



**The Cairo Regional Centre
for International Commercial Arbitration (CRCICA)**
An International Organization operating in Egypt since 1979

**Brief Progress Report
2004-2005**

For submission to :
**The 44th Session of
The Asian-African
Legal Consultative Organization**

**Nairobi – Kenya
27 June - July 2005**

• Foreword

As the CRCICA celebrates its Silver Jubilee, I look back with pride and satisfaction to the long and challenging way we passed through, having struggled through many hardships, reluctances and hostilities to seed the kernel of arbitration into a soil that had not by then attained fertility. Over many years and amidst many difficulties, the embryo grows into maturity, and now the matured is well through its third decade.

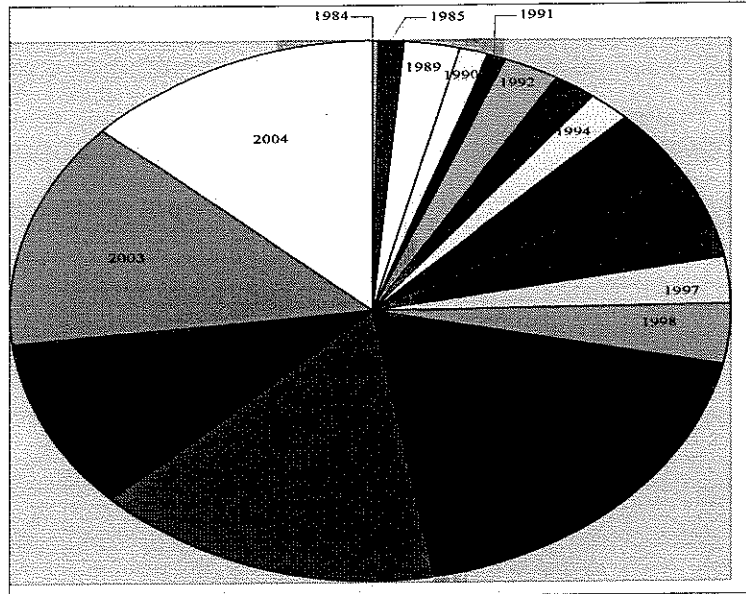
Mohamed Aboul-Enein , January

2004

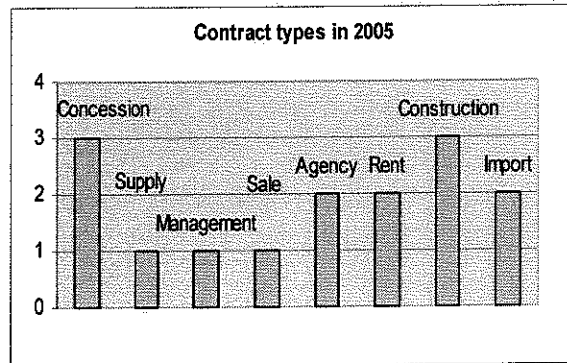
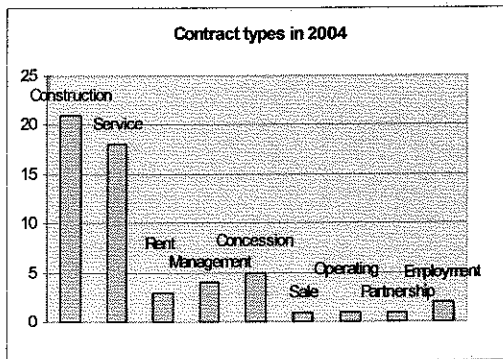
On 20 January 2004, by the side of the Nile River, CRCICA celebrated its 25th anniversary. The Celebration was attended by various key figures from Egypt, some Arab countries and international institutions. That is why the period 2004/2005 is a highly significant chronological mark in the history of the Cairo Centre as it witnesses its 25th anniversary and the momentous turn to a new era of progress with a fresh vision of a highly promising future. The present report is meant to shed light on the Cairo Centre's achievements during 2004/2005 in case administration, organization of events, external relations and other activities.

