

CRCICA ANNUAL REPORT

2012-2013

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), has again entered in a new transitional period. The goals of the January 25th Revolution were obviously unachieved. The Egyptian people have re-imposed their will on June 30, 2013 by a revolutionary declaration under the protection of the Egyptian army. CRCICA is hopeful that the recent changes will soon put Egypt on the right track and would help it regain its position as a vital economic partner and an investment friendly host state.



These developments come at an important time for CRCICA, which, since January 1st, 2013, has new Mediation Rules that have been approved during the annual meeting of CRCICA's new Board of Trustees (BOT) held in Sharm El Sheikh, Egypt on November 28, 2012. The said meeting also witnessed the election, pursuant to the BOT's By-laws, of his Excellency Dr. Nabil Elaraby as Chairman of the BOT as well as Judge Mohamed Amin El Mahdy (Egypt) and Dr. Hamaza Haddad (Jordan) as Vice-Chairmen.

CRCICA's new Advisory Committee (AC) also held its first meeting in Sharm El Sheikh on November 27, 2013. During the meeting, pursuant to the AC's By-laws, Prof. Dr. El Kosheri was elected as Chairman of the AC and Me Philippe Leboulanger (France) and Professor Nassib Ziadé (Lebanon) were elected as Vice-Chairmen. Since then, the AC held two meetings in March and June 2013 and is scheduled to hold another two meetings in September and December 2013.

In spite of the political unrest in the region, the year 2012 was a record year for CRCICA's caseload, witnessing a new record for the number of cases registered under its auspices in a single year (78 cases). The first half of 2013 witnessed the filing of 31 new arbitration cases including one case in which the amount in dispute reached 1 billion USD (EGP 7 Billion), representing as such a new record amount in dispute in cases brought before the Centre during the last two years. I am particularly proud of the diversity of the disputed contracts, the nationalities of both the parties and the arbitrators as well as the increasing amounts in dispute.

As already announced in our previous Annual Report, CRCICA is renovating its hearing rooms. Renovations are planned in two phases covering two zones to end altogether in October 2013. Since May 2013, zone one is finished and already operational, including a modern hearing room (20 persons), two breakout rooms (7 persons each), a lounge (5 persons) and a technical room. Ongoing renovations will bring CRCICA spatial and technical facilities among one of the primes all over the world.

I am also glad to report that the general membership of CRCICA has recently opened to all interested professionals including arbitrators, mediators, practicing lawyers, experts in every field, academics, engineers, accountants as well as representatives of commercial and trading organizations. Members will be entitled to a wide range of benefits including free subscription to CRCICA publications and discounted CRCICA room rental rates.

CRCICA's activities in 2012 and early 2013 were focused on offering first class training programs and workshops for young and more experienced practitioners and included the organization of a conference on Euro-Arab investor-State Dispute Resolution, the Sharm El Sheikh IV conference on the Role of State Courts in Arbitration, the launch event of the new CRCICA Mediation Rules as well as hosting the CI Arb Wednesday One Seminars.

I am extremely proud to see CRCICA continuing its active contribution to the worldwide development of the theory and practice of arbitration and ADR. This included the adoption of the new IBA Rules for Investor-State Mediation, the establishment of the MENA Regional Mediation Forum, the ISPRAMED works on the independence and impartiality of arbitrators, in addition to other relevant ICCA and IFCAI activities.

The second half of the year 2013 will witness the completion of very ambitious projects that have already started in 2013 with respect to the development of CRCICA new website, case management software and the automation of its library.

I am confident that, with the devotion and support of my colleagues, CRCICA will be achieving all its future objectives.

CRCICA CASELOAD



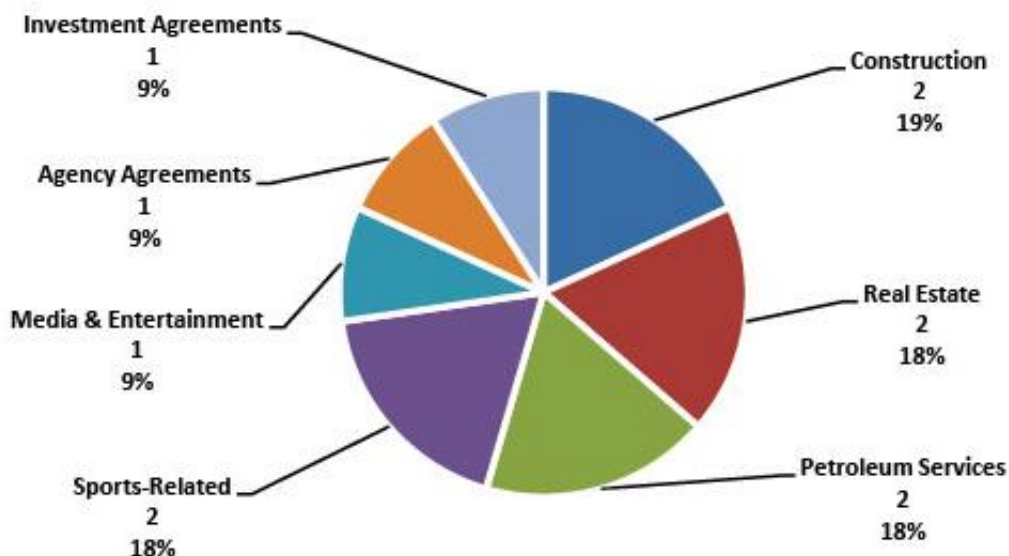
2012: New Annual Record

The total number of arbitration cases filed before CRCICA until 31 December 2012 reached 870 cases. In 2012, 78 new arbitration cases were filed, scoring as such 19% annual increase compared to the 66 cases filed in 2011. 2012 witnessed therefore a new record for the number of cases registered under the auspices of CRCICA in a single year (78 cases). The previous record, reached in 2007 (67 cases), has already been broken.

In the fourth quarter of 2012, 11 new arbitration cases were filed. Such cases involved disputes relating to construction, real estate, petroleum services, sports, media and entertainment, agency agreements and investment agreements. Real estate disputes related to the touristic development of a land in Sahl Hasish, Hurghada, Egypt as well as the agricultural development of a land in Menya Governorate, Egypt. Sports-related disputes related to the broadcasting of sportive events and shows. The investment agreement related to the financing of a factory in Obour City, Egypt, manufacturing oils, soap and detergents. The media and entertainment case related to the marketing of a television game show. The petroleum services dispute related to a contract for the processing of crude oil.

