

**Cairo Regional Centre for International
Commercial Arbitration
(CRCICA)**

**Progress Report
2000-2001**

□ Definitions :

- ◆ **“The CRCICA , the Centre , the Cairo Centre”**
Alternates for the Cairo Regional Centre for International
Commercial Arbitration
- ◆ **“Affiliates” :** Alexandria Center for International
Maritime Arbitration (ACIMA) - Arab and African
Arbitrators Association - Arbitration and Investment
Institute .
- ◆ **“The period of concern / under reporting”** the period
beginning in January 2000 till present.

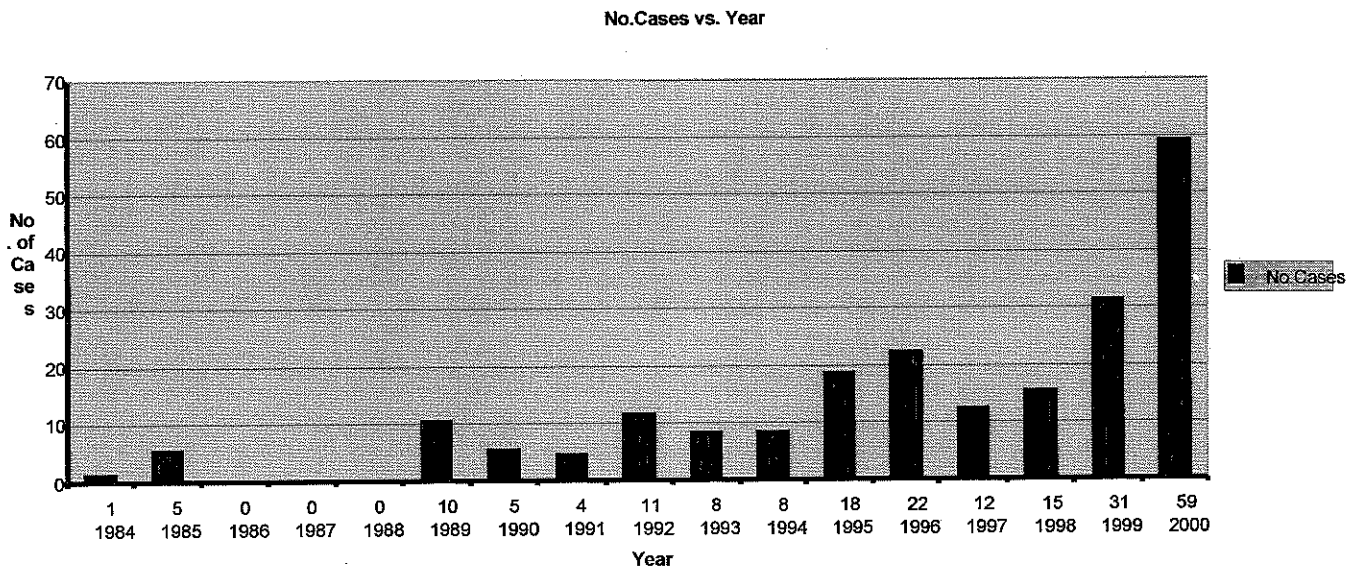
From the Director

The year 2000 was an exceptionally glorious year of progress for CRCICA. It was a year of records in the administration of arbitral cases as well as the organization of international events. On various other scales, the Centre achieved during the year remarkable progression whether related to arbitration in particular or investment at large. Also distinctive about the *Millenium Year* is the inauguration of the Centre's New Extension, the floor area of which is 400 square meters raising as such the total area of the Centre to 1200 square meters adding a large hearing room with 130 square meters –mostly- designed to accommodate multi party arbitrations , and a conference room 170 square meters with 140 seats to have some of our conferences in the Centre . This report is meant to shed light on the most distinguishing CRCICA activities during 2000 / early 2001.

Dr. Mohamed Aboul-Enein

◆ Progress in Cases

The overall number of cases filed with CRCICA is now 217 international arbitration cases marking as such an unprecedented annual increase of 59 new international arbitrations registered in 2000 plus 17 cases in the beginning of 2001 against 31 cases in 1999 and 22 cases in 1998 (see the diagram below) . Seemingly, the year 2001 would keep the scale soaring in its ascending order ; since the 1st of January 2001 till the present time 10 new international cases has been filed with CRCICA. It is worth noting that there is a remarkable increase in resorting to conciliation before the Centre.



