

# CRCICA ANNUAL REPORT 2011-2012



The Cairo Regional Centre for International Commercial Arbitration  
(CRCICA)

An International Organization operating in Egypt since 1979

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# Letter from the Director



This Report is drafted while Egypt, the country hosting the headquarters of the Cairo Regional Centre for International Commercial Arbitration (CRCICA), is witnessing a historic democratic change. For the first time ever, Egyptians are freely electing their president in elections that have the potential to not only change Egypt, but the entire region. These elections will conclude the intricate transitional period that has started after the January 25<sup>th</sup> Revolution and would help Egypt regain its position as a vital economic partner and an investment friendly host state.

These developments inspire both hope and confidence in a brighter future for Egypt and the region. They come at an important time for CRCICA, which, since May 1<sup>st</sup>, 2012, has a new Board of Trustees (BOT) as well as a new Advisory Committee (AC). Both organs are composed of eminent African, Asian and other personalities specialized in the fields of international arbitration, law, business, trade, investment and international relations.

The functions of the BOT include the appointment of CRCICA's Director, setting down the general policy for achieving its objectives and ratifying the Auditor's report for each fiscal year. The new BOT shall confirm CRCICA's position as a leading regional arbitral institution and a major administrator of international arbitration cases.

The AC carries out, in particular, the functions provided for in Articles 6, 8(5), 12, 13(5), 14(2) and 45(12) of the CRCICA's Arbitration Rules in force as of March 2011 as well as any other functions that may be referred to in CRCICA's future Arbitration Rules. The AC shall guarantee collegial decision-making with respect to several vital procedural matters, including the challenge and removal of arbitrators.

One of the first tasks of the newly appointed BOT and AC will be to review and adopt the draft new CRCICA Mediation Rules, which has been prepared by a Working Group composed by CRCICA from amongst CEDR accredited mediators and in cooperation with the IFC.

On 1 March 2012, CRCICA has celebrated the first anniversary of its new Arbitration Rules in force as of 1 March 2011. As reported in our previous annual report, the new Rules are based on the new UNCITRAL Arbitration Rules, as revised in 2010, with minor modifications emanating mainly from CRCICA's role as an arbitral institution and an appointing authority. The application of the Rules during the last year permitted the identification of the salient new provisions that have thus far been frequently invoked and efficiently used by the parties to arbitrations under CRCICA's auspices. I am very satisfied with the positive appraisal the new Rules have received from our users, who continue to benefit from the new and amended provisions relating in particular to multiparty arbitrations, the *prima facie* test of CRCICA's jurisdiction and the number of arbitrators.

The year 2011 was a very difficult year in Egypt and the region. However, the number of new cases filed in 2011 was exactly as in 2010 (66 new cases). The first half of 2012 witnessed the filing of 42 new cases compared to 30 cases filed during the same period in 2011. I am particularly proud of the diversity of disputed contracts and nationalities of both the parties and the arbitrators. The recent appointment of CRCICA as an Alternative Hearing Centre (AHC) of the Court of Arbitration for Sport (CAS) will definitely contribute to the settlement of more sports-related disputes. I am also very happy to see new mediation and other ADR mechanisms more frequently used under our auspices.

CRCICA's activities in 2011 and early 2012 were focused on offering first class training programs and workshops for young and more experienced practitioners, organizing a pan regional conference on inter-Arab investments and related disputes as well as a Mediterranean perspective conference on the independence and impartiality of arbitrators.

I am also extremely proud to see CRCICA continuing its active contribution to the worldwide development of the theory and practice of arbitration and ADR. CRCICA's regional experience and reputation entitled it to become a key player and a member of major arbitral organizations such as the IFCAI and very recently the ICCA.

CRCICA is starting the second half of the year 2012 with the implementation of very ambitious projects relating to the development of a new website, the rebranding of its logo, the automation of its library and the renovation of its hearing and meeting rooms.

I am confident that, with the devotion of my colleagues and the support of both the regional and international arbitration communities, CRCICA is very well prepared to achieve its short-term objectives.

# The New CRCICA Arbitration Rules in Practice



**T**he new CRCICA Arbitration Rules (“Rules”) have entered into force since March 1<sup>st</sup>, 2011 and already have applied to arbitral proceedings commencing after this date.

The Rules serve four basic purposes. First, they guarantee collegial decision-making with respect to several vital procedural matters, including the rejection of appointment, as well as the removal and the challenge of arbitrators. Second, they seek to modernize CRCICA’s arbitration rules and to promote greater efficiency in arbitral proceedings. Third, they fill in a few gaps that have become apparent over the years. Finally, they adjust the original tables of costs to ensure more transparency in the determination of the arbitrators’ fees.

It is still early to assess the exact impact of the revised Rules on the development of CRCICA’s caseload. However, the application of the Rules during the last year permitted the identification of the salient new provisions that have thus far been frequently invoked and efficiently used by the parties to arbitrations under CRCICA’s auspices.

On top of the list is the new Article 10 regarding multiparty arbitrations. It has been invoked several times where the multiple parties on either side were unable to agree upon the constitution of the tribunal due, in particular, to the fact that they do not form a single group with common rights and obligations, for instance, in cases

involving a large number of shareholders. In such cases, the Centre was requested to constitute the arbitral tribunal and in doing so it has thus far not revoked any appointment already made and has appointed or reappointed each of the arbitrators and designated one of them as the presiding arbitrator.

Another practical provision is Article 7/2 of the Rules. Article 7, dealing with the number of arbitrators, provides, as a default rule, that in case parties do not agree on the number of arbitrators, three arbitrators should be appointed. However, Article 7/2 includes a corrective mechanism so that, if no other parties has responded to a party’s proposal to appoint a sole arbitrator and the party(ies) concerned have failed to appoint a second arbitrator, the appointing authority may, at the request of a party, appoint a sole arbitrator, if it determines that, in view of the circumstances of the case, this is more appropriate. That provision has been included in the Rules to avoid situations where, despite the claimant’s proposal in its notice of arbitration to appoint a sole arbitrator, a three-member arbitral tribunal has to be constituted due to the respondent’s failure to react to that proposal. It provides a useful corrective mechanism in case the respondent does not participate in the process and the arbitration case does not warrant the appointment of a three-member arbitral tribunal. That mechanism is not supposed to create delays, as the appointing authority is requested to intervene in the appointment process.

The flexibility contained in this provision has allowed the Centre to appoint a sole arbitrator where one of the parties proposed the appointment of a sole arbitrator and the other party has failed to appoint a co-arbitrator. The Centre has applied this provision in circumstances where it was more appropriate to appoint a sole arbitrator in view of the small amount in dispute. When determining whether a sole arbitrator is more appropriate for the case in view of the circumstances, the Centre also takes into consideration the complexity of the case, having regard to the nature and number of parties, i.e. if one party is a State, whether there are (or will potentially be) counterclaims, set-off claims or cross claims.

The new Article 6 is also worth noting. It has been successfully invoked allowing the Centre to decide, upon the approval of the Advisory Committee, not to proceed with a dispute over which it manifestly lacked jurisdiction. Such decision was taken *prima facie* following the assessment of the response to the notice of arbitration.

Article 12 of the Rules has recently been successfully invoked by a party seeking the removal of a substitute arbitrator who deliberately delayed the continuation of the arbitral proceedings after the reconstitution of the arbitral tribunal. The decision to remove the arbitrator was made by an impartial and independent tripartite ad hoc committee composed by the Centre from amongst the members of its Advisory Committee.

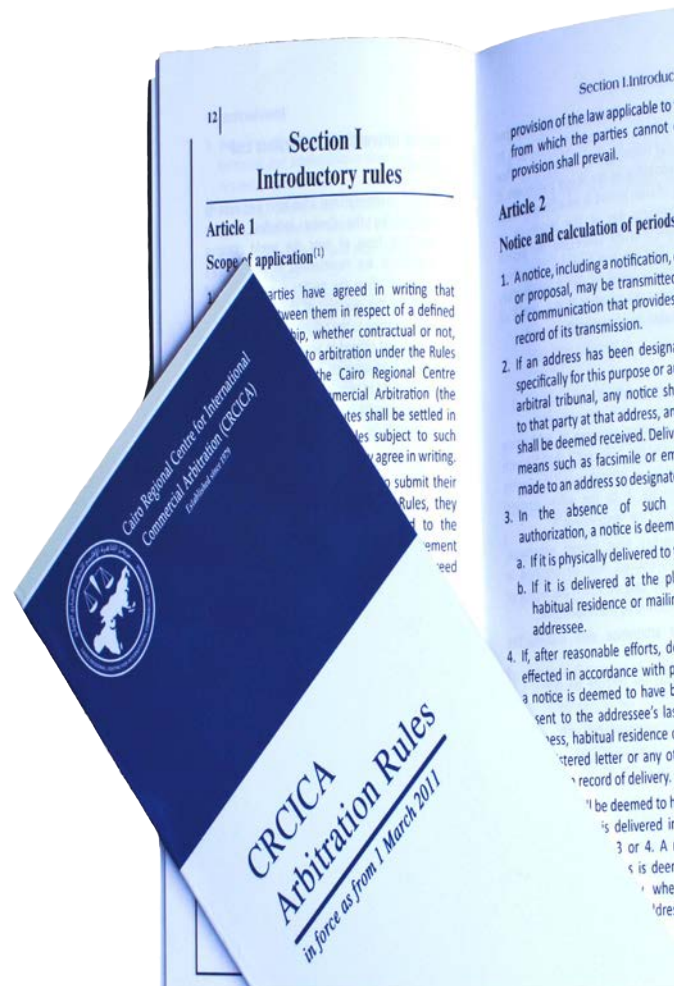
Finally, paragraph (e) of Article 4/2 was invoked for the first time by a respondent whose response to the claimant's notice of arbitration included a notice of arbitration against a party to the arbitration agreement other than the claimant.

