International Arbitration Celebrates 30 Years of Existence, London, UK

On the occasion of its 30th anniversary, the School of International Arbitration Centre for Commercial Law Studies, Queen Mary University of London held a conference in London on "The Evolution and Future of International Arbitration: The Next 30 Years" from 19 to 21 April 2015. 280 delegates from around the globe attended the Conference. CRCICA Director drafted an article that he presented orally at the conference titled: "Emergence of New Arbitral Centres in Asia and Africa: Competition, Cooperation and Contribution to the Rule of Law" in which he explained that the emergence of such centres has led to the diversification of the available arbitral fora as well as the promotion of best arbitral practices.

Role in Regional Trainings and Conferences

Intensive Course on International Investment Arbitration in the MENA Region, Manama, Bahrain, 6-9 December 2015

The Bahrain Chamber for Dispute Resolution (BCDR-AAA), in conjunction with the Investment Treaty Forum (ITF) of the British Institute of International and Comparative Law (BIICL), held a four-day (6 to 9 December 2015) intensive course on International Investment Arbitration specifically tailored for the MENA region in Manama, Bahrain.

The four-day course was attended by delegates from all over the MENA region and provided the theoretical knowledge and the practical know-how from some of the leading practitioners in the field of international investment both in the region and beyond.

CRCICA Director shared three panels during the course and addressed the following issues:

1. The State of Play in the Middle East and North Africa, in which he focused on the salient features of the most recent national investment laws in the MENA region;

2. Understanding the State's International Obligations within the context of Managing Foreign Investment Relations and Preventing Foreign Investment Disputes;
3. The Pros and Cons of National Court Litigation as means of Resolving Investor-State Disputes as well as the different forms of arbitration (national and international, *ad hoc* and institutional) and the advantages and disadvantages of each; and
4. The Request for Arbitration as a means of initiating Arbitral proceedings with special emphasis on the Mandatory and Optional Requirements under the ICSID Convention.

International Conference on International Investment Arbitration in the MENA Region, Manama, Bahrain

The Bahrain Chamber for Dispute Resolution (BCDR-AAA), in conjunction with the Investment Treaty Forum (ITF) of the British Institute of International and Comparative Law (BIICL), held a one-day (10 December 2015) conference on International Investment Arbitration in the MENA region in Manama, Bahrain.

The one-day conference was attended by practitioners from all over the MENA region as well as some of the leading investment arbitration specialists and key players in the investment industry.

CRCICA Director moderated a panel on Bilateral and Multilateral Investment Agreements in the Arab World, which focused on the Egyptian and Bahraini BITS as well as the Unified Agreement for the Investment of Arab Capitals in the Arab States and the Agreement on the Promotion, Protection and Guarantee of investments among Member States of the Organization of the Islamic Cooperation (OIC)

International Legal Dialogue Middle East and North Africa Conference, Amman, Jordan

The American Society of International Law (ASIL), Columbia Law School, and the Columbia Global Center–Amman hosted a three-day conference entitled “International Legal Dialogue – Middle East North Africa.” Organized in cooperation with the University of Jordan Law School, the American Red Cross, and the Bahrain Chamber for Dispute Resolution (BCDR-AAA), the conference took place at the Columbia University Global Center in Amman, Jordan from December 14 to December 15, 2015.

CRCICA Director was among the speakers and addressed the question of whether a foreign arbitral award is enforceable through means other than the New York Convention, with special emphasis on the conflicting applicable treaties (the New York and the Riyadh Conventions) as well as the possible conflict of applicable national statutes governing the enforcement of foreign arbitral awards.

COOPERATION AGREEMENTS

In 2015, CRCICA signed three cooperation agreements with the Somali Chamber of Commerce and Industry SCC (**AFRICA**), the Commercial Legal Service Center of China Council for the Promotion of International Trade/China Chamber of International Commerce (**ASIA**) and the Madrid Arbitration Court (**EUROPE**). The scope of institutional cooperation varies between the three continents of the world depending on the practical needs in each jurisdiction. In cooperating with a Somali partner, focus is being given to the conduct of training programs and workshops on international arbitration in Mogadishu for Somalians with various backgrounds. Cooperation with the Chinese Center, however, focused on the promotion of the use of mediation in Egypt and China. The Agreement with the Madrid Arbitration Court lends significance to the development of arbitral practice in both jurisdictions.

PUBLICATIONS

CRCICA Publishes Arbitral Awards (Volume VI)

In 2015, the Centre published the Sixth Volume of its ARBITRAL AWARDS prepared in Arabic by Dr. Mohi-Eldin Alam Eldin, CRCICA's Senior Legal Advisor. The volume includes 15 awards on different types of cases. By the issuance of volume six of CRCICA Arbitral Awards, the number of published awards reached 113 awards.

Quite aware of the relative shortage of Arabic literature on arbitral awards, CRCICA will keep up with publishing its own awards on regular basis, without, of course, disclosing the identities or nationalities of the concerned parties.

Journal of Arab Arbitration: 24th Volume

CRCICA is issuing the 24th Volume of the Journal of Arab Arbitration which is a CRCICA-sponsored Publication of the Arab Union of International Arbitration (AUIA). The Journal is issued semi-annually to include updated articles, judicial awards and arbitral precedents.

Volume 24 includes two important articles. The first, prepared by Dr. Dalia Hussein, Legal advisor at CRCICA, relates to the salient trends deduced from the decisions of the tripartite *ad hoc* committees formed from among the members of CRCICA's Advisory Committee in matters of challenge and removal of arbitrators. The study includes a summary of the requests for challenge and removal of arbitrators submitted to CRCICA, their grounds, and the decisions of the tripartite *ad hoc* committees. The examination of these decisions leads to important conclusions about the committees' approaches in dealing with these requests and highlights the most important trends for their upholding or rejection.

The second article, prepared by Ms. Heba Salem, Legal Researcher and Case Manager at CRCICA, relates to pathological arbitration clauses and the difficulties they raise. The article gives many examples of pathological clauses examined by arbitral tribunals under the auspices of CRCICA and analyses in depth the defaults these clauses contained as well as the legal issues resulting from their implementation. The article's conclusion includes some recommendations for the proper drafting of arbitration clauses.

Journal of Arab Arbitration: 25th Volume

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