Different types of disputes were handled , some examples of which are : disputes related to construction, supply of goods , emission, importation &

exportation, maritime, intellectual property, computer software, hotel management and finally rental contracts.

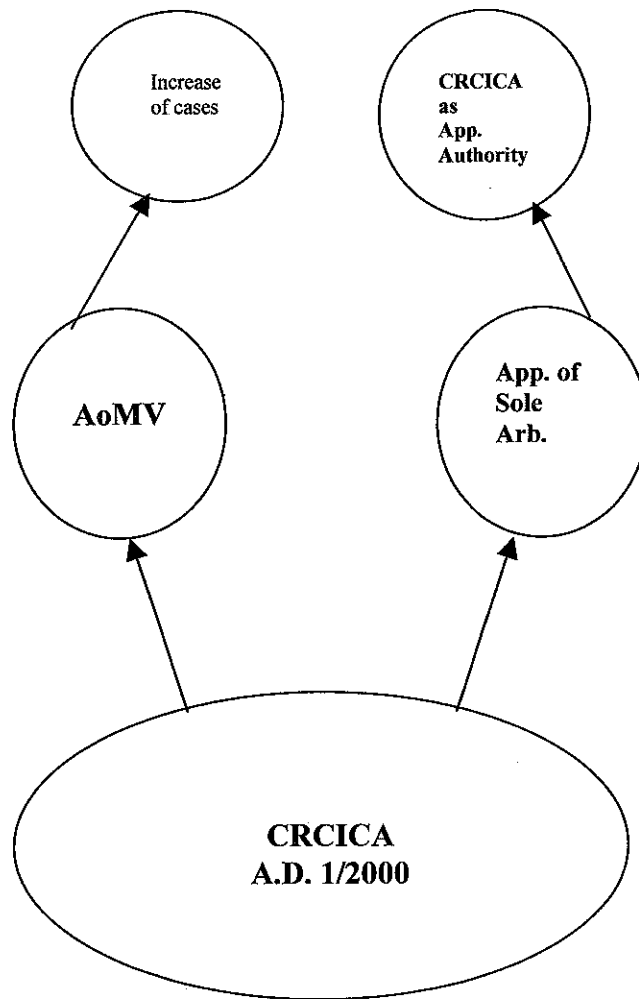
In addition to the domestic arbitrations and Ad-Hoc arbitrations arbitrated by the Centre upon the request of the parties.

As for domestic arbitration one of the most distinguishing features of *CRCICA Arbitration 2000 and beyond* – is the introduction of *arbitrations of relatively minimal values (AoMV)* upon the issuance of *Administrative Decree no. 1 / 2000* (hereinafter A.D. 1/2000) basically meant to customize – in part - the rules of the Centre to suit the peculiarities of this type of disputes. Closely monitoring emerging needs of users in the field.

Effective as of the 1st of November 2000, A.D. 1/2000 tailored a new apportionment of fees for domestic disputes of minimal value ruling out as such the application of the aforementioned minimums in this type of cases. The Decree catches responsive chords of cases that reflect more cases of this kind to be filed with the Centre .

On the other hand, A.D. 1/2000 comes to place more reliance on the appointment of sole arbitrators as it stipulates that *arbitral tribunals in arbitrations of minimal value shall be composed of sole arbitrators unless there arises a need otherwise*. Statistically speaking, this proves directly instrumental in increasing the frequency of appointing sole arbitrators . It is also evident that such a practice entails furtherance of the role of the Centre as an appointing authority since nearly in all disputes of minimal value, parties approached the Centre to respectively appoint the sole arbitrators. It is herein

worth noting that the Decree has left it up to the choice of parties to either appoint the arbitrator themselves or resort to the Centre for effecting the appointment.



Cause-Effect Zoning of relations with A.D. 1/2000 in focus

Generally speaking , in the period of concern the Centre acted as the appointing authority in 17 different arbitrations (13 arbitrations in 2000 and 4 ones in early-2001) against 5 cases in 1999. Appointments were either of chairmen of tribunals or co-arbitrators and were mostly based on the UNCITRAL list procedure and according to the UNCITRAL Rules.