The Centre anticipates a very active future for Articles 14/2 (truncated tribunals) and 17/6 (third party joinder). The Centre has actually encountered some exceptional circumstances under its former rules in which it was requested to deprive a party of its right to appoint a substitute arbitrator and either appoint the substitute arbitrator itself or, after the closure of the hearings,

authorize the other arbitrators to proceed with the arbitration and make any decision or award. Such exceptional circumstances included cases of improper conduct of a party, for example, if a party used dilatory tactics with respect to the replacement procedure of an arbitrator, or in case the improper conduct of the arbitrator is clearly attributable to the party.

Also, there is an increasing number of complex disputes arising out of multiple contracts involving several parties that have been filed under the auspices of the Centre. It is expected that the parties to such disputes apply for the joinder of third persons who are parties to the arbitration agreement.

The Centre is of course satisfied to observe the recurrent employment by the parties of several provisions of its revised Rules. It will continue to monitor very closely the impact of such Rules on the efficiency of the arbitral proceedings conducted under its auspices.



# CRCICA's Caseload

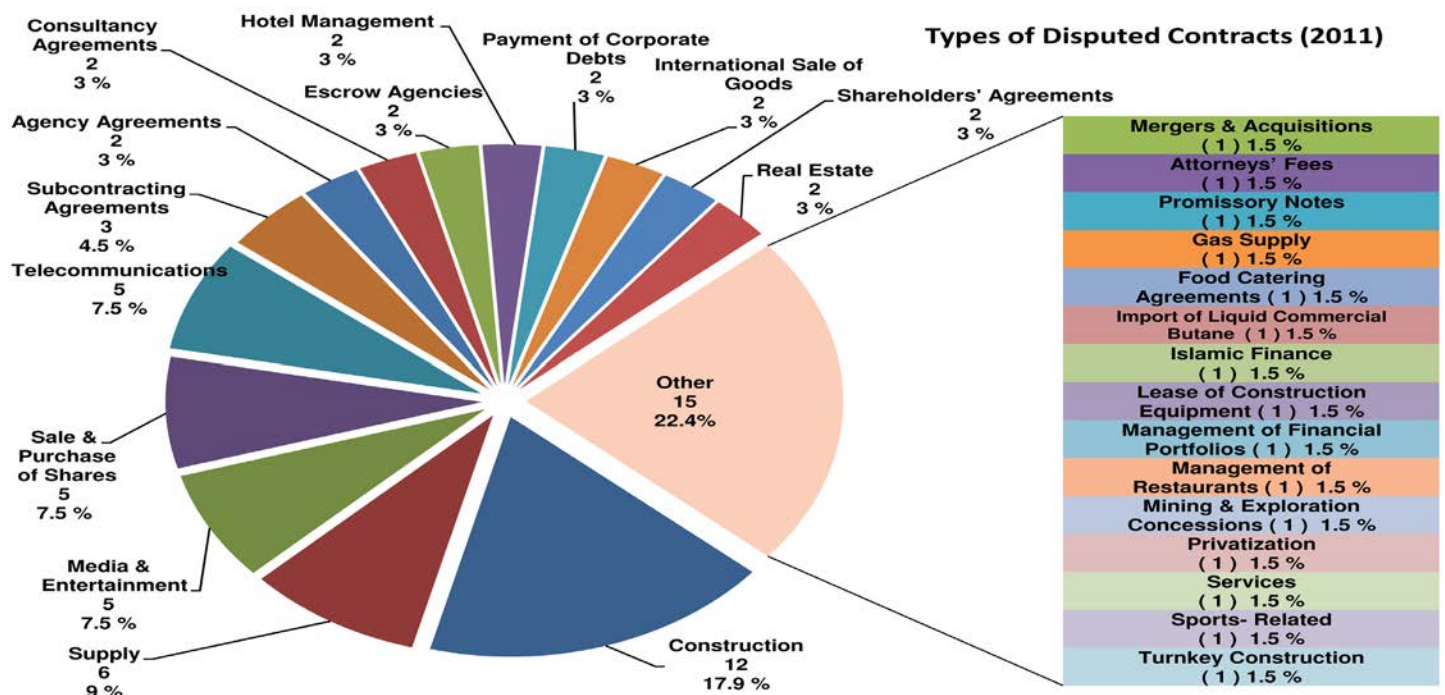


The total number of arbitration cases filed before CRCICA until the end of May 2012 reached 834 cases. In 2011, 66 new arbitration cases were filed before CRCICA, which is exactly the same number of cases filed in 2010. Among the 66 new cases filed in 2011, 19 were international cases against 16 cases in 2010, scoring as such a 19% annual increase in international cases.

In the first half of 2012, 42 new arbitration cases were filed, scoring as such 40% annual increase compared to the first half of 2011 (30 cases).

CRCICA's 2011 caseload involved disputes relating to construction, supply, media and entertainment, sale and purchase of shares, telecommunications, subcontracting agreements, agency agreements, consultancy agreements, escrow agencies, hotel management, payment of corporate debts, international sale of goods, shareholders' agreements, real estate, mergers and acquisitions, attorneys' fees, promissory notes, gas supply, food catering agreements, import of liquid commercial butane, Islamic finance, lease of construction equipment, management of financial portfolios, management of restaurants, mining and exploration concessions, privatization, services, sports-related and turnkey construction.

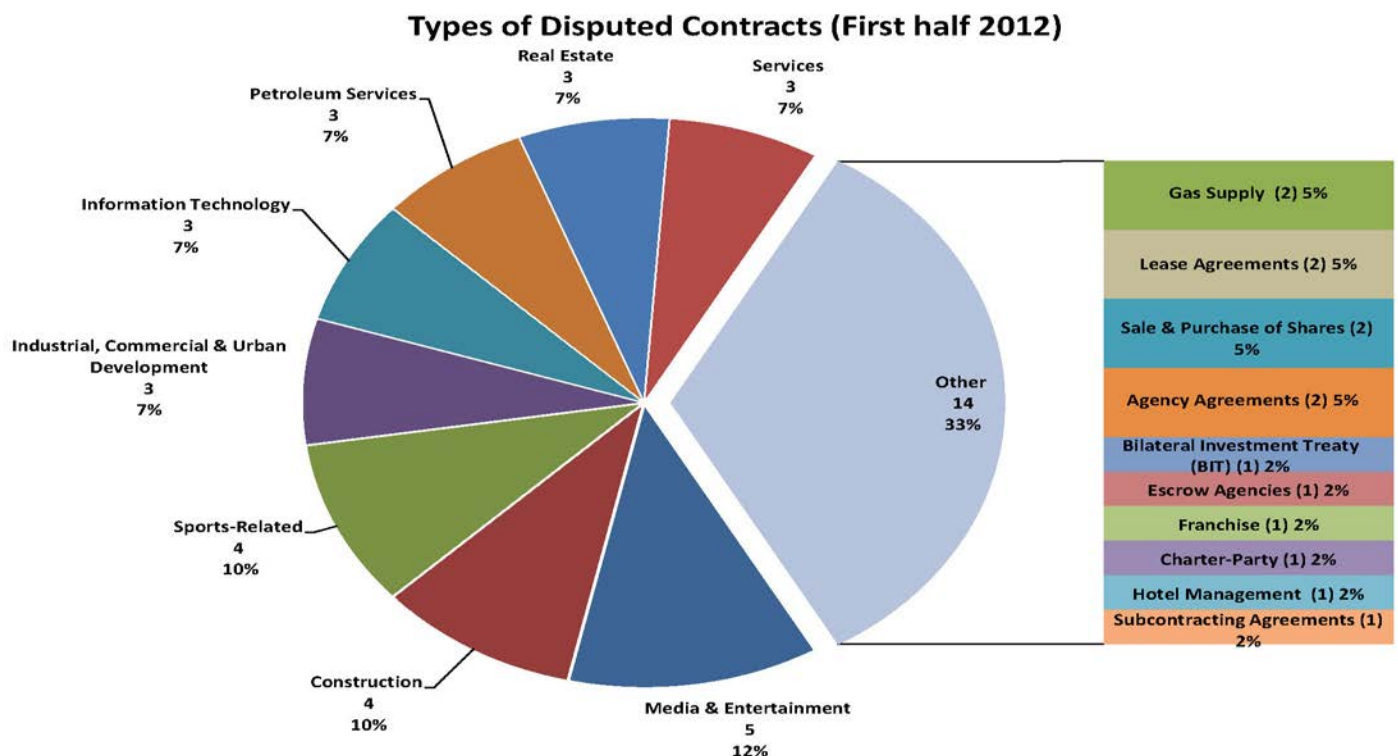
The following pie shows a breakdown of the types of disputed contracts during 2011:



As can be seen, construction disputes still rank on top of CRCICA's caseload (17.9%), while disputes arising out of supply contracts, telecommunications, sale and purchase of shares and media and entertainment are witnessing a remarkable increase. It is worth noting that 2011 witnessed the filing of the first CRCICA sports-related dispute concerning the satellite broadcasting of a sportive event. Also, a case relating to the review of gas supply prices is of particular importance. An Islamic finance dispute arising out of a contract for *Mudarabah* and *Murabaha* was also brought before the Centre. Another dispute relating to the privatization of a well-known publicly-owned department store was also filed. Regarding real estate disputes, the year 2011 witnessed the filing of a domestic dispute arising out of the sale of a vacant land in Sahl Hashish, Egypt as well as an international dispute arising out of the sale of properties in Alexandria, Egypt. It is also worth mentioning that two cases arising out of escrow agency agreements were filed in 2011 as well as a case relating to the import of liquid butane. Concerning mergers and acquisitions, one case was filed relating to the acquisition of an industrial manufacturer of food products. A case relating to promissory notes and another one arising out of a food catering agreement were also filed in 2011.

