

CRCICA Annual Report

2017



Letter from the Director

2016 was a successful and eventful year for CRCICA which had the honor to be visited by H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General of the Asian-African Legal Consultative Organization (AALCO), its parent-institution.

In 2016, CRCICA inaugurated its newly renovated Conference Centre which was very well received and acknowledged by guests to be a unique conferences and training venue in Africa and Middle East. Meanwhile, CRCICA launches its new website, offering a quick and easy access to essential information and features while offering a more comprehensive understanding of the Centre's value proposition and overall users' benefits.

Moreover, CRCICA 2016 caseload reached a new annual record, with 91 new arbitration cases filed during the year, scoring as such 75 % annual increase and confirming the credibility of institutional arbitration under CRCICA's auspices. According to 2016's statistics, parties from the U.A.E. rank on top of the non-Egyptian parties, CRCICA being selected by parties to two purely international contracts, not involving any Egyptian party.

In 2016, CRCICA held the world's sole biennial international conference on "The Role of State Courts in International Arbitration- SHARM EL SHEIKH VI". It was the sixth of a highly successful international series of conferences biennially held since 2005, in cooperation with the United Nations Commission on International Trade Law (UNCITRAL), the International Federation of Commercial Arbitration Institutions (IFCAI) and the Arab Union for International Arbitration (AUIA). It has been said that "the Sharm-El-Sheikh biennial Conference has become quite a landmark in the field of arbitration".

One of the highlights of the year was organizing and hosting ICSID's first ever conference in the region entitled "Key Issues in International Investment Arbitration", which was attended by representatives of 23 countries.

All through the past year, CRCICA had been actively coordinating with other International Arbitral Institutions such as the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the International Council for Commercial Arbitration (ICCA) and the London Court of International Arbitration (LCIA). Cooperation with non-arbitral federations included among others the International Federation of Consulting Engineers (FIDIC).

One of the 2016 landmarks was entering into a unique educational partnership with the American Bar Association, Rule of Law Initiative, to provide Continuing Legal Education in Egypt. Out of trust in CRCICA's expertise and institutional capacity, for the first time, ABA ROLI transmitted one of its overseas educational projects to a regional institution to jointly develop and administer educational programs for Egyptian Lawyers.

Confirming its role in the development of arbitration in Africa, CRCICA is among the contributors to the book entitled: "The Transformation of Arbitration in Africa: The Role of Arbitral Institutions", published in August 2016 by Kluwer Law International. A special chapter on CRCICA, published under Part II of the book dedicated to Regional Arbitral Institutions in Africa, was drafted by CRCICA former Director Dr. Mohamed Abdel Raouf.

In 2016, new eminent legal experts were appointed as members of CRCICA's Board of Trustees and Advisory Committee respectively for a four-year term. Finally, the former CRCICA Director Mohamed Abdel Raouf, a man of integrity, ended an unrivaled four-year-term on 31 December 2016. By virtue of a unanimous decision of the Board of Trustees, I have been nominated as Director of the CRCICA as of 1st January 2017 for a four-year term.

In addition to sustaining CRCICA's reputation and achievements in Egypt, and the Afro-Asian Region and worldwide, one of my primary objectives is to support arbitration in Africa, and strengthen cooperation and coordination with other African arbitration institutions.

This exciting cooperation will start with two conferences to be held in April 2017: CRCICA is hosting the third SOAS conference on Arbitration in Africa as well as a conference organised by the African International Legal Awareness and the University of Geneva.

Much awaited, the release of the French version of the Centre's arbitration Rules during the first quarter of 2017 is an important goal to influence positively cooperation with all stakeholders in the African continent and beyond.

Also, in 2017, a section on arbitration in Africa will be added to the CRCICA-sponsored Journal of Arab Arbitration", a biannual publication of the Arab Union of International Arbitration (AUIA).

In 2017, guidelines will be included in CRCICA Arbitration Rules; likewise, a database for the purpose of CRCICA's awards will be created.

Finally, CRCICA will play a major role in the coming years, in promoting and ensuring diversity in arbitration through encouraging young arbitrators and especially women by reviving the CRCICA Youth Forum.

I look very much forward to boosting intra-Afro-Asian cooperation all through the way of achieving the above plans.

Dr. Ismail Selim

CRCICA Caseload in 2016: NEW ANNUAL RECORD FOR THE SECOND TIME IN FOUR YEARS

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The total number of arbitration cases filed before CRCICA until 31 December 2016 reached 1161 cases. In 2016, 91 new arbitration cases were filed, scoring as such 75% annual increase compared to the 54 cases initiated in 2015. 2016 witnessed a new record for the number of cases registered under the auspices of CRCICA in a single year (**91 cases**). The previous record, reached in 2012 (**78 cases**), has therefore been broken.

16 out of the 91 new cases were filed in the first quarter of 2016, while **23** cases were filed in the second quarter of 2016. The third quarter of 2016 witnessed the filing of **30** new arbitration cases, while **22** new cases were filed in the last quarter of 2016.

The 22 new cases filed in the fourth quarter of 2016 involved disputes relating to construction, media and entertainment, hotel management, services, settlement agreements, telecommunications, agency agreements, distribution agreements, franchise agreement, license agreement and merger and acquisitions.

According to the statistics of 2016, construction disputes rank on top of the disputed contracts referred to the Centre **23 Cases** followed by disputes arising out of services contracts **20 cases** and media and entertainment **10 cases**. Cases arising out of both hotel management and lease agreements filed in 2016 amounted to **5 cases each**, while the number of cases arising out of settlement agreements amounted to **4 cases**. Disputes arising out of sale and purchase of shares, supply contracts and telecommunications amounted to **3 cases each**, while disputes arising out of agency agreements, international sale of goods and real estate amounted to **2 cases each**. The remaining **9 cases** filed in 2016 related to charter party agreement, partnership agreement, distribution agreement, franchise agreement, intellectual property rights, joint venture agreement, license agreement, merger and acquisitions, and tourism agreement **1 case each**.

The rich variety of the types of disputed contracts referred to CRCICA in 2016 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices.

In the fourth quarter of 2016, arbitration proceedings involved parties from different countries including Egypt, Saudi Arabia, Lebanon, France, Spain and the U.S.A.

According to the statistics of 2016, parties from the U.A.E. rank on top of the non-Egyptian parties referring their disputes to the Centre, followed by parties from Jordan, Lebanon, Libya,

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Saudi Arabia, the Cayman Islands, Italy, Germany, Spain, Cyprus, France, India, the U.K. and the U.S.A.

CRCICA is pleased to see that in 2016, its Arbitration Rules have been selected by parties to two purely international contracts (not involving any Egyptian party) concluded between parties from Saudi Arabia, Jordan and Libya.

The fourth quarter of 2016 witnessed the appointment of arbitrators coming from Egypt, Jordan, Iraq, the U.K., Switzerland and France.

According to the statistics of 2016, arbitrators sitting in CRCICA cases came from Egypt, France, the U.K., Jordan, Iraq, Lebanon, Switzerland, Germany and the U.S.A.

It is also worth mentioning that the fourth quarter of 2016 witnessed the filling of a mediation case concerning a contract for shipment of goods between two Egyptian companies.

AALCO Secretary-General's Visit to CRCICA

On 14 November 2016, H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General of the Asian-African Legal Consultative Organization (AALCO), CRCICA parent-institution, paid a visit to the Centre and held a meeting with Dr. Mohamed Abdel Raouf, the then Director along with H.E. Dr. Nabil Elaraby, the Chairman of CRCICA's Board of Trustees. During his official visit to Cairo, Egypt. H.E. Prof. Dr. Gastorn appreciated CRCICA latest renovation of its hearing and conference facilities and was consulted on the appointment of the new Director of the CRCICA.

CRCICA Board of Trustees: New Members

On the occasion of renewing the term of the members of CRCICA Board of Trustees (BOT), which expired on 30 April 2016, four new members were appointed at the BOT for a four-year term starting May 1st, 2016 until April 30th, 2020.

The four new members are:

Professor Alain PELLET (France), Emeritus Professor, University Paris Ouest Nanterre-La Défense and Former Member and Former Chairperson, International Law Commission of the United Nations.