Institutional arbitration has always been the *prime* concern of CRCICA but never has it been its *sole* domain of interest for in many *ad hoc* arbitrations, parties and arbitrators alike tend to utilize both the spatial and administrative facilities of the Centre. During the year 2000, CRCICA contributed to the administration of 12 international and *ad hoc* arbitrations. Worth noting it is that CRCICA does not apply the *standard proportionality criterion* in fixing the administrative fees due in such cases but charges instead a reasonable lump sum after consultations with the parties and the arbitral tribunals. It is envisaged that in the early future the scope of CRCICA assistance to *ad hoc* arbitration will extend beyond mere administration to include consultative services as well. The Centre will soon be taking an initiative to propose and consider the possibility of providing technical assistance to the various entities especially the syndicate of Engineers resorting to arbitration generally and to *ad hoc* one in particular¹. The scope of such service would, inter alia, include the criteria of appointing co-arbitrators, post-appointment attitudes and technicalities related to legal and procedural matters.

¹ This was first announced by the Director of the Centre during the Cairo Branch Meeting of the Chartered Institute of Arbitrators held on 7 June 2000 .

◆ The establishment of CRCICA Online Dispute Resolution Service

Since November 1999, CRCICA has been studying the possibility of devising an on-line arbitration mechanism. The start-up move in this concern was the introduction of the system to the region by holding the First On-line Arbitration Seminar in cooperation with the World Intellectual Property Organization (WIPO) on 3-4 November 1999. Since that time onwards, the Centre - through its Investment and Arbitration Institute - has thoroughly examined emerging needs of arbitration marketplace to pioneer in applying this most developed type of arbitration². One year later, in November 2000, the idea was materialized by laying out *an expert project plan* to establish - *hopefully by end-2001* - a dispute resolution service specializing in the on-line settlement of disputes and leveraging state-of-the-art technologies. What will distinguish the Cairo Center in the world of international dispute resolution will be its use of the most advanced technologies available in order to expedite the dispute resolution process and thus reduce the costs for the parties. Among other things, this will include internet-based case filing facilities, on-line case management and tracking facilities as well as video-link capabilities.

² See "CRCICA up the Way of On-Line Dispute Resolution", CRCICA 1999 Annual Report (Accra - Ghana - April 1999)

CRCICA Events ... *A Past Year and A Year to Come*

◆ Introduction :

The past year witnessed various CRCICA-organized events. Speaking in terms of figures, *twelve* international conferences , seminars and training courses were held and were attended by participants from more than *twenty* different countries. The agendas of such events addressed a spectrum of arbitration and trade-related issues.

◆ Distinctive about the 2000 CRCICA Events :

- Average total of attendees remarkably hiked to range between 120 – 150 attendees per conference :

one of the most distinguishing points about the 2000 CRCICA events is that the average number of attendees increased to range between 120 – 150 participants. The reasons backing such a remarkable increase are basically *spatial, financial and substantial* . As for **spatial reasons**, the CRCICA New Conference Hall – in operation since July 2000 - is designed to accommodate about 140 attendees against only 90 seats in the past , a facility that proves instrumental in accepting participants well beyond the ninety-limit. **Financially speaking**, the registration fees of most of the CRCICA 2000 events radically fall down the half value of previous fees. As a direct result, such events were accessible to professionals of average income. This is basically due to the no-profit strategy the CRCICA upholds and its readiness to cover likely deficits basing budgetary estimates of most events on an initiative grants from its own funds. Equally vital, the CRCICA succeeded in

identifying potential funding sources for some of its international events, the most outstanding of which is the Commercial Law Development Division (CLDD) of the US Department of Commerce. Having been interested in the CRCICA's role in promoting international trade and investment in the region, the CLDD entirely sponsored the 2000 International Conference on World Trade Agreements (WTO). **On the substantial level**, it is being contrived to constantly keep on tracing crucial topics in the field of arbitration and investment and presenting what might have long seemed to be areas of absolute obscurity. In scheming the working agendas of its conferences, the CRCICA has developed an in-depth methodology resting on two complementary phases, i.e., **the reporting phase** - basically meant to introduce all relevant regional statistics and inputs in the topic concerned and **the analytical phase** which is meant to review - out of different expert perspectives - the pros and cons ... the present and the future..... of each subject-matter.