In the first half of 2012, CRCICA's caseload involved disputes relating mainly to media and entertainment, construction, sports-related, industrial, commercial and urban development, information technology, petroleum services, real estate, services, gas supply, lease agreements, sale and purchase of shares, agency agreements, escrow agencies, hotel management and subcontracting agreements. It is worth noting that 2012 witnessed the filing of an inter-Arab investment arbitration based on a Bilateral Investment Treaty (BIT) concluded between two north African Arab states, referring investment disputes between the investors of the contracting states and the host state to arbitration under CRCICA's auspices. Sports-related disputes and those arising out of information technology and real estate are witnessing a remarkable increase. Also, three cases relating to the industrial, commercial and urban development in three Egyptian governorates (Luxor, Damanhur and Suez) are of particular importance. A maritime case arising out of a charter-party was also brought before the Centre. Another dispute relating to a franchise agreement was also filed.

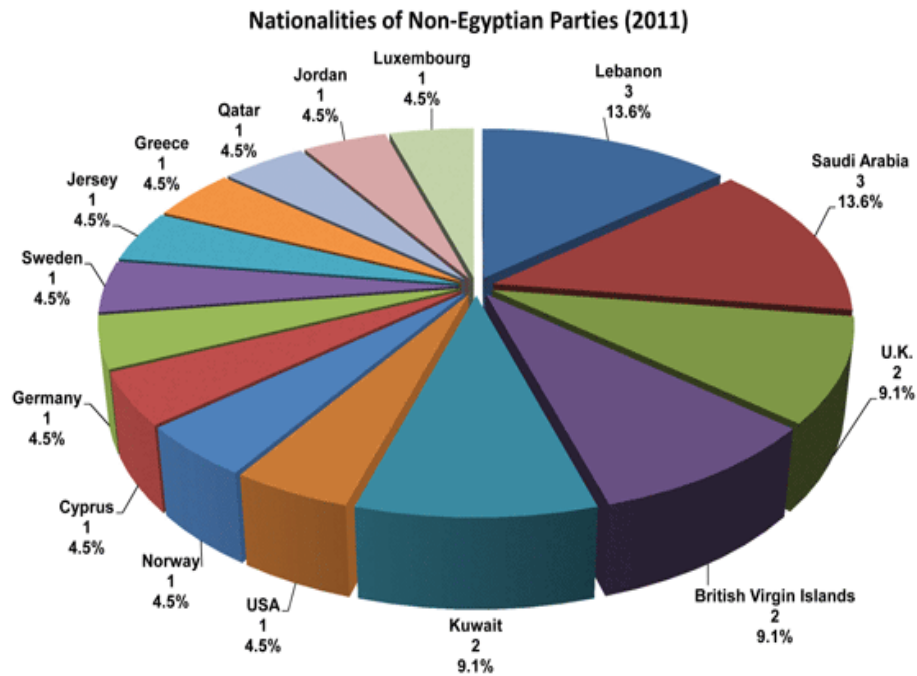
The following pie shows a breakdown of the types of disputed contracts during the first half of 2012:



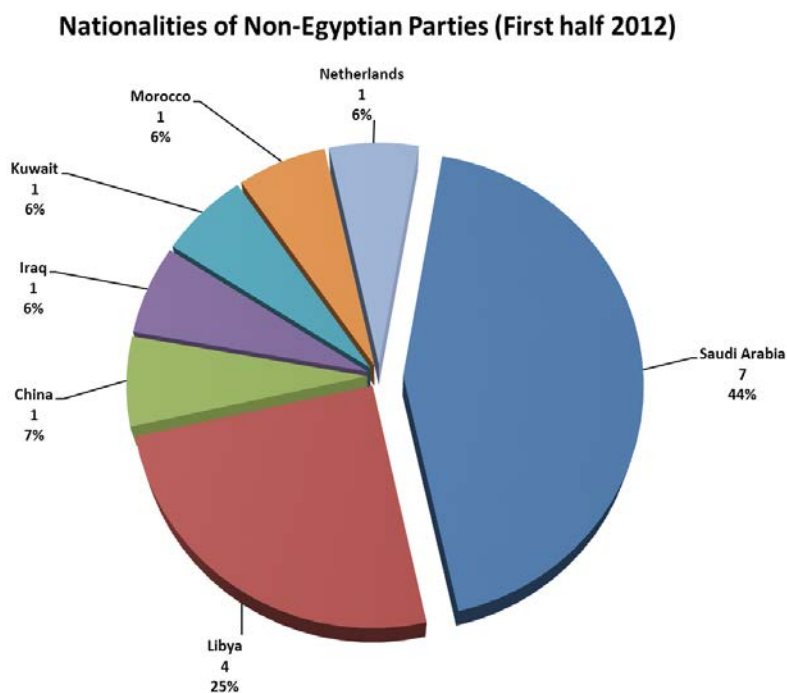


The rich variety of the types of disputed contracts referred to CRCICA in 2011 and 2012 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices.

In 2011, the parties to CRCICA's arbitrations were from Egypt, Lebanon, Saudi Arabia, the UK, British Virgin Islands, Kuwait, the US, Norway, Cyprus, Germany, Sweden, Jersey, Greece, Qatar, Jordan and Luxembourg. The following pie shows a breakdown of the nationalities of non-Egyptian parties during 2011:



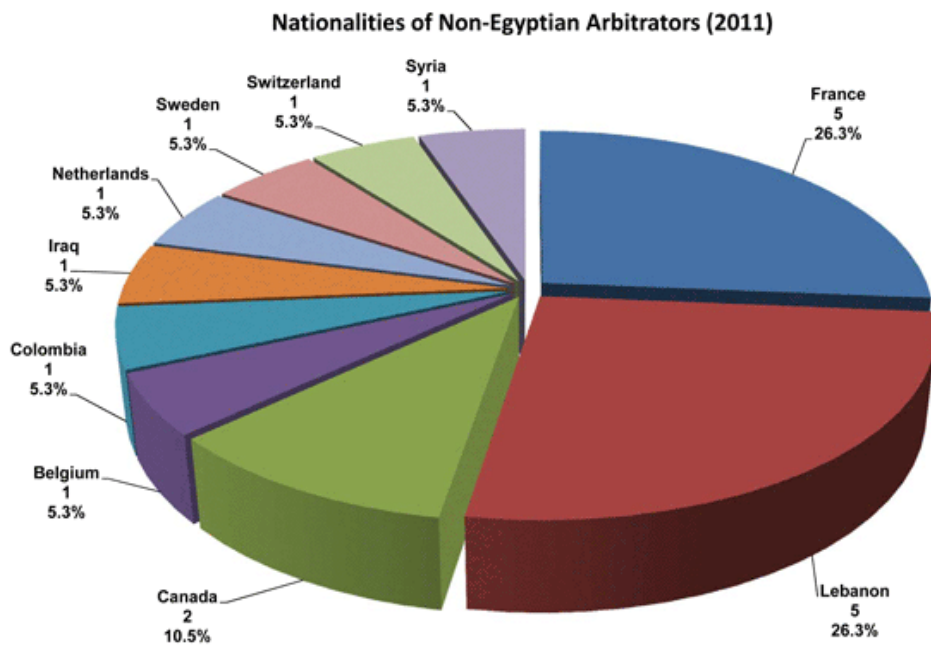
In the first half of 2012, arbitration proceedings also involved parties from different countries including Saudi Arabia, Libya, China, Iraq, Kuwait, Morocco and the Netherlands. The following pie shows a breakdown of the nationalities of non-Egyptian parties during the first half of 2012:



CRCICA is pleased to see that, in 2011 and the first half of 2012, its Arbitration Rules have been selected by Scandinavian parties from Norway and Sweden and notes an increasing number of cases involving companies incorporated in the British Virgin Islands, Jersey and Luxembourg, relating mainly to sale and purchase of shares and shareholders' agreements. CRCICA also notes an interesting number of cases involving parties from Germany, Greece, Cyprus, the United Kingdom, the United States of America, China and the Netherlands. CRCICA is also very satisfied with the Arab representation in its caseload. This includes Saudi Arabia, Libya, Lebanon, Kuwait, Iraq, Qatar, Morocco and Jordan.

