

By-laws
Advisory Committee
of
The Cairo Regional Centre for International Commercial Arbitration

Article 1

Formation of the Advisory Committee

1. The Cairo Regional Centre for International Commercial Arbitration (“CRCICA” or “the Centre”) shall have an Advisory Committee consisting of a Chairperson, two (2) Vice Chairperson, and sixteen (16) members at the most to be appointed by the Director of the Centre from among the members of the Board of Trustees as well as eminent African, Asian and other personalities specialized in the fields of international arbitration, Alternative Dispute Resolution (“ADR”) mechanisms and international trade.⁽¹⁾
2. Once fully constituted, the Advisory Committee shall elect from among its members, a Chairperson and two Vice-Chairpersons. The term of office of the Chairperson and the Vice-Chairpersons shall be four renewable years.
3. The Chairperson and the Vice-Chairpersons shall be elected by acclamation or secret ballot. The candidate who receives the highest number of votes shall be elected. The Chairperson shall continue to hold office until a new Chairperson is elected.⁽²⁾

Article 2

Term of the Advisory Committee

The term of the Advisory Committee shall be four years, which may be renewed once for a similar term, unless otherwise determined due to special circumstances. In case the post of one of the members becomes vacant during his/her term of office, a new member shall be appointed to replace the said member until the end of the latter’s term of office.

Article 3

Functions of the Advisory Committee

1. The Advisory Committee shall carry out the functions provided for in the Centre’s Arbitration Rules in force as from 1 March 2011 (“the Rules”) as well as any other functions that may be referred to in the Centre’s future Arbitration Rules, particularly the following:
 - a. Providing advice with respect to the Centre’s decision not to proceed with arbitral proceedings, according to Article 6 of the Rules;

(1) Amended by virtue of CRCICA Advisory Committee Decision dated 9 April 2020.

(2) The names of the current members of the Advisory Committee are available at :https://crcica.org/advisory_committee.aspx



- b. Providing advice with respect to the Centre’s decision to reject the appointment of arbitrators according to Article 8(5) of the Rules;
 - c. Deciding on the removal of arbitrators according to Article 12 of the Rules via an impartial and independent tripartite *ad hoc* committee to be composed by the Centre from among the members of the Advisory Committee without disclosing their names to the parties. The decision shall be made by the majority of votes of the members of the *ad hoc* Committee in writing, and shall be reasoned, final and unchallengeable;⁽³⁾
 - d. Deciding on the challenge of arbitrators according to Article 13(6) of the Rules via an impartial and independent tripartite *ad hoc* committee to be composed by the Centre from among the members of the Advisory Committee without disclosing their names to the parties. The decision shall be made by the majority of votes of the members of the *ad hoc* committee in writing and shall be reasoned, final and unchallengeable;⁽⁴⁾
 - e. Providing advice with respect to the Centre’s decision to deprive any party of its right to appoint a substitute arbitrator according to Article 14(2) of the Rules; and
 - f. Providing advice with respect to the Centre’s determination, according to Article 45(12) of the Rules, of the fees of the arbitral tribunal at a figure higher or lower than that which would result from the application of the tables of fees annexed to the Rules.
2. The Advisory Committee may delegate some of its functions to the Director of the Centre for making the necessary decisions, particularly with respect to the decision not to proceed with arbitral proceedings in accordance with Article 6 of the Rules and the determination, according to Article 45(12) of the Rules, of the fees of the arbitral tribunal at a figure higher or lower than that which would result from the application of the tables of fees annexed to the Rules. The Director of the Centre shall present a report to the Advisory Committee on the procedures taken or the decisions made according to the delegated functions.
3. The Director of the Centre may particularly consult with the Advisory Committee regarding the following matters:
- a. Reviewing the potential proposals regarding the amendment of the Arbitration, Mediation and other Alternative Dispute Resolution (ADR) Rules and procedures under the auspices of the Centre, including the revision of arbitrators’ fees, in light of the practical application of these rules as well as the proposed amendments of the UNCITRAL Rules;
 - b. Reviewing the nature and themes of the activities carried out by the Centre such as conferences and training programs;
 - c. Reviewing the cooperation agreements which are concluded by the Centre and its branches;
 - d. Reviewing the matters that may be proposed by the members of the Advisory Committee;
 - e. Reviewing the matters that may be referred thereto by the Director of the Centre; and
 - f. Reviewing the matters that may be referred thereto by the Board of Trustees of the Centre.