◆ **CRCICA Events (2000 – Early-2001) in Chronology**

Date	Event	Organizers	Venue
28 January 2000	International Seminar on: The Use of the UNIDROIT Principles in International Commercial Arbitration	- The Cairo Centre . - Egyptian Ministry of Justice . - The International Institute for the Unification of the Private Law (UNIDROIT)	Cairo Sheraton Hotel – Cairo
1 July 2000	Seminar on : Arbitration in Private Laws	- The Cairo Centre - Arab and African Arbitrators Association (CRCICA Affiliate) - Cairo Branch of the Chartered Institute of Arbitrators	CRCICA Main Conference Hall – Cairo

7-10 October 2000	Three Arbitration Training Courses leading to the Membership of the Chartered Institute of Arbitrators	- Cairo Arbitration Centre - Chartered Institute of Arbitrators (London)	CRCICA Offices –Cairo
21-22 October 2000	Third International Conference on World Trade Organization (WTO) Agreements	See “In Focus : WTO and BOT Conferences” below	
27-28 October 2000	Fifth International Conference on “Build-Own-Transfer Contracts	See “In Focus : WTO and BOT Conferences” below	
1 November 2000	One-day Seminar on “ <i>Globalization and the Legal System</i> ” (CIArb Cairo Branch Event)	- CIArb Cairo Branch - Cairo Arbitration Centre	CRCICA Main Conference Hall - Cairo
20-21 November 2000	First International E-Commerce Conference	- Cairo Arbitration Centre - United Nations Commission on International Trade Law (UNCITRAL) - Arab League	Arab League Premises
21-22 November 2000	World Bank-CRCICA Insolvency Workshop	- Cairo Arbitration Centre - World Bank - International Federation of Insolvency Professionals (INSOL)	Arab League Premises
23 November 2000	First Arab Judicial Colloquium	- Cairo Arbitration Centre - UNCITRAL - International Council of Commercial Arbitration (ICCA)	Arab League Premises
3 January 2001	One-day Seminar on “ <i>Reflections on the Status Quo in the Arab Region</i> ” (CIArb Cairo Branch Event)	- CIArb Cairo Branch - Cairo Arbitration Centre	CRCICA Main Conference Hall - Cairo

5 February 2001	Seminar on : Recent Trends in Settling Construction Disputes	- Cairo Arbitration Centre - Chartered Institute of Arbitrators	CRCICA Main Conference Hall
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◆ **In Focus : WTO and BOT Conferences**

Third International Conference on World Trade Organization (WTO) Agreements Focal Topic : Settlement of Disputes under the WTO Agreements	
Date & Venue	21-22 October 2000 - Marriott Hotel - Cairo/Egypt
Organizers	<ul style="list-style-type: none"> ◆ Cairo International Arbitration Centre (International character - Hosting Country : Egypt) ◆ Commercial Law Development Division of the US Department of Commerce (U.S.A.) ◆ World Trade Organization (WTO International Law Institute of Washington (U.S.A.) ◆ Egyptian Ministry of Economy and Foreign Trade ◆ Funding body : U.S. Aid
Description	<p>The Conference was wholly devoted to handling the WTO dispute settlement mechanism , posing in the process the question of whether it is envisaged to preserve the interests of the developing countries. To best achieve the goal , the different phases of the WTO dispute resolution process were presented within a structural framework that permits – in each session - the contribution of one speaker from a developed country against one other from a developing one. To bring theories down to the earth of practice, the agenda featured three case studies on agriculture, intellectual property and textiles.</p>

Audience	<p>The Conference witnessed the participation of <i>one hundred and seventy</i> attendees representing <i>fourteen different Afro-Asian Countries</i>, being, <i>Egypt, Sudan, Libya, Tunisia, Saudi Arabia, Syria, Jordan, United Arab Emirates, Qatar, Kuwait, Philistine, Sultanate of Oman, Bahrain and finally India</i>. Beside lawyers and men of law, there was a quite considerable number of top governmental officials, diplomats, members of Arab and Euro-Arab Chambers of Commerce, and businessmen.</p>
Recommendations	<p>The conferees drew the conclusion that the WTO Dispute Settlement Mechanism has not yet attained perfection and that the interests and welfare of the developing countries should get more considerable attention. In this regard, there was especial reference to – and recommendations to follow – the leading experiences of the Consultative Centre which established with the ultimate prospect of providing developing countries with the know-how to handle the peculiarities of the WTO Dispute Settlement System. In support of this approach, the conferees proclaimed a request to the World Trade Organization to examine and help eliminate the deficiencies the System unfolds either during the review stage – now in process – or in the course of future WTO trade negotiations.</p>
Post-Event Follow-up	<p>In achievement of the above implications, the CRCICA Investment and Arbitration Institute has started a trilateral local, regional and international survey to :</p> <ul style="list-style-type: none"> ◆ Gather different regional responses to the WTO Dispute Settlement Mechanism . ◆ Explore into the reactions of Pro-WTO D.S.M. experts as well as the reactions of WTO Officials . ◆ Prepare the agenda of the WTO 2001 Conference.