In 2011, arbitrators acting under the auspices of CRCICA came from Egypt, Lebanon, France, Belgium, Canada, Colombia, Iraq, the Netherlands, Sweden, Switzerland and Syria. In the first half of 2012, arbitrators from Tunisia, Lebanon and the United Kingdom were appointed. French arbitrators rank on top of non-Arab arbitrators, while Lebanese arbitrators are the most frequently appointed Arab arbitrators.

The following pie shows a breakdown of the nationalities of non-Egyptian arbitrators during 2011:



# The Appointment of New Members to CRCICA's Board of Trustees

As of May 1<sup>st</sup>, 2012, CRCICA has new members appointed to its Board of Trustees ("BOT").

The new BOT shall confirm CRCICA's position as a leading regional arbitral institution and a major administrator of international arbitration cases.

CRCICA's BOT consists of ten (10) members at least and thirty (30) members at the most to be appointed from amongst eminent African and Asian personalities specialized in the fields of international arbitration, law, business, trade, investment and international relations. The BOT includes up to 20% of its members from outside the Afro-Asian Region from amongst figures specialized in the aforementioned fields.

The term of the current BOT is four years, which may be renewed once for a similar term, unless otherwise determined due to special circumstances. The current Chairman of the BOT is his Excellency Dr. Nabil Elaraby, the Secretary General of the League of Arab States.

The BOT shall carry out, in particular, the following functions:

- a. appointing the Director of the Centre in consultation with AALCO for a four-year term, which may be renewed once for a similar term, unless otherwise determined due to special circumstances. The Director shall continue to hold office until a new Director is appointed;
- b. setting down the general policy for achieving the objectives of the Centre;
- c. ratifying the Auditor's report for each fiscal year;
- d. approving and supervising the implementation of the annual action plan of the Centre;
- e. adopting the Arbitration, Mediation and other Alternative Dispute Resolution (ADR) Rules and procedures under the auspices of the Centre, as well as any amendments thereto;
- f. approving the Centre's standards regarding the selection of arbitrators, mediators, conciliators and experts for disputes conducted under its auspices, especially those regarding which the Centre acts as the appointing authority;
- g. approving the panels of international arbitrators, conciliators and technical experts of the Centre, as well as any necessary amendments (additions or omissions thereto); and
- h. deciding on matters referred thereto by the Advisory Committee of the Centre.

**Chairman:**



**Members:**



The current members of the BOT are (in alphabetical order):

**Prof. Dr. Georges ABI-SAAB**

**Prof. Dr. Ahmed Kamal ABUL MAGD**

**Dr. Ali Bin Fetais AL MARRI**

**Prince Dr. Bandar Ben Salman AL SAUD**

**Dr. Ziad A. AL-SUDAIRY**

**Dr. Mohamed EL BARADEI**

**Prof. James CRAWFORD**

**Prof. Bernardo M. CREMADES**

**Dr. Abdel Hamid EL AHDAB**

**Prof. Dr. Yehia EL GAMAL**

**Prof. Dr. Aly H. EL GHATIT**

**Prof. Dr. Ahmed S. EL KOSHERI**

**Coun. Mohamed Amin EL MAHDY**

**Prof. Dr. Hamza HADDAD**

**Coun. Dr. Adel F. KOURA**

**Mr. Philippe LEBOULANGER**

**Dr. Nayla Comair OBEID**

**Judge Hisashi OWADA**

**Prof. Dr. Fouad A. RIAD**

**Mr. Michael SCHNEIDER**

# The Appointment of New Non-Egyptian Members to CRCICA's Advisory Committee

As of May 1<sup>st</sup>, 2012, CRCICA has new non-Egyptian members appointed to its Advisory Committee ("AC").

CRCICA's AC consists of a Chairman, two (2) Vice Chairmen, and twelve (12) members at the most appointed by the Director of the Centre from amongst the members of the BOT as well as eminent African, Asian and other personalities specialized in the fields of international arbitration.

The term of the current AC is four years, which may be renewed once for a similar term, unless otherwise determined due to special circumstances.

The AC shall guarantee collegial decision-making with respect to several vital procedural matters, including the challenge and removal of arbitrators.

The AC shall carry out, in particular, the functions provided for in Articles 6, 8(5), 12, 13(5), 14(2) and 45(12) of the Centre's Arbitration Rules in force as of 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;
- 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 amongst the members of the AC. The decision shall be made by the majority of votes of the members of the *ad hoc* Committee and shall be both final and unchallengeable;
- d. deciding on the challenge of arbitrators according to Article 13(5) of the Rules via an impartial and independent tripartite *ad hoc* committee to be composed by the Centre from amongst the members of the AC. The decision shall be made by the majority of votes of the members of the *ad hoc* committee and shall be both final and unchallengeable;
- 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.

Members:



The AC 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.

The Director of the Centre may particularly consult with the AC 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 United Nations Commission on International Trade Law (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.

The current members of the AC are (in alphabetical order):

**Dr. Mohamed Salah ABDEL WAHAB**

**Coun. Dr. Borhan AMRALLAH**

**Prof. Dr. Mohamed BADRAN**

**Prof. Dr. Aktham EL KHOLY**

**Prof. Dr. Ahmed S. EL KOSHERI**

**Coun. Mohamed Amin EL MAHDY**

**Prof. Dr. Mahmoud Samir EL SHARKAWY**

**Prof. Dr. Hamza HADDAD**

It is worth mentioning that the parties to arbitration may appoint the members of the Advisory Committee as arbitrators. Likewise, the Centre may nominate the members of the AC 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, may not appoint a member of the AC as arbitrator.

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

**Dr. Karim HAFEZ**

**Prof. Dr. Hossam ISSA**

**Coun. Dr. Adel F. KOURA**

**Mr. Philippe LÉBOULANGER**

**Prof. Dr. Fathi WALY**

**Ms. Rabab M.K. YASSEEN**

**Dr. Nassib ZIADÉ**

## First in Africa:

# CAS and CRCICA into Agreement to launch a CAS Alternative Hearing Centre in Cairo



**C**RCICA has been nominated as a host of an Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS) based in Switzerland. This is part of a delocalization scheme of the International Council of Arbitration for Sport (ICAS) to create “CAS alternative hearing centres” on different continents which would be used to host CAS hearings and meetings related to arbitration or mediation procedures involving parties based in certain regions in the world. *“The presence of CAS in the region will simplify the procedures as the parties will no longer need to travel to the CAS headquarters in Switzerland to defend their case,”* said Mr. **Mathew Reeb, CAS Secretary General**, commenting on the establishment of regional CAS AHCs.

Being the first in Africa, CRCICA CAS AHC joins three other AHCs all over the world in Malaysia, China and Abu Dhabi. It is worth mentioning that CAS has two decentralized offices based in the USA and Australia. **Dr. Nabil Elaraby, the Secretary General of the Arab League and Chairman of CRCICA’s Board of Trustees**, finds the naming of the Cairo Centre as a CAS AHC *“a clear recognition of the professionalism, high reputation and central position of the CRCICA in the field of commercial arbitration”*.

On 4 July 2012, the official agreement will be signed between the ICAS and CRCICA in Lausanne. Later in December 2012, an official inauguration ceremony will take place in Cairo. The Agreement is expected to have positive impact on the functioning and accessibility of sports arbitration procedures in the region. By hosting an official CAS regional spot, CRCICA safely steps into sports arbitration legitimacy in a region having thriving sports practices but a relatively limited physical access to arbitration.

It is noteworthy that all CAS alternative hearing centres will be officially registered on the CAS website. The ICAS will favor such centres to organize meetings or seminars or any activities related to the development / promotion of the CAS in the region concerned. Upon functioning of this position, CRCICA will cooperate with CAS to provide training on CAS procedures and sports law.

# CRCICA Mediation on the Rise

Mediation...



As part of CRCICA's ongoing project with IFC launched since 2009, the Centre for Effective Dispute Resolution (CEDR), one of the world's most renowned mediation training institutions, has been developing for the Centre an institutional capacity building program. This involves the revision of CRCICA Mediation Rules in effect since 2001, establishment of a mediation case management system, as well as a CRCICA pool of trainers to provide first-class mediation training in Egypt and the region. Some features of the program are as follows:

## A. TRAIN THE TRAINER COURSE, DECEMBER 15-17, 2011

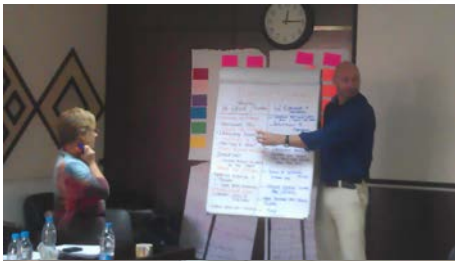
A boosting start of this very promising institutionalization scheme was *the CEDR Mediation Train the Trainer* offered on December 15-17, 2011. This Course targeted selected group of candidates who were accredited as mediators upon successful completion of two CEDR training rounds in May 2010. The group of trainers is diverse, covering the legal, engineering and consulting professions, and includes a Lebanese participant. The course qualifies mediators to provide accredited mediation training up to CEDR's tutorial methodologies in a changing context.

