

# CRCICA Annual Report

November 2021- September 2022



THE CAIRO REGIONAL  
CENTRE FOR INTERNATIONAL  
COMMERCIAL ARBITRATION  
مركز القاهرة الإقليمي  
للتحكيم التجاري الدولي

**CRCICA**

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## Introduction

The year 2020 witnessed a new challenge: the COVID Pandemic. During these difficult times, arbitration has proven once more, its flexibility and adaptability to difficult circumstances. This mechanism was the fastest to face the challenge, moving to online submissions and remote hearings.

CRCICA adopted many measures to help the Parties and tribunals to face this new challenge, which resulted in a smooth transition to remote and hybrid hearings.

The year 2021 witnessed a continuity in CRCICA's efforts to promote arbitration and other ADR mechanisms. This year was of particular importance, since CRCICA issued its Dispute Board Rules. Requests under the DB Rules reached 7 requests in September 2022.

The number of cases filed until 31 August 2022 reached 1585 cases. The first quarter of 2022 witnessed the filing of the first case in the French language according to the French version of CRCICA's Rules issued in 2017.

In 2022, CRCICA's Director was appointed as member of the committee for the amendment of the Egyptian Arbitration Law. The committee was formed by ministerial decree, and included renowned experts in international and domestic arbitration. CRCICA's Director submitted to the Committee important proposals for the amendments of the Egyptian arbitration law, based on its experience as an international arbitration institution operating under the law of the seat, and taking into consideration recent trends in other arbitration legislations.

## **CRCICA issues its new Dispute Board (“DB”) Rules:**

CRCICA issued its DB Rules in force starting from 1st August 2021. CRCICA’s DB Rules were drafted through the guidance of existing institutional rules and the comprehensive input and invaluable guidelines of the CRCICA DB Committee, which included renowned experts in the field of the DB from around the world.

The CRCICA DB Rules consist of a comprehensive set of provisions for establishing and operating a DB. There are two types of DB under the CRCICA DB Rules: the Dispute Review Boards (the “DRB”) under Article 3 of the DB Rules and the Dispute Adjudication Boards (the “DAB”) under Article 4 of the DB Rules. The DRB issues Recommendations in accordance with Article 3(5) of the DB Rules. The DAB issues Decisions in accordance with Article 4(2) of the DB Rules.

The CRCICA DB Rules cover the appointment of the DB member(s), their qualifications and obligations, the commencement and completion of the DB’s activities and the compensation the DB member(s).

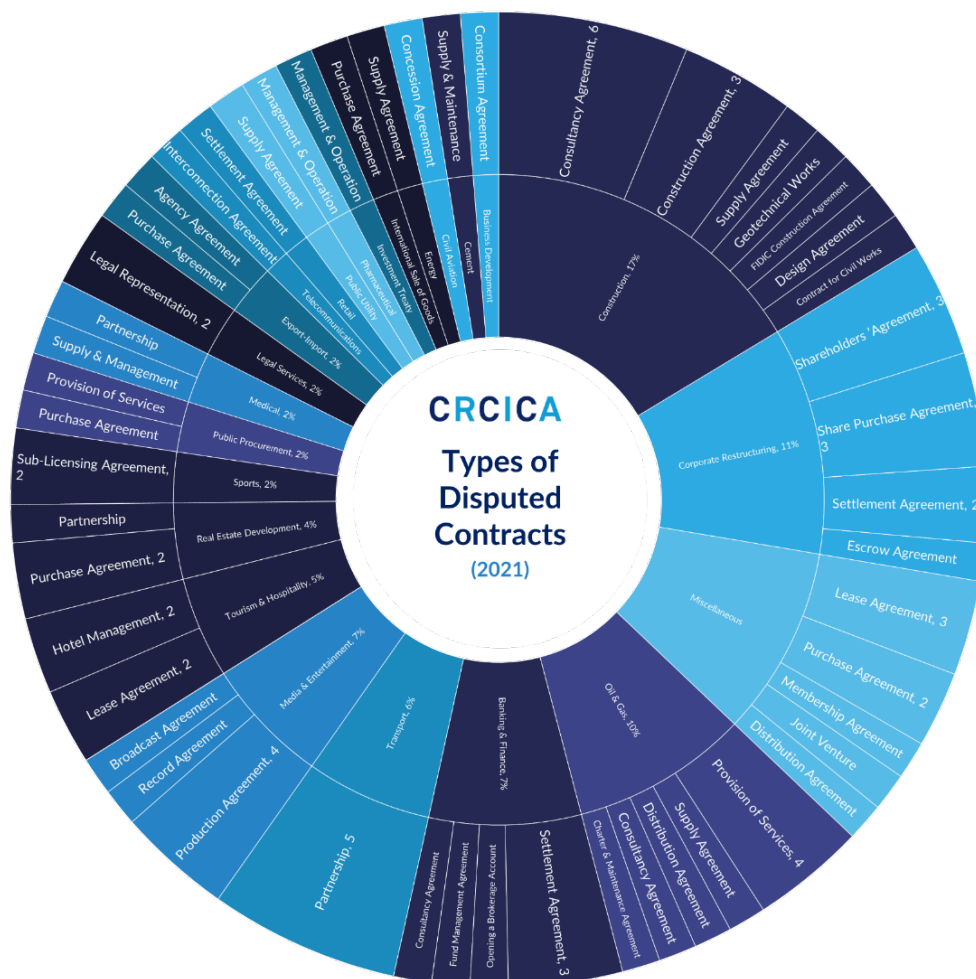
One of the salient features in the CRCICA DB Rules is the optional administrative services that the Centre provides under Article 18 of the DB Rules, which may be requested from the Centre by either Party or the DB Members. Such optional administrative services include facilitating communication between the parties and the DB members, providing necessary practical arrangements for meetings and hearings and other services as set out in the CRCICA DB Rules.