• CASE REPORT

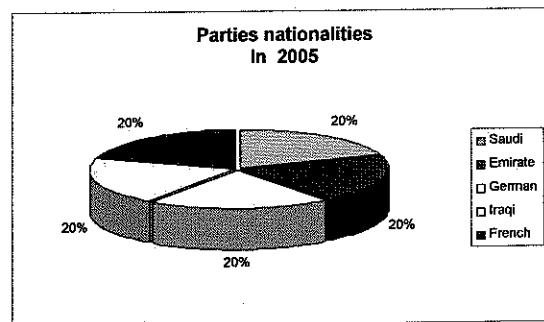
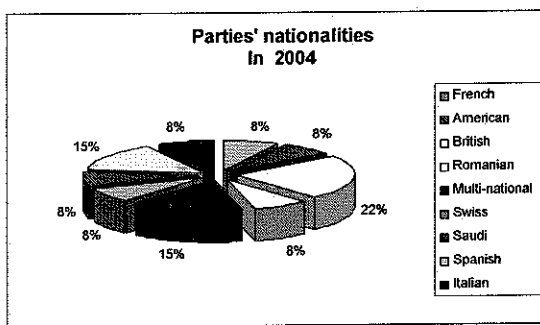
467 The total number of arbitration cases filed before CRCICA reaches 441 cases, 39 of which were filed in 2004 and 15 in early 2005. As shown in the following chart, 2003 and 2004 keep almost the same line of increase in case referrals, scoring a stable 35% increase in referrals as compared to arbitrations commenced in 2002. *Jan 2006*



As shown below, construction arbitrations constitute more than 37% of 2004 referrals followed by service arbitrations (32%). According to the right-hand-side chart, in the early months of 2005, concession agreements share the pinnacle with construction contracts. Other contracts relate to rental, management, sale, operation, partnership, employment, supply and agency.



In 2004/2005, beside multinational corporations, parties to CRCICA arbitration proceedings are business entities from a broad span of countries, including Saudi Arabia, the United Arab Emirates, Iraq, France, the United Kingdom, Switzerland, Spain, Italy, America and Romania (see the illustrating charts below). This variety in parties' nationalities is normally correlated by a similar variety in arbitrators'.



Beside arbitration, CRCICA administers other alternative dispute resolution techniques (ADRs). In this concern, it was invited in 2004 to host the proceedings of a Dispute Resolution Board reviewing a construction dispute between an Egyptian Company and another American one in the field of telecommunications according to a FIDIC Contract.

Moreover, in 2004/2005, the Cairo Centre continues to host non-CRCICA arbitrations. While ICC cases remain the most outstanding, for the first time, CRCICA will host an ICSID hearing in September 2005 utilizing the Cairo Centre's video-conferencing facility which is just being launched. This comes in implementation of the Cooperation Agreement concluded between CRCICA and ICSID as early as 1980¹. Similarly,

¹ Since that time, CRCICA and ICSID have developed various modes of cooperation, top among which is the series of international conferences on International Energy Agreements and the Settlement of relevant Disputes held in Egypt during 1995-2002.

CRCICA arbitrations are held in different countries around the world such as France and Italy.

- **CRCICA Inaugurates its Port Said Branch**

In intensification of its institutional responsiveness to arising ADR needs in different trade and investment sectors, CRCICA has been working out a geographical expansion scheme which resulted in the establishment of four Branches, the lately-inaugurated of which is the Port Said Branch². On 17 February 2004, CRCICA entered into an agreement with the Suez Canal Authority³ to establish the Port Said Branch for International Commercial and Maritime Arbitration as a Branch of the Cairo Centre. Headed by the Chairman of the Suez Canal Authority, the Board of Directors of the Branch has many key representatives of navigation companies, authorities and chambers in Port Said, Suez, Damietta and the Red Sea cities.

- **CRCICA EVENTS (2004/2005)**

CRCICA Calendar of Events features some various interesting aspects that stand as clear tokens of an increasingly flourishing international status. *In particular, the 2004/2005 Calendar strikes a very sound variation in place, substance and form.* Moving among Egypt, Morocco, Saudi Arabia and Italy, CRCICA Events of the period under reporting have approached arbitration per se and as related to construction and investment and have intensively tackled timely issues of international trade and investment such as e-commerce, Euro-Arab Partnership Agreements, WTO Agreements and the UN Convention on Contracts for the International Sale of Goods.