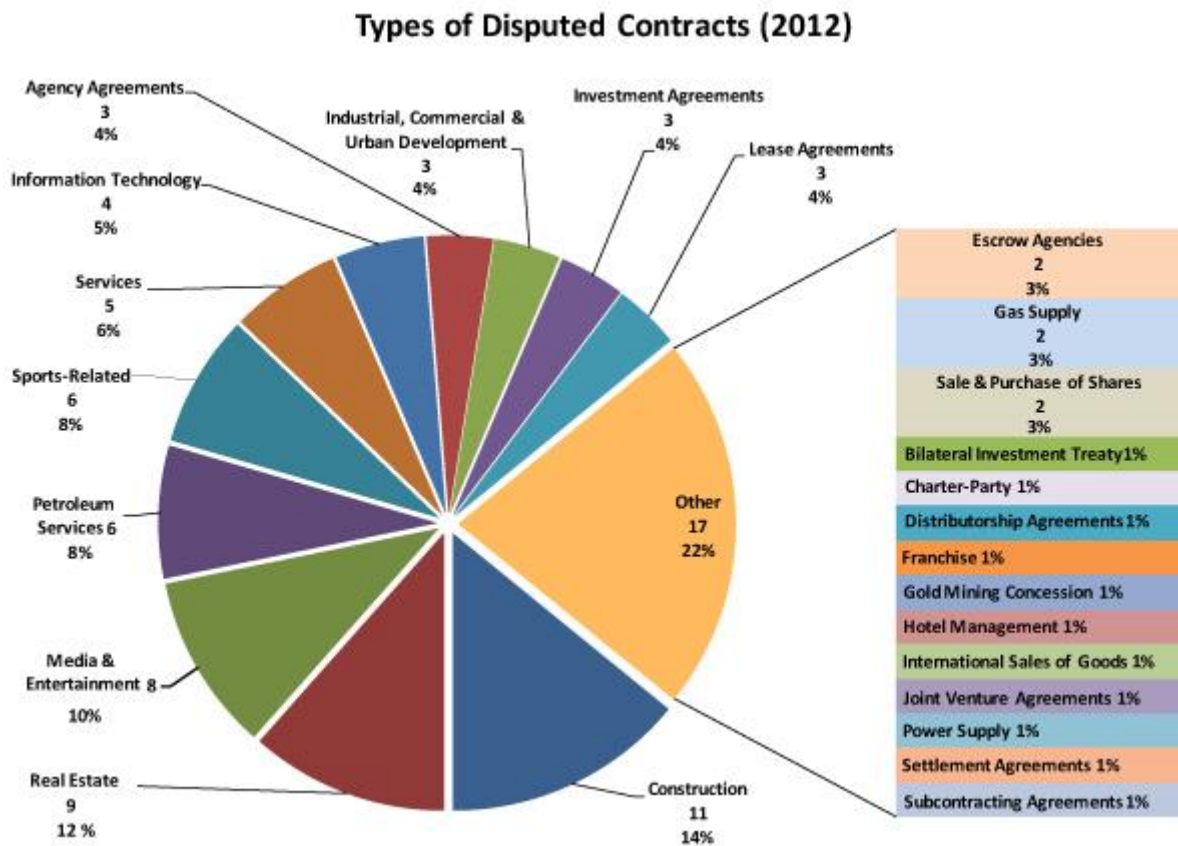
The following pie shows a breakdown of the types of disputed contracts during the fourth quarter of 2012:

Types of Disputed Contracts (4th Quarter 2012)



According to the statistics of 2012, construction contracts maintained its position as the most important type of disputed contracts with 11 cases, followed by real estate disputes (9 cases), media and entertainment (8 cases), petroleum services and sports-related disputes (6 cases), services (5 cases), information technology (4 cases), agency agreements, industrial, commercial and urban development, investment agreements and lease agreements (3 cases each), escrow agencies, gas supply and sale and purchase of shares (2 cases each), bilateral investment treaty, charter-party, distributorship agreements, franchise, gold mining concession, hotel management, international sales of goods, joint venture agreements, power supply, settlement agreements and subcontracting agreements (1 case each).

The following pie shows a breakdown of the types of disputed contracts in 2012:

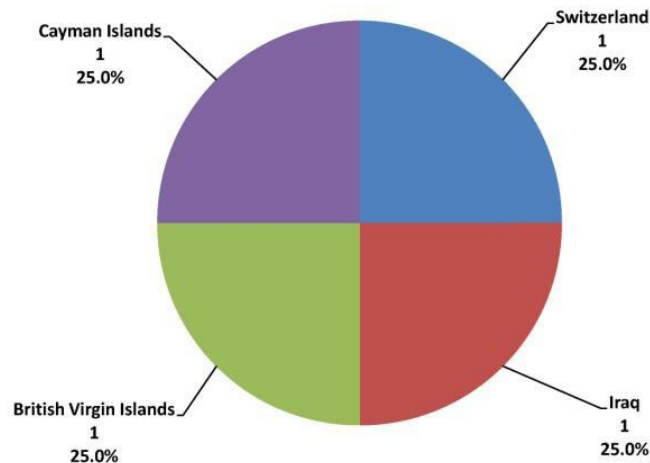


The rich variety of the types of disputed contracts referred to CRCICA in 2012 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices.

In the fourth quarter of 2012, arbitration proceedings involved parties from different countries including Egypt, Switzerland, Iraq, British Version Islands and Cayman Islands. CRCICA is pleased to see that in the fourth quarter of 2012, its Arbitration Rules have again been selected by Swiss and Iraqi parties.