# CRCICA’s Caseload in 2021:

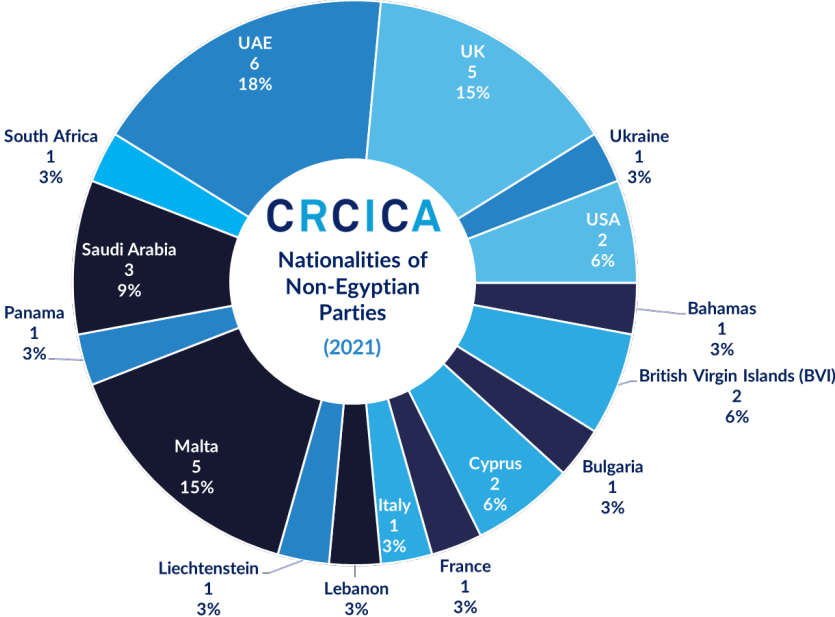
## Caseload 2021

The total number of cases filed before CRCICA until 31 December 2021 reached 1535 cases. In 2021, 83 new cases were filed, compared to 67 cases in 2020, the second highest number of annual registrations since 2016. Of the 83 cases filed this year, 17 related to *ad hoc* proceedings. Further, 6 mediations were referred to the Centre in 2021 compared to 1 in 2020. The Centre also registered its first 2 dispute board cases in 2021, following the issuance of the Dispute Board Rules on 1 August 2021.

The Centre’s caseload during 2021 involved disputes relating to an ever increasingly varied number of sectors, including: Construction, Corporate Restructuring, Oil & Gas, Banking & Finance, Media & Entertainment, Transport, Tourism & Hospitality, Real Estate Development, Sports and Investment.



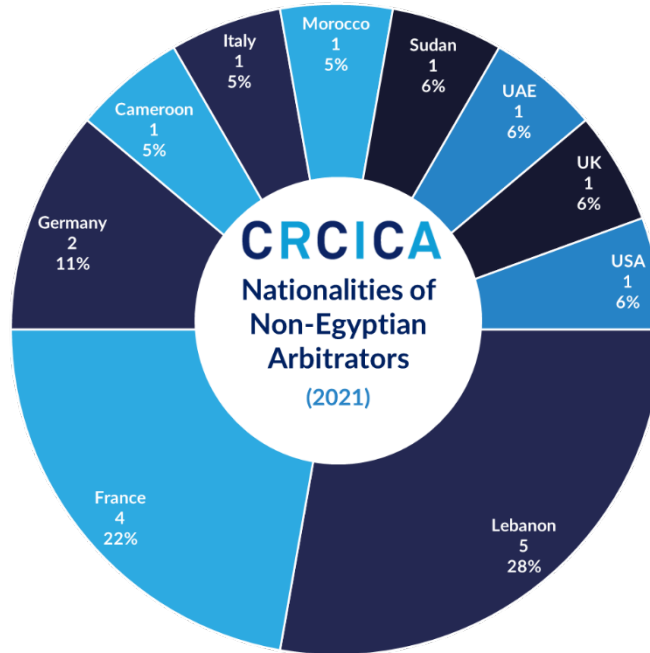
Disputes arising from the Construction Sector just about managed to secure the top spot, representing 17% of the total number of cases, compared to nearly 32% of the cases in 2020. As in 2020, disputes arising from Corporate Restructuring agreements ranked second, making up nearly 11% of the total number of cases. These were closely followed by Oil & Gas disputes in third place, representing almost 10% of the total number of cases. Disputes arising from the Banking & Finance (8%), Media & Entertainment (7%), Transport (6%) and Tourism & Hospitality (5%) sectors bring up the rest of the top spots.