Professor Hani Sarie ELDIN (Egypt), Professor of Commercial and Maritime Law at Cairo University and former Chairman of the Egyptian Capital Market Authority.

Judge Xue Hanqin (China), Member of the International Court of Justice (ICJ) since 29 June 2010; re-elected as from 6 February 2012.

Dr. Ziad Bahaa-ELDIN (Egypt), Economist and Attorney at law, former Deputy Prime Minister of Egypt and former Chairman of the Egyptian General Authority for Investment and Free Zones (2004-2007).

CRCICA is proud to have such eminent experts as members of its Board and trusts that they will enhance CRCICA's role in the development of institutional arbitration in the region and beyond.

CRCICA Board of Trustees: Annual Meeting

On November 19, 2016, CRCICA Board of Trustees (BOT) held its annual meeting in Sharm El Sheikh, Egypt. The meeting was presided by his Excellency Dr. Nabil Elaraby and attended by: Judge Mohamed Amin EL MAHDY (Vice-Chairman - Egypt), Prof. Dr. Hamza HADDAD (Vice-Chairman – Jordan), Prince Dr. Bandar Ben Salman AL SAUD (Saudi Arabia), Dr. Ziad A. AL-SUDAIRY (Saudi Arabia), Prof. Bernardo M. CREMADES (Spain), Prof. Dr. Ahmed S. EL KOSHERI (Egypt), Mr. Philippe LEBOULANGER (France), Prof. Dr. Fouad A. RIAD (Egypt) and Prof. Dr. Hani SARIE-ELDIN (Egypt).

The BOT unanimously re-elected Dr. Elaraby as its Chairman and both Judge Amin El Mahdy (Egypt) and Prof. Hamzah Haddad (Jordan) as the two Vice-Chairmen for a new four-year term until April 30th, 2020, in accordance with Article 2 of the By-laws of the BOT.

During the meeting, Dr. Mohamed Abdel Raouf presented CRCICA's activities and caseload in 2015-2016 as well as its financial statement of operations for the year ending on 31 December 2015 as audited by the external auditor. The salient features of CRCICA new website were also presented.

The BOT unanimously hailed the works and achievements of the Centre over the past year.

The BOT also discussed the Centre's prospective entry into a cooperation agreement with two notable arbitration institutions.

Pursuant to Article (4/a) of the BOT By-laws, the BOT also unanimously appointed Dr. Ismail SELIM, member of the CRCICA's Advisory Committee, as Director of the Centre to succeed Dr. Mohamed ABDEL RAOUF for a four-year term starting January 1st, 2017 and expiring on December 31st, 2020.

It is worth noting that Dr. Mohamed ABDEL RAOUF was the Director of the Centre since 2012 after being its Acting Director in 2011 and Deputy Director from 2008 to 2011. Upon the expiry of his term, Dr. ABDEL RAOUF is returning to his private practice to act as counsel and arbitrator in addition to being an Associate Professor at Université Paris 1 Panthéon-Sorbonne.

DR. ISMAIL SELIM's Biographical Notes

ACADEMIC CAREER: Dr Selim graduated from Cairo University in 1997 with an LL.B., where he also obtained an LL.M in International Business Law from the Institut du Droit des Affaires Internationales (I.D.A.I) in 1999. He then moved to France and earned his Master's degree in Public Administration (MPA) from the National School of Administration (E.N.A), in 2001. He also earned a Certificate in International Commercial Arbitration from the School of

International Arbitration, Queen Mary University of London in 2005. In 2007, he did an internship at the ICC Court of International Arbitration. In 2009, Dr. Selim earned his PhD with highest honours (mention “**Très Honorable avec les Félicitations du Jury à l'Unanimité.**”) from Burgundy University (Dijon - France). The title of the Thesis is “L'ordre public international in *favorem arbitrandum*” Etude de droit Comparé. The Thesis was published by Edition Universitaire Européenne.

PROFESSIONAL CAREER: Dr Selim started off his carrier as an associate at Shalakany Law Office. Further, he integrated the Egyptian judicial system where he started off as a Public Prosecutor in the Office of the Prosecutor General of Egypt, then a civil Judge, until he joined Zulficar & Partners Law Firm in 2009, as a leading member of its Arbitration Group and where he was promoted to Partner in 2013. Further, in May 2015, Dr Selim joined Nour and Selim in association with Al Tamimi and Company as Partner and Head of Dispute Resolution, Cairo. In parallel to his former judicial career, Dr Selim was seconded to the Cairo Regional Centre for International Commercial Arbitration from 2003 until 2007 where he acted as Legal Advisor. Further, Dr Selim became a member of CRCICA Advisory Committee as of 1st May 2016. Moreover, Dr Selim teaches Private International Law at the IDAI in Cairo (Sorbonne University) since 2011 and has taught Arbitration Law and Private International Law in several Universities in Egypt. He has been constantly appointed as Presiding arbitrator, Sole Arbitrator and Co-Arbitrator and has acted as a Counsel in more than forty ad hoc and institutional cases under various rules such as CRCICA, Swiss Rules, UNCITRAL and the ICC Rules and in diverse fields including telecommunications, electricity, oil and gas, hospitality, construction, banking, shareholders disputes, advertisement, international sale of goods and media and entertainment. Dr Selim has acted as Counsel in several post-arbitral litigation proceedings before Cairo Court of Appeal. In 2007, he accomplished an internship program at the ICC Court of International Arbitration in France, has published several articles in learned Egyptian and International journals and was a speaker in several national and international conferences, especially in the field of arbitration and investment. Dr Selim speaks Arabic, French, and English fluently as well as basic Chinese.”

New Experts Join CRCICA Advisory Committee

CRCICA is pleased to announce that as of May 1st, 2016, three eminent experts have been nominated as members of its Advisory Committee for a four-year term expiring on April 30th, 2020.

The three new members are:

- [Ms Samaa Haridi,](#)
- [Dr. Mohamed Gomaa,](#)
- [Dr. Ismail Selim,](#)

Months later Dr. Selim was appointed the Director of the Centre as detailed above. Biographies and others details pertaining to the new AC members are available at http://www.crcica.org.eg/org_advisorycommittee.html.

The Centre seizes this opportunity to express its gratitude to the outgoing members Prof. Dr. Hossam Issa and Judge Adel Kora whose term as AC members has expired.

Pursuant to the AC By-laws, the functions of the AC include [By-Laws Advisory Committee of CRCICA \(English version\)](#)

The Official Inauguration of CRCICA Conference Centre

On the occasion of holding CRCICA/SCC Investment Arbitration Conference, CRCICA inaugurated its newly renovated Conference Centre on 31 March 2016. The inaugural address was delivered by Dr. Nabil Elaraby, Chairman of CRCICA Board of Trustees.

Annexed to CRCICA main Offices, the Conference Centre stretches over a total of 420 m2 and is composed of one main conference room, three breakout rooms, one reading room, one lounge and a refreshment area.

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, the main conference room capacitates 151 seats, a 5-seat podium plus one-stand alone podium. The room is equipped 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

The renovated annex was very well received and acknowledged by guests to be a unique conferences and training venue in Africa and Middle East

CRCICA Launches its New Website

CRCICA announced the launch of its newly revamped website. This redesigned site offers quick and easy access to essential information and features while offering a more comprehensive understanding of the Centre's value proposition and overall users' benefits. The website also offers updated information on arbitration, mediation, news, events and press releases, training courses, conferences, and membership.

The new website has a clean uncluttered design, improved functionality and enhanced rich content focused on the Centre's mission to provide cost effective international commercial arbitration in Asia and Africa services. The new website goes live and is located at the same address: www.crcica.org.

"We are excited about our new website launch and the robust information it provides for customers, investors, partners and media to better understand our services. We believe that this new website will allow our visitors to have a very informative experience as we continue to grow and increase our market presence."

Distinguished Lawyers: A Continuing Legal Education Series

Presented by: ABA ROLI and CRCICA

CRCICA and ABA ROLI (American Bar Association Rule of Law Initiative) started a partnership in 2009 to provide continuing legal education for the Egyptian Legal Community with the support of the USAID. The Program was a great achievement and succeeded to provide basic legal skills for a wide range of junior lawyers and fresh graduates. In September 2016, the funded program closed after being identified as one of the most successful CLE programs in Egypt.

