



THE CAIRO REGIONAL
CENTRE FOR INTERNATIONAL
COMMERCIAL ARBITRATION



United Nations
UNCITRAL



International Federation of
Commercial Arbitration Institutions



Arab Union for
International Arbitration (AUIA)

SHARM ELSHEIKH VII

World's Sole Biennial Conference on

THE ROLE OF STATE COURTS IN INTERNATIONAL ARBITRATION

09-10 December 2018, SHARM EL SHEIKH, Egypt

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SHARM ELSHEIKH VII



Saturday 8 December 2018

20.00: 21.00 Registration – Egypt Hall

Sunday 9 December 2018 (Day I)

08.00: 09.00 Registration – Egypt Hall

Inaugural Session

Welcome Speech

Dr. Ismail Selim

Director of the Cairo Regional Centre for International Commercial Arbitration (CRCICA), Secretary Treasurer of the International Federation of Commercial Arbitration Institutions (IFCAI), Member of the Governing Board of the African Arbitration Association (AFAA) (Egypt).

Inaugural Speeches

H.E. Dr. Nabil Elaraby

Chairman of the Board of Trustees, Cairo Regional Centre for International Commercial Arbitration (CRCICA), Former Secretary-General of the League of Arab States (Egypt).

Judge Mostafa El Bahabety

Deputy Minister of Justice for Arbitration and International Disputes and Head of the Technical Secretariat in both the High Committee for International Arbitration and the Ministerial Committee for Settlement of Investment Contracts Disputes (Egypt).

Judge Dr. Borhan Amrallah

Secretary-General of the Arab Union of International Arbitration (AUIA), Former President of the Cairo Court of Appeal, Member of CRCICA's Advisory Committee (Egypt)

Mr. Stefano Azzali

President of the International Federation of Commercial Arbitration Institutions (IFCAI), Secretary General of the Milan Chamber of Arbitration (CAM) (Italy).

Keynote Speaker

Ms. Anna Joubin-Bret

Secretary of United Nations Commission on International Trade Law, (UNCITRAL)

09.00: 09.55

09.55: 10.15 Coffee Break

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First Session: Salient Legislative and Case Law Developments Affecting the Role of State Courts in International Arbitration

10.15 : 11.50

Dr. Ahmed Ouerfelli (Moderator)

Attorney at law, Former Presidential Legal Advisor, Former Judge (**Tunisia**).

Preventing Denial of Arbitral Justice: The Role of the Judiciary

Dr. Achille Ngwanza

Member of the ICC Court, President of the OHADA Working Group of the French Committee of Arbitration (CFA) (**Cameroon**).

Punitive Damages in International Commercial Arbitration: A Comparative Perspective

Prof. Hadi Slim

Law Professor, François-Rabelais University (Tours) (**France – Lebanon**).

The Role of State Courts under the UAE Federal Law No. 6 of 2018 on Arbitration: Bringing the UAE with International Norms

Mr. Thomas Snider

Partner and Head of Arbitration, Al Tamimi & Co. (**UAE – USA**).

The Role of the Judiciary in Light of the New Amendments of the Jordanian Arbitration Law

Dr. Omar Aljazy

Managing Partner, Aljazy & Co. (Advocates & Legal Consultants) (**Jordan**).

The Role of State Courts under the 2018 OHADA Arbitration Law Reform, Bringing Celerity and Predictability to the Arbitral Process

Dr. Michael W. Bühler

Partner, Jones Day Paris Office (**France -Germany**).

Discussion

11.50 : 12.10

Coffee Break

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Second Session: State Courts and the Enforcement of Interim and Emergency Arbitral Measures

12.10 : 13.45

Prof. Nayla Comair-Obeid (Moderator)

Founding Partner, Obeid Law Firm, Member of the Board of Trustees, Cairo Regional Centre for International Commercial Arbitration (CRCICA) (Lebanon).

Critiques of the UNCITRAL Model Law Provisions Related to the Role of State Courts in Enforcing Interim Measures

Mr. Duncan Bagshaw

Counsel, Stephenson Harwood London Office (United Kingdom).

Swiss Courts and Enforcement of Emergency Measures Granted under the Swiss Rules

Ms. Caroline Ming

Executive Director & General Counsel of the Swiss Chambers' Arbitration Institution (Switzerland).