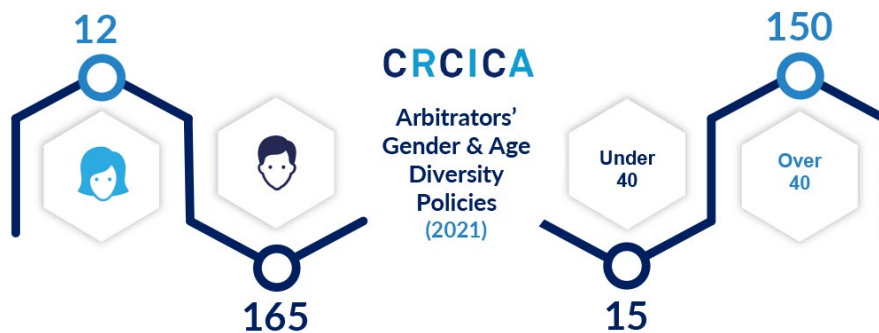
The parties to disputes included 34 Non-Egyptian parties. Parties from the United Arab Emirates ranked at the top of Non-Egyptian parties referring their disputes to the Centre, with 6 parties, followed by parties from Malta and the United Kingdom, with 5 parties each, and then parties from Saudi Arabia, with 3 parties.

There were also parties from the Bahamas, the British Virgin Islands, Bulgaria, Cyprus, France, Italy, Lebanon, Liechtenstein, Panama, South Africa, Ukraine and the United States of America.

It is worth noting that these conservative figures do not include Egyptian companies owned or ultimately controlled by non-Egyptian shareholders.



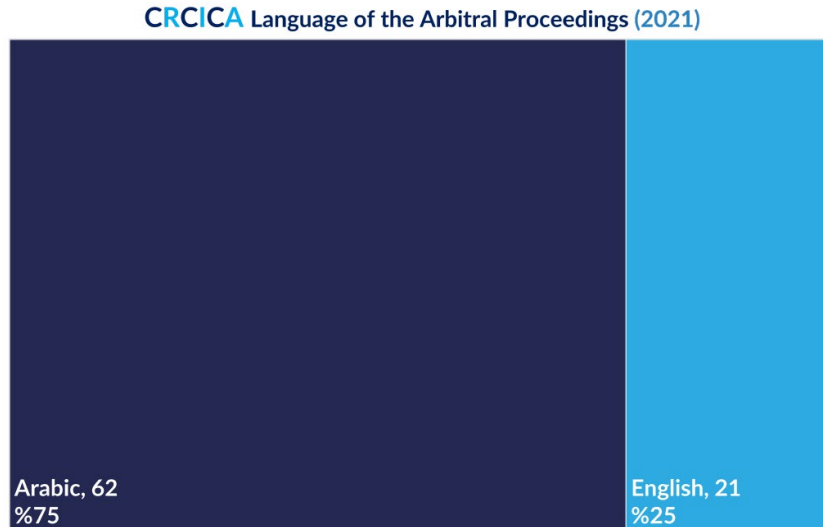
2021 also witnessed the appointment of 18 Non-Egyptian arbitrators, with the number of arbitrators coming from Lebanon coming at the top, followed by arbitrators coming from France and Germany. There were also arbitrators from Cameroon, Italy, Morocco, Sudan, the United Arab Emirates, the United Kingdom and the United States of America.



