



The Cairo Regional Centre for
International
Commercial Arbitration (CRCICA) ✓

The Role and Activities of the Cairo Centre in the Afro-Asian Region (A Brief Report)

Presented by

Dr. M.I.M. Aboul-Enein

Director of the Cairo Centre and Secretary
General of the Arab Union for International Arbitration

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• Address: 1 Al-Saleh Ayoub St., Zamalek, Cairo, Egypt
Tel: 7351333 - 7351335 - 7351337 - 7373691 - 7373693 - Fax: 7351336
email: crcica@idsc.net.eg / crcica@menanet.net - Home page: www.crcica.org.eg

1 – Introduction: Objectives, Construction and Brief History.

The Cairo Regional Centre for International Commercial Arbitration (hereinafter the Cairo Centre or the Centre) is an independent non-profit making international organization. Its leading principle aims at contributing to, and enriching the progress of the economic development scheme in both Asian and African Countries. In this regard, specialized services are being constantly and consistently provided to prevent or help settle international trade and investment disputes, through fair operations of expeditious and economical procedures. This constitutes a wholly integral dispute-resolution mechanism which employs various effective processes of arbitration. It implies also Alternative Dispute Resolution techniques (ADR) such as conciliation, mediation and technical expertise.

A BRIEF HISTORY

January 1978: The decision of the 19th Session of the Asian African Legal Consultative Committee (hereinafter the 'Committee' or the 'AALCC') to establish several arbitration centres within the Afro-Asian Area.

January 1978: The signing of an agreement between the Committee and the Egyptian Government for the establishment of the Cairo Centre for an experimental period of three years.

November 1983: The conclusion of an agreement between the Committee and the Egyptian Government for the permanent functioning of the Cairo Centre.

March 1986: The agreement between the Committee and the Egyptian Government to make temporary financial and administrative arrangements for the Cairo Centre.

December 1987: The issuance of the Headquarters Agreement between the Committee and the Egyptian Government which guarantees for the Cairo

Centre all the privileges and immunities of independent international organizations in Egypt.

July 1989: The conclusion of an agreement between the Committee and the Egyptian Government for the permanent financial and organizational structure arrangements for the Cairo Centre.

October 1992: The inauguration of the Centre's Branch for Maritime Arbitration Branch in Alexandria.

February 1999

The Inauguration of the Cairo Branch of the Chartered Institute of Arbitrators under the auspices of the Centre.

July 2001: The inauguration of the Alexandria Centre for Commercial Arbitration as a branch of the Cairo Centre.

August 2001: The inauguration of the Mediation and ADR Centre as a branch of the Cairo Centre.

(For more information about the Centre, you are kindly invited to visit the Centre's website at: www.crcica.org.eg

email us at: crcica@idsc.net.eg / crcica@menanet.net

2 - The Scope of Services Offered

The Scope of services offered by the Cairo Centre encompasses the following:

- Administering domestic and international arbitrations.
- Encouraging resort to arbitration to settle investment and trade disputes in the region.
- Encouraging resort to arbitration according to the rules of United Nations Commission on International Trade Law (UNCITRAL)
- Providing advice to parties to international commercial and investment contracts, with regard to drafting these contracts and in the field of dispute prevention activities.

- The promotion of arbitration and other ADR techniques in the region, through the organization of international conferences and seminars as well as the publication of research serving both the business and legal communities.
- The organization of training programs in arbitration for lawyers, engineers and others through the Centre's Institute for Arbitration and Investment.
- Coordination with, and provision of assistance to existing arbitral institutions particularly those within the region.
- Providing *Ad Hoc* arbitration with necessary technical and administrative assistance.
- Rendering assistance for the enforcement of arbitral awards.
- Developing a comprehensive library and data bank in Arabic, English and French addressing matters of trade, investment and commercial dispute resolution laws, rules and techniques. This service includes:
 - a) Compilation of trade and investment laws of the countries of the region.
 - b) Providing information about economic development schemes in the region setting out the different investment opportunities available.
 - c) Conducting research of both academic and practical nature in the field of trade and investment laws, as well as deriving new and alternative means of dispute resolution.
 - d) Compiling a record of national and regional consultation firms of outstanding reputation in the field of trade, industry and investment.