Proudly, as of this date, CRCICA was chosen to administer and develop the program in close collaboration with ABA ROLI. The program in its new phase is being supported by the elites of the Egyptian Legal Community represented in its' Advisory Board. The newly structured program was launched in November 2016 by a training entitled Your Guide to Mastering Client Relationships ... the Customers' Perspective. In 2017 and beyond, this program will provide different trainings to help lawyers improve their legal skills and acquire new ones.

The thematic scope of future trainings is all-encompassing to improve Egyptian lawyers' legal skills in various fields of practice. **All stakeholders are welcomed to fill in a needs assessment survey to help CRCICA and ABA ROLI assess market needs and plan a fully responsive program**

Events Update:

First In-take of the Course on: The Contract and the Rules of Responsibility and Evidence (equivalent to CIArb Module 1: Law of Obligations and Evidence), 17-20 January 2016

CRCICA was approved as a Recognized Course Provider authorized to provide 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 first CRCICA version of Module I was held on 17-20 January 2016 under the customized thematic approach "The Contract and the Rules of Responsibility and Evidence". This tailored program stroke a unique balance between local and regional practices and jurisdictions and international law and practices. The curriculum included: (I) General Introduction to Law- Sources of Obligations- Making of Contracts- Terms of Contracts; (II) Privity of contract- Interpretation of contract- performance- remedies for breach- Termination; (III) Tort and Evidence Law.

The program addressed the general introduction to law, explained the meaning of the legal rule and the hierarchy of norms, and focused on contract law and Evidence law from a civil law perspective, and in comparison with the main concepts of common law.

The program also addressed tort law, as well as elements of liability for tort and for breach of contract. The conditions of the liability in both cases are similar and treated by famous scholars in the same chapters, the sole difference being the element of the fault. Evidence as applied before courts and arbitral tribunals under Egyptian Law was also addressed.

31 Participants, who were mostly contract managers and engineers, were guided through Power Point presentations, writings of famous scholars in the field, court decisions and practical examples, through the process of making, performing and terminating contracts.

Participants' assessment consisted of two sections; the first one posed two questions and a mock case in Evidence Law and tort law. The second section consisted of two complicated mock cases which included issues related to contractual terms, interpretation and performance of contracts, breach of contractual obligations and remedies thereto and limitation on liability and its conditions. The assessment aimed at showing the level of understanding of the candidates and their ability to present and express their views in law of obligations, evidence

and tort law as well as to apply the knowledge they acquired to analyze facts and legal issues and to suggest the best solutions for them.

Conference on: International Investment Arbitration Involving Arab Parties: Issues & Challenges, 31 March 2016

On 31 March 2016, the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and CRCICA organized their second joint investment arbitration conference entitled: “International Investment Arbitration Involving Arab Parties: Issues and Challenges”.

The Conference focal theme provokes various interesting topics and the agenda tactfully tackled all recent texts and trends; issues and concerns, perspectives and expectations in international investment arbitration with special reference to arbitrations involving Arab parties. This includes most recent legal investment texts (laws, bilateral and multilateral investment treaties), in the Arab World and around the globe, that affect investment Arbitration or are likely to have role in its coming future. The example of the current Transatlantic Trade Investment Partnership (TTIP), was examined to explore how would it provide a model for future negotiations on the investment policies between EU and the Arab World.

The last working session, a momentous practice-based session, questions the current international practices and mechanisms of the investor-state dispute settlement by Arbitration in an attempt to define shortcomings and propose possible remedies for the betterment of the ISDS. Within this context, and for the first time ever, special attention was given to the particular problems and concerns of the Arab Investor as claimants in investment arbitration as well as the role of the Arab Arbitrator in this concern.

Many distinguished speakers addressed the conference topic from local, regional and international perspectives. The Egyptian and Arab speakers discussed regional investment laws, treaties and dispute settlement mechanisms, while the SCC speakers focused on international trends in investor-state arbitration.

The conference engaged a large audience drawn from both the business and legal communities from Egypt, Libya, Jordan, Syria, Qatar, Sudan, Burkina Faso, Guinea, Mauritania, France, Sweden, Switzerland and USA.

It sparked lively debate about investment policy in the Arab world and investment arbitration involving Arab parties – a debate that will no doubt continue at future CRCICA events.

The fifth Annual Training Course on "Comparative Commercial Arbitration, Theory and Practice" (CCATP), equivalent to CIArb Module 2: Law of International Arbitration leading to the Membership of the Chartered Institute of Arbitrators, 20-25 March 2016, Cairo-Egypt

CRCICA and CIArb Cairo launched the training course: "Comparative Commercial Arbitration: Theory and Practice" (CCATP) in 2011, as the first comparative arbitration program in the Arab World with a simultaneous bilateral tutorial methodology that combines Civil Law and Common Law systems. The program covers the main arbitration stages being the arbitration agreement, the arbitral tribunal, the arbitral proceedings and finally the arbitral award. It provides the ideal platform to underpin and support the development of professional experience in arbitration.

In 2016, in response to potential participants' needs, the program was condensed over 6 successive days, after being delivered in the past in four separate modules, each lasted for 3/4 days.

Reference texts comprised an unprecedented collection of documents including comparative state court decisions of the European (British, French and Swiss), American and Arab (Egyptian, Saudi, Sudanese, Tunisian, Emirati, Iraqi and Syrian) jurisdictions; a unique collection of arbitration arbitral principles extracted from awards of many international arbitration institutions including CRCICA; national laws, model and institutional arbitration rules, international agreements and court judgments, the IBA Guidelines on Conflict of Interest in International Arbitration, the IBA Rules on the Taking of Evidence in International Arbitration, the IBA Guidelines for Drafting International Arbitration Clauses, analytical articles as well as expert commentaries.

The last day of the program was fully devoted to participants' assessment through a number of mock cases carefully prepared as based on CRCICA accumulative experience over more than 35 years in the administration of arbitration cases. The assessment day is divided into three exams, each composing of a number of questions and mock cases out of which participants have to define the legal problems and provide their legal opinion based on the course. Participants were also required to draft some procedural decisions and a complete arbitral award.

The course, in its new form, was a real success and was very well received as a unique comparative arbitration course qualifying practitioners to partake in international arbitrations under any jurisdictions.

The Challenges of the Egyptian Construction Industry and the Role of FIDIC, 16 April 2016

CRCICA hosted the first business conference of the International Federation of Consulting Engineers (FIDIC) held under the title “The Challenges of the Egyptian Construction Industry and the Role of FIDIC” on 16 April 2016, at Dr. Esmat Abdel Meguid Auditorium, CRCICA Conference Centre.

The conference was held in cooperation with the Egyptian Society of Consultative Engineers (ESCON), the Egyptian Engineers Syndicate (EES), the Contractual and Legal Aspects in Construction Program (CLAC) and the Society of Construction Law (SCL).

In a balanced structure, expert speakers discussed the challenges of the Egyptian construction industry out of local and international perspectives and evaluate how international construction contracts of wide use as FIDIC contracts are, can help reconcile the needs of local employers and foreign companies implementing major projects in Egypt and whether and to which extent joint efforts are needed for better performance. Beside a pool of Egyptian speakers, experts from Switzerland, Sweden, United Kingdom, Romania represented the FIDIC. Also, speakers from Romania and Jordan presented their countries’ experiences in the application of the FIDIC contracts.

The agenda tackled the role of FIDIC in addressing the changes and Challenges in the Egyptian Construction Industry and examined the application of FIDIC Procurement Procedures in major projects. The session entitled “Understanding FIDIC: A Middle Eastern Approach” was a civil-law driven session that discussed the application of FIDIC Contracts in Egypt and other Arab Middle Eastern Countries and the most common amendment to FIDICs’ particular conditions in the Middle East. In an interestingly interactive format, the last working session featured an expert panel discussion on **FIDIC Contracts – The Right Tool for Construction Industry in Egypt?** Discussions approached the application of the FIDIC contracts in Egypt out of the perspectives of the employer, the contractor and the consultant. Stakeholders’ views were balanced up by FIDIC’s own reflections and the whole panel discussion was orchestrated by an expert legal moderation. The audience was kept engaged, and the discussions were lively and very interesting.