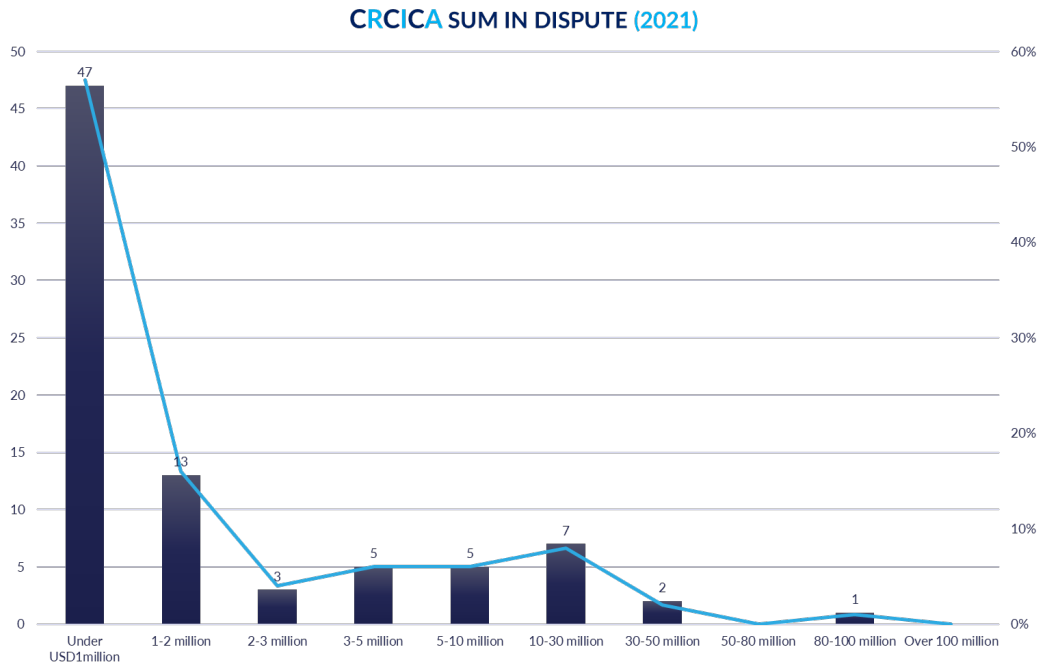
During 2021, 12 female arbitrators were appointed, representing 7% of appointments, compared to 8 female arbitrators, representing 5% of appointments, in 2020. Moreover, 15 arbitrators under 40 were appointed in 2021, representing 9% of appointments, compared to 12 arbitrators under 40 appointed in 2020, representing 7.5% of appointments that year.

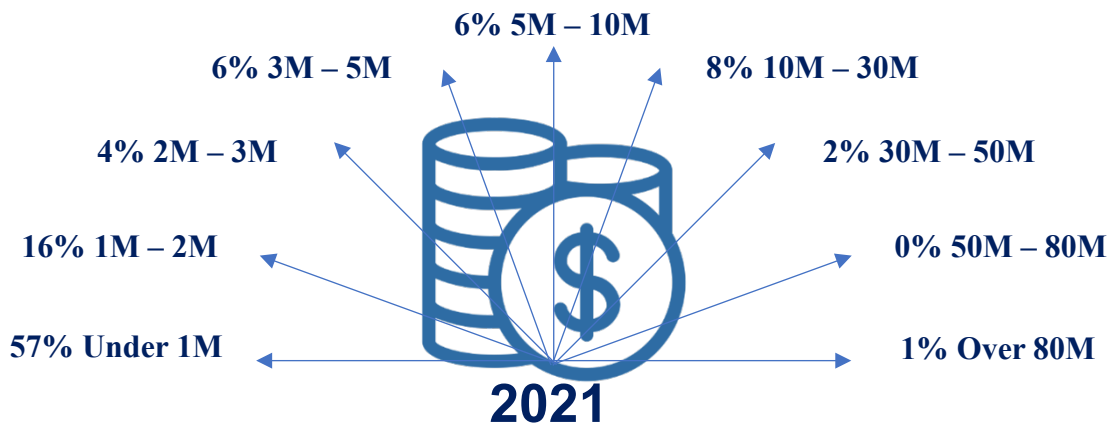
These numbers and percentages, though both still modest, show a tendency to increase female appointments by the CRCICA as well as by parties and co-arbitrators.

Of the 165 arbitrators appointed in 2021, only 34 were appointed by the Centre, representing 20% of all appointments. In exercising its power as appointing authority, the Centre took the opportunity to appoint 7 non-Egyptian arbitrators, as well as 4 female arbitrators and 3 arbitrators under 40.



In 2021, 62 arbitration cases were conducted in Arabic, (i.e. 75%), whereas 21 cases, (i.e. 25%), were conducted in English. The French version of the CRCICA Rules was issued on 31 March 2017.