Event	Fifth International Conference on “ Build-Own-Transfer Contracts ”
Date & Venue	27-28 October 2000 – CRCICA Main Conference Hall - Cairo / Egypt
Organizers	<ul style="list-style-type: none"> ◆ Cairo International Arbitration Centre (International character - Hosting Country : Egypt) ◆ International Law Institute of Washington (U.S.A.) ◆ Commercial Law Development Division of the US Department of Commerce (U.S.A.) ◆ United Nations Commission on International Trade Law – UNCITRAL - (International Character – Hosting Country: U.S.A. – Austria)
Description	<p>The agenda tackled all aspects related to the BOT projects and was meant to shed light on existing BOT experiences in the region and explore possibilities of future expansion of this type of projects. This was rendered against the background of international practical and legislative trends in this field , among which the UNCITRAL Legislative Guide on Privately-Financed Infrastructure Projects ranks top.</p>
Audience	<p>The Conference was attended by about <i>one hundred and forty delegates</i> representing both public and private sectors involved in BOT projects. Apart from participants from <i>Egypt, Saudi Arabia , Kuwait and Lebanon</i>, the Conference attracted audience from Non-Arab African Countries such as <i>Guinea and Tanzania</i> . Added to this , Some European Countries were officially represented such as <i>Holland</i>.</p>
Recommendations	<p>The distinguishing features of the concluding recommendations were to prompt governmental bodies to take whatever arrangements necessary to ensure the outermost benefits possible to investors and users alike. This includes – but is not limited to – recommendations to lay down detailed and autonomous rules regulating the selection of the project company in compliance with international criteria in this concern. Also, it was advised that the state concerned would provide all possible guarantees and incentives likely to attract investors with especial emphasis on the importance of reviewing and improving existing investment legislations. Although the role of the government as a contracting party in BOT projects was the prime concern of conferees as reflected in the concluding recommendations, there was an obvious awareness of the importance of the call of establishing <i>a financial institution of a regional character</i> along the lines of international counterparts.</p>

Post-Event Follow-up	<p>In achievement of the above implications , the CRCICA Investment and Arbitration Institute has started a trilateral local, regional and international survey to :</p> <ul style="list-style-type: none"> ◆ See through the possibility of implementing the recommendations of the BOT 2000 Conference ; ◆ Explore into the BOT-related issues that are seen to be still needing further analysis and in-depth examination of all pros and cons involved; ◆ Put down a proposal of topics for the 2001 BOT Conference .
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◆ CRCICA 2001 Events

Date	Event	Organizers
24-25 March	Conference on : "Arbitration 2001 in the Mediterranean and the Middle East" (Cairo, Egypt)	<ul style="list-style-type: none"> - Cairo Arbitration Centre -European Court of Arbitration (Italy) - Mediterranean Arbitration Council (Tunisia)
7-8 April	Conference on : "Maritime Arbitration" (Alexandria, Egypt)	<ul style="list-style-type: none"> - Cairo Arbitration Centre - Alexandria Maritime Centre - In addition to some international Institutions interested in maritime arbitration and Maritime Transport
4-18 June	Tailored Training Course for the Uzbek Judges (Cairo, Egypt)	<ul style="list-style-type: none"> - Cairo Arbitration Centre - The Egyptian Ministry of Foreign Affairs
September-October	Seminar on : "Arbitration in E-Commerce and WTO Agreements (The Hague, Netherlands)	<ul style="list-style-type: none"> - General Secretariat of the Arab Union of the International Arbitration - Cairo Arbitration Centre Permanent Court of Arbitration
15-16 October	Fourth International Conference on : "WTO Agreements" (Cairo, Egypt)	<ul style="list-style-type: none"> - Cairo Arbitration Centre - International Law Institute of Washington - United Nations Commission for International Trade Law - Commercial Law Development Division (CLDD) of the US