Attended by 100 specialists from 8 countries, the conference was hailed as a huge success for highlighting many key issues, and stirring up lots of constructive debate on FIDIC contracts and their application in Egypt. While the majority of attendees represented the Egyptian construction industry, other participants came from Australia, Bahrain, Canada, Jordan, KSA, Russia and Sudan.

The business conference was followed by a round-table discussion between FIDIC's representatives and a number of Egyptian consultant engineers. Under the title "**Consulting Engineering Industry in Egypt and the Role of FIDIC: Developments, Concerns, What's for the future?**", discussions addressed the practical issues related to the use of FIDIC contracts in Egypt and explored the ways of bettering national understanding of their core concepts through the key role of consultant engineers.

(Photo Gallery: <http://crcica.org.eg/gallery/index.php/The-Challenges-of-the-Egyptian-Construction-Industry-and-the-Role-of-FIDIC-16-April-2016>)

FIDIC WORKSHOP: Hands-on Experience on using FIDIC Contracts, 17 April 2016

Moderated by Mrs. Aisha Nadar, Consultant at Advokatfirman Runeland AB, and Member, FIDIC Updates Task Group 1999 Suite, the workshop featured five training sessions: Which Contract to Choose and why; drafting and negotiating particular conditions; operation of FIDIC contracts; claims and dispute avoidance and resolution.

Trainees practised two interactive exercises, the first of which took the form of a procurement problem, setting out the contours of the project and having the students identify which forms they would use and why. The second exercise tackled claims, their categorization and the allocation of costs.

The workshop was very well received in the Egyptian marketplace and was attended by more than 50 trainees being lawyers, consulting engineers, developers, judges, contract managers representing a variety of top businesses...etc. It was quite interesting that participants come from Algeria, Bahrain, Egypt, KSA and Sudan.

(Photo Gallery: <http://crcica.org.eg/newsletters/nl022016/nl022016a003t.html>)

Cairo New York Convention Road Show, 21 May 2016

On 21 May 2016, the Cairo Regional Centre for International Commercial Arbitration (CRCICA), in cooperation with the International Council for Commercial Arbitration (ICCA) and the National Centre for Judicial Studies organized the Cairo New York Convention (NYC) Roadshow at CRCICA Conference Centre in Cairo-Egypt.

The event was attended by 56 Egyptian judges from the following courts: The Court of Cassation, the Cairo Court of Appeal, the Southern Cairo First Instance Court, the Giza First Instance Court, the Cairo Economic Court, in addition to members of the public prosecution at the Court of Cassation.

The discussions were led by the following seven experts: Prof. Dr. Ahmed S. El Koshery (Founding Partner, Koshery, Rashed and Riad, Cairo-Egypt and Advisory Member of ICCA); Prof. Dr. Borham Attallah (Civil Law Professor, Faculty of Law, Alexandria University); Judge Dominique Hascher (French *Cour de Cassation* and ICCA Governing Board member), Judge Bohan Amrallah (former President of the Cairo Court of Appeal), Judge Nabil Omran (Vice-President of the Court of Cassation), Judge Ismail Al-Ziady (Cairo Court of Appeal) in addition to the then CRCICA Director and ICCA Governing Board member, Dr. Mohamed Abdel Raouf.

The program of the one day event included three lectures covering the following topics: 1) An overview of the NYC, its objectives, means of interpretation and salient comparative judicial application; 2) the importance of the NYC as a means of assuring legal security; and 3) the role of the national judge in the international arbitration process from the perspectives of both the practitioners and the judges.

The lectures were followed by panel-led discussions covering: 1) Article I to IV of the NYC relating to its scope of application, the arbitration agreement, the enforcement procedures and the requirements to be satisfied by the parties seeking to recognize/enforce foreign arbitral awards; 2) Article V of the NYC relating to the grounds for refusing the enforcement of foreign arbitral awards; 3) Article VII of the NYC with special emphasis on the relationship between the NYC and the Riyadh Convention of 1983 covering *inter alia* the enforcement of Arab arbitral awards in Arab states; and 4) the enforcement of foreign arbitral awards set aside at the seat of arbitration.

The texts of the NYC, the Egyptian Arbitration Act, the relevant provisions of the Egyptian law on civil procedures as well as the Arabic version of the ICCA's Guide to the Interpretation of the 1958 New York Convention were made available to the participants in addition to five relevant judgments rendered by the Egyptian Court of Cassation and the Cairo Court of Appeal as well as three doctrinal articles regarding the application of the NYC.

The Roadshow was a great success and has led to very interesting discussions especially with respect to the discretion of the national judges in enforcing arbitral awards while one or more of the causes of refusing enforcement exist, the importance of having a harmonized application of the provisions of the NYC in accordance with the standards and principles of interpretation of international law, the public policy defence under the NYC as well as the analysis of the position of the French courts regarding the enforcement of arbitral awards that have been set aside at the seat.

Details pertaining to ICCA's judicial virtual forum and the New York Arbitration Convention website were brought to the attention of all participants who showed their interest in learning more about international arbitration in general and the enforcement of foreign arbitral awards in particular.

CRCICA seizes this opportunity to thank Judge Nabil Omran for his tremendous efforts exerted in order to successfully conduct the Cairo NYC Roadshow. CRCICA also wishes to acknowledge the genuine cooperation of Judge Borhan Amrallah and Judge Omar Hafiz as well as the latter's colleagues at the National Centre for Judicial Studies.

(Photo gallery: <http://crcica.org.eg/gallery/index.php/New-York-Convention-Roadshow-21-may-2016>)

Arbitration under the ICSID Convention: Navigating An ICSID Arbitration from Start to Finish, 27 September 2016

On 27-28 September 2016, CRCICA hosted the first ever course and conference of the International Centre for Settlement of Investment Disputes (ICSID) to be held in the region in celebration of its 50th anniversary. The introductory course on Arbitration under the ICSID Convention: Navigating An ICSID Arbitration from Start to Finish was meant to train regional practitioners, and whoever is interested, to effectively and properly participate at ICSID dispute settlement procedures through each stage of an arbitration, and discuss recent developments in international investment arbitration, current trends in the ICSID caseload, dispute prevention and other practical considerations.

The course was attended by governmental counsels, in-house advisors, private lawyers, arbitrators and law students. It was taught by Meg Kinnear, the ICSID Secretary General, and ICSID Legal Counsels.

Key Issues in International Investment Arbitration ICSID/CRCICA, 28 September 2016

The Conference "Key Issues in International Investment Arbitration highlighted the most important and most controversial investment arbitration-related issues and clarified some confusing concepts in the multi-sided relation between host states and foreign investors as precisely reflected in ICSID Caseload. The program included topics on the definition of the investor and the elimination of related ambiguity likely to invoke the denial of benefits condition. Also, expropriation, its definitions and damages, was explored intensively. "How Transparent Could Investment Arbitration Be?" was one of the Conference's core questions. In exploring answers, the role of states and Amicus Curiae in enhancing transparency of investment dispute resolution was thoroughly discussed.

The focus of the final session was "The Review of Investment Arbitration Awards: A Retro/Prospective Analysis", in the course of which the appeal of arbitral awards proposal was discussed in a thoroughly analytic context. The keynote speech delivered by H.E. Awn Al Khasawnah, eliminated conceptual unfamiliarity related to the overlap of Public International

Law and international investment law which sometimes causes confusion in the course of investment dispute resolution.

This exceptionally rich agenda was tackled by 20 expert and speakers from Arab and European Countries as well as the United States of America.

The outreach of the Cairo ICSID events scored 23 countries in attendance being Algeria, Belgium, Cyprus, Egypt, France, German, Iraq, Jordan, Kenya, Lebanon, Libya, Morocco, Nigeria, Russia, South Africa, Sudan, Switzerland, Tunisia, Turkey, UAE, UK, USA and Yemen.

(Photo Gallery: <http://cricica.org.eg/gallery/index.php/CRCICA-ICSID-27-28-SEP-2016>)

Expert Witness in International Commercial Arbitration, 24 October 2016

The Cairo Branch of the Chartered Institute of Arbitrators and the CRCICA co-organized the First Course on “Expert Witness in International Commercial Arbitration” on 24 October 2016, Cairo, Egypt.