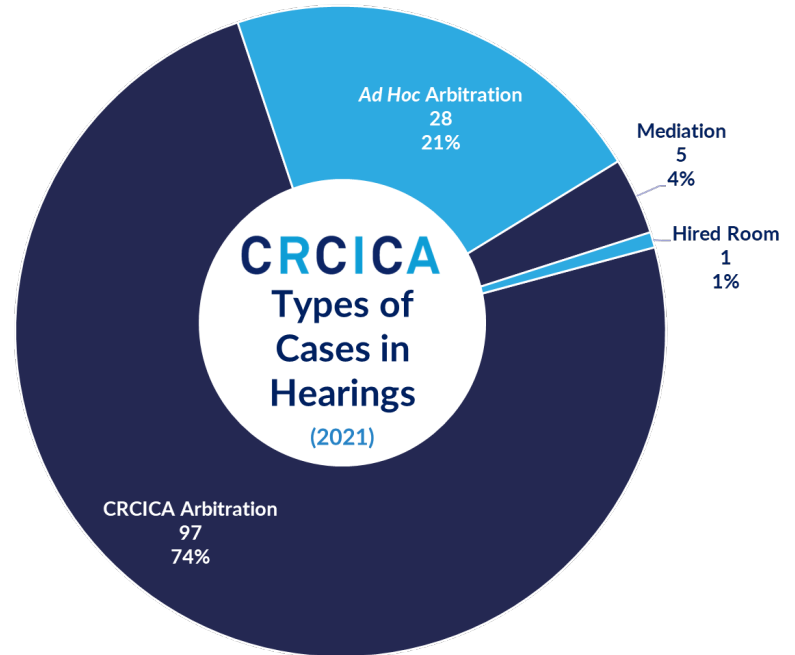
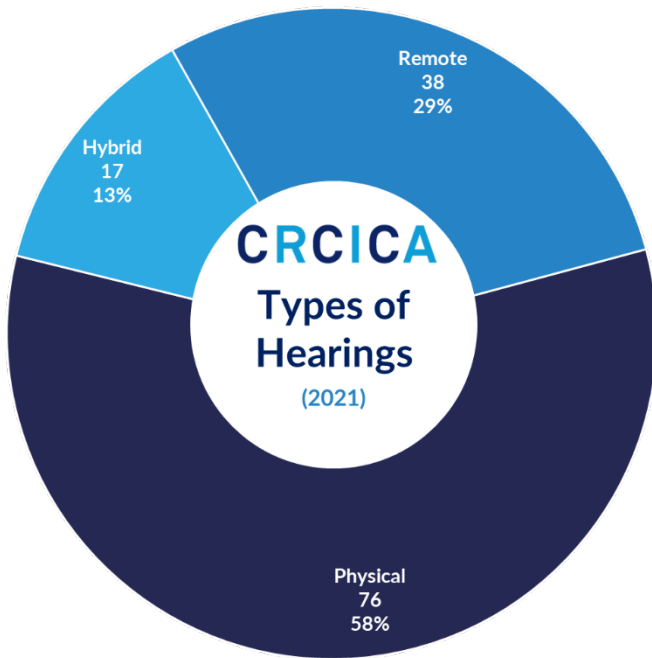
During 2021, cases where the sum in dispute does not exceed USD 1million constituted over half of the Centre’s caseload. These were followed by cases where the sum in dispute ranges between USD 1million and USD 2million and cases where the sum in dispute ranges between USD 10million and USD 30 million.

The average value of the sums in dispute in cases registered in 2021 amounted to USD 4,653,669, with the total sum in dispute during 2021 reaching USD 386,254,522.

### Hearings in 2021:

Throughout this year, 131 hearings took place using CRCICA’s hearing facilities. 97 of the hearings related to cases brought under the CRCICA Arbitration Rules, 28 hearings related to *ad hoc* cases administered by CRCICA, 1 hearings related to ICC proceedings and 5 hearings related to mediation proceedings.

Of the 131 hearings that took place using CRCICA’s hearing facilities, 38 were held entirely remotely, 17 were held in a hybrid format (physical and remote attendance) and the remaining 38 hearings were held with physical attendance of a limited number of people, in compliance with the Centre’s social distancing guidelines.



### The First Arbitration Case Conducted Under the CRCICA Rules in the French Language

In January 2022, the CRCICA registered its first arbitration case in the French language since the issuance of the French version of its Arbitration Rules in 2017. The parties, an African employee and a renowned African NGO, chose a European sole arbitrator. The procedural hearing was set to be held via the CRCICA’s videoconference facilities. The arbitration agreement was in the by-laws of the African NGO.

## **Board of Trustees Meeting:**

CRCICA's Board of Trustees held its annual meeting on 29 November 2021. The meeting discussed the Centre's caseload and events in 2020 and approved the financial statements for the fiscal year ending on 31 December 2020. CRCICA's Director also presented to the Board its proposal to acquire an additional premises for CRCICA's at the New Egyptian Administrative Capital. The Board members approved the proposal.