The following pie shows a breakdown of the nationalities of non-Egyptian parties during the fourth quarter of 2012:

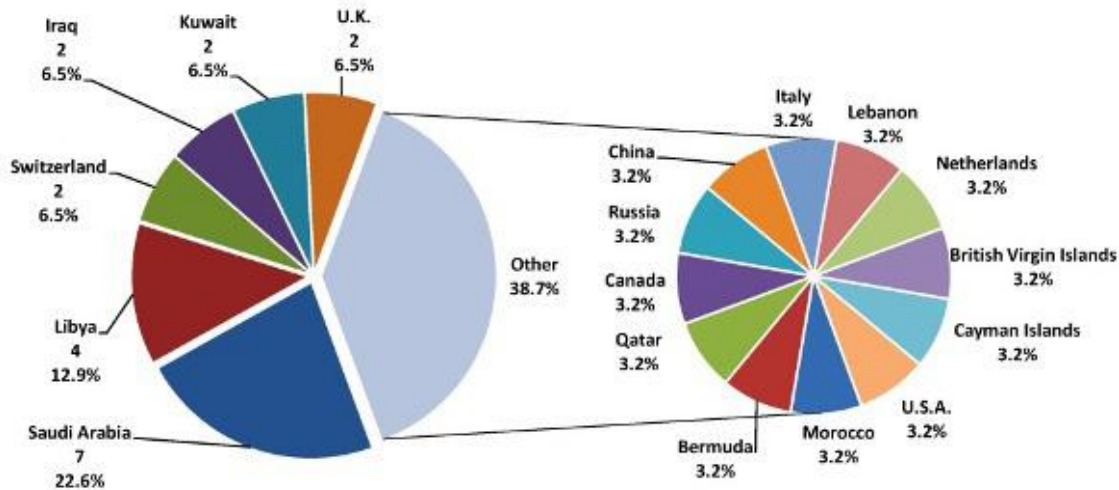
Nationalities of Non-Egyptian Parties (4th Quarter 2012)



According to the statistics of 2012, parties from Saudi Arabia rank on top of Arab parties, followed by Libyan, Iraqi, Kuwaiti, Moroccan, Lebanese and Qatari parties, while British and Swiss parties are the most frequent non-Arab parties, followed by parties from Canada, China, Italy, the Netherlands, Russia, and the USA, in addition to Bermuda, British Version Islands and Cayman Islands.

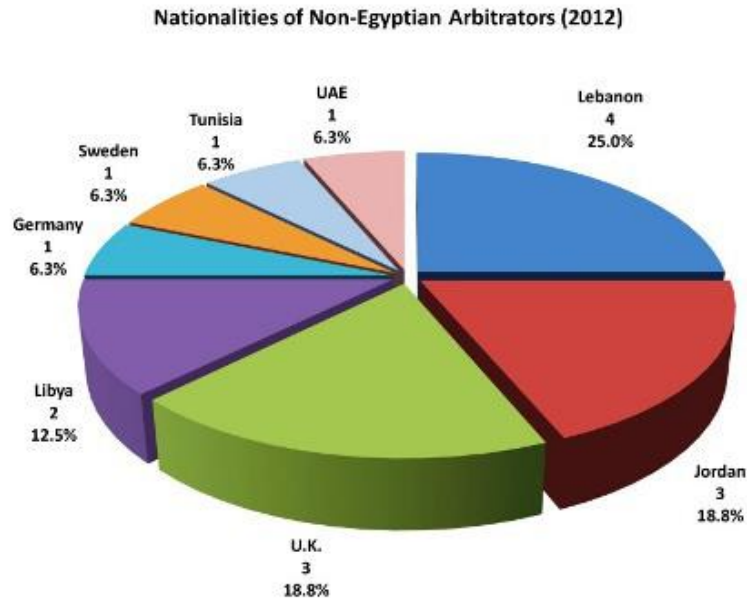
The following pie shows a breakdown of the nationalities of non-Egyptian parties in 2012:

Nationalities of Non-Egyptian Parties (2012)



The fourth quarter of 2012 witnessed the appointment of a chairman from the UK and Lebanon in addition to another co-arbitrator from Lebanon. According to the statistics of 2012, Lebanese arbitrators rank on top of Arab arbitrators, followed by Jordanian, Libyan, Emirati and Tunisian arbitrators, while British arbitrators are the most frequently appointed non-Arab arbitrators, followed by German and Swedish Arbitrators.

The following pie shows a breakdown of the nationalities of non-Egyptian arbitrators in 2012:



Mediation and ADR: Encouraging Results

The year 2012 witnessed encouraging results that open the door to a brighter future for Mediation in particular and ADR in general.

Three mediation and ADR cases were actually registered under the auspices of the Centre in 2012. The first case started as an arbitration and related to a contract for the sale and purchase of shares concluded between an Arab investment group, including shareholders from Saudi Arabia and Jordan, and an Egyptian joint stock company as well as two investors from Qatar, who all agreed to refer their dispute to mediation after the filing of an arbitration. While the arbitration case included claims amounting to US\$ 2,000,000, the mediation process resulted in a settlement agreement concluded between the parties for a sum amounting to only US\$ 250,000. The second ADR case was a conciliation one that took place between a public entity and a real estate investment company, including investors from Egypt and Kuwait, concerning an industrial, commercial and urban development project in Egypt. According to the disputed contract, a panel of three conciliators was constituted including a chairperson appointed by the Centre in its capacity as the designated appointing authority. The parties reached an amicable settlement based on a recommendation made by the conciliators and approved by the parties. Another conciliation case involving two well-known construction companies is currently pending before the Centre. A sole engineer conciliator was appointed by the parties to help them settle the dispute.

The above cases were filed according to the former version of CRCICA's mediation and ADR Rules. CRCICA expects that with the entry into force of its new and modern Mediation Rules, as from 1 January 2013, the number of mediation and ADR cases will augment in 2013 and beyond.

1st Quarter of 2013: A rich variety of disputes

The total number of arbitration cases filed before CRCICA until 31 March 2013 reached 885 cases. In the first quarter of 2013, 15 new arbitration cases were filed.