² Other Branches are: The Alexandria Centre for International Maritime Arbitration (ACIMA) (1992) ; The Alexandria Centre for International Arbitration (ACIA) (2001) and the Mediation and ADR Centre (2001)

³ The Suez Canal is 193 KM long and many thousands of ships pass annually through this Canal making it the busiest Canal in the world. In 2003, the Suez Canal generated \$ 2.57 billion in revenues – the highest in the Canal's 135-year history – as 15,634 ships transited the waterway with a combined cargo of around 548 millions tons.

While CRCICA mostly keeps the usual structure of its serialized events⁴ which are being held in 2004/2005, it plans to give a broad and renovating bend to the next Judicial Colloquium which ranks the fourth in the series of similar Colloquia held since 2000 and originally meant to depict the comparative views of arbitrators and judges of the region compared to an international background notably the UNCITRAL rules and regulations. In 2005, the Event will be patterned along an extensive and multi-cultural structure by the participation of key representatives of leading international arbitral institutions and chief justices of high courts in different countries. Within the bounds of this , key representatives of the French, English and Swiss judicial systems will contribute to the Event. Beside various Arab arbitral institutions, the so far confirmed international ones are the Arbitration Court of the International Chamber of Commerce (ICC) ; the American Arbitration Association which will be represented by its President Mr. William Slate ; the Swiss Arbitration Association (SAA) to be represented by its President Prof. Kaufmann-Kohler ; the Spanish Court of Arbitration and the Global Centre for Dispute Resolution Research which will be represented by Prof. Bernardo Cremades in his dual capacity as the Chairman of both of them ; the International Federation of Commercial Arbitration Institutions (IFCAI) and the Arbitration Institute of the Stockholm Chamber of Commerce to be represented by Mr. Ulf Franke in his capacity as President of the former and Secretary-General of the latter. Other confirmations are shortly expected.

Beside keeping the tradition of holding international serialized conferences, the pattern of recent events shaped a *more integrated status of CRCICA as a regional organizer of regular and commemorative*

⁴ This includes : The Third International Conference on E-Commerce Conference (January 2004) , The Third Arab Judicial Colloquium (January 2004) , The Fourth International Conference on the Effects of the European Unity on the Economics of the Arab Countries under the title : Euro-Arab Partnership Agreements (June 2004) and finally the Fifth Biennial AUIA conference of International Conference " Arbitration and Investment Conference" (July 2004).

conferences of international arbitration and trade organizations. Within the bounds of this, CRCICA co-organized the first ICC/FIDIC Cairo Conference held on International Construction Contracts and Dispute Resolution on 9-10 April 2005. The most future outstanding examples of this category are the WTO Regional Conference scheduled for February 2006. In commemoration of the Tenth Anniversary of the WTO and its Appellate Body , the WTO approached CRCICA to organize a key regional conference in a series of regional conferences the Organization has been holding in different parts of the world in 2005 and 2006 under the broad title: "The WTO at 10". The total number of conferences in the series will not be more than seven and the Cairo Event features the only one of its kind in the whole African and Arab region. Along the same lines, the United Nations Commission on International Trade Law (UNCITRAL) chose CRCICA to host and organize two significant regional conferences planned to be held in September 2005 on the occasion of the 25th anniversary of the UN Convention on Contracts for the International Sale of Goods and the 20th anniversary of the UNCITRAL Model Law on International Commercial Arbitration. Similarly, CRCICA will organize the Fourth Annual UN Forum on Online Dispute Resolution , the third of which was held in Australia on the 5th and 6th of July 2004.

Bilateral events are also an important mark of the 2004/2005 Calendar; in the light of the unique Cooperation Agreement between CRCICA and the Chamber of National and International Arbitration of Milan (CAM)⁵ , the two parties to the Agreement held three important promotional seminars in

⁵ Concluded under the auspices of the Commercial Representation of the Egyptian Ministry of Foreign Trade and the Italian Embassy in Egypt on 16 December 2003, the Agreement came to be a materialization of the Egyptian-Italian Governmental Action Plan 2003-2004 signed by the two Governments. It presents a unique model of cooperation in the field of arbitration reflecting a great deal of integrity between the two parties with the ultimate purpose of encouraging trade and investment.