Enforcement of Interim Reliefs in Light of the Recent Developments of Egyptian Case Law

Judge. Ismail Al Ziady

President of the Commercial Seventh Circuit, Cairo Court of Appeal (Egypt).

The English Courts' Practice Regarding Recognition and Enforcement of Interim Reliefs Rendered by Emergency Arbitrators

Mr. Kwadwo Sarkodie

Partner - International Arbitration Group, Mayer Brown International LLP, London, (United Kingdom).

Enforcement of Interim and Conservatory Reliefs before Sudanese Courts: A Comparative Approach

Mr. Tayeb Hassabo

Managing Partner, Head/Corporate & Business, Aztan Law Firm (Sudan).

Discussion

13.45 : 15.15

Lunch Sponsored by Nassar Law Office

Le Balcony Terrace *(at the Hotel main building - Nearby Hotel Reception)*

*** Transfer Arrangements:**

- Shuttle buses and club cars will be available at the main entrance,
- For walking option, door (2) beside the speakers' podium is the easiest exit.

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Third Session: The Role of State Courts in Ongoing and Post-Arbitral Proceedings

15.15 : 17.00

Shaikha Haya Rashed Al Khalifa (Moderator)

Principal and Founding Partner of Haya Rashed Al Khalifa Law Firm, Member of CRCICA's Board of Trustees (**Bahrain**)

The Deposit of Arbitral Awards in Egyptian Courts Prior to their Enforcement

Judge Mostafa El Bahabety

Deputy Minister of Justice for Arbitration and International Disputes and Head of the Technical Secretariat in both the High Committee for International Arbitration and the Ministerial Committee for Settlement of Investment Contracts' Disputes (**Egypt**).

Coun. Dr. Michel Nasr Hakim (Co- Presenter)

Director of the Technical Bureau of Arbitration, Ministry of Justice (**Egypt**).

The Extent of Judicial Review of Arbitrators' Decision on their own Jurisdiction

Prof. Nassib Ziadé

Chief Executive Officer, Bahrain Chamber for Dispute Resolution (BCDR), Vice President, the International Federation of Commercial Arbitration Institution (IFCAI), Member of CRCICA's Advisory Committee and Board of Trustees (**Bahrain- Lebanon - Chile**).

The Power of the Arbitral Institutions to Decide Upon Challenges against Arbitrators in Institutional Arbitration: The Permissive Position of State Courts

Mr. Stefano Azzali

President of the International Federation of Commercial Arbitration Institutions (IFCAI), Secretary General of the Milan Chamber of Arbitration (CAM) (**Italy**).

Challenges Facing Prevailing Parties in the Stages of Enforcement and Execution of the Arbitral Awards: Law & Economics Analysis

Dr. Amr Abbas

Partner and Head of Arbitration, Matouk Bassiouny & Hennawy, Lecturer of Public Finance and Tax Legislations, Faculty of Law, Cairo University (**Egypt**).

Annulment of Arbitral Awards: A Swiss Perspective

Ms. Rabab Yasseen

Partner, Mentha & Partners, Geneva; Deputy Judge - Geneva Civil Courts, Member of the CRCICA Advisory Committee (**Switzerland- Iraq**).

Discussion

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Monday 10 December 2018 (Day II)

Fourth Session: The Role of State and Regional Courts in Investment Arbitration

10.00: 11.35

Dr. Karim Hafez (Moderator)

International Arbitrator, Hafez, Member of the CRCICA Advisory Committee (Egypt)

The Achmea Paradox and Regional BITs: Protectionist Judicial Federalism in the Age of Arbitral Transnationalism

Prof. Dr. Mohamed S. Abdel Wahab

Chair of Private International Law Department and Professor of International Arbitration (Cairo University), Founding Partner and Head of International Arbitration, Zulficar & Partners Law Firm; Vice-President, ICC International Court of Arbitration, Member of the CRCICA Advisory Committee (Egypt)

Against Stigma: Lessons in Refuting Negative Perception & Self-Reproach from the Arab Spring & the Egyptian Investment Treaty Arbitrations

Dr. Karim A. Youssef

Managing Partner and Head of International Arbitration & International Law, Youssef & Partners Attorneys (Egypt)

Overview of the Cairo Court of Appeal Decision Dated 6th August 2018: The Latest Decision in the Kharafy Arbitration Saga