		Department of Commerce
18-23 October *	Arbitration Training Courses leading to the Membership of the Chartered Institute of Arbitrators	- Cairo Arbitration Centre - The Chartered Institute of Arbitrators
12-13 November	Sixth International Conference: "BOT Projects"	- Cairo Arbitration Centre - International Law Institute of Washington - UNCITRAL - CLDP
October-November	Third Conference for the Arab Union of International Arbitration (Tunisia)	- General Secretariat of the Arab Union of the International Arbitration - Arbitration and Conciliation Centre of Tunisia - Cairo Arbitration Centre - Arab Arbitration Association (Paris)
22-23 December	Second International Conference on : "the Settlement of Disputes of Electronic commerce" Cairo, Egypt	- Cairo Arbitration Centre - UNCITRAL
23 December	Second Arab Judicial Colloquium	- Cairo Arbitration Centre - UNCITRAL - The Arab League

◆ CRCICA Training Courses

During the period of concern, CRCICA has provided regular training courses on three complementary levels :

A) *Introducing International Arbitration Methodologies to the Region (Standard International Arbitration Courses) :*

- This type of courses has been held annually – since 1995 - basically in cooperation with the Chartered Institute of Arbitrators . (See Above : CRCICA Events (2000 – Early-2001) in Chronology – 3rd row)

B) *Providing Customized Training for Foreign Scholars :*

- This sort of training is meant to be tailored for groups of particular legal and cultural background. Between 17 - 30 October 2000, CRCICA held a training program for a Group of Albanians. Similarly,

two Yemeni Delegations attended two successive training programs tailored for this purpose on 1-3 October and 11-14 November 2000.

C) Providing Local Training for Undergraduates :

- The CRCICA provides summer training courses for selected students of the Law School of the Cairo University. During the summer of 2000 , there were three successive groups of trainees.

◆ *News in Brief*

(to be detailed)

- ◆ **CRCICA has concluded two new Cooperation Agreement** one with the Rabat Conciliation and Arbitration Centre (7 January 2001) and the other with the Arab Arbitration Chamber for Construction Contracts (31 January 2001). Thus, the total number of the cooperation agreements reaches 42 international cooperation agreements.
- ◆ It was decided to sign a cooperation agreement on 25 March 2001 in the premises of the Centre between CRCICA and the United Nations Studies Centre for International Legal Order.
- ◆ It is envisaged to submit **the proposal of amending the existing Arbitration Law no. 27/1999** to the Ministry of Justice within the coming few months in the light of the recommendations made during

the series of round-table meetings held since April 1999 under the auspices of CRCICA; and attended by a large number of judges, university lecturers and professors, lawyers and businessmen who are interested in the application of this Law.

◆ **Also appearing in the detailed report :**

- Contribution to international projects and events**
- CRCICA Publications**
- Progress of Affiliates**
- Progress of CRCICA-hosted Institutions :**

CAIRO REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION

◆ *FACT SHEET*

- ◆ **Establishment and Legal Status:** The Cairo Regional Centre for International Commercial Arbitration (CRCICA) is an International Independent Organization established in 1979 under the auspices of the Asian-African Legal Consultative Committee (having 45 member-states) . By dint of an international agreement signed in 1987, the CRCICA was granted full diplomatic privileges and immunities making the Centre an independent non-governmental arbitral institution of an international character based in Egypt .
- ◆ **Scope of Activities :** CRCICA has kept developing a comprehensive scope of activities in which the administration of international arbitrations ranks top. The cases filed with CRCICA have reached 217 international cases having parties from different parts of the globe : Africa , Asia , Europe and the Americas Within the limit of this count, 15 cases were filed since the 1st of January 2001 until the present time. Added to international cases, many ad hoc and domestic cases are also being administered by the Centre
- ◆ Beside holding regular arbitration training courses and conferences on the peaceful settlement of international commercial and investment disputes, CRCICA has taken the lead in holding international investment-related conferences to create contact points between regional needs and expectations and international occurrences likely to affect third world investment environment , some of these deal with the World Trade Organization Agreements , Build-Own-Transfer Projects, Arab-European Partnership and International Energy Agreements
- ◆ **Affiliates :** In 1991 , CRCICA has established the Arab and African Arbitrators Society followed by the establishment of the Alexandria Centre for International Maritime Arbitration in 1992. The Investment and Arbitration Institute is another CRCICA Affiliate operating since 1993 .
- ◆ **Regional Organizations operating under the Auspices of CRCICA :** In 1997, the General Secretariat of the Arab Union of International Arbitration was established. The Director of the Cairo Center was elected its Secretary-General. In 1999, the Cairo Branch of the Chartered Institute of Arbitrators (London) was established. Since inception, both entities have functioned under the auspices of CRCICA and at its Offices .
- ◆ **For more information about the CRCICA, contact :**

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