Types of
CRCICA
Events in
2004/2005 :
(2) Regional
regular/cele-
bratory
conferences
of
international
arbitration
trade
organization

Types of
CRCICA
Events in
2004/2005
: (3)
Bilateral
Events

Cairo and Milan about International Commercial Arbitration. CRCICA and CAM plan to hold a joint arbitration training program in Egypt in 2005.

Jointly with CRCICA, Queen Mary School of International Arbitration (SIA) / University of London held its first Overseas Certificate Arbitration Course on 16-22 April 2005 in Cairo/Egypt. Held in Cooperation with the Cairo Branch of the Chartered Institute of Arbitrators and the American University in Cairo, the Course provided a comprehensive comparative approach with different cultural backgrounds of key arbitration experts from all around the world. Significantly enough, this magnificent variation in the backgrounds of speakers was matched by a multi-national range of respectful participants from Saudi Arabia, Jordan, Palestine, India and Egypt.

At the end of the Course, SIA and CRICICA concluded an agreement authorizing CRCICA to hold SIA International Commercial Arbitration (and other ADRs) Certificate Courses in the Afro-Asian region on regular basis. By dint of this assignment, CRCICA, will inter alia, examine the educational needs in the region and provide advice as to the adaptation of the courses to regional cultures and expectations ; recommend potential speakers for approval by SIA. SIA and CRCICA will cooperate in developing a list of approved tutors including key regional lecturers who are apt to take part in the courses and will coordinate together in bringing about a unique cross-cultural dialogue.

In general, CRCICA 2004/early 2005 Conferences were attended by participants from many countries such as Egypt, Sudan, Lybia, Saudi Arabia, Kuwait, Lebanon, Syria, Jordan, Yemen, Qatar, Oman, United Arab Emirates, Palestine, Bahrain, Tunisia, Morocco, India and Pakistan

• **CRCICA International Profile**
..... in 2004 and Beyond

The period under reporting has witnessed CRCICA's intensive contribution to the world of arbitration at large⁶. Within the bounds of this, *it continues to review draft arbitration laws in the region*, the last of which was the Moroccan Draft Law. CRCICA took part in global research activities including the ILA Research on Res Judicata and the Global Centre's on "*Critical Factors in the Establishment of a Viable Arbitration Regime*".

In 2004/2005, *CRCICA had various significant inputs in bridging lingual gaps among users of international arbitration*. In this concern, the Cairo Centre translated the Arbitration Rules of the Swiss Arbitration Association (the Swiss Rules) and the Chamber of National and International Arbitration of Milan. Similarly, CRCICA staff translated the first Arabic version of the International Trade Centre ITC's Publication entitled: "*Arbitration and Alternative Dispute Resolution – how to settle international business disputes.*" The Cairo Centre was granted exclusive right to distribute the Publication in all Arab Countries and Arab-speaking countries of North Africa and the Middle East. On a wider scale, the UNCITRAL has recently requested CRCICA to recommend legal-lingual experts to train the Commission staff in the unification of trade law terminology. It is worth noting that the Cairo Centre's recommendations were accepted.

In the given period, CRCICA has succeeded in developing unmatched international relations with key entities involved in the developmental ADR activities all around the world such as the International Federation of

⁶ See Appendix (3) : Some Selections of CRCICA Participation at International Events (2004-2005)
See Appendix (4) : Important Visits (2004-2005)

Commercial Arbitration Institutions (IFCAI), the Global Centre for Dispute Resolution Research and the International Trade Centre (ITC) (See Appen. 3)