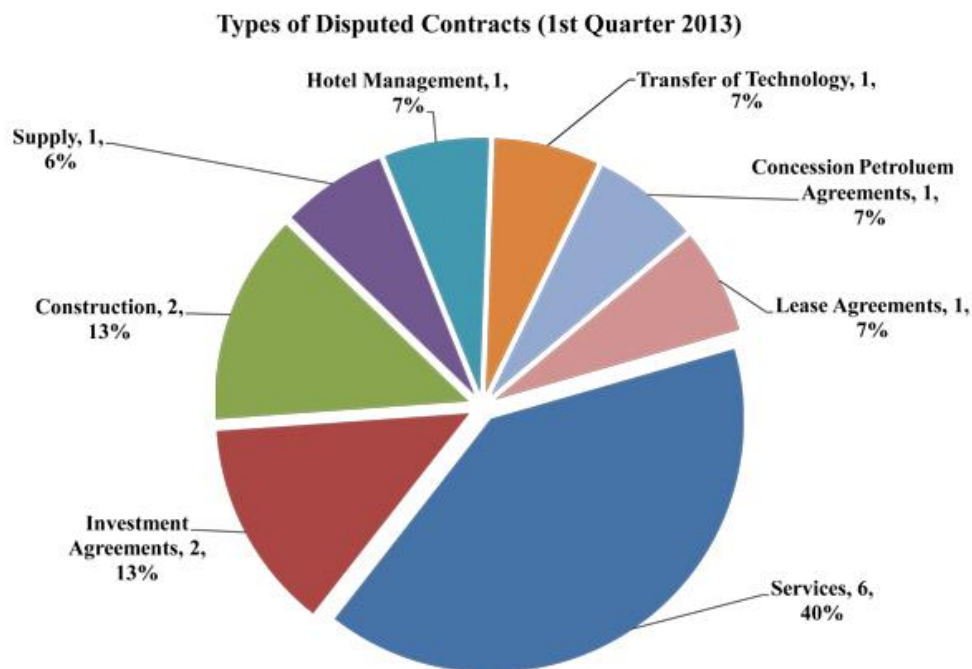
CRCICA's caseload in the first quarter of 2013 involved disputes relating mainly to services, supply, investment agreements, construction, petroleum concession agreements, lease agreements, hotel management and transfer of technology. The first quarter of 2013 witnessed the filing of six cases arising out of services contracts, one of which related to catering and management of restaurants, while the others related to: the maintenance services of a well-known European car, an international contract for ground handling airport services, a contract for the management, operation and marketing of memberships, an agreement for the follow-up, supervision and technical assistance, and transportation services.

Two investment cases were filed during the first quarter of 2013. The first one is an international case relating to the potential purchase of shares of a medical venture, while the other related to a touristic project in Sharm El Sheikh, Egypt. One of the two construction disputes filed under the auspices of the Centre concerned a FIDIC contract for building a commercial warehouse, while the other related to the construction of the headquarters of an IT Company in the Smart Village, 6 October City, Egypt. Other cases varied between disputes arising out of the exploitation and management of a hotel in Hurghada, Egypt and a concession agreement for Petroleum exploration and exploitation.

It is worth noting that the first quarter of 2013 has witnessed the filing of an international arbitration relating to the transfer of technology. Another dispute related to a lease agreement for the headquarters of a private university was also filed under the auspices of the Centre.

The total sums in disputes filed under the auspices of the Centre until 31 March 2013 amounted to US \$ 385,448,550. The largest amount in dispute being US \$ 250,000,000.

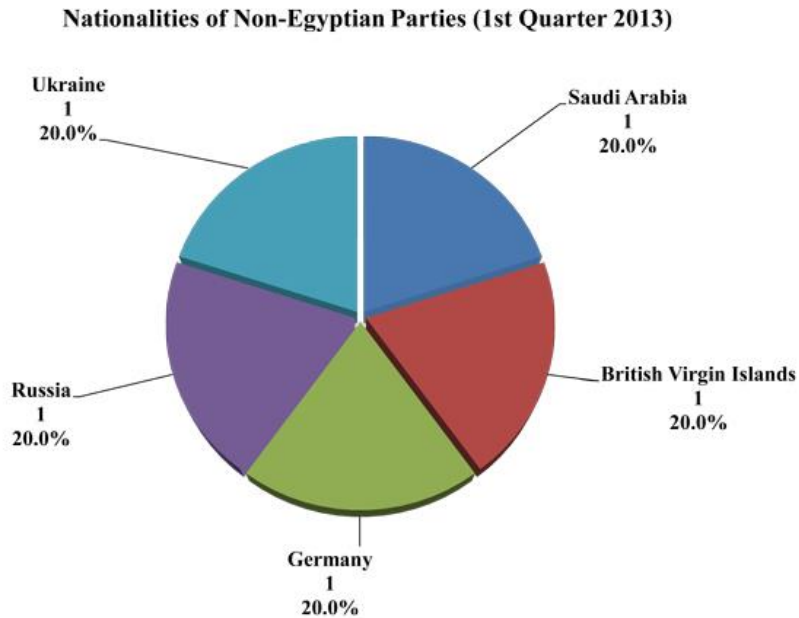
The following pie shows a breakdown of the types of disputed contracts during the first quarter of 2013:



The rich variety of the types of disputed contracts referred to CRCICA in the first quarter of 2013 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices.

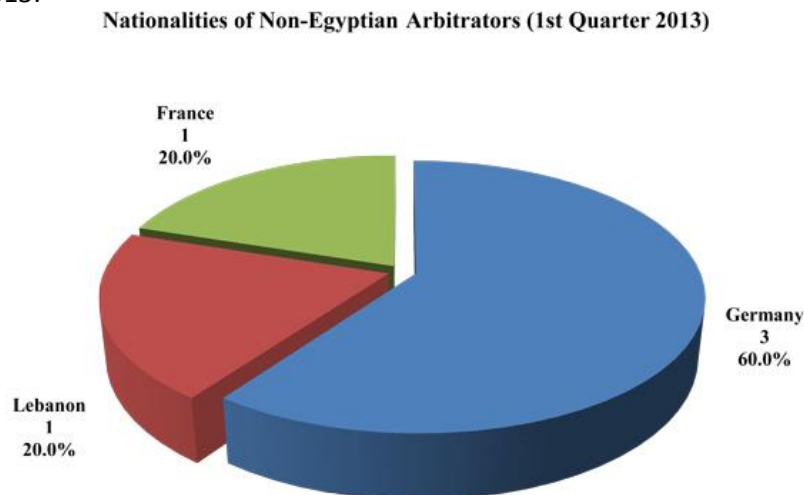
In the first quarter of 2013, arbitration proceedings involved parties from different countries including Egypt, Saudi Arabia, British Virgin Islands, Russia, Germany and Ukraine. CRCICA is satisfied to see that its Arbitration Rules have recently been selected by parties from Russia and Ukraine.