The Course was jointly delivered by **Mrs. Aisha Nadar**, Member of FIDIC Executive Committee (EC) and Senior Consultant, Construction Contracts and Dispute Resolution, Advokatfirman Runeland AB Stockholm, Sweden and **Mr. Per Runeland**, Senior Counsel, Advokat Setterwalls, Stokholm, Sweden. It presented a combination of lecture, Q & A and interactive exercises. The masterpiece of the course was a mock cross-examination in which one tutor cross-examined the other in a highly demonstrative manner to present the several different approaches to cross examination, including head-on and collateral attack.

Sharm El Sheikh VI: The Role of State Courts in International Arbitration 19-20 November 2016, Hyatt Regency Hotel, Sharm El Sheikh, Egypt

The Cairo Regional Centre for International Commercial Arbitration (CRCICA) held the World’s Sole Biennial International Conference on “The Role of State Courts in International Arbitration-SHARM EL SHEIKH VI” on 19-20 November 2016 at Hyatt Regency Hotel, Sharm El Sheikh, Egypt.

SHARM ELSHEIKH 2016 was the sixth of highly successful international series of conferences being held biennially since 2005 in cooperation with the United Nations Commission on International Trade Law (UNCITRAL), the International Federation of Commercial Arbitration Institutions (IFCAI) and the Arab Union for International Arbitration (AUIA).

The Conference grows to be branded as the only worldwide forum on the varied connection between the judiciary and arbitration. It has been known to have established a permanent venue for practitioners from all over the world for the exchange of expert views on the diverse relationship between state courts and arbitration in a cross-cultural context. As it starts its second decade, according to Mr. Renaud SORIEUL, Secretary, UNCITRAL, *“the Sharm-El-Sheikh biennial Conference has become quite a landmark in the field of arbitration”*.

SHARM ELSHEIKH 2016 was unprecedentedly sponsored by 15 firms and institutions led by ZULFICAR and PARTNERS having GOLD SPONSORED the Conference for fourth consecutive times. The Conference’s only silver sponsor was IBRACHY and PARTNERS. The Bronze sponsors were Kosheri, Rashed & Riad Legal Consultants & Attorneys at Law, Matouk Bassiouny Attorneys at Law, Youssef and Partners Attorneys, Shehata Attorneys at Law. Proudly, supporting Organizations were a mixture of law firms and regional arbitration instructions: Helmy, Hamza & Partners member firm of Baker & Mckenzie International, Nassar Law Firm, Nour & Selim in association with Al Tamimi & Co, Badran Law Office, the GCC Commercial Arbitration Centre, the Qatar International Center for Conciliation and Arbitration and the Bahrain Chamber for Dispute Resolution (BCDR). Media partners were GAR, the I-ArbAfrica, the Law Magazine.

2016 SHARM ELSHEIKH agenda was a unique blend of topics. In addition to addressing the latest developments related to the role of state courts in international arbitration on both Arab and international levels, hot topics and trends in the practice of international arbitration were tackled, including the abuse of due process in international arbitration, issue conflict between judges and arbitrators and the role of emergency arbitrators. Beside standard thematic approach, the relation between state courts and arbitration was also handled in an innovative fashion extending focus to various related explorations including state courts’ use of soft law instruments, the power of the judiciary to assist tribunals in taking evidence. The Conference gave floor to one of the essential controversies in the field exploring diverse views regarding the judicial review of institutional decisions. It was not less controversial to discuss the judicial review of arbitral awards in the last session. The vigorous diversity between arguments and counter agreements was extremely thought-enriching. [The conference’s report provides more details.](#)

The conference was attended by 180 participants from 24 countries, namely, Austria, Bahrain, Egypt, France, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Nigeria, Palestine, Qatar, Romania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Syria, Tunisia, United Arab Emirates, United Kingdom and Yemen.

(Photo Gallery:

<https://drive.google.com/drive/folders/0B9H6TSyVYVBVR3UzT1N1dzhKMGc?usp=sharing>)

The Equal Representation in Arbitration Pledge event, 19 November 2016

On 19 November, CRCICA and the Stockholm Institute of Arbitration (SCC) organized the Equal Representation in Arbitration (ERA) Pledge Breakfast, which discussed views and actions to address the gender imbalance in arbitrator appointments. Moderated by Ms. Annette Magnusson, SCC Secretary General, the Event was attended by female practitioners from Egypt, Sudan, Sweden, Switzerland – Iraq, United Kingdom – Nigeria, United States of America, Dr. Mohamed Abdel Raouf, the then CRCICA Director and Prof. Nassib G. Ziadé, Chief Executive Officer Bahrain Chamber for Dispute Resolution (BCDR).

The Distinguished Lawyers Program: “Your Guide to Mastering Client Relationships ... the Customers’ Perspective”, 30 November 2016

The CRCICA and the ABA ROLI jointly organized a career development training entitled “*Your Guide to Mastering Client Relationships ... the Customers’ Perspective*”. Delivered by Mr. Ayman Essam, Director of Legal & External Affairs, Vodafone Egypt, the training marked the first event in a sustainable CRCICA/ABA ROLI Continuing Legal Education Scheme.

This training was designed to help lawyers of law firms to know their clients, embrace their needs, fulfill their expectations and thus ensure client loyalty and improve billing and collections process.

The instructor used interactive methods of presentation and thought-provoking quizzes. After the presentation, there was a Q & A session followed by a legal memo “reconstruction” exercise.

The scope of the training included ways to bridge the gap between law firms and clients; lawyers’ “soft skills”; behavioral performance of law firms to meet clients’ emotional needs; the importance of improving industry understanding; best practices for billing; improving service quality: lessons and practice from an insider’s view; client retention strategies and the importance and methods to measure clients’ satisfaction. The training ended by a case Study and practical exercise.

CRCICA hosts CIArb Cairo Wednesday One Seminars

13 January 2016: Shari'a as Electio Juris

The first 2016 Wednesday One Seminar entitled “Shari'a as Electio Juris” was delivered by Mr. Mohamed Madkour, Partner & Head of Dispute Resolution, Ibrachy & Partners Law office. The lecture explained the history of Islamic finance and analyzed the expression “Islamic law”. The speech refuted the existence of an effective method to apply Islamic law in contracts and in dispute resolution. One of the main reasons, as perceived by the lecturer, is the existence of different schools of fiqh and the existence of conflicts between Islamic law requirements and existing international arbitration rules. Mr. Madkour argued that the existing state laws are sufficient to guarantee the applicability of Islamic law. The innovating argumentative approach, of the lecture, triggers various questions and created lively discussions.

14 February 2016: The Legal and Regulatory Framework of the Suez Canal Economic Zone (SCEZ)

In the second Wednesday One Seminar of the year, Dr. Ahmed Darwish, the Chairman of the Suez Canal Economic Zone Authority highlighted the salient features and governing regulations of the Suez Canal Economic Zone (SCEZ). The most distinctive regulatory feature is that the authority has full discretion over the zone, streamlining investment decisions. The Seminar witnessed a lively exchange of ideas and concerns between the Chief of the Authority and members of the Egyptian Legal community regarding various related issues such as the establishment of companies within the Zone, possible investment opportunities and the settlement of disputes.

6 April 2016: Petroleum Concession Agreements in Egypt

The April Wednesday One Seminar entitled “**Petroleum Concession Agreements in Egypt**” was delivered by Mr. Mohamed Abdel Latif, Lawyer and Arbitrator. The lecturer analyzed the legal and organizational frameworks of concession agreements in Egypt and examined the relation between parties thereto in all stages of operation. Special attention was given to the settlement of disputes likely to arise out of concession agreements.

The scholastic style of the lecture triggered significant questions and led to fruitful discussions. The seminar was attended by representatives of petroleum companies, oil and gas governmental authorities and private lawyers.