- **Brief News**

- CRCICA launches its video-conferencing facility to be the first arbitral institution in the region offering such a high-tech sort of services.
- CRCICA assisted the Central Bank of Egypt in laying down an integrated mechanism for the rapid settlement of Banking disputes. This includes drafting the Arbitration Rules and furnishing the Central Bank with CRCICA List of Banking arbitrators and experts.
- In 2004/2005, CRCICA offered three different individual training programs one for a Lawyer of the Palestinian Arbitration Centre (Tahkeem) ; another for an intern of the Georgetown University and the last for a Dutch Lawyer specialized in Online Dispute Resolution.
- CRCICA will soon sign two new cooperation agreements; one with the Belgian Center for Arbitration and Mediation (CEPANI) and the other with the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agricultural Chamber of the Czech Republic (ACCR)
- As of January 2005, CRCICA Director has taken over his responsibilities as an elected member of the Board of Trustees of the Chartered Institute of Arbitrators (London) for the Middle East / Indian Sub-Continent Region. In his new capacity, he

will work with the chairmen of the CIArb Branches in the area to design regionally-adapted CIArb Training Programs.

- Dean John B. Attanasio, Dean of SMU Dedman School of Law (Texas , U.S.A.) will visit Egypt on June 18 to present the Distinguished Global Alumnus Award to Dr. Mohamed Aboul-Enein, the Director of the Centre for his *"extraordinary achievements and services that bring the Dedman School of Law outstanding positive recognition"*. CRCICA will invite key legal figures and justices to a welcoming reception in honor of Dean Attanasio.

Appendix (1)		
Past Events (2004/2005)		
Date/Venue	Event / Venue	Other/Main Organizers
17 – 18 January 2004	The Third International E-Commerce Conference Arab League Main Conference Hall Cairo / Egypt	United Nations Commission on International Trade Law (UNCITRAL) Egyptian Ministry of Communication and Information The Arab League
19 January 2004	Third Arab Judicial Colloquium Arab League Main Conference Hall Cairo / Egypt	UNCITRAL The Arab League
6-9 March 2004	Arbitration Training programs leading to the Membership of the Chartered Institute of Arbitrators (CI Arb) CRCICA Conference Hall Cairo / Egypt	The Chartered Institute of Arbitrators (CI Arb) (London) CI Arb Cairo Branch
7 March 2004	Seminar on : New Trends in Construction Arbitration CRCICA Conference Hall Cairo / Egypt	As above
8-10 March 2004	Recent Trends in E-Commerce and Electronic Signatures in the light of Shari'aa Law Jeddah / Saudi Arabia	Jeddah Chamber of Commerce and Industry Wahieb El Lamy Law Firm
29 May – 2 June 2004	WTO Training Course CRCICA Conference Hall Cairo / Egypt	Middle East Development Law Institute (MEDLI)
29 May – 9 June 2004	Procurement Training Course CRCICA Conference Hall Cairo / Egypt	As above
27 June 2004	Egyptian-Italian Arbitration Seminar and Workshop CRCICA Conference Hall Cairo / Egypt	Milan Chamber of National and International Arbitration (CAM)
28-29 June 2004	International Conference on : European-Arab Partnership Agreements Arab League Main Conference Hall Cairo / Egypt	Egyptian-European Council The Arab League Arab Investors Federation
1-3 July 2004	The Fifth Biennial Conference of the Arab Union of International Arbitration Rabat-Morocco	Arab Union of International Arbitration (AUIA) Morocco Arbitration and Conciliation Centre
17 September 2004	CRCICA/CAM Arbitration Seminar Premises of Milan Chamber of International and National Arbitration Milan / Italy	CAM Egyptian Embassy in Italy
6-8 December 2004	Arbitration Training Program CRCICA Conference Hall Cairo / Egypt	Egyptian Bar Association
9-10 April 2005	International Construction Contracts and Dispute Resolution Conference. Inter-Continental Hotel Cairo / Egypt	ICC FIDIC
16-22 April 2005	The First SIA Distant Course : International Commercial Arbitration Certificate Course Succeeded by : A Seminar on Drafting Arbitration Awards. CRCICA Conference Hall Cairo / Egypt	Queen Marry School of International Arbitration- University of London CRCICA Cairo Branch of the Chartered Institute of Arbitrators
9-10 May 2005	New Strategies in International Arbitration: the Mediterranean Project of the Milan Chamber of Arbitration Intern-Continental Hotel Cairo / Egypt	Milan Chamber of National and International Arbitration Italian Chamber of Commerce in Egypt