## **Advisory Committee Meetings**

CRCICA's Advisory Committee held meetings in November 2021 and July 2022. The meetings discussed issues related to the Centre's decision on the requests not to proceed submitted to it under its Rules, and decided on a request in a specific case submitted by the Centre's Secretariat.

## **International and Domestic Institutional Cooperation:**

CRCICA concluded on 23 March 2022 a cooperation agreement with the Qatar International Center of Arbitration. The Agreement aimed at enhancing the cooperation between the parties and exchange information and publications.

CRCICA also concluded on 3 January 2022 a cooperation protocol with the Egyptian International Trade Development Authority.

### **CRCICA's Contributions to Domestic and International Publications and Events:**

#### **CRCICA at UNCITRAL Session**

Ms. Rabab Yasseen, Vice-Chair of the CRCICA Advisory Committee, represented the Centre at the 40<sup>th</sup> session of UNCITRAL Working Group IV on 7-11 February 2022.

#### **The IFCAI General Assembly and Election of CRCICA's Director as Member of IFCAI Council**

On 8 June 2022, Dr. Ismail Selim, Director of the CRCICA and IFCAI Secretary-Treasurer, attended the IFCAI General Assembly to vote a new Constitution and elect the new Council of IFCAI for the next 4 years mandate. CRCICA's Director was elected member of the Council.

#### **Webinar on Disputes and ADR for contracting parties engaged in Belt and Road Initiative Projects**

Dr. Mohamed Hafez, Counsel and Legal Advisor of the CRCICA, delivered a presentation at the Webinar on "Disputes and ADR for contracting parties engaged in Belt and Road Initiative Projects" held on 9 December 2021 and organized by Thailand Arbitration Center ("THAC") and China International Economic and Trade Arbitration Commission ("CIETAC").

#### **CRCICA Contribution to the Diplomatic Studies Institute of the Egyptian Ministry of Foreign Affairs**

On 10 January 2022, Dr. Ismail Selim gave a lecture to Francophone African diplomats at the Diplomatic Studies Institute of the Egyptian Ministry of Foreign Affairs. The lecture focused on international arbitration, the OHADA arbitration framework, and arbitration under the CRCICA Rules.

## **The Fourth World Conference on International Arbitration**

On 23 March 2022, Dr. Ismail Selim spoke at the second session of the Fourth World Conference on International Arbitration, organized by the Qatar International Center for Conciliation and Arbitration (“QICCA”). Dr. Selim's speech shed light on the Egyptian Arbitration Law and its role in creating an arbitration-friendly environment in Egypt, the rules of the CRCICA, and the proposed amendments to the Egyptian Arbitration Law.

## **Paris Arbitration Week:**

Dr. Ismail Selim spoke at the Paris Arbitration Week that took place in Paris from 28 March to 1 April 2022. He participated a panel discussion titled “Arbitration in Western and Northern Africa: Institutional Perspectives and Legal Developments”, shedding light on recent development in CRCICA’s caseload and proposals to amend the Egyptian Arbitration Law.

## **The Africa Arbitration Academy**

On 23 June 2022, Dr. Dalia Hussein, Deputy Director of the CRCICA, gave a lecture at the “Africa Arbitration Academy Flagship Training Programme 2022” in London, including an introduction to CRCICA’s Rules and role-plays based on real cases filed before the CRCICA.

## **CRCICA at the Baltic Arbitration Day**

In July 2022, Dr. Ismail Selim delivered a Keynote Speech at the Baltic Arbitration Day that focused on Arbitration in Africa. He focused on the history surrounding the introduction of Egypt’s 1994 Law on Arbitration and on arbitration's impact in the African Region.

## **CRCICA at the International Conference on Human Rights Trafficking, Social Media & AI Regulation and Climate Justice**

In July 2022, Dr. Ismail Selim gave the Opening Speech of the International Hybrid Conference on “Human Rights Trafficking, Social Media & AI Regulation and Climate Justice” at the British University in Egypt in front of Senators, Judges and Ambassadors from over 30 African countries.

## **CRCICA at Online Workshop on Benefits of Resolving Commercial Disputes Through Mediation**

On 8 March 2022, Ms. Fatma Ibrahim, the CRCICA’s Mediation Special Advisor, spoke at the online workshop on Benefits of Resolving Commercial Disputes through Mediation organized by the National Commercial Arbitration Centre (“NCAC”) and International Finance Corporation (“IFC”). She highlighted the CRCICA’s experience in promoting Commercial Mediation.

## **CRCICA Partner to Several Domestic and International Events**

### **CRCICA as a Media Partner for the 5<sup>th</sup> Arab Lawyers Forum**

CRCICA was a Media Partner for the 5<sup>th</sup> Arab Lawyers Forum held on 9-10 May 2022 at Rosewood London. The Forum highlighted the recent developments in the legal industry and the regulatory landscape and was attended by over 200 lawyers from across the Arab region.