18 May 2016: Setting Aside of Arbitral Awards under Egyptian Law

The first of two May Seminars was delivered by Dr. Naglaa Nassar, Principal, Nassar Law Office under the title “**Setting Aside of Arbitral Awards under Egyptian Law**”. The speech highlighted the salient features of setting aside arbitral awards under the Egyptian Law and analyzed the most common practical issues arising out of the application of the law.

Attendees were a mixture of judges, private lawyers who interacted all together in a lively fashion.

23 May 2016: FIDIC and Egyptian Law: What You Must Know?

The second May Seminar focused on “**FIDIC and Egyptian Law: What You Must Know?**” and was delivered by Mr. Scott Lambert, Regional Head – Construction & Infrastructure- Al Tamimi & Co. The seminar examined how the Egyptian Law interacts with the written terms of the FIDIC’s general conditions (focusing on the 1999 Red Book) and explained that what is written may not legally mean what it says. Special focus was given to time bars, limited damages, limitation of liability, variations, suspension and termination. Also, the speaker considered some of the common amendments to the clauses and some practical contract administration tips. In conclusion, Mr. Lambert communicated an important message that balancing common law contracts under civil law can be tricky and that users should know their projects to correctly decide which model FIDIC standard contract to use.

Attendees represented the Egyptian construction community and got engaged in lively discussions

Mediation as an Amicable Dispute Resolution Technique, 12 October 2016.

On 12 October 2016, Dr. Khaled El Shalakany, Senior Managing Partner of El Shalakany Law Firm, delivered a lecture on “Mediation as an Amicable Dispute Resolution Technique”. The speech shed light on the advantages of using mediation to settle disputes and the role of the Egyptian ADR Association to promote the culture of mediation in Egypt. Attendees, drawn from various professional backgrounds, triggered lively discussions to explore more about the use of mediation in given sectors.

Challenging the Court of Appeal Decisions related to the Setting Aside of Arbitral Awards: Is it Possible? 21 December 2016

On 21 December 2016, Coun. Mahmoud Fahmy delivered a lecture entitled "*Challenging the Court of Appeal Decisions related to the Setting Aside of Arbitral Awards: Is it Possible?*". In a methodological approach, Coun. Fahmy explored all three juristic opinions rendered in answering this important question. He ended up endorsing the stance of banning the challenge of the Court of Appeal Decisions related to the setting-aside of arbitral awards. To end up the juristic controversy in this concern, the lecturer suggested a legislative revision of article 54 of the Egyptian Arbitration Law no 27/1994.

Coun. Fahmy is Former Vice-President of the Council of State; Former Chairman of the Capital Market & Investment Authorities; Attorney at Law & Legal Advisor.

Hosted Events: Lecture at National Centre for Judicial Studies and Visit of African Delegation, 15 May 2016

On 15 May 2016, Dr. Mohamed Abdel Raouf delivered a lecture in English to 20 delegates from several African states on the pre-award arbitral proceedings. The lecture was given within the context of a training program specially tailored for the African delegates by the National Centre for Judicial Studies (NCJS), the training department of the Egyptian Ministry of Justice.

Upon the request of the delegates, the lecture was followed by a visit to CRCICA headquarters where they were familiarized with concrete aspects of the arbitral proceedings.

CRCICA Hosts IDAI Second Arbitration Moot, 5 June 2016

Created in November 2004 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 second Internal Moot held by the *Club d'arbitrage et de plaidoirie de l'IDAI* was hosted by CRCICA on 5 June 2016 where four groups of students pleaded their cases before two arbitral tribunals composed of a blend of six experienced specialists and graduates.

It is worth mentioning that 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.

CRCICA hosts one of the lectures of the FIFA/CIES Diploma in Sport Management, 25 July 2016

On 25 July 2016, CRCICA hosted 20 participants in the FIFA/CIES (International Centre for Sports Studies) Diploma in Sport Management conducted under the auspices of the Cairo University.

The lecture was delivered by Mr. Nasr Azzam, lecturer on Sports Law and Mr. Ahmed Mahfouz, Legal Counsel of the Egyptian Handball Federation who explained the procedures of settling sports-related disputes by arbitration before the Court of Arbitration for Sport (CAS), the role of mediation in settling such disputes as well as the salient features of the draft new Egyptian law on sports.

Dr. Mohamed Abdel Raouf welcomed the participants who visited CRCICA's Hearing and Conference Centers and made a presentation about CRCICA, its role in settling sports-related disputes as well as the salient features of the agreement concluded in July 2012 between the International Court of Arbitration for Sport (ICAS) and CRCICA entitling the latter to host the first Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS) in Africa.

Regional and International Contributions

CRCICA Hosts Pre-moot for IDAI students participating in the 13th Vis East Moot in Hong Kong and the 23rd Willem C. Vis International Commercial Arbitration Moot in Vienna

On 2 April 2016, CRCICA hosted the pre-moot events preparing the nine IDAI students participating in both the 13th Vis East Moot in Hong Kong and the 23rd Willem C. Vis International Commercial Arbitration Moot in Vienna.

The IDAI team composed of four students participating in the Hong Kong Moot in March 2016 was sponsored by Shalakany Law Office, while the IDAI team composed of five students participating in the Vienna Moot was sponsored by Kosheri, Rashed & Riad Law Office.

ICCA Annual Governing Board Meeting, Mauritius, 8 May 2016

In his capacity as an elected member of the ICCA Governing Board, Dr. Mohamed Adel Raouf attended the annual ICCA Governing Board meeting held on 8 May 2016 in Mauritius on the occasion of the ICCA Mauritius 2016 Congress.

Discussions focused on ICCA's ongoing projects and future events. It is noteworthy that ICCA has been recently running various important projects such as the ICCA New York Convention Roadshows, Issue Conflicts in International Arbitration, Third-Party Funding, and drafting Sourcebook for Organizing International Arbitrations.

During the meeting, the Governing Board members voted for Edinburgh, Scotland to host the 2020 ICCA Congress from 10 to 13 May 2020. It is worth mentioning that the next ICCA Congress is taking place in Sydney from 15 to 18 April 2018.

ICCA Mauritius 2016, Mauritius, 8-11 May 2016

The 2016 ICCA Congress took place in Mauritius from 8 to 11 May 2016 for the first time in Africa. The Congress theme was "International Arbitration and the Rule of Law: Contribution and Conformity". In addition to being a member of the program committee that has prepared the program of the Congress, Dr. Abdel Raouf moderated a panel on day 3 of the Congress discussing "What Are Appropriate Remedies for Findings of Illegality in Investment Arbitration?" The Panelists were Jean E. Kalicki (United States; Independent Arbitrator), Constantine Partasides QC (United Kingdom; Three Crowns) and Nassib G. Ziadé (Lebanon/Chile; Bahrain Chamber for Dispute Resolution). The panel led to a sophisticated debate between Constantine Partasides and Nassib Ziadé about the legal consequences of

contracts found to have been procured by corruption, in which, as noted by Jan Paulsson, each speaker went beyond simplistic answers and caused members of the audience to question their own understanding of the incentives created by alternative solutions. The remarks exchanged during the panel prompted insightful interventions from the floor, particularly from African participants.

It should be noted that two distinguished members of CRCICA Board of Trustees, Dr. Mohamed El Baradei and Judge Abdulqawi Yusuf delivered Keynote speeches and addresses on “International Arbitration: The Big Picture” and “The Contribution of Arbitration to the Rule of Law-The African Experience”, respectively.

For further details about the ICCA Mauritius 2016 Congress: http://www.arbitration-icca.org/conferences-and-congresses/ICCA_2016_Congress_Mauritius.html

First Consultative Workshop on Cooperation Among African Arbitral Initiatives, Mauritius, 11 May 2016

Upon the initiative of ICCA, which established ICCA’s Working Group on African Arbitral Practice on 8 May 2016, the first Consultative Workshop on Cooperation Among African Arbitral Initiatives was held on 11 May 2016 in Mauritius on the occasion of the first ICCA Congress to be held in Africa.

The Workshop was hosted by ICCA in cooperation with the Permanent Court of Arbitration (PCA) and the United Nations Commission on International Trade Law (UNCITRAL). It was designed for African arbitration specialists and entities engaged in international dispute resolution practice in Africa, with the aim of consulting on potential avenues of cooperation among the various arbitral initiatives and possibly forging a coordinated way forward.