## B. NEW CRCICA MEDIATION RULES

CEDR is helping CRCICA develop a new version of its Mediation Rules. In 16 comprehensive articles, the draft Rules detail the exact role of the mediator as well as the nature of the role of the parties and the Centre. The draft Rules give special attention to the flexibility and confidentiality of procedures and manage to define the costs of mediation as clearly and transparently as possible. Since April 2012, the Draft has been subject to expert review and the final version is due to be released in the second half of 2012.

## C. MARKETING AND OPERATIONAL SCOPE

Within the institutional capacity building scope, CEDR has been assisting CRCICA to develop its various internal operations, adopt modern marketing methodologies in order to increase mediation case flow. At a later stage, CEDR will provide CRCICA with an institutional capacity building guidebook providing best practices in mediation and samples of operational documents.





# CRCICA Mediation Trainers play a regional role



One of the main objectives of CRCICA's collaboration with IFC is to promote Egypt as a regional hub for commercial mediation training and to strengthen the mediation culture and demand necessary to support a regional ADR initiative. The start of the regional collaboration took place in Sharm El Sheikh through the first-regional-accredited mediation training organized by IFC in partnership with Switzerland's State Secretariat for Economic Affairs (SECO) from 14-20 January 2012. This training was attended by key representatives of IFC's clients from the judiciary and the private sector from Egypt, Lebanon and Morocco, including CRCICA, in an effort to establish a regional platform for the exchange of best practices and consolidation of lessons learned in the field of ADR.

This training was shadowed by CRCICA trainers, as part of their training, in order for them to start delivering mediation training with CEDR. A number of these trainers delivered with CEDR a commercial mediation training in Beirut. The other trainers delivered a mediation with CEDR judicial mediation training in Morocco. CRCICA trainers are currently playing an instrumental role in reviewing the Arabic material to ensure it is up to the required standard and taking note of the regional differences that were observed during the pilot training.



# CRCICA Surveying the Market



In an ambitious plan to expand its institutional services, CRCICA adopts a market research policy that involves field visits, discussion forums and a users' survey meant to inspect the market and generate professional feedback on the prospective of the use of Arbitration and ADR in general and CRCICA's institutional services in particular.

Elementary findings show that CRCICA is dominating the institutional scene in most of the practice profiles of the participating firms. In 50% of them, CRCICA arbitrations represent more than two thirds of other international institutional arbitrations. The remaining quota equally varies between exclusive presence of CRCICA, equal proportion between CRCICA and other institutions or scale withdrawal of CRCICA to one third of the total number of institutional arbitrations.

In response to an estimation of CRCICA's services, institutional integrity, neutrality, reasonable costs, widely acceptable and resourceful Rules and accessibility come at the top of the positive aspects of arbitrating before CRCICA. At the same time, some respondents find that a number of institutional services still need further development such as transcription facilities for cases conducted in Arabic and the space of breakout rooms. Also, there are recommendations to follow up on the enforcement of arbitral awards with Egyptian Courts. Added to this, there is a recommendation to publish practice directions regarding the application of the Rules.

An obviously recurrent client expectation, in more than 50% of the responses received; focus on the importance of CRCICA's future use of e-filing and fast track dispute settlement mechanism.

# Events Update

## Inter-Arab Investments Boom in Cairo

10-11 October 2011



The Arab Parliament, the Arab Union of International Arbitration (AUIA), CRCICA and the Arab Investors Union organized a pan regional conference on Inter-Arab Investments and related Disputes on 10-11 October 2011 in Cairo, Egypt. Held under the auspices of H.E. Dr. Nabil Elaraby, the Secretary-General of the League of Arab States and the Chairman of CRCICA's Board of Trustees, the Conference provided a regional forum for Arab investors, jurists and parliamentarians to explore common challenges and share views on inter-Arab investments in a politically and economically changing environment and the challenges they unfold.

Through six successive working sessions, 40 Arab speakers tackled the legal and economic environment of inter-Arab investments. It is noteworthy that the remarkable participation of eminent Arab businessmen helped in defining common obstacles likely to hinder the flow of investments among the Arab States.

The Conference was attended by 200 participants from 17 Arab countries being, Bahrain, United Arab Emirates, Tunisia, Algeria, Syria, Sudan, Saudi Arabia, Sultanate of Oman, Iraq, Qatar, Libya, Palestine, Morocco, Kuwait, Lebanon, Yemen and Egypt.

The Conferees concluded a number of constructive recommendations defining some practical institutional steps meant to improve the legal and economic background in the Arab States in encouragement of inter-regional investments. This includes, for instance, a recommendation to draft an Arab Investment Model Law and to see through the possibility of merging joint Arab investment agreements. The recommendations were closely monitored by the League of Arab States which attended all sessions as an observer.



# CRCICA four-Module Arbitration Program launched, May - December 2011



CRCICA launched a progressive educational 'ladder' of four successive courses covering the main arbitration stages being the drafting of the arbitration agreement, the composition of the arbitral tribunal, the arbitral proceedings and finally the writing of the arbitral award. The program, in its four modules, is intended to provide the ideal platform to underpin and support the development of professional experience in arbitration. The initiative is developed in cooperation with the Cairo Branch of the Chartered Institute of Arbitrators (CI Arb). Volunteering tutors for the 2011 round are Dr. Mohamed Abdel Raouf, CRCICA Director, and Dr. Mohamed S. Abdel Wahab, Vice President of the Cairo Branch of the CI Arb. What is unique about the tutorial methodology of these courses is that the two tutors have both Common Law and Civil Law backgrounds and they lectured together instead of separately to give participants a wide interactive legal exposure.

The four modules were held separately in a total of 14 days from May through December 2011. Attendees represented law firms, the Egyptian Law Suits Authority, construction, media and entertainment and telecommunication companies as well as public sector companies from Egypt, Morocco, Palestine and Sudan.

The courses materials unfold a highly comprehensive collection of laws, rules, conventions, arbitral principles, international guidelines and references, extracts from specialized arbitration journals and most recent court judgments which count up to 21 awards compiled especially for the program. Decisions and guidelines by eminent international institutions in different jurisdictions were also included as relevant. Most interestingly, the tutorials were based on 3 different mock cases, each of which is separately tailored for each module. A sample structure of a final award in an institutional arbitration was also handed to participants as a guidance in their professional practices. Feedbacks were very motivating: "A truly beneficial blend between the theory and the practice ; the tutors stopped to explain every bit of detail out of factual incidents they experienced." Laila Qassem, Law Suits Authority. "Now I believe I grow really qualified to help my company win future arbitrations." Emad El Din Al Waqad, The Egyptian Satellite Company, Nilesat.

Upon the tremendous success of the program, CRCICA plans to hold the four modules more frequently in the future.

# The Third official Meeting of the Institute for the Promotion of Arbitration and Mediation in the Mediterranean (ISPRAMED). 28 April 2012 , Cairo – Egypt



The Institute for the Promotion of Arbitration and Mediation in the Mediterranean (ISPRAMED) created a network among the Mediterranean Arbitral Centres in order to define common principles for the administration of arbitral procedures. The Network includes the Centre for Arbitration, Mediation and Conciliation of the Algerian Chamber of Commerce and Industry (CACI), the Cairo Regional Centre for International Commercial Arbitration (CRCICA), the Arbitration Court of Morocco (CMA), the Milan Chamber of Arbitration (CAM), the Tunis Mediation and Arbitration Centre and the Arbitration Department (CCAT), Istanbul Chamber of Commerce (ITO).

On 28 April 2012, CRCICA hosted the Third Official ISPRAMED's Network Meeting. CAM of Italy, ITO of Turkey, CRCICA of Egypt, CACI of Algeria were in attendance as members of the network, the Lebanese Arbitration Centre as observer and finally, Prof. Charles Jarosson of France attended as ISPRAMED's Network Coordinator.

ISPRAMED collaboration with the Union for the Mediterranean (UFM) - to promote arbitration in the region especially for the benefit of SMEs - were one of the most important points of discussion. Within this context, ISPRAMED presented to the UFM the project "Strengthening Arbitration in the Mediterranean Region" which is designed to promote arbitration in the region. Beside promoters of other projects, ISPRAMED participated in two meetings in Barcelona-Spain and received positive feedbacks from the ICC and the ICSID. In the coming phase, ISPRAMED will be finalizing the project in consultation with members of the Network and in partnership with ICC and ICSID.

Other businesses discussed are related to the main objective of the Network. This is the elaboration and adoption of common principles on selected themes which are: Independence/impartiality; criteria for selection of the arbitrators; time of the arbitral proceedings; costs of the arbitral proceedings; confidentiality; transparency of the decision making process. The theme currently under scrutiny is Independence and Impartiality of Arbitrators.