The following pie shows a breakdown of the nationalities of non-Egyptian parties during the first quarter of 2013:



The First quarter of 2013 witnessed the appointment of arbitrators coming from Egypt, Jordan, France and Germany. It is worth noting that three German arbitrators were appointed by the parties in three different cases currently pending before the Centre.

The following pie shows a breakdown of the nationalities of non-Egyptian arbitrators in the first quarter of 2013:



2nd Quarter of 2013: A new Record Amount in dispute since 2010

The total number of arbitration cases filed before CRCICA until 30 June 2013 reached 901 cases. In the second quarter of 2013, 16 new arbitration cases were filed, making the total number of cases filed from January till June 2013 31 new arbitration cases.

CRCICA's caseload in the second quarter of 2013 involved disputes relating mainly to real estate, construction, services, gas supply, lease agreements, subcontracting, petroleum services and agency agreements. The second quarter of 2013 witnessed the filing of four cases arising out of real estate contracts, two of which are international arbitrations including parties from the UK and Russia and relating to the sale and purchase of two properties in Sahl Hasish, Hurghada, Egypt. The other two cases were domestic ones relating to the sale and purchase of two floating hotels as well as a commercial unit in a shopping mall.

It is worth noting that, in the same quarter, three cases arising out of services contracts were filed before the Centre relating to the supply of desalinated water for a hotel in Sharm El Sheikh, Egypt, the provision of consultancy services as well as petroleum services.

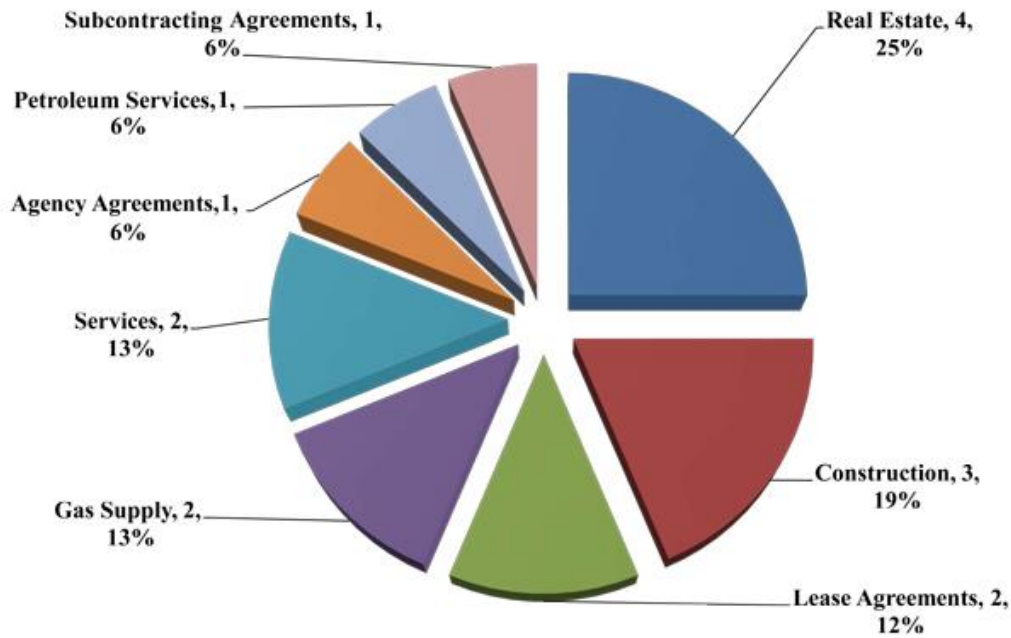
Three other cases arising out of construction contracts were also filed during the second quarter of 2013, one of which related to the civil and electromechanical works for the construction of a new factory for the production of dry batteries in Egypt. The other two cases related to the renovation of the Alexandria branch of one of the oldest and most famous private clubs in Egypt as well as the design, build and operation of a unit for refrigeration by natural gas.

Two international cases arising out of the sale and purchase of natural gas were also filed under the auspices of the Centre during the second quarter of 2013, one of which is seated in Madrid, Spain. The amount in dispute in one of these cases reached 1 billion US\$ (EGP 7 billion), representing as such a new record amount in dispute in cases brought before the Centre during the last two years.

Two lease agreements one of which relating to a bazaar and the other to a commercial unit were filed before CRCICA during the second quarter of 2013. Other disputes arose out of a subcontracting agreement for the installation of an automated fire alarm system in a cultural centre in one of the Egyptian governorates as well as an agency agreement regarding the sale of flight tickets concluded between an Egyptian agent and a well-known Arab air carrier.

The following pie shows a breakdown of the types of disputed contracts during the second quarter of 2013:

Types of Disputed Contracts (2nd Quarter 2013)

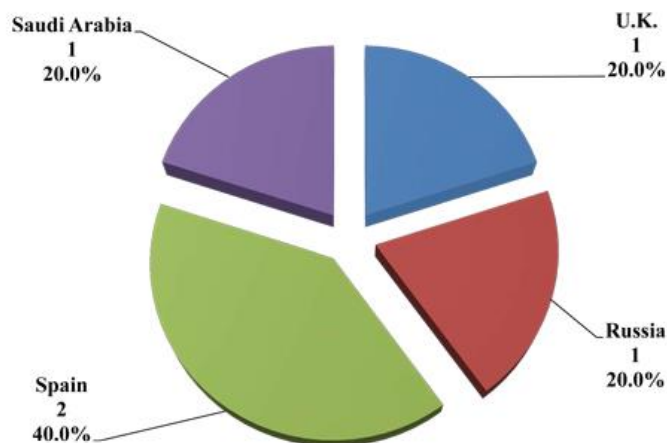


The filing of cases involving a record amount in dispute since 2010 as well as the selection of CRCICA's Rules to govern arbitration proceedings conducted in Europe confirm the credibility of institutional arbitration under CRCICA's auspices.

In the second quarter of 2013, arbitration proceedings involved parties from different countries including Egypt, Saudi Arabia, UK, Russia and Spain. CRCICA is pleased to see that its Arbitration Rules have been constantly selected by parties from Europe and Asia in addition to its usual Arab users.