### **CRCICA Supports Africa Construction Law Conference**

CRCICA supported the Africa Construction Law Conference on “Construction law in Africa: Turning Hindsight into Foresight”, held on 30-31 May 2022. The conference examined trends and developments in construction law and the infrastructural challenges faced across English-speaking, Francophone, and Lusophone African jurisdictions covering the full financing, contracting and dispute resolution spectrum.

### **CRCICA Supports the Virtual DRBF MENA Regional Conference**

CRCICA supported the MENA Regional Conference, organized by the Dispute Resolution Board Foundation (“DRBF”) and held virtually on 4 November 2022.

### **CRCICA as Media Partner to the Tag Time Webinar Series**

The CRCICA was among the Media Partners to the Tag Time webinar series.

### **CRCICA Supports the 29th Willem C. Vis Moot, Vienna**

The CRCICA supported the 3<sup>rd</sup> Virtual Willem C. Vis Moot that was held in Vienna on 8-14 April 2022 and organized by Association for the Organisation and Promotion of the Willem C. Vis International Commercial Arbitration Moot.

## **CRCICA Events:**

### **CRCICA Co-organises the First IFCAI Webinar on the Wind of Reforms of Major Institutional Rules**

The CRCICA co-organized the first IFCAI Webinar on: The Wind of Reforms of Major Institutional Rules held on 7 February 2022. The webinar featured interventions by key-speakers of key-worldwide arbitration institutions, including the ICC, the LCIA, the SCC, the SIAC, the ICDR-AAA, the BCDR, the Swiss Centre, the CAM and the MIAC on a first-time international online format.

### **Seminar on Mediation: The Simple Solution**

To encourage the use of international mediation, the CRCICA held a seminar titled “Mediation: The Simple Solution” on 22 February 2022 at its premises. The event shed light on mediation, its benefits, stages, and the role of the mediator in facilitating negotiations between the parties to the dispute during the mediation process.

### **Seminar on Arbitration for businesses of all sizes: From Private Equity to Start-ups**

On 15 December 2021, the CRCICA, in cooperation with the French Chamber of Commerce and Industry in Egypt, held a seminar titled: “Arbitration for businesses of all sizes: From Private Equity to Start-ups: A closer look into the most efficient methods of preventing and managing disputes”.

### **Webinar on Dispute Boards in the Construction Industry**

On 16 November 2021, the CRCICA held a free live webinar on “Dispute Boards in the Construction Industry: Effectiveness / Types / FIDIC Contracts Functions / Procedural Rules”. The speaker was Prof. Dr. Sherif El Haggan.

### **Training Workshop on the CRCICA Dispute Board Rules**

The first Training Workshop on the CRCICA Dispute Board Rules, jointly organized with the CIArb Egypt Branch, was held on 3-4 September 2022. The Workshop will combine theoretical and practical aspects. It will be composed of lectures and role plays where participants will be divided into groups to address real cases, either as parties or as DB members, applying the new CRCICA DB Rules.

## **CRCICA Trainings and Educational Cooperation:**

### **AlexandriaU-CRCICA Vis Pre-Moot**

The third edition of the AlexU-CRCICA Vis Pre-Moot was held in a hybrid format on 23-24 March 2022 at the premises of the CRCICA. The Pre-Moot was conducted under the umbrella of a Cooperation agreement concluded two years earlier, and witnessed the participation of a number of African and Asian teams.

### **The Second Round of the Ain Shams University Professional Diploma in Arbitration**

The Faculty of Law at Ain Shams University, in cooperation with the CRCICA, held the second round of the professional diploma in arbitration, which started on 20 February 2022. The diploma is conducted under the umbrella of a cooperation agreement between CRCICA and Ain Shams University in 2021.

### **Training for the Employees of Ganope**

The CRCICA, in partnership with the South Valley Egyptian Petroleum Holding Company (Ganope), conducted training for the employees of Ganope. The training discussed how to avoid the legal and technical disputes that may arise and the dispute settlement of some arbitration cases.

### **Two-Level Mediation Training Course: Fundamentals of Mediation and Qualifying the Mediator**

The CRCICA offered a two-level mediation training course to encourage the use of mediation. The first level, titled "Fundamentals of Mediation", was held on 25-26 January 2022 and the second level, titled "Qualifying the Mediator", on 29-30 January and 1-2 February 2022, at the CRCICA headquarters. The trainers were Ms. Fatma Ibrahim and Mr. Fehmi Karami, both renowned accredited mediators and experienced trainers. "

### **Training Course on Comparative Commercial Arbitration: Theory and Practice**

On 19-26 December 2021, the CRCICA organized a new round of the Training Course on Comparative Commercial Arbitration: Theory and Practice (CCATP), under its status as Recognized Course Provider (RCP) by the Chartered Institute of Arbitrators (CIArb). The CCATP course is equivalent to the CIArb Module (I) on international arbitration and qualifies successful candidates to apply for the membership of the CIArb.