**Appendix (2)
Future Events (2004 / 2005)**

Date	Event	Other / Main Organizer
12-13 September 2005	UNCITRAL Regional Conference on the Occasion of the 25 th Anniversary of the UN Convention on Contracts for the International Sale of Goods.	UNCITRAL
14-15 September 2005	UNCITRAL Regional Conference on the Occasion of the 20 th Anniversary of the UNCITRAL Model Law on International Commercial Arbitration	UNCITRAL
September 2005	International Arbitration Workshop	CAM
Late September 2005	Arbitration Training Program for Iraqi Lawyers and Judges	International Law Institute (ILI)
19-21 November 2005	International Conference of the Arab Union of International Arbitration on "The Vital Role of the Judiciary in Arbitration"	The Arab Union of International Arbitration
14-16 February 2006	Regional Conference on the occasion of 10 th Anniversary of the WTO and its Appellate body	WTO
4-10 March 2006	The Second SIA distant Course: International Commercial Arbitration Certificate Course To be succeeded by : A Seminar on Drafting Arbitration Awards.	Queen Marry School of International Arbitration- University of London Cairo Branch of the Chartered Institute of Arbitrators
Mid-March 2006	The Fourth Annual UN Forum on Online Dispute Resolution	UN Expert Commissions
Undated	Second International Conference on "Banking Risk Management, Restructuring and Dispute Settlement"	Egyptian Central Bank WB
Undated	International Conference on the Settlement of Procurement Disputes	UNCITRAL Egyptian Ministry of Finance

Appendix (3)
Some Selections of
CRCICA Participation in International Events
2004/2005

Date and Venue	Event	CRCICA Research Paper / Role-Play (if applicable)	Post-Event Action (if applicable)
3-4 March 2004 Casablanca / Morocco	International Seminar on : Domestic and International Commercial Arbitration	Paper Title : Arbitrability of Disputes Role Play : On the sidelines of the Seminar, CRCICA Director took vital part in reviewing the Moroccan Draft Arbitration Law and assumed a leading role in inviting presidents of international arbitration institutions and individual experts to take part in relevant discussions.	
22-23 April 2004 The Hague – Netherlands	Annual Research Conference of the Global Centre held under the title “Implications for the Future of International Commercial Arbitration”,	Role-Play : CRCICA provided guidance on arbitration in the region for the Conference's main research entitled : “critical factors in the establishment of a viable arbitration regime”. CRCICA took part in the conclusive session of the Conference entitled “What will the Future Bring ?” in which contributors discussed the future of international commercial arbitration against the background of some suggested amendments of the UNCITRAL Model Arbitration Rules .	
3 May 2004 Jeddah / Saudi Arabia	Seminar on " The Role of Arbitration and Expertise in Construction Disputes "	Paper Title : Comparative International Commercial Arbitration Rules and their Applications in International Construction Cases.	
7 May 2004 London / UK.	The Second Conference of the British Institute of International and Comparative Law's Investment Treaty Forum held under the title : Appeals and Challenges to Investment Treaty Awards: Is It Time for an International Appellate System ?	Post-Event Action : In the light of the recommendations and final statement of the Conference, CRCICA started surveying on a regional level the future possibility of having an international appellate system for arbitral awards	
16-18 May 2004	17 th ICCA Conference	Paper Title :	