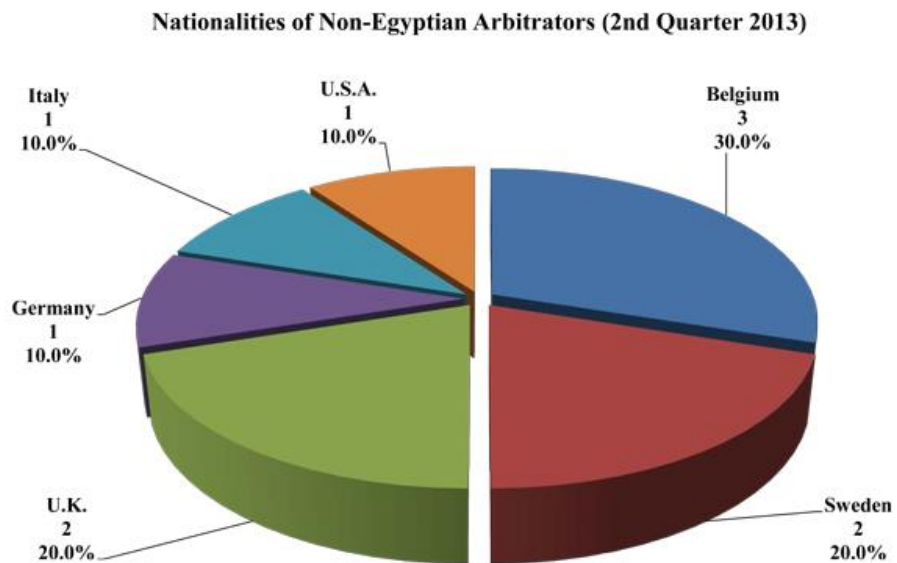
The following pie shows a breakdown of the nationalities of non-Egyptian parties during the second quarter of 2013:

Nationalities of Non-Egyptian Parties (2nd Quarter 2013)



The second quarter of 2013 witnessed the appointment of arbitrators coming from Egypt, USA, Belgium, Germany, Sweden, UK and Italy. CRCICA is pleased with the "comeback" of Italian arbitrators.

The following pie shows a breakdown of the nationalities of non-Egyptian arbitrators in the Second quarter of 2013:



The total sums in disputes filed under the auspices of the Centre during the second quarter of 2013 and until 30 June 2013 amounted to US\$ 1,042,465,489. The largest amount in dispute being US\$ 1 billion.

CRCICA ADOPTS NEW MEDIATION RULES IN 2013



Mediation has grown as a simple, effective and reasonably priced dispute settlement mechanism. Keeping up with international trends and practices, as announced in our previous Annual Report, CRCICA issued its New Mediation Rules, effective as from 1 January 2013.

Since 2011, under the umbrella of the International Finance Corporation (IFC), a member of the World Bank Group, CRCICA has worked with the Centre for Effective Dispute Resolution (CEDR) to develop new mediation rules that respond to users' expectations in the light of recent practices worldwide. *"The new CRCICA mediation rules", according to Mr. James South, CEDR Director, "are high quality and consistent with developments of international mediation practice. They also show CRCICA's commitment to developing mediation services in Egypt and the wider region."*

The Rules are also well received by key practitioners. According to Dr. Ahmed Fathi Waly, Contract Administration Consultant and Accredited Mediator; *"these rules mark a bench mark in the use of Mediation as an effective dispute resolution method in Egypt. The Centre reaped the fruits of its long term efforts, hard work and dedication to promote Mediation. In the midst of the Egyptian revolution aftershocks, the Centre managed to keep its focus and excel in achieving this accomplishment."*

CRCICA was supported in this institutional project by an expert working group composed of members of its Panel of Accredited Mediators. *"The Group focused on reaching a set of rules that will facilitate the Mediation process",* said Mr. Khalil Shaat, Senior Policy Advisor, Water and Wastewater Programme (WWMP) and Accredited Mediator. *"While we were discussing the Rules and possible changes thereof",* Mr. Shaat explained further, *"we were attached to the future."*

According to Mr. Michael Schneider, International Arbitrator and member of CRCICA BOT, *"the Rules are well considered and provide a useful frame for mediation and possible other ADR Services."* This is illustrated in the Rules' scope of application which expands to all other forms of ADR mechanisms which may be brought before the Centre subject to the choice of the parties involved. It also allows for making amendments to it as may be required for the specific nature of such other ADR mechanisms.

The Rules unfold a high level of flexibility that fosters party autonomy all through the mediation process. According to the Rules, the mediation process is a very flexible one allowing the mediator to conduct it *"in such a manner he or she deems appropriate, taking into account the circumstances of the case, the wishes of the parties and the need for a speedy settlement of the dispute"* (Article 8.3).

Being cognizant that the appointment of an efficient mediator might be a challenge to parties, the Rules refer to the Centre's Panel of Accredited Mediators from amongst which the mediator should be appointed in case the parties have not agreed on a mediator. CRCICA has a list of almost 80 accredited mediators, all are well-reputed professionals in the field. About one third of this Panel received their accreditation from CEDR as one of the most distinguished mediation organizations all over the world.

In sustaining institutional framing of possible mediations under different circumstances, the Rules include two model clauses. The first is a simple mediation clause and the second is a multi-tiered process clause that suggests options before mediation and after it in case of its failure. One original feature of the model mediation clause is that it invites the parties to consider adding the possibility of appointing the mediator as an arbitrator and request him or her to confirm the settlement agreement in an arbitral award.

The New CRCICA Mediation Rules promise to provide reliable procedural grounds for the practice of mediation in Egypt and the region. "*As a mediator by training and inclination,*" says Laila El Shentenawi, Accredited Mediator, "*I am happy to see CRCICA offering new rules for mediation fitting the development of the business world and focusing on party autonomy and prompt amicable dispute resolution.*"

CRCICA MEMBERSHIP NOW OPEN



The general membership of CRCICA has just opened to all interested professionals including arbitrators, mediators, practicing lawyers, experts in every field, academics, engineers, accountants as well as representatives of commercial and trading organizations.

Membership criteria include, among other alternatives, completion of CRCICA four-module course: Comparative Commercial Arbitration: Theory and Practice (CCATP) which is recognized as the first ever comparative commercial arbitration course in Arabic.

Members will be entitled to a wide range of benefits including free subscription to the Journal of Arab Arbitration, 40% discount on books published by CRCICA, 20% discount on CRCICA room rental price list and free membership of CRCICA Library.