The final outcome of this work is expected to be a practical guide (guidebook/handbook) for arbitrators, parties and their counsels. The handbook will report, in relation to each theme above mentioned, the common position and practice that the Centres will adopt in their everyday work.

The fourth meeting was scheduled to take place in Istanbul in March/April 2013. Replicating the Cairo formula, members suggested coupling the meeting with a conference under the possible topic "Costs in Arbitration".

# Independence and Impartiality of Arbitrators: Mediterranean Perspective, 29 April 2012, Cairo – Egypt



On the occasion of the third Official ISPRAMED Meeting, CRCICA and ISPRAMED held an international conference on: **“Independence and Impartiality of Arbitrators: Mediterranean Perspective”** on 29 April, 2012, Cairo – Egypt. The Conference focused on one of ISPRAMED’s working priorities, i.e., the theme of the independence and impartiality of arbitrators.

The geographical setting of the conference screened twenty different countries in attendance; **African Arab Countries:** Algeria, Egypt, Morocco; **Asian Arab Countries:** Jordan, Syria, Kuwait, Lebanon, Saudi Arabia, UAE, Bahrain and Qatar; **non-Arab African countries:** Ethiopia and Kenya; **European Countries (Mediterranean and otherwise):** Italy, France, Ireland, Turkey, UK and finally **the USA and Australia**. Transcending the Mediterranean perspective of the event, this rich setting stimulates wide-scaled comparative discussions of the regulatory framework governing the independence and impartiality of arbitrators on both the international and the regional levels. Also, institutional experiences of the different arbitration centres in the Mediterranean were presented against a broader background. At the end of the Conference, a round table discussion highlighted the different viewpoints of all parties concerned in a dynamic and interactive structure.

Generally speaking, conferees supported the call for a code of ethics for arbitrators. *“Many arbitrators will act with appalling levity and lack of integrity. ....the more rules, the more one is able to rid the tribunal and in due course, the arbitral community of those who act in a way that no fit arbitrator ought to.”* , so said Karim Hafez, Principal of HAFEZ, who represented the viewpoint of an international lawyer.

Institutional rules and procedures were said to be a very important element supporting the impartiality of arbitrators; talking out of an international arbitrator’s perspective, Prof. Georges Abi-Saab, former President of the WTO Appellate Body, complained that ICSID’s method of deciding challenges places an unwelcome burden on arbitrators and deprives the whole process of the “spirit of teamwork” required. This is used to be the case when the chair of ICSID’s administrative council dismisses a challenge upheld by one member of the tribunal and the arbitrator who survived the challenge sits again on the tribunal perceiving one of his colleagues as *“an adversary”*.



The judicial viewpoint was presented by Coun. Borhan Amrallah, former president of the Cairo Court of Appeal, who asserted that the appointment of impartial arbitrators leads to *“the pathological composition of the arbitral tribunal”* which is a recurrent cause of the annulment of arbitral awards.



During the Conference, a Memorandum of Understanding was signed among the members of the ISPRAMED’s Network of Centres encouraging further cooperation among Mediterranean institutions.



CRCICA received encouraging feedbacks to keep up with holding topic-specific arbitration events which , as evaluated by attendees, support better arbitration practices. On the inter-institutional level, the Cairo ISPRAMED conference and meetings were boosting tools in the way ahead. Mr. Stefano Azzali, ISPRAMED Director, believed that *“an excellent work has been done for the organization and for the realization of the 3rd Network’s Meeting and of the Conference. The brilliant results of both events will have a great impact on future activities of the Network giving new energy to our work”*.



# Arbitration Agreement Training

## Course: First Module in CRCICA's Annual Arbitration Training Program

19 – 21 May 2012, Cairo – Egypt



The 2012 round of CRCICA Arbitration Training started on 19-21 May 2012 by the Arbitration Agreement Module. The course was a balanced combination of lectures and tutorials. It provided candidates with sufficient knowledge of the theory and practice in all the requirements for the writing and understanding of the arbitration agreement. Attendees were a mixture of lawyers, engineers and governmental officials from Egypt, Syria, Ethiopia, Libya, Saudi Arabia and Palestine. Upon completion of the course, candidates were invited to progress onto the composition of the arbitral tribunal Module scheduled to be held on 15-18 July 2012.





# ABA/CRCICA Continuing Legal Education (CLE) for Young Lawyers in Egypt: Skills, Practice and Professionalism



Since January 2009, the American Bar Association Rule of Law Initiative (ABA ROLI) and CRCICA have partnered to provide Continuing Legal Education (CLE) for young lawyers in Egypt. The CLE programs seek to bridge the gap between the participants' formal legal training and their needs as practitioners. As of January 2011, a number of basic training courses were held, the last of which has been in process since 20 May through 21 June, 2012. The goal of this course is to develop the participants' basic practical skills in legal analysis, oral advocacy, negotiation, drafting of contracts and legal memoranda.

As the project completed its third year, the first Advanced CLE course was introduced on 18 December 2011 to last until 18 January 2012. The course covers negotiation, lawyering skills and contract drafting on a broader scale than the basic course.



# CRCICA's Publications

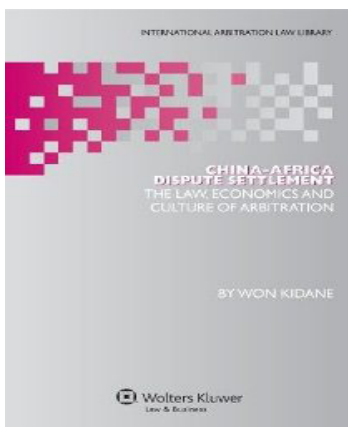
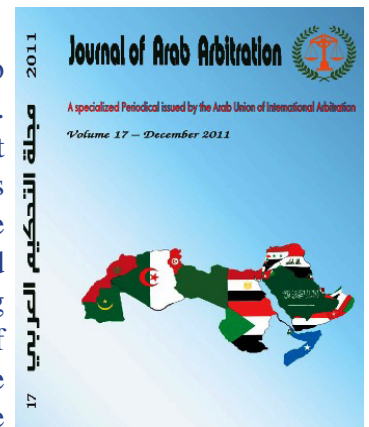
## ARBITRAL AWARDS (VOLUME III)

In September 2011, the Centre published the third Volume of Arbitral Awards prepared in Arabic by Dr. Mohi-Eldin Alam Eldin, CRCICA's Senior Legal Advisor. Issued in almost 500 pages, the Book is a classified compilation of 17 final and interim Arbitral Awards rendered under the auspices of CRCICA. This involves different types of contracts being transfer of technology, sale of securities, supply of furniture and drainage pipelines, interpretation of the convention of investment of Arab funds, transport of contaminated oil, contract for construction and maintenance, contract for paving public roads, hotel management, fund replacement and time-sharing. In certain cases, there are expert commentaries on awards. Quite aware of the relative shortage of Arabic literature on arbitral awards, CRCICA will keep up with publishing its own awards on regular basis, without, of course, disclosing the identities or nationalities of the concerned parties. Volume IV is currently under publication.



## THE JOURNAL OF ARAB ARBITRATION, VOLUMES 16 AND 17

In 2011, CRCICA has issued Volumes 16 and 17 of the Journal of Arab Arbitration. Volume 16 includes various important articles on arbitration. The Volume also provides a unique documentation of the most recent court decisions and arbitral principles in many jurisdictions with commentaries on some of them. Volume 17 has also been issued and features some selected papers presented to the Inter-Arab Investments Conference held on 10-12 October 2011, in Cairo/Egypt, very interesting articles relating to the enforcement of foreign arbitral awards in Egypt, the settlement of disputes arising out of construction and infrastructure projects and the judicial review of arbitration in Sudan. Volume 18 is to be issued by the end of June 2012.



## CRCICA FEATURED IN CHINA-AFRICA DISPUTE SETTLEMENT

China-Africa Dispute Settlement: The Law, Economics and Culture of Arbitration is a 2012 Wolters Kluwer Publication by Won Kidane that provides comparative analysis of the dispute resolution methods available at the major arbitral European, American, Asian and African institutions, including the CRCICA.

In an introductory estimation of the Centre's performance, the author believes that the Cairo Centre is tooled with "elaborate infrastructure" to provide arbitration and other ADR services under its own arbitration and ADR Rules. The book adopts a comparative approach towards the basic features of the various international institutional arbitration rules. On handling the degree of the impartiality of arbitrators in the centres under examination, it was pointed out that "the Cairo Center Rules as to arbitrators appointment, impartiality and independence are more elaborate than usual, with a total of nine provisions dedicated to this issue".

Focusing on China-Africa dispute settlement, which is the main theme of the Book, the Rules and practices of the Cairo Centre are seen to be reasonably operable: "more interestingly, 11% of the cases filed (during the reported period) involved at least one Chinese party, which is second only to parties from Germany".



## INTRODUCTION TO THE GAR EUROPEAN AND MIDDLE EASTERN ARBITRATION REVIEW 2012

One of the GAR's significant 2012 publications is the European and Middle Eastern Arbitration Review, a compilation of articles on arbitration from all over the two regions. CRCICA's Director drafted the introduction to this edition of the Review, which provides an overview of recent developments in arbitration in the Middle East area touching on case law, institutional developments and legislative/rule changes as well as the impact of the Arab Spring.