Beijing / China		Arbitration of Foreign Investment Disputes ... <i>Responses to the New Challenges and Changing Circumstances</i>	
27-29 May 2004 Tunis / Tunisia	Investment, Finance and Arbitration Conference	Paper Title : The Jurisdiction of Arbitral Tribunals	
13-17 September 2004 Vienna / Austria	UNCITRAL Arbitration Session		
23 September 2004 Chamonix / France	1 st Symposium of the International Trade Centre (ITC) UNCTAD/WTO on : Strengthening Mediation and Arbitration Centres	Paper Title: The Patient Work of Building an Arbitration Centre	Post-Event Action: Since the end of the Symposium, CRCICA has taken part in an active inter-institutional dialogue for the purpose of exchanging technical and administrative expertise among all participating institutions.
9 – 10 October 2004, Cairo – Egypt	An International Conference on Legal Culture and the Development Process	Paper Title: Harmonizing Cultural Norms in the Settlement of Transnational Disputes	Post-Event Action : After the Conference, CRCICA Director was elected member of the Board of Overseers of the London Forum for International Economic Law and Development
24-25 May 2005 New York / U.S.A	Annual Research Conference of the Global Centre Conference held under the title : Global Trends in the Management and Practice of International Commercial Arbitration	Paper Title : Globalization and International Commercial Arbitration Role Play : Being the only Board-Member from the Afro-Asian Region, CRCICA Director participated at the Global Centre's Board of Directors Meeting held on 23 May.	
3 June 2005 Washington / U.S.A.	8 th Biennial IFCAI Conference held under the title : Key Current Issues in International Arbitration	Paper Title : Recent Trends concerning Conflicts of Interest in International Commercial Arbitration Role Play : In his capacity as Chairman of the IFCAI Institutional Section, CRCICA Director will head the Section 's Meeting scheduled for 2 June. One of the most important issues of discussion will be the different institutional responses to the IBA Guidelines on Conflicts of Interest in International Commercial Arbitration.	

Appendix (4)
Selection of important Visits
2004/2005

Date / Visitors' Country	Guest Name and Postion	Reason /Outcome of the Visit
13 December 2004 U.S.A.	Prof. Don Wallace, Chairman of the International Law Institute	Discussing the scope of future mutual activities
14 December 2004 U.S.A.	Mr. Peter Kyle , Acting Chief Counsel , Finance, Private Sector and Infrastructure Practice Group , Legal Department World Bank	Discussing details of the CRCICA Second Banking Conference
14 December 2004 U.S.A	A Delegation of the International Finance Corporation (IFC) composed of Mr. Frank Sader , Senior Private Sector Development Specialist Small and Medium Enterprise Department ; Mr. Andrew Stone , Sr. Private Sector Development Specialist Investment Climate Unit Private Sector Development Vice Presidency International Finance Corporation ; Ms. Mary Porter Peschka, Operations Officer PEP-ME; Ms. Nadia Mahmud Operations Officer PEP-ME	Getting acquainted with CRCICA roles and activities in the region.
30 January 2005 Italy	Prof. Avv. Giuseppe De Palo ; Mr. Gilles Blanchi ; ADRCenter (funded by the European Commission in Promotion of International Commercial Arbitration and other Alternative Dispute Resolution Techniques in MEDA Countries)	Seeking CRCICA Cooperation in implementing the European Commission Project on : "The Promotion of International Commercial Arbitration and ADR Techniques in MEDA Countries
6 March 2005 China	Delegation of the Xiamen Arbitration Commission headed by Mr. Zhang Binsheng , Director of the Commission	Getting acquainted with CRCICA role and activities in the region.
12 April 2005 Switzerland	Mr. Peter Boswell , FIDIC General Manager	Inviting CRCICA to organize a series of Workshops on the FIDIC Contracts
14 April 2005 Switzerland	Prof. George Abi-Saab , Ex-Chairman of the WTO Appellate Body	Preparing for the Regional WTO Conference scheduled for February 2006
20 April 2005 UK and France	Mr. Simon Stebbings ; Ms. Reza Mohtashami , Freshfields Bruckhaus Deringer	Getting acquainted with CRCICA roles and activities in the region.
11 May 2005 London / UK.	Mr. Taher EL Sherif , Secretary of the Egyptian-British Chamber	Inviting CRCICA to contribute to the Chamber's Annual Conference scheduled for July 2005
29 May 2005 China	A Delegation of the Chinese Council for the Progress of International Trade (CCPIT) headed by Mr. Wu Guocheng , Director of the Council. Among the ten members of the delegation is Mr. Huang Wen, Deputy Secretary General of The China International Economic & Trade Arbitration Commission (CIETAC) and Mr. Wang Kang Wu, Deputy Director and Chief Secretary General of Shanghai Arbitration Commission.	Getting acquainted with CRCICA roles and activities in the region.