CRCICA-HOSTED CAS ALTERNATIVE HEARING CENTRE IN OPERATION



In July 2012, the International Court of Arbitration for Sport (ICAS) and the Cairo Regional Centre for International Commercial Arbitration (CRCICA) entered into agreement entitling CRCICA to host the first Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS) in Africa. CRCICA-hosted CAS AHC is the fourth all over the world. The other three AHCs are in Malaysia, China and United Arab Emirates.

"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 cases," said Mr. Mathew Reeb, CAS Secretary General. However, all AHCs all over the world are only seats for CAS Hearings without any liabilities to get involved in neither the procedural nor the substantive aspects of the dispute.

In implementation of the Agreement, CRCICA hosted the first CAS hearing session on 27 March 2013. The case in question involved the official agent of players of a popular sport, an African Federation of the same sport and a well-known player. Over couples of hours, the hearing remained on live broadcasting to Lausanne of Switzerland through CRCICA's video conferencing facility. Upon the completion of the hearing, CRCICA received formal thanks and acknowledgement from the CAS Secretariat for "*the precious help in the organization of the hearing*".

The institutional cooperation between CRCICA and CAS is expected to ensure the status of CRCICA as an international arbitral organization administrating many trade and investment disputes in addition to a growing number of sports related disputes during the last years. It is also foreseen to have a future positive impact on the functioning and accessibility of sports arbitration procedures in a region having thriving sport practices both qualitatively and quantitatively. However, their resulting disputes lack the required paralleled development of alternative means for the settlement of sports disputes especially sports arbitration and mediation.

RENOVATION OF CRCICA HEARING CENTRE: ZONE ONE ACHIEVED AND OPERATIONAL



CRCICA is renovating its hearing rooms in two Phases. The area under renovation includes three hearing rooms, two breakout rooms, refreshment area, lounges, bathrooms, waiting and reception areas.

Hearing rooms are being furnished with high-tech equipment. The main one, named after Dr. Mohamed Aboul-Enein, the former Director of the Centre, is designed to be a state-of-the-art utilizing latest features of presentation techniques.

Also, premier video conferencing systems will be installed to insure high impact visual experiences. Interactive meeting room system will operate using powerful communication tools that provide real-time, face-to-face communication and realistic meeting environments.

In addition to this, the latest generation of wireless audio conference systems will be set and so will simultaneous interpretation system and voice recording services.

Innovatively, the room will be bi-structural with a possibility to have either a U-shape set-up for hearings with a capacity up to 30 persons or theatre set-up for training courses with a capacity up to 40 persons.

Renovations are planned in two phases covering two zones to end altogether in October 2013. Since May 2013, zone one is finished and already operational, including a modern hearing room (20 persons) named after the late Judge Mamdouh Attia, former Egyptian Minister of Justice, two breakout rooms (7 persons each), a lounge (5 persons) and a technical room. For more details about the rental prices of the facilities available in zone one, please contact info@crcica.org.eg.

Ongoing renovations will bring CRCICA spatial and technical facilities among one of the primes all over the world.



ANNUAL CRCICA BOT MEETING



On 28 November 2012, CRCICA held its first Board of Trustees (BOT) Meeting in Sharm El Sheikh by the attendance of 12 members; 9 in person and 3 by proxies. Attending members were: Dr. Ali Al Marri (**Qatar**), Prof. Bernardo Cremades (**Spain**), Dr. Abdel Hamid El Ahdab (By proxy) (**Lebanon**), Dr. Nabil Elaraby (**Egypt**), Dr. Mohamed El Baradei (**Egypt**), Prof. Dr. Yehia El Gamal (**Egypt**), Prof. Dr. Ahmed Sadek El Kosheri (**Egypt**), Judge Mohamed Amin El Mahdy (**Egypt**), Dr. Hamza Haddad (**Jordan**), Judge Dr. Adel Koura (**Egypt**), Me Philippe Leboulanger (By proxy) (**France**), Mr. Michael Schneider (By proxy) (**Switzerland**).

Pursuant to its new By-laws, the BOT elected Dr. Nabil Elaraby as Chairman by acclamation. Judge Mohamed Amin El Mahdy and Dr. Hamaza Haddad were elected as Vice-Chairmen by secret ballots.

The new BOT's By-laws were unanimously approved. Also, after discussions, members unanimously agreed to adopt the new CRCICA Mediation Rules, which were announced effective as of 1 January 2013 and are already available in Arabic and English.

During the meeting, various arbitral issues were discussed out of a multi-cultural perspective, these related to the immunity of international arbitrators, institutional code of Ethics and its role in fostering the neutrality of arbitrators, the importance of sports arbitration, and finally the DAB mechanism and its growing role in the settlement of construction disputes.



CRCICA ADVISORY COMMITTEE MEETINGS



On 27 November 2012, CRCICA Advisory Committee (AC) held its first meeting after its new composition, effective as of 1 May 2012, which was meant to expand the membership of the AC to include a total of 16 Members from different parts of the world.

The following respectable members were in attendance : Dr. Mohamed S. Abdel Wahab (**Egypt**), Judge Dr. Borhan Amrallah (**Egypt**), Prof. Dr. Ahmed Sadek El Kosheri (**Egypt**), Judge Mohamed Amin El Mahdy (**Egypt**), Prof. Dr. Mahmoud Samir El Sharkawi (**Egypt**), Prof. Dr. Hamza Haddad (**Jordan**), Judge .Dr. Adel Koura (**Egypt**), Me Philippe Leboulanger (**France**), Prof. Dr. Fathi Waly (**Egypt**), Ms. Rabab Yasseen (**Switzerland**), Prof. Nassib Ziadé (**Lebanon**) and Dr. Mohamed Abdel Raouf who is a member of the AC in his capacity as CRCICA Director.

Prof. Dr. El Kosheri was elected by acclamation as Chairman of the AC and Me Philippe Leboulanger and Professor Nassib Ziadé were elected by secret ballot as vice-chairmen.

Following substantial discussions, the new By-laws of the AC were approved and are already available in Arabic and English at CRCICA Website.



In 2013, two AC meetings were also held in March and June by the attendance of the majority of members. Other members participated through multilateral teleconferencing.

Discussions of the AC meetings included the new CRCICA Mediation Rules and the possibility of adopting a professional code of ethics for lawyers in arbitration as well as the salient features of CRCICA new case management software.