## INTERNATIONAL BAR ASSOCIATION (IBA) ARBITRATION NEWSLETTER

CRCICA's Director contributed to the IBA Arbitration Newsletter (Vol. 16, September 2011) with an article on the Salient Features of the new CRCICA Arbitration Rules in force as from 1 March 2011. The Article provides a comprehensive guidance to the New Rules, which are based on the new UNCITRAL Arbitration Rules, as revised in 2010, with minor modifications emanating mainly from the Centre's role as an arbitral institution and an appointing authority.



## GETTING THE DEAL THROUGH ARBITRATION 2012

An article about CRCICA was published in the fully revised and updated seventh edition of Getting the Deal Through Arbitration 2012, which provides international analysis in key areas of law and policy for corporate counsel, cross-border legal practitioners and business people. In the format adopted throughout this series of annual special reports, the same key questions are answered by leading practitioners in each of the 57 jurisdictions featured. New jurisdictions in the year 2012 include Angola, Belgium, Croatia, Ecuador, Hungary, Indonesia, Italy, Kenya, Kuwait, Mozambique and Vietnam. The 2012 volume's extensive Overview section has also expanded to feature chapters on the CCBC, CRCICA, DIAC and ICSID.

# International Contributions



## **CRCICA DIRECTOR JOINS THE ICCA'S GOVERNING BOARD AS OF JUNE 2012**

CRCICA Director was very recently elected as a Member of the Governing Board of the International Council for Commercial Arbitration (ICCA) for a regular term of four years. Seven other new members were also elected. They come from Brazil, France, Canada, Singapore, USA/Hong Kong, Ireland and China.

According to ICCA, the election of this diverse group of Governing Board Members is one step in the implementation of extensive changes to ICCA's structure and scope of activities announced during ICCA's 2010 Congress in Rio de Janeiro. Other changes - including the creation of a new category of general ICCA membership - were launched during ICCA's Congress that took place in Singapore from 10 to 13 June 2012. The Congress was followed by a meeting of the Governing Board on 13 June 2012 in which the newly elected members were welcomed and other matters relating to ICCA's current and future projects and activities were discussed.



## **CRCICA ATTENDS IFCAI'S COUNCIL AND GENERAL ASSEMBLY MEETINGS IN SINGAPORE**

In his capacity as Vice-President of the International Federation of Commercial Arbitration Institutions (IFCAI), CRCICA Director attended both the IFCAI Council and the 18<sup>th</sup> IFCAI General Assembly meetings held in Singapore on 10 and 11 June 2012, respectively. During such meetings, three new members were elected to IFCAI's Council. They are Meg Kinnear (Secretary General of ICSID), Andrea Carlevaris (next Secretary General of the ICC) and Doug Jones (President of the Australian Centre for International Commercial Arbitration - ACICA). They will replace Jason fry, Nassib Ziade and Alexander Komarov. The next IFCAI Council meeting is scheduled to take place in Washington DC next November, while the 12<sup>th</sup> IFCAI Biennial Conference shall take place in Venezuela in March 2013. The tentative theme of the Conference is: Innovations in arbitration: The role of arbitral institutions.



## VIAC/UNCITRAL CONFERENCE, VIENNA- AUSTRIA, MARCH 2012

On 29-30 March 2012 (Vienna - Austria), the UNCITRAL and the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC) held their annual Conference under the title: “*The UNCITRAL Digest of Case Law: enactments of the UNCITRAL Model Law on International Commercial Arbitration and their Application by State Courts*”. CRCICA’s Director was invited to present both CRCICA’s experience with respect to the application of the UNCITRAL Model Rules as well as Egypt’s experience with respect to the application of the UNCITRAL Model Law. In this context, he participated in a panel featuring representatives of 17 jurisdictions all over the world under the title “*The Experience of Jurisdictions with the Enactment of the UNICTRAL Model Law on Arbitration*”. Also, he took part in a panel discussion on “Arbitration Rules as Institutional Rules” within the context of preparing **the UNCITRAL Recommendations to assist arbitral institutions and other interested bodies with regard to arbitral proceedings under the UNCITRAL Arbitration Rules.**

The draft text of such Recommendations has been prepared by the UNCITRAL’s Secretariat after consultation with arbitral institutions, which included circulation to arbitral institutions in various parts of the world of a questionnaire on the use of the UNCITRAL Arbitration Rules, prepared in cooperation with the International Federation of Commercial Arbitration Institutions (IFCAI). CRCICA has actively contributed to such consultation process by providing several practical examples relating, in particular, to the means of explaining the modifications included in the institutional rules as compared to the UNCITRAL Arbitration Rules, the role of the arbitral institution as a communication channel between the parties and the arbitrators, the role of the institution as an appointing authority, the administrative and arbitrators’ fees schedules as well as the drafting of model arbitration clauses proposed by the institutions.



## THE UNCITRAL GUIDE ON THE NEW YORK CONVENTION

CRCICA was sought to assist with the preparation of an UNCITRAL Guide on the New York Convention. Within this context, the Centre provided the UNCITRAL with many decisions rendered from July 1990 to May 2009 by Egyptian Courts with respect to the recognition and enforcement of foreign arbitral awards under the New York Convention of 1958.



### **CRCICA's DIRECTOR AMONG THE NEW INTERNATIONAL APPOINTMENTS TO THE SCC BOARD**

CRCICA's Director has recently joined the Board of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC). The SCC Board has welcomed five other new board members from Russia, Germany, Switzerland, the UK and Sweden.

The new appointments continue a tradition that began in 2006, when the SCC Board announced it would include members from outside Sweden for the first time.

SCC Board members are appointed by the Board of Directors of the SCC for a three-year period and are eligible for reappointment for a further three years. The SCC Board consists of a chair, two to three vice chairs and a maximum of 12 additional members.

The Board plays a key role in administering SCC arbitrations, including deciding on prima facie jurisdiction, arbitrator appointments, challenges to arbitrators and arbitration costs.



### **IBA WORKING GROUP ON RULES FOR INVESTOR-STATE MEDIATION**

Since being established in January 2008, the IBA State Mediation Subcommittee has explored the reasons why investor-state mediation is not more prevalent. The Subcommittee's findings stress that it is important for rules to reflect the specific context of investor-state disputes and that the one set of existing rules specifically drafted for that context (the ICSID conciliation rules) is insufficiently flexible and that, while other rules exist that are flexible, they are not drafted with the investor-state context in mind.

For this reason, the Subcommittee formed an IBA working Group on Rules for Investor-State Mediation and CRCICA's Director was invited to join in. Composed of about 40 international experts, the Working Group prepared consolidated Draft Rules in October 2011, due to be finalized in 2012.

The Draft Rules provide a flexible framework for investor-State mediation that conforms to best international practices today. Among their innovations are:

- A statement by the proposed mediator of both independence and availability.
- A three layered process to appoint a mediator if the parties cannot agree ;
- A process for co-mediation if desired,
- A well thought-out process for an initial procedural conference
- Provisions for authorized representation and eventual enforcement that take into account the difficulties of binding nation-states during a mediation.

The Draft Rules were modified to reflect the comments expressed at the IBA 2011 Dubai Conference and then posted at the IBA website for further comments. Eventually, the draft will be presented to the IBA Council for adoption as official IBA Rules.



### **THE ASA/MIDS ROLE OF ARBITRATION INSTITUTIONS RESEARCH STUDY**

CRCICA contributed to The Role of Arbitration Institutions Research Study jointly conducted by the Swiss Arbitration Association (ASA) and the Geneva Master program in International Dispute Settlement (MIDS). The study focuses on how arbitral institutions are organized, how they deal with appointments, challenges and replacements, and what tools the institutions use in order to promote the efficiency of the proceedings. The findings were presented and discussed by leading arbitration specialists at a conference in Zurich on 9 September 2011.



### **THE INVESTING ACROSS BORDERS (IAB) EXPERT GROUP ADR SURVEY**

Investing Across Borders / World Bank Group (IAB) has launched an ADR survey as a step to release quantitative indicators on the practice of ADR in 105 economies. The study focuses on ADR regulatory and institution framework, the ease of the arbitral process, the extent of judicial assistance in the contributing countries. The survey was prepared with advice from 30 experts from all around the world, including CRCICA's Director. The results from the IAB survey are expected to be released by the end of 2012.

# Regional Contributions



## ARAB UNION OF INTERNATIONAL ARBITRATION ELECTIONS, AMMAN - JORDAN 26 MAY, 2012

The elections of the members of the AUIA General Secretariat took place in Amman / Jordan on 26 May 2012. Coun. Dr. Borhan Amrallah, the former President of the Cairo Court of Appeal (Egypt) and the current international arbitrator was elected as the new Secretary General of AUIA. The Cairo Centre was nominated as a member of the new AUIA General Secretariat, which includes 16 other members from 12 Arab countries. It is noteworthy that in 1997, the Cairo Centre was a founding member of AUIA and, since that time, has been providing it with all possible support and has taken the lead of publishing the AUIA Journal of Arab Arbitration.