⁽³⁾ Amended by virtue of CRCICA Advisory Committee Decision dated 9 April 2020.

⁽⁴⁾ Amended by virtue of CRCICA Advisory Committee Decision dated 9 April 2020.



Article 4

Meetings of the Advisory Committee

1. The Advisory Committee shall hold meetings at least four times annually upon an invitation by the Director of the Centre or the Chairperson of the Advisory Committee, or upon the request made by at least one third of the members of the Advisory Committee.
2. There shall be no required quorum for the validity of the meetings of the Advisory Committee.
3. The Director of the Centre shall attend the meetings of the Advisory Committee and shall be entitled to vote.
4. The meetings shall be presided over by the Chairperson or, in the event of his/her absence for any reason, they shall be presided over by the oldest Vice Chairperson. In the event of the absence of the Chairperson and both Vice Chairpersons, the Director of the Centre shall preside over the meetings of the Advisory Committee.
5. A member of the Centre shall be selected to be in charge of the logistics and the preparation of the draft agenda of the Advisory Committee meetings in collaboration with the Director of the Centre.
6. The minutes of meetings shall be prepared to record the discussions held and different views, as well as the resolutions passed and recommendations made at the meetings. The minutes of meetings shall be approved by the Chairperson or his/her substitute, as well as by the Director of the Centre.
7. Any member of the Committee who, without giving reasons, fails to participate in any of the works of the Committee at three consecutive meetings, shall be deemed to have revealed his/her wish to vacate his/her post.⁽⁵⁾

Article 5

Resolutions of the Advisory Committee

1. Resolutions and recommendations of the Advisory Committee shall be made upon the approval of the majority of votes of the attending members. Resolutions and recommendations may be passed by circulation whenever deemed necessary.
2. In case of a tie vote, the Chairperson or his/her substitute shall have the casting vote.
3. The Chairperson of the Advisory Committee or his/her substitute may issue decisions on behalf of the Advisory Committee in case of urgent matters, and shall notify the Advisory Committee of such decisions made on behalf thereof.

(5) Added based on by the Decision of the Advisory Committee in its meeting held on 21 April 2019.



Article 6

Sub-committees of the Advisory Committee

The Advisory Committee may form sub-committee(s) from among its members to be assigned certain tasks during the periods falling between the meetings of the Advisory Committee. The Advisory Committee shall review and approve the reports of such sub-committees and shall make the necessary decisions and recommendations in regard thereof. The sub-committees shall be in charge of setting the necessary rules and procedures regulating the accomplishment of their assigned missions.

Article 7

Appointment of members of the Advisory Committee as arbitrators

Parties to arbitration may appoint the members of the Advisory Committee as arbitrators. Likewise, the Centre may nominate the members of the Advisory Committee to act as arbitrators by way of the list procedure, according to the Centre's Arbitration Rules. In case the parties fail to reach an agreement regarding the appointment of an arbitrator as per this procedure, the Centre, in making the appointment, shall not appoint a member of the Advisory Committee as arbitrator.

Article 8

Conflict of interest of members of the Advisory Committee

For the purpose of the selection of the members of the impartial and independent tripartite *ad hoc* committee, composed by the Centre from among the members of the Advisory Committee for deciding on challenges and requests to remove arbitrators, members having any recognizable conflict of interest shall be avoided.

