

# **Workshop on Investment dispute management and prevention in Egypt**

## **DRAFT AGENDA**

**28 June 2018**

**Preceded by a Panel Discussion on 20 June 2018**

Organised in cooperation with and hosted by:  
The Cairo Regional Centre for International  
Commercial Arbitration (CRCICA)  
Zamalek, Cairo, Egypt



## ■ Context and objectives

This workshop is organised by the OECD in the framework of the **MENA Transition Fund project on “Enhancing the Investment Climate in Egypt”**. This project, implemented jointly by the OECD and the World Bank, aims at enhancing the investment framework in Egypt and at supporting the Government in designing a new investment policy and legal framework, and in strengthening its international investment regime. Under this project, the OECD is currently conducting an Investment Policy Review of Egypt.

This workshop aims at building capacities of relevant public officials on investment dispute management and prevention. It follows upon a workshop on the same topic held in March 2016 with counsellors, judges, legal experts and policy makers from Ministry of Justice and economic courts, State Council, Ministry of Investment and GAFI (conclusions available).

The workshop is organised after a two-day regional seminar on the same issue in the framework of the EU-OECD programme on Promoting Investment in the Mediterranean (26-27 June 2018).

A pre-event will be organised on 20 June in the presence of Mr. Colin Brown, Deputy Head of Unit, Dispute Settlement and Legal Aspects of Trade Policy, DG TRADE, European Commission, and will consist of a presentation and panel discussion on the Multilateral Investment Court Initiative proposed by the European Union.

## ■ Participants

Participants to the workshop will comprise judiciary and government legal experts from the Egyptian Ministries of Justice, Investment and International Cooperation, Foreign Affairs, GAFI and other relevant institutions that are dealing with investors.

## ■ Date, time and venue

Panel discussion: 20 June 2018, 09:00-12:00

Workshop: 28 June 2018, 10:00-16:00

Venue: Cairo Regional Centre for International Commercial Arbitration (CRCICA)  
1 Al Saleh Ayoub St.11211, Zamalek, Cairo, Egypt

## ■ Contacts

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## Thursday 28 June

09:00 - 09:30 Registration and welcome coffee

### 09:30 – 10:00 **Opening session and welcome addresses**

- Ms. Mona Zobaa, Executive Chairman, General Authority for Investment and Free Zones (GAFI)
- Dr. Ismail Selim, Director, Cairo Regional Centre for International Commercial Arbitration (CRCICA)
- Dr. Marie-Estelle Rey, Senior Advisor, MENA-OECD Competitiveness Programme

Tour de table: introduction of participants

### 10:00 – 12:00 **Session 1: Investor-State disputes and their impact on Egypt's investment climate**

This session will give an overview of investment dispute cases that arose in Egypt in the last decade. Their financial and reputational costs, as well as their potential impact on the institutional and regulatory environment will be discussed.

Moderator: Ms. H el ene Fran ois, Investment Division, OECD

#### **Introduction: Investment dispute cases involving Egypt – Risks and challenges**

- Ms. Yasmine Shamekh, Counselor at the Foreign Disputes department, Egyptian State Lawsuits Authority

#### **An overview of legal sources of investment disputes: ISDS provisions in domestic law, state contracts and international investment agreements**

- Ms. Diane Pallez, Policy Analyst, MENA-OECD Competitiveness Programme, Global Relations Secretariat

### **Avoiding investor-State disputes through BIT reform**

- Dr. Moataz Hussein, Senior International Investment Agreements Specialist, General Authority for Investment & Free Zones (GAFI)

### **How ISDS can affect the perception of Egypt as an investment destination: the view of the private sector**

- Mr. Alexandre Boulos Fahmi, General Counsel for Orascom Fertilisers, Egypt
- Mr. Said Hanafi, Association Partner, White and Case, Cairo, Egypt

12:00 – 14:30

### **Session 2: Managing a dispute – from prevention to settlement**

During this session, participants will go through the chronology of a dispute settlement process, from prevention to dispute management. The mechanisms and practices implemented by the Egyptian government will be discussed, as well as possible options for further rationalisation of the institutional mechanisms established by the country.

Moderator: Ms. Laurie Ahtouk-Spivak, Cleary Gottlieb Steen & Hamilton LLP

### **Dispute prevention policies: good practices and experiences from other countries**

- Dr. Marie-Estelle Rey, Senior Advisor, MENA-OECD Competitiveness Programme

### **Experiences of countries in dealing with investment disputes: Establishing internal coordination mechanisms**

- Mr. Filippo Fontanelli, Senior Lecturer, School of Law, University of Edinburgh, Consultant to the Italian legal team in international investment arbitration

12:30 – 13:00

### **Light Lunch**

## **Amicable settlement**

### **Presentation of the GAFI Center for the settlement of investment disputes (mediation)**

- Dr. Eman Mansour, Director of the Center of investment disputes, GAFI

### **UNCITRAL work on mediation**

- Mr. Benjamin Herisset, Associate Expert, International Trade Law Division, UNCITRAL

### **Mediation and responsible business conduct (RBC)**

- Ms. Tihana Bule, Economist / Policy Analyst, Responsible Business Conduct, Investment Division, OECD

### **Presentation of the different dispute settlement committees: roles and achievements**

- Dr. Sherif Elatafy, Senior associate, Zulficar & Partners

### **The defense of the Egyptian State**

- Mr. Amr Arafa, State Counselor, Egyptian State Lawsuits Authority

### **Discussions with Egyptian stakeholders, interventions from the Ministry of Justice and the State Council**

14:30 – 15:00

### **Conclusion: next steps**

Representative of the Government of Egypt  
OECD