It is fairly clear from the aforementioned that the most important role of the Cairo Centre is to provide all the facilities required to conduct the arbitral process under the Rules of the United Nations Commission on International Trade Law (UNCITRAL) or under whatever rules agreed upon by the parties to settle their disputes. This is all achieved through fair, inexpensive and

expeditious procedures which make the resort to arbitration centers outside the Afro-Asian Region Unnecessary.

Furthermore, the Cairo Centre offers its services and facilities for *Ad Hoc* arbitration, or for arbitration conducted under the rules of any other international organization, as well as to commercial arbitration in local disputes.

The Cairo Centre applies the UNCITRAL Rules in the arbitration cases conducted under its auspices whenever the parties fail to apply the arbitration rules of any other arbitral organization, or whatever rules they agreed upon.

The UNCITRAL Rules which are applied by the Cairo Centre, are distinguished by their flexibility in the arbitration procedures as they provide the parties the freedom to choose the arbitrators, the arbitration location, the arbitration language, the rules of procedures and the applicable law.

3 - The Role Of The Cairo Arbitration Centre In Settling Disputes of International Trade and Investment

Entering into the twenty-one century, the Cairo Regional Centre for International Commercial Arbitration is taking a well established seat among important national and international fora.

The issuance of the Law No. 27/94 concerning Arbitration in Commercial and Civil Matters encourages the disputed parties to resort to arbitration to settle their disputes. The cases filed with the Centre have scored **285** international cases at the current year.

Moreover, the Centre administers domestic cases. It has a special chart for the cases with law disputed amounts, and quick arbitrations.

- The Establishment of Alexandria Centre for International Maritime Arbitration (ACIMA)

Founded in 1992, the Alexandria Centre for International Maritime Arbitration (ACIMA), an affiliate of the Cairo Regional Centre for International Commercial Arbitration, was meant to deal, exclusively with marine trade disputes. What adds to the significance of ACIMA is that it enjoys a geographically strategic status as it is seated at the core heart of Alexandria, one of the most significant ports on the Mediterranean, and only some kilometers northwards away from Suez Canal that historic maritime route connecting between the Mediterranean and the Red Sea.

The Board of Directors of ACIMA launched a move towards further promotion of maritime arbitration in the region through propagating and introducing the advantages of regional maritime arbitration, providing adequate academic basis in the field to eliminate obscurities of maritime arbitration, and establishing a maritime information resource centre to provide a sufficient and adequate theoretical background and to help conduct relevant researches.

- The Establishment of Mediation and ADR Centre

The Mediation and ADR Branch of the Centre was established to administer mediation and other peaceful non-binding means of avoiding and settling trade and investment disputes.

Upon their request, the Centre shall provide the parties with legal advice and recommendations. A panel of legal experts and specialists shall assist the parties, according to the Centre's rules, to avoid potential disputes whether in the stage of concluding or performing the contract.

The Centre also administers conciliations under its auspices according to the Rules of Conciliation of 1980 issued by the United Nations Commission on International Trade Law (UNCITRAL).

Mediation is administered in accordance with the Rules of Mediation of the Centre. The parties may amend these rules or to agree on any other rules.

The Centre shall meet the requests of the arbitral tribunals and any other parties, to provide them with technical expertise in different fields. The Centre shall nominate specialized experts from the lists prepared for this purpose.

The Centre shall also meet the requests for administering Mini-Trials and Claim Review Boards.