## **CIArb Egypt Branch Seminars and Activities**

### **Egypt Branch Mentoring Programme**

From March 2021 to March 2022, the Egypt Branch held the first cycle of its Mentoring Programme, which was the first programme initiated by a CIArb Branch in the region. The program included a number of CIArb young members under 40 as mentees, divided into four mentoring groups, each guided by an expert mentor and active mentor supporter. The programme offered interesting activities for the groups, including meetings and mock mediation and arbitration cases at the CRCICA premises. The second cycle of the Branch Mentoring started in May 2022 and should be conducted to May 2023.

### **Mock Mediation Construction Case Webinar**

On 26 December 2021, a Mock Mediation Construction Case webinar was organized by CIArb Egypt Branch jointly with the CRCICA with the objective of raising awareness about mediation in the construction industry. The event started with an opening speech followed by one-hour video comprising a role play of the various key stages of a mediation process, previously shot at the CRCICA and acted by five experienced speakers, and finally concluded with an open discussion with the participants.

### **Webinar on Qatari and Egyptian Arbitration Laws**

On 13 February 2022, the CRCICA organized jointly with the CIArb Egypt Branch and the Qatar Branch a webinar titled “Insights into the Qatari and Egyptian Arbitration Laws”, marking the first cooperation between the two branches. Speakers from the two Branches focused on the main aspects of Egyptian and Qatari arbitration laws and the issues and questions arising out of their implementation. The closing remarks were delivered by Prof. Dr. Mohamed Abdel Raouf, the Chairs of the two branches.

### **Seminar on the Impartiality of Arbitrators**

On 22 March 2022, the Egypt Branch organized jointly with the CRCICA a hybrid seminar on on The Impartiality of Arbitrators, held at the Centre’s premises. The speaker was Dr. Karim El Chazli, Legal advisor at the Swiss Institute of Comparative Law, who discussed the main issues he dealt with in his PhD dissertation ‘*L'impartialité de l'arbitre*’ published in 2020. The event focused on the importance of the impartiality of arbitrators; the distinction between

### **Webinar on the Rules and Practices of International Investment Law**

On 24 May 2022, the CRCICA organized jointly with CIArb Egypt Branch a webinar titled “Rules and Practices of International Investment Law and Arbitration-Textbook Presentation and Discussion”. The event focused on the balancing between public and private interests and how this impacts treaty and arbitral practice. The speaker was Prof. Dr. Yannick Radi, Professor of International Law at the University of Louvain and the author of the textbook.

### **Seminar on “Challenges of the Engineering Application of the Contract Regulation Law Signed by Public Authorities (No. 182 of 2018)”**

The seminar was organized by Egypt Branch and the CRCICA and was held on 3 July 2022. Speakers were expert engineers and lawyers, namely Dr. Salwa Fawzy, Dr. Walid Al-Nimr, Mr. Hazem Rizkana and Mr. Gerges Abdel Shaheed.

## **CRCICA Future Events in 2022:**

The CRCICA has taken many satisfactory strides along the way and will continue to emphasize its role in the international and regional arena, endlessly striving to keep the work going forward and to build the future. The following are some of the CRCICA's anticipated upcoming events.

### **Training for practitioners in international arbitration 2022**

The CRCICA is collaborating with three other African Arbitral Centres to deliver training for practitioners in international arbitration over 2022. The training will be at the CRCICA premises from 10-12 October 2022. It will be delivered renowned African and international experts including Prof. Dr. Mohamed Abdel Wahab, Prof. Emilia Onyema, and Professor Naglaa Nassar.

### **DRBF Mena Conference**

The CRCICA hosts and co-organizes the first in person Dispute Resolution Board Foundation (DRBF) MENA Region Conference scheduled on 15 November 2022.

### **SHARM EL SHEIKH VIII 2022**

The CRCICA is organizing this year the eighth round of its World's Sole Biennial Conference on "The Role of State Courts in International Arbitration" on 5-6 December 2022. This year, the Conference will be held in cooperation with the UNCITRAL, the AALCO, and the Arab Union for International Arbitration (AUIA). SHARM EL SHEIKH Conferences enjoy a distinctive global stance as the only regular meeting point for lawyers, judges, arbitrators, and other users of arbitration from all around the world to exchange expert views on the diverse relationship between state courts and arbitration in a cross-cultural context.