The Workshop was attended by almost 40 experts from Africa and beyond who shared information and raised awareness about (1) the work of both established and newer arbitral institutes, and (2) ongoing capacity-building initiatives in the field of international arbitration in Africa; and exchanged views on potential areas of coordination and cooperation going forward. The then CRCICA Director attended the Workshop and chaired one of its sessions overviewing the activities of Africa-based arbitral institutions.

The participants to the Workshop adopted resolutions emphasizing the need for concerted work to: provide greater access to information about arbitration and the legislative framework available in Africa; to support the provision of technical assistance, awareness-raising and capacity-building activities to governments in order to assist them in their task of strengthening the legislative and judicial frameworks in the field of arbitration and other means of dispute resolution; and to enhance cooperation among international and regional organizations, arbitral

institutes, academic institutions and professional associations throughout the African continent in that respect.

The means by which the above areas of agreement will be implemented are as follows: The creation of an umbrella organization to further the development and promotion of African arbitral practice and African arbitral seats; ICCA's Working Group on African Arbitral Practice is requested to facilitate the creation of this umbrella organization and establish its founding charter and working practices; and a second Consultative Workshop will take place on Monday 3 April 2017 in Cairo, Egypt on the occasion of the Third SOAS Conference planned in Cairo for 3-5 April 2017 and hosted by CRCICA.

CRCICA Speaks at the UNCTAD's High-Level International Investment Agreements Conference, 19 July 2016, Nairobi, Kenya

Dr. Mohamed Abdel Raouf was invited by the UNCTAD to speak at the High-Level International Investment Agreements (IIA) Conference held on 19 July 2016 in Nairobi, Kenya in conjunction with the fourteenth UNCTAD ministerial meeting (UNCTAD 14), which attracted the participation of 194 UN member states at the highest level.

The 2016 IIA Conference brought together more than 40 stakeholders in the international investment and development community from around the globe, including arbitral institutions like CRCICA and ICSID. It advanced the debate on the future direction of the IIA regime. Speakers and participants discussed key IIA reform issues, bringing in national, regional and interregional perspectives and drawing lessons from the first steps towards IIA reform that are underway in many parts of the world.

According to the UNCTAD, the participants helped the investment and development community chart the way forward for the second phase of IIA reform. Each of the statements made during the Conference is crucial in this regard.

LCIA Arab Users' Council Symposium on Gas Pricing Related Disputes, Cairo, 10 October 2016

Supported by the CRCICA, the LCIA Arab Users' Council held a Symposium on "Gas Pricing Related Disputes" in Cairo on 10 October 2016. The event started by an informative discussion looking at recent developments in the sector's contracts and disputes while a second session explored wide-ranging implications for evaluation, pricing and damages. A final debate considered the sector's many emerging issues. A write up of this symposium entitled "***Arbitration preferred method of dispute settlement – Conclusions from LCIA's***

debate at Oil and Gas Sector Symposium in Cairo” is available on the [LCIA website](#).

The inauguration of the Nairobi Arbitration Centre, 4-6 December 2016

From 4 to 6 of December 2016, Dr. Ismail Selim, the Director of the CRCICA attended the Nairobi Centre for International Arbitration (NCIA) Inaugural Conference in Nairobi, Kenya.

In the talks, leading arbitration practitioners from inside Africa and the outside, such as the U.K., New Zealand, Malaysia, etc., discussed current issues in the arbitration field. Examples are ‘Investing in Africa: Ease of Doing Business Initiatives & Enforcement of Contracts’, ‘Dispute Resolution in Africa’ and ‘Role of External and In-House Counsel in International Arbitration’. The Conference was also attended by H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General of AALCO.

Dr. Selim participated in the debates, and invited the participants to attend the Conference on “The Role of African States & Governments in the Development of Arbitration in Africa.” to be organized by the SOAS University of London and CRCICA on 3-5 April 2017 in Cairo - Egypt.

On the sideline of the inaugural conference, a cocktail reception was sponsored by Oraro & Company Advocates, a Kenyan Law Firm. Dr. Selim attended the cocktail where thoughts and experiences about the features and future of arbitration in Africa were exchanged.

IFC/CRCICA Mediation Partnership (2009-2016): Objectives and Achievements

OBJECTIVES AND ACHIEVEMENTS

December 2016 marked the closure of Egypt's only international mediation development project. Launched in 2009, the project was a venture of the International Finance Corporation (IFC), an affiliate of the World Bank, to promote Egypt's capacity as a regional centre of excellence for mediation training and to operationalize the practice of mediation as an effective alternative method of resolving disputes in Egypt.

Within this context, the IFC entered into a cooperation agreement with CRCICA as early as the launch of the project to achieve its' planned goals and to support CRCICA in positioning itself as one of Egypt's and the Region's leading commercial mediation services providers.

In general, the project was a multi-activity initiative that targeted building mediation institutional capacity in Egypt, providing training and curriculum development, developing mediation skills manuals and raising national mediation awareness.

Assessment Overview: Realized Objectives out of CRCICA Perspective

In close cooperation with CRCICA, the World Bank 8-year venture succeeded in establishing the culture of mediation in Egypt and institutionalizing its practices beyond the temporal scope of the project. A summarized overview of its achievements follows:

l) Building a Sustainable Mediation Institutional Capacity

The Project launched a set of viable tools to ensure the sustainability of efficient mediation practices in Egypt through the institutional capacity of CRCICA and other esteemed project partners. In particular, CRCICA sustainability diagram is triangular with the New Mediation Rules on the base and the key elements of human resources (trainers/mediators and personnel) on the sides. More details follow:

a. Sustainable Institutional Capacity: CRCICA Mediation Rules

The most significant achievement of the Project was the issuance of CRCICA New Mediation Rules (2013). Over two years of continuous work, CRCICA and the Centre for Effective Disputes Resolution (CEDR), supported by an expert working group, focused on developing

new mediation rules that respond to users' expectations in the light of latest mediation practices worldwide.

□ CRCICA Mediation Rules: *Salient Features*

o Flexible Mediation Process

According to the Rules, the mediation process is a very flexible one allowing the mediator to conduct it "in such a manner he or she deems appropriate, taking into account the circumstances of the case, the wishes of the parties and the need for a speedy settlement of the dispute" (Article 8.3).

o Mediation Quality Standards

The right choice of mediator is an important success pillar of the whole mediation process. The CRCICA Rules provide guidance and advice in this concern by referring to the Centre's Panel of Accredited Mediators from amongst which the mediator should be appointed in case the parties have not agreed on a mediator. CRCICA has a list of almost 80 accredited mediators; all are well-reputed professionals in the field. About one third of this Panel received their accreditation from CEDR as one of the most distinguished mediation organizations all over the world.

o A Multi-tiered Process Clause

Added to the simple mediation clause, the Drafters of the Rules tactfully succeeded to place the mediation option in a flexible context with various alternatives and without banning other dispute settlement techniques such as negotiation and arbitration. The multi-tiered process clause annexed to the Rules comes up with a comprehensive regulatory framework to best manage this complex process.

o Possibility to Confirm the Agreement in an Arbitral Award.

Pursuant to New CRCICA Mediation Rules, the parties to a mediation process may consider adding an option in their mediation agreement of appointing the mediator as an arbitrator, to confirm the settlement agreement in an arbitral award for it to acquire the enforceability of an arbitral award.

□ CRCICA Mediation Rules: *International recognition*

The Rules were very well received and were assessed as having provided reliable procedural grounds for the practice of mediation in Egypt and the region. According to **Mr. James South**, CEDR Director, "*the new CRCICA Mediation Rules are high quality and consistent with*

developments of international mediation practice. They also show CRCICA's commitment to developing mediation services in Egypt and the wider region." Mr. Michael Schneider, International Arbitrator and member of CRCICA BOT, finds "the Rules are well considered and provide a useful frame for mediation and possible other ADR Services."

□ CRCICA Mediation Rules: *In Practice*

It has been only few months after the issuance of the Rules that they echo direct resonance on CRCICA practices. Since 2013 onwards, there has started to be direct contractual mediation reference to CRCICA Mediation Rules.

