



RECENT ACTIVITIES OF

THE CAIRO REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION

(AN AALCC CENTRE)

BY

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I- BACKGROUND

The Cairo Regional Centre for International Commercial Arbitration was established and formally inaugurated on the 5th of February, 1980 by virtue of an agreement concluded through exchange of letters between the Government of the Arab Republic of Egypt and the Secretary General of the AALCC. The agreement was renewed twice, for the first time on the 15th of March, 1984⁽¹⁾, and lately by exchange of letters on the 30th of March, 1986⁽²⁾.

The objectives and functions of the Cairo Regional Centre are:

- 1- Promoting international commercial arbitration in the Region;
- 2- Co-ordinating and assisting the activities of existing arbitral institutions particularly among those within the Region;
- 3- Rendering assistance in the conduct of ad hoc arbitrations particularly those held under the UNCITRAL Arbitration Rules;
- 4- Assisting in the enforcement of arbitral awards;

1- The agreement was approved by the People's Assembly on March 20, 1984. It was ratified on March 24, 1984, and the Presidential decree No. 104/1984 was issued in this regard.

2- The agreement was ratified on December 30th, 1986.

- 5- Providing for arbitration under the auspices of and the Rules of the Centre;
- 6- Rendering of advice and assistance to parties who may approach the Centre.

The Cairo Regional Centre for Arbitration is a non profit making and an independent international institution. The agreement concluded between the AALCC and the Government of the Arab Republic of Egypt provides that:

"The Centre will be an International Institution having its own international status"

The Egyptian Government has assured that the Centre enjoys the privileges and immunities of the independent international institutions. (1)

It should be mentioned that the headquarter's agreement for Cairo Centre was negotiated lately with the Egyptian Government, and it was agreed that the headquarter's agreement should be finalized as soon as possible. The agreement was drafted on the basis of principles included in the draft headquarter's agreement of The AALCC approved by the Committee, and similar agreement between the Egyptian Government, and other International Organizations. The draft agreement emphasize the international character of the

1- See letter No. 1043 dated May 6th, 1984 issued by the office of the Prime Minister (Foreign Affairs Section).

Centre, and organize privileges and immunities of the Centre, and its staff, to facilitate functions of the Centre. The headquarter's agreement is expected to be officially signed sometime this year 1987.

The activities of the Centre in the light of its functions may be broadly classed under four heads, namely,

- 1- Promotional activities;
- 2- Arbitration under the rules and auspices of the Centre;
- 3- Assistance in ad hoc arbitration and arbitrations under the auspices of other institutions;
- 4- Rendering of advice and assistance generally including matters related to enforcement of arbitral awards.

II - ACTIVITIES OF THE CENTRE

The Centre's contribution during the last two years continue to be substantial. It covered almost all of its four wide and comprehensive objectives.

In the field of providing arbitration under the auspices of the Centre, this period continue to be a good one for the Centre. Several cases were registered before the Centre. Hundreds of contracts included the arbitration clause of the Centre. It should be mentioned, in that sence, that several cases were settled before starting arbitration through conciliation procedures. This attitude was deeply appreciated by all parties concerned.

The second point that should be delt with is rendiring assistance in ad hoc and institutional arbitrations. The Centre provided its facilities, and made its premises available as a venue for several arbitral cases that took place in Cairo during 1986 - 1987. The month of December 1986 was a busy one. Arbitration in two ICC cases took place in the Centre. Adequate advice was also given to those who approached the Centre in several cases of commercial or investment disputes. It has been apparent that one of the goals of the Centre is to promote and help the attraction of foreign investments in the area..

It should be mentioned here also that the Centre was approached by the Egyptian Government for assistance in preparing a draft about the Egyptian Law for International Commercial Arbitration. A Committee was set up in the Centre presided by Professor Dr. Shafik Mohsen and prepared the requested draft on the basis of the Model Law prepared by the UNCITRAL. The draft was submitted to the Ministry of Justice, and it is expected to be referred to the People's Assembly next month.

The Centre's advice was appreciated by representatives of several countries from within our area, as well as, from outside the area.

In the field of coordinating and assisting the activities of existing arbitral institutions in the Region, The Centre continue to persue its policy to contact several arbitral institutions. And as was mentioned in my report last year, cooperation agreements were reached with several arbitral institutions. The Centre, so far, concluded several agreements with the following institutions:

- 1- The world bank;
- 2- The American Arbitration Association (AAA);
- 3- The Morrocan Maritime Chamber of Commerce;
- 4- The Spanish Arbitration Institution (IMARCO);
- 5- The Jordanian Arbitration Centre;
- 6- The Australian Centre for International Commercial Arbitration (ACICA).

The Centre is also building close contacts with other institutions, as well as, chambers of commerce, in the area for more coooperation and understanding of the Centre's role in settling disputes that may arise, and in assisting in the enforcement of arbitral awards.

In the field of promoting international arbitration in the region, which is the first objective of the Centre, the years 1986-1987 were good. They witnessed the distribution of thousands of the Centre's publications to all concerned institutions in Arabic, in English, and also in French.

The Centre was represented in several international conferences, and seminars, naturally the Centre was adequately promoted during these international meetings. The most important ones are:

- 1- The International Conference on Law and Business Cairo, Egypt, 17th & 18th March, 1986.
- 2- The 8th International Congress of The International Council for Commercial Arbitration (ICCA), New York, 6th to 9th May, 1986.
- 3- The International Federation of Commercial Arbitration Institutions, New York, 10th May 1986.
- 4- The nineteenth session of the United Nations Commission on International Trade Law (UNCITRAL), that took place in New York from 23 June to July 11th 1986. Representation of the Centre, during the meeting, took place as part of the AALCC delegation.
- 5- The 26th Conference of International Law Association, Seoul, Korea, 24th - 30th August 1986.
- 6- Seminar, Resolving Euro-Arab Commercial Disputes, Dubai, U.A.E., 18th & 19th October, 1986.
- 7 - The ICCA meeting in Bologna, Italy on May 1987.
- 8 - The UNCITRAL meeting in Vienna in August, 1987.

The Centre manage to arrange for some lawyers from the area to attend different meetings, for further promotion of arbitration as means of settling disputes. One of these meetings was a seminar in Rome, Italy for a period of two weeks, about Commercial Financing for Development. The Seminar was organised by The International Development Law Institute in Rome (IDLI).

Also , I should tell you about our plans to have our third Seminar. The Centre is seriously considering arranging its third Seminar on "International Commercial Arbitration in the Arab World" on the last week of March, 1988. The Centre will naturally take care of all necessary arrangements, nevertheless we need your blessings and cooperation for its success. Invitations would be extended to you in few weeks. By the time of this Seminar I hope that our first Year Book would be ready for distribution.

Last, but not the least, an international program for training arbitrators is being studied in the Centre. The Institute of London, the ICC Institute, the IDLI and the AAA, are being approached for their cooperation to assure its success and effectiveness. We have received encouraging answers in this regard.