Judge Khaled Fathi

President at the Cairo Court of Appeal, Commercial Circuit No. 62 (Egypt)

The Reviewability and Review of Non-ICSID Investment Arbitration Awards by State Courts

Mr. Alexander J. Marcopoulos

Counsel, Shearman and Sterling Paris (France)

Discussion

11.35: 11.55

Coffee Break

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Fifth Session : Celebrating the 60th Anniversary of the New York Convention: A Stable and Innovative Pro- Enforcement Instrument of Foreign Arbitral Awards

11.55 : 13.30

Prof. Bernardo M. Cremades (Moderator)

Senior Partner of the Spanish Law Firm B. Cremades y Asociados; Former President of the Spanish Court of Arbitration, Member of the CRCICA Board of Trustees (**Spain**).

Enforcement of Arbitral Awards in England and Wales under the New York Convention

Dr. Emilia Onyema

Reader (Associate Professor) of International Commercial Law, School of Law, SOAS, University of London, Member of the CRCICA Advisory Committee, Member of the Governing Board of the African Arbitration Association (AfAA) (**United Kingdom-Nigeria**).

Enforcement of Foreign Arbitral Awards under the New York Convention in Light of Egyptian Case Law

Judge Nabil Omran

Vice President of the Egyptian Court of Cassation, President of the Commercial Circuit (**Egypt**).

The New York Convention and International Arbitration Practice: Flexibility and Evolution

Prof. Philippe Leboulanger

Cabinet Leboulanger & Associés; Former Chairman, French Arbitration Committee, Vice-Chairman of CRCICA's Advisory Committee and Member of the CRCICA Board of Trustees (**France**).

HEPI v. India: Stay Denied but Public Policy Prevents Enforcement

Mr. Thomas Snider

Partner and Head of Arbitration, Al Tamimi & Co. (**UAE - USA**).

Discussion

13.30: 15.00

Lunch Break

Le Balcony Terrace *(at the Hotel main building - Nearby Hotel Reception)*

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Sixth Session: State Courts and the Sovereign Immunity against Enforcement of Arbitral Awards

15.00 : 16.35

Dr. Nagla Nassar (Moderator)

Principal, Nassar Law Office (**Egypt**).

Panel Discussion:

The Shield of Loi Sapin

Dr. Sally El Sawah

Independent lawyer and Arbitrator (**France – Egypt**).

UK Laws and Jurisprudence

Mr. Craig Tevendale

Partner and Head of International Arbitration, UK, Herbert Smith Freehills LLP; Member of ICC International Court of Arbitration UK National Committee and ICC Commission; Member of the CRCICA Advisory Committee (**United Kingdom**).

Belgium Laws and Jurisprudence

Prof. Paul Lefebvre

Partner, Hanotiau & Van Den Berg (**Belgium**).

The Practice of US Courts

Prof. Alexandra A.K. Meise

Partner, Mitchell Silberberg & Knupp LLP
Adjust Professor, Georgetown Law. (**USA**).

Discussion



Closing Remarks

16.35 : 17.30

Dr. Ismail Selim

Director of the Cairo Regional Centre for International Commercial Arbitration (CRCICA), Secretary Treasurer of the International Federation of Commercial Arbitration Institutions (IFCAI), Member of the Governing Board of the African Arbitration Association (AFAA) (Egypt)

Ms. Anna Joubin-Bret

Secretary of United Nations Commission on International Trade Law (UNCITRAL)

Dr. Dalia Hussein

Deputy Director, Cairo Regional Centre for International Commercial Arbitration (CRCICA) (Egypt)

Ms. Foluke Akinmoladun

Managing Solicitor, Trizon Law Chambers (Nigeria).

Honoring the eminent scholars of international arbitration law, whose terms as members of the Advisory Committee of CRCICA were expired in 2017, in due recognition of their monumental contributions and continuous faithful efforts in supporting the glory CRCICA.

H.E. Dr. Nabil Elaraby

Chairman of the Board of Trustees, Cairo Regional Centre for International Commercial Arbitration (CRCICA), Former Secretary-General of the League of Arab States (Egypt).

Dr. Ismail Selim

Director of the Cairo Regional Centre for International Commercial Arbitration (CRCICA), Secretary Treasurer of the International Federation of Commercial Arbitration Institutions (IFCAI), Member of the Governing Board of the African Arbitration Association (AFAA) (Egypt)