As an example of CRCICA mediation, in a case with US \$ 2,000,000 in dispute, a settlement agreement was concluded with only US\$ 250,000.

b. Sustainable Institutional Capacity: *CRCICA Accredited Mediators*

The Project qualifies twenty-seven mediators of diverse business profiles to practice the technique according to the best mediation skills worldwide through a 9-day mediation training offered by the Center for Effective Dispute Resolution (CEDR) in May 2011.

c. Sustainable Institutional Capacity: *CRCICA Personnel Training*

The Project offered CRCICA Personnel advanced training on mediation marketing techniques and the administration of mediation courses.

d. Sustainable Institutional Capacity: *Mediation Education Tools*

The Project facilitated the accreditation of a pool of CRCICA trainers who are consequently qualified to practice regionally and have already delivered with CEDR commercial mediation trainings in Lebanon, Morocco and Qatar.

IFC licensed CRCICA to use and create derivative works from all mediation training materials of the IFC in both English and Arabic languages. These materials include mediation training toolkit, train the trainer documents, mediator skills training course management manual, handbook for mediator skills, training materials and slides.

II) Raising Awareness and Disseminating Knowledge

The IFC, in intensive cooperation with CRCICA and the Investors' Disputes Settlement Centre (IDSC) of the General Egyptian Authority for Investment (GAFI) and, at an earlier stage with the Egyptian Ministry of Justice (MOJ) organized a number of mediation events that meant to

raise awareness and enhance the understanding of the various aspects of mediation generally as well as in given business sectors.

Under the project, CRCICA launched **the Mediation Breakfast Continuing Series of Seminars**, which provided each month a new topic of mediation. The monthly feature of this series was a highly significant factor in creating the culture of mediation in the business and legal community of Egypt. In many cases, the seminars also provide practical training on the technique.

To disseminate knowledge, the project produced a number of mediation publications including a CRCICA Mediation Flyer and an IFC/CRCICA/IDSC promotional brochure that includes a complete introduction to mediation and a comparison among litigation, arbitration and mediation.

III) Connecting Stakeholders in Egypt and the MENA Region

One of the foundational milestones of the project is the partnership it established among the three bodies recognized as the prime mediation promoters and providers in Egypt, with the CRCICA enjoying regional role. Other partners were the Investors' Disputes Settlement Centre of the General Egyptian Authority for Investment (GAFI) and the Egyptian Ministry of Justice (MOJ).

Also, a community of mediation professionals was created and throughout the 8 years of the project developed a passion to promote the use of mediation that extends beyond the project.

On the regional level, the project established the MENA Regional Mediation Forum (MREMF) to enhance cross-border cooperation in the use of mediation. Founding members of the Forum are the CRCICA (EGYPT), the Investors' Dispute Settlement Center, General Authority for Investment (GAFI) (EGYPT); Euro-Mediterranean Center of Mediation and Arbitration (CEMA), (MOROCCO); Lebanese Mediation Center (LMC) of the Chamber of Commerce, Industry and Agriculture of Beirut and Mount-Lebanon (CCIAB), (LEBANON); and Tripoli Bar Association, Tripoli (LEBANON).

IV) Thanks and Acknowledgments

On the closure of the project, CRCICA would like to extend sincerest thanks and appreciation to Ms. Fatma Ibrahim, Ex-Senior Private Sector Specialist Trade & Competitiveness, IFC. Ms. Ibrahim's masterful entrepreneurship, devotion, positivity and sense of creative duty were clues to the success of this important venture.

Gratitude also goes to the eminent pool of international experts who contributed to this project Mr. James South and other esteemed CEDR professionals (England), Prof. Najda Alexander, Eng. Aisha Nadar (Stockholm), Judge Louise (CANADA) and Mr. Bill Marsh (England).

Special thanks are due to CRCICA Accredited Mediator and Trainers, members of the Expert Working Group who worked closed with CRCICA and CEDR to develop a needs-responsive Mediation Rules, members of the Mediation Construction Mediation Working Group (CMWG) and every single speaker who participated pro bono in establishing the successful mediation breakfast initiative.

Cooperation Agreements:

CRCICA signs an agreement with National Association of Construction Engineering Consultants (Russia)

On the sidelines of the Conference on “The Challenges of the Egyptian Construction Industry and the Role of FIDIC” held on 16 April 2016, CRCICA signed a new cooperation agreement with the National Association of Construction Engineering Consultants (NACEC) (Russia).

By dint of this agreement, CRCICA and NACEC will function bilaterally with a range of activities including organization of events and exchange of information, with the aim of developing business relations between CRCICA and NACEC partners and collaborators.

The significance of this agreement lies in its being the first business-specific agreement as it focuses mainly on cooperation in consulting engineering-related activities.

Renewal of the Cooperation Agreement between CRCICA and the International Centre for Settlement of International Disputes (ICSID)

In December 2016, the CRCICA and the International Centre for Settlement of International Disputes (ICSID) signed a cooperation agreement in renewal of the old one signed in 1980. The agreement focuses on hosting all or any part of a proceeding of one party at the seat of the other and the dissimilation of arbitration-related knowledge. In addition to this, the Parties agree to co-operate in disseminating knowledge about arbitration, conciliation, and other alternative methods of dispute resolution, and to exchange information and publications in these fields.

Publications:

The Journal of Arab Arbitration – Volume 2 (third edition)

In May 2016, CRCICA re-issued the third edition of the 2nd Volume of the Journal of Arab Arbitration (January 2000). The re-print has been annotated with updates on new legal texts.

It includes a variety of interesting topics related to Islamic Law (Sharia), the agreements of the World Trade Organization with a focus on the Dispute Settlement Understanding, globalization and Arab arbitration and the International Covenant on Economic, Social and Cultural Rights.

It is notable that the Journal is a CRCICA-sponsored Publication of the Arab Union of International Arbitration (AUIA) issued semi-annually to circulate updated articles, judicial awards and arbitral precedents mainly in Arabic with some incidents of English texts.

The Journal of Arab Arbitration – Volume 26

CRCICA is issuing the 26th 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 and is used to include updated articles, judicial awards and arbitral precedents.

Contributions to International Publications

CRCICA is among the contributors to the Book titled: The Transformation of Arbitration in Africa: The Role of Arbitral Institutions, published on 23 August 2016 by Kluwer Law International and edited by Dr Emilia Onyema, Senior Lecturer in International Commercial Law, School of Law, SOAS, University of London.

The special chapter on CRCICA, published under Part II of the Book dedicated to Regional Arbitral Institutions in Africa, was drafted by both Mohamed Abdel Raouf, The then CRCICA Director and Dalia Hussein, Legal Advisor covering inter alia the history of the Centre, its establishment, its main organs and the most important provisions in its Arbitration Rules. It highlights the Centre's efforts to enhance neutrality and transparency of the arbitration process through publication of Practice Notes, Practices on Challenge of Arbitrators, and the main legal principles contained in arbitral awards rendered under its auspices, as well as the affordability and predictability of the arbitration costs. The Chapter also discusses the Centre's vision towards developing diversity in the arbitral appointments and means to train and deepen the exposure of African arbitrators and counsel in order to introduce them to the larger world of international arbitration. It concludes with a note on the importance of cooperation between arbitral institutions.

CRCICA Publishes Arbitral Awards (Volume VII)

The CRCICA published the Seventh Volume of its ARBITRAL AWARDS prepared in Arabic by Dr. Mohi-Eldin Alam Eldin, CRCICA's Senior Legal Advisor. The Volume includes 11 awards on different types of cases. By the issuance of volume seven of CRCICA Arbitral Awards, the number of published awards reached 124 awards. [To access the table of contents, please click here.](#)

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

Call for Papers: Journal of Arab Arbitration: 28th Volume

CRCICA seeks submissions, in Arabic or English, for volume 28 of the Journal of Arab Arbitration published on behalf of the Arab Union of International Arbitration.

Submitted articles: (1) should not exceed 10,000 words, (2) should be based on original research and careful analysis, (3) must include proper referencing to primary or secondary sources, (4) should include a 150-word abstract and (5) should not have been published elsewhere in any language or be under consideration for publication elsewhere.

If you are interested, please submit your articles for consideration to info@crcica.org, no later than 15 April 2017.