For more information about the Rules of Mediation and ADR Branch, you are kindly invited to visit the Cairo Centre website at www.crcica.org.eg

- Establishment of Alexandria Centre for Commercial Arbitration

The Alexandria Centre for Commercial Arbitration was established in cooperation with Alexandria Businessmen Association as a branch of the Cairo Regional Centre for International Commercial Arbitration to administer commercial arbitration and other peaceful non-binding means of avoiding and settling trade and investment disputes.

Also, the Centre has the activity of conducting seminars and training program under the auspices of the Cairo Regional Centre for International Commercial Arbitration.

4 - Organization of International Conferences, Seminars and Training Programs

One of the important roles of the Cairo Regional Centre for International Commercial Arbitration, beside settling trade and investment disputes, is to organize international Conferences, Seminars and Training Programs in order to provide lawyers, law practitioners and businessmen the opportunities to get exposed to the latest styles in settling international trade and investment disputes.

These activities are organized in cooperation with various prominent international arbitral and non-arbitral organizations around the globe, such as UNCITRAL, UNIDO, WTO, the World Bank, WIPO, ILI, CIArb, LCIA, UNIDROIT, and others so as to tackle recent trends and concepts in the means of peaceful settlement of commercial disputes.

The Cairo Arbitration Centre organized and hosted fifty two (52) conferences, mainly international, in the field of arbitration, ADR techniques, BOT contracts, WTO agreements and its system of dispute settlement, electronic commerce, intellectual properties, construction, procurement, oil and gas.

Also the Centre conducted thirty four (34) international training programs which were held jointly with the most prominent international arbitral institutions such as the Chartered Institute of Arbitrators of London, The American Arbitration Association, the London Court of International Arbitration, the French Agency for Culture and Technical Cooperation, Euro Conference, The Arab German Chamber of Commerce, IDLI.

Groups from different countries of the Region were trained in the Centre.

Moreover, judges, administrators and businessmen from countries like Uzbekistan, Albania were trained in the Centre.

5 – The Role of the Cairo Centre in Developing Arbitral Legislations in the Region

1 – The New Egyptian Arbitration Law No. 27/1994

In June 21st, 1985, the United Nations Commission on International Trade Law approved the International Commercial Arbitration Model Law.

The Cairo Centre held a meeting, on March 11th, 1986, with the Egyptian Minister of Justice, which recommended the formulation of a Committee in the Centre to draft an arbitration law. This Committee was formed of professors of commercial law and Egyptian experts in arbitration in order to draft an arbitration law following the Model Law.

The draft was referred to the People's Assembly which ratified it. On April 18th, 1994, the Egyptian Arbitration Law Concerning Arbitration in Civil And Commercial Matters was issued under No. 27/1994, and went into force as of May 20, 1994.

Moreover, The CRCICA is taking the lead in a non-governmental initiative to review and suggest amendments to the existing Egyptian Arbitration Law no 27/1994 . A round table series of meetings has been held since April 1999 for this purpose and is envisaged to submit it final proposal as soon as possible to respond to users' needs and recent trends in the field of arbitration and other ADR techniques. Generally, the basic target is to render the Egyptian Law more responsive to correspondent changes in international trade laws and practices and more patterned of the Model Law of the United Nations Commission on International Trade Law (UNCITRAL). The attendance structure of the said

meetings was originally formulated of four basic categories: academicians, legislators, judges and arbitration practitioners.

The final amendments proposal was completed and shall be submitted to the Ministry of Justice to be reviewed and approved.

2 – The Egyptian Law of Electronic Commerce

The E-commerce has proven to be one of the most, if not absolutely the most, important issues in today's market place of trade and law.

The tendency to use the Internet in commercial transactions is highly increased, and the sums of exchanged goods and services are hiked in the last few years.

The Cairo Centre, Continuing its leading role, formed a specialized Committee to prepare a draft of the Egyptian Electronic Commerce Law. The draft is already prepared and shall be presented to the Department of Legislation, Ministry of Justice, to be reviewed and discussed.

It is worth to note that the said Department prepared another draft, it is expected that meetings will take place to discuss the two drafts in order to reach to the final draft.