## JUDICIAL MEDIATION: BEST PRACTICES FOR THE MENA REGION, SKHIRAT, MOROCCO, 30-31 MAY, 2012

CRCICA was represented in the **Judicial Mediation: Best Practices for the MENA Region Conference**, organized by the Moroccan Ministry of Justice, the Euro Mediterranean Centre for Mediation and Arbitration (CEMA) in cooperation with IFC. **The Role of CRCICA in Promoting Commercial Mediation**, as presented in the conference, received positive feedback as it highlighted how institutional strategies can establish new legal cultures by the implementation of practical steps ahead. At the end of the conference, a cooperation agreement was concluded between CRCICA and CEMA. Both institutions join regional forces in promoting mediation in the region under the umbrella of the IFC.





## QATAR LAW FORUM, DOHA, QATAR , 4-6 MAY 2012

CRCICA was invited to participate at Qatar Law Forum (4-6 May 2012). Held under the patronage of His Highness the Emir of the State of Qatar, Sheikh Hamad bin Khalifa Al-Thani, the Forum is a remarkable event in the international legal calendar. It gathers in Doha, by invitation, international leaders in law from across the globe. The aim is to provide a unique opportunity to discuss the challenge of achieving global understanding and commitment to the Rule of Law and allied issues of international legal and economic significance. 60 countries from the developed and developing world were represented.



## REVIEW OF THE IRAQI DRAFT LAW ON ARBITRATION , 3-4 APRIL 2012 – DUBAI, UNITED ARAB EMIRATES

CRCICA was selected as one of two arbitration Centres in the region to participate in expert consultations on the Iraqi Draft Arbitration Law which is currently being reviewed by the Iraqi Shura Council and other official councils and commissions. Within this context, CRCICA Director took part in a **Review of the Iraqi Draft Law Workshop** which was held on 3 and 4 April 2012 in Dubai, United Arab Emirates. Sponsored by the Commercial Law Development Program (CLDP) and the Dubai International Arbitration Centre (DIAC), the Workshop was preceded by **Lessons Learned in International Arbitration Seminar** on 1 – 2 April 2012, which discussed existing laws in the region and highlighted the experiences of established international arbitration centres. CRCICA practices were approached in a comparative perspective session bringing together the structure, rules and decisions of the ICC, the LCIA, the DIAC and the CRCICA.

It is not common that an Arab country discusses its draft arbitration law among experts from other countries. This approach is to be saluted as it would enable the Iraqi legislator to learn some lessons from the practice in other countries and, thus, to adopt a modern law reflecting the best practices in the field of commercial arbitration. It is hoped that after reviewing the comments provided by the experts, the new law will be enacted soon.

While CRCICA's review of the Iraq's Draft Law and legal environment has been prevailing since 2006, it strings up in a chain of similar institutional input over the years. The Centre has been called upon to provide technical assistance sustaining legal infrastructures in various African and Asian countries. This has varied between establishment and operation of national arbitration centres, drafting, revising or awareness-raising of national arbitration laws in many countries of the region including Morocco, Djibouti, United Arab Emirates, Yemen, Palestine and lately Iraq.



**American Chamber  
Of Commerce In Egypt**

**“IMPACT OF RECENT EGYPTIAN JUDICIAL DECISIONS ON REVERSING PRIVATIZATIONS AND FOREIGN INVESTMENT”, 7 FEBRUARY 2012, CAIRO – EGYPT.**

The American Chamber of Commerce in Egypt (AMCHAM) sponsored a meeting on 7 February 2012 to examine the potential effects of recent court rulings reversing privatizations of government-owned companies. Featured speakers were Coun. **Mohamed Amin El Mahdi**, past president of the Egyptian State Council and Former International Criminal Tribunal Judge and **Dr. Mohamed Abdel Raouf**, CRCICA Director.

Dr. Abdel Raouf delivered a presentation on *“The Practice of International Arbitration involving Parties from the Arab World: The Egyptian Experience”*. The presentation unfolded an invitation to Arab Countries to study Egypt’s unique ICSID experience to realize that they can succeed in their investment treaty arbitrations if they judiciously negotiate their international investment contracts and treaties; honestly fulfil their contractual and international obligations; seriously seek to avoid or amicably settle their international investment disputes; faithfully conduct capacity-building training programs for their officials and jurists; and responsibly choose their lawyers and arbitrators. It took Egypt some time to learn the above, but on the whole its experience in recent investment treaty arbitrations is rather positive.



**INTERNATIONAL BAR ASSOCIATION ANNUAL CONFERENCE, 30 OCTOBER – 4 NOVEMBER 2011, DUBAI, UAE**

CRCICA participated in the IBA Annual Conference which was held on 30 October – 4 November 2011 in Dubai, United Arab Emirates. CRCICA’s Director contributed to the session entitled “Hot topics in ethics” by handling “the ethical guidelines for counsel in international arbitration: needed? feasible? who should promulgate?” Also, Laila El Shentenawi, former Legal Advisor at CRCICA and a founding member of CRCICA’s Young Arbitration Practitioners Forum-YAPF, represented the Centre at the IBA Young Lawyers Seminar, which was held on the sidelines of the Conference.

## New Services: Plan for the utilization of Information Technology



**T**he Cairo Centre aims to deploy a set of computerized systems to support its administrative and logistical operations, and to develop a long-term plan with the aim to achieve the full advantage of information technology. On 16 May 2012, CRCICA concluded an agreement with an Egyptian IT solutions development company, LADIS (Legislation & Development Information Systems) to implement such plan. The plan would target the achievement of the following objectives:

- Implementation of an integrated case management system.
- Design and implementation of an integrated set of business processes for the follow-up of alerts and correspondence with an objective to reduce the human factor to the least possible degree.
- Cataloging and classifying all documents and files into an electronic archive.
- Implementation of an Intranet site for the dissemination of the provisions of the arbitrations and to enable staff and researchers to search the site.
- Cataloging and classifying rulings of the Appeal and Cassation courts that concern arbitration.
- Preparation to build a public website enabling all workers in the field of arbitration to access it.
- Printing the Egyptian Arbitration Law and amendments thereto in the form of an Annotated Code.
- Research and development work for an integrated system for recording and reporting arbitration hearing sessions (stenography) and try to market it locally and regionally.

# Future Events



المجمع الملكي البريطاني  
للمحكمن الدوليين (فرع القاهرة)



مركز القاهرة الأقليمي  
للتحكيم التجاري الدولي

**15- 18 JULY 2012**

## **THE ARBITRAL TRIBUNAL: SECOND MODULE IN CRCICA'S ANNUAL ARBITRATION TRAINING PROGRAM, CAIRO – EGYPT**

The second module of CRCICA Arbitration Training Course 2012 is scheduled for 15-18 July 2012. In this module, “*the Arbitral Tribunal*” will be studied in depth as based on a big number of the most recent international decisions and institutional regulations. Reference documents also include an unprecedented collection of court decisions, analytic articles as well as expert commentaries. Participants will have the change to role play through a mock case designed to raise all top issues related to the composition and functioning of the arbitral tribunal. To complete all four programs, the third and fourth modules on “*the Arbitral Procedures*” and “*the Award*” will be scheduled successively in 2012.



**10-11 OCTOBER 2012,**

## **EURO –ARAB INVESTOR-STATE DISPUTE RESOLUTION: RECENT DEVELOPMENTS AND FUTURE PERSPECTIVES, CAIRO - EGYPT**

Investor-state disputes have grown to be a subject of wide institutional attraction all over the world. The Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and CRCICA agreed to hold a joint conference on this topic to provide a better understanding of relevant laws and practices within the Euro-Arab context. The Conference will be hosted by the League of Arab States and UN Organization of competence will be invited to participate. It is noteworthy that since 2005, CRCICA has placed investor-state disputes in focus and has organized accordingly relevant events with the UNCTAD, OECD, the Arab Parliament and other international/regional organizations. More recently, CRCICA Director joined the IBA Working Group on Rules for Investor-State Mediation. The Draft Rules were prepared in October 2011 and are due to be finalized in the near future.



# SHARM EL SHEIKH IV ROLE OF STATE COURTS IN ARBITRATION

28-29 NOVEMBER 2012

**28 – 29 NOVEMBER 2012,  
SHARM EL SHEIKH IV: THE ROLE OF STATE COURTS IN ARBITRATION, SHARM EL SHEIKH,  
EGYPT**

Sharm El Sheik IV is the fourth in the only international series of conferences organized biennially since 2005 on the renovating relation between state courts and arbitration in a cross-cultural context. CRCICA Partners in the Sharm El Sheikh Conferences are the United Nations Commission on International Trade Law (UNCITRAL), the International Federation of Commercial Arbitration Institutions (IFCAI), and the Arab Union for International Arbitration (AUIA). Currently, CRCICA works on a comparative survey on the role of Arab state courts in arbitration. Findings will be announced in the Conference.



**11 DECEMBER 2012,  
SPORT ARBITRATION CONFERENCE, CAIRO – EGYPT**

CRCICA and the Court of Arbitration for Sport (CAS) will hold an official Conference on the occasion of inaugurating the CRCICA-hosted CAS Alternative Hearing Centre. The CAS President will be representing the Court in the conference. All local and regional Sport institutions, as well as interested individuals, will be invited to participate.