The Cairo Centre's Role in the Preparing Arbitration Laws and Rules in some Arab Countries

Since the preparation of the Egyptian Law of Arbitration No. 27/1994, several Arab countries considered the Egyptian Law when they draft their own laws of arbitration. Some other Arab countries referring their laws of arbitration for reviewing and commenting by the Cairo Centre such as the Yemeni Law of Arbitration, the Jordanian Law of Arbitration, the Mauritanian Law of Arbitration.

The last of which was the Law of Arbitration of the United Arab Emirates, which referred to the Cairo Centre for revision and comments.

2 – The Centre’s Role in Supporting Arbitration Centres in the Region

a – The Djibouti Arbitration Centre

In May 1990, the Cairo Centre delegated one of its advisers in order to establish the initial and essential foundations for the Djibouti Arbitration Centre. The Delegate prepared a detailed report including the basic regulations the new arbitration centre should adopt with respect to its rules, administrative structure, the personnel affairs and equipments.

b- The Lagos Arbitration Centre

The Cairo Centre provided its experience in establishing the Lagos Arbitration Centre in Nigeria, the second Centre in Africa to which the Cairo Centre contributed laying its general principles.

c- The Bahrain Arbitration Centre

The Cairo Centre is constantly working towards strengthening its cooperation links with the Arab arbitration centers as well.

The Bahrain Ministry of Commerce and Commercial Chamber delegated a team to the Cairo Centre to consider the technical issues for the establishment of the Bahrain Arbitration Centre and the drafting of its rules.

The visit of the delegation lasted for two weeks during which its members collected all the necessary information and data for establishing the new centre, and reviewed the draft project for establishing the said centre.

d – Abu Dhabi Arbitration Centre

At its inception, the Abu Dhabi Arbitration Centre contacted the Cairo Arbitration Centre to benefit from its capabilities in administrative and organizational matters, and in training and preparing of arbitrators who will undertake the technicalities of the arbitration works.

e – Rabat Centre for Conciliation and Arbitration, Morocco

On December 2000, January 2001, the Rabat Centre for Conciliation and Arbitration delegated a team of three members to the Cairo Centre to consider the technical issues for the establishment of the Rabat Conciliation and Arbitration Centre.

The period of visit lasted for two weeks, and ended on January 7, 2001 by signing of a cooperation agreement between the Cairo Centre and The Rabat Centre.

The Rabat Centre was officially inaugurated on May 2001.

6 - The Cooperation Agreements between the Cairo Centre and other Arbitral Institutions and Organizations

Even since it was found, the Cairo Centre has constantly been strengthening its relations, through intensive communications, with the various international organizations and centres that are interested in international commercial arbitration. The Centre cooperates with such institutions which lead to exchanging experience in this field, and promotion of arbitration and other ADR as a means for resolving disputes in the international commercial and investment issues.

Such communications resulted in many joint activities which were organized by the Centre and other international arbitration organizations.

So far, forty six (46) international cooperation agreements were concluded between the Cairo Centre and other international arbitral institutions worldwide.

7 - The CRCICA Project of Online Dispute Resolution Service

Since 1999, the CRCICA has been studying the possibility of presenting on-line arbitration mechanism and has in the first place managed to introduce the system to the region by holding the first seminar of the kind in cooperation with the World Intellectual Property Organization (WIPO) on 3-4 November 1999. Since that time onwards, the CRCICA has set the target of developing this new innovation. In November 2000, the idea was materialized by developing an agreement with the Arbitration and Conciliation Centre of the World Intellectual Property Organization (WIPO) to establish a dispute resolution service specializing in the on-line settlement of disputes and leveraging state-of-the-art technologies. Advanced technologies shall be used in order to expedite the dispute resolution process and thus reduce the costs for the parties. This will include internet-based case filing facilities, on-line case management and tracking facilities as well as video-link capabilities.