In addition to this, discussions approached the challenge and removal of arbitrators according to the Centre's Arbitration Rules and the AC's By-laws. Members handled the best possible strategies to limit the role of national courts of the host country in this concern.

Apart from technical issues, the AC discussed the possibility of stabilizing a hot arbitration theme for a conference to be held biennially in Aswan City of Egypt for being a marvelous winter touristic attraction on one of the widest stream of the Nile River. The event is meant to alternate with the successful biennial conference on the role of state courts in arbitration which has been held biennially in Sharm El Sheikh of Egypt since 2005. Members initially agreed on the topic "Hot issues in international commercial arbitration" which would help as a useful update on all new arbitration topics. The launching of the Aswan event is settled for February 2015.

It is notable that the AC is scheduled to meet at least four times a year. Future 2013 meetings are scheduled for September and December.



INTERNATIONAL PUBLICATIONS AND REVIEWS ON CRCICA

New CRCICA Arbitration Costs: A Reasonable Balance



Louis Flannery and Benjamin Garel

Since its issuance in March 2011, CRCICA latest Arbitration Rules have been well received on both the regional and the international levels. Of particular significance is the change in the costs of arbitration which relatively increased bringing CRCICA more akin to other international institutions and not depriving parties of their rights to select the best international arbitrators.

In January 2013, in an Article of the Global Arbitration Review (GAR): "Arbitration Costs Compared: The Sequel", Louis Flannery and Benjamin Garel of Stephenson Harwood in London updated and expanded a comparative review GAR published two years ago. The Survey involves a unique comparison among the costs of arbitration at ten "*major and most popular commercial arbitration institutions*" including CRCICA.

Believing that the Cairo Centre "*has profoundly revised its costs calculation scales in March 2011*", the authors stated that CRCICA's increase of its costs has "*undeniably increased its attractiveness in the eyes of parties, lawyers and prospective arbitrators alike*". CRCICA's standing and reputation as a serious institution, as explained further, may have been unfavorably prejudged on the basis of its previous unusually low costs. According to the authors, some arbitral centres would be well advised to follow this example by revising their costs schedules to bring their administrative and arbitrators' fees to a reasonable level, whether by adjusting them upwards or downwards.

The outcome of the survey places CRCICA's arbitration costs in a moderate stance among other international institutions. It was reported that CRCICA is the most affordable where the amount in dispute is US\$ 100,000, in case of having a sole arbitrator, and US \$ 500,000 in case of having either one or three arbitrator/s. For a case in which US\$1 million is in dispute, CRCICA comes out as the least expensive if the dispute is heard by a sole arbitrator and, for three-arbitrator tribunals, CRCICA is the second least expensive institution.

In cases involving amounts of US \$ 5 million, US \$ 10 million, CRCICA costs are in either advanced or average intermediate position. In cases with US\$ 50 million, US \$ 100 million, US \$ 500 million and 1 billion, CRCICA position fluctuates between the second and the fourth.

CRCICA will build on the outcome of this survey in studying the effect of its revised schedules of costs on its future practices.

CRCICA Reported: a “Record Rise” and “20-strong Board of Trustees”



CRCICA's achievements over the past year have been well received and have attracted global attention. A recent GAR story on CRCICA highlights its accomplishments in 2012, including a record rise in its caseload, the appointment of a new Board of Trustees which was dully described as a 20-strong board with a remarkably diverse formation from ten different countries under the presidency of his Excellency Dr. Nabil Elaraby, the Secretary-General of the League of Arab States.

Most important features of 2012, as reported by GAR, were the new appointments to CRCICA Advisory Committee and the adoption of new Mediation Rules which came into effect on 1 January 2013.

CRCICA on the White List of the GAR’s Guide to Regional Arbitration and considered as the “the current class of the field”



In a recent guide published by the Global Arbitration Review (GAR): **Guide to Regional Arbitration Centres** (April 2013), CRCICA is enrolled in a *white list* as one of four regional institutions in the Middle East and North Africa that are worth a closer look and worth considering for the right case.

The study sends a message of acceptance of the inevitable role of regional arbitral players standing against the “monopolization” of international arbitration by major providers. However, according to the authors of the Guide, users should be able to pick the good out and this is said to be the target of their study.

In the Middle East and North Africa Region, CRCICA is marked as an institution that is worth considering among three other institutions.

According to the Guide, CRCICA's particular strengths are the quality of its directors, the solidness of its organization and the fact that it has been operating for long enough to have encountered most situations at least once. It is seen as "*the current class of the field*". Among other aspects, the study recognized the Centre as highly affordable, as having new rules that help to counteract local worst practice and also as somehow providing enforcement advantage.

For more information: [Guide to Regional Arbitration 2013, "Institutions worth a closer look, Middle East and North Africa", Global Arbitration Review, pp. 27-31](#)).

GAR Live: Arbitrating in the Middle East, Istanbul-Turkey, 4 June 2013: Another recognition of CRCICA's success story in the region



With Turkey standing at the gateway to the Middle East, a panel at GAR Live Istanbul that took place on 4 June 2013 considered how far international arbitration culture has taken hold in that region.

The CRCICA was considered by one of the panelists, Mr. Reza Mohatashami, partner at Freshfields Bruckhaus Deringer in Dubai, as one of the "*genuine regional centres*".

Speaking to GAR following the event, Mr. Mark Appel, senior vice president of the International Centre for Dispute Resolution (ICDR), said: "*The most successful centres in the Middle East have had to learn to walk before they could run. They had to establish a caseload, trust and experience, and to emulate best practice. Mistakes early on will haunt you.*" Appel referred to the success story of the CRCICA and suggested that Turkey could learn from the Cairo Centre, in particular: "*Think small and get your start handling domestic cases; be international in your membership and outlook; have the resources and the leadership - and be prepared for change to be slow.*"

Chapter on CRCICA in the 2013 Edition of Getting the Deal Through



Arbitration

A Chapter on CRCICA was published in the eighth edition of **Getting the Deal Through Arbitration 2013**, which provides international analysis in key areas of law and policy for corporate counsel, cross-border legal practitioners and business people. The scope of coverage of the publication is expanding annually. In the 2013 edition, there is 56 jurisdictions and 15 arbitral institution chapters. It is notable that CRCICA was also featured in the 2012 edition.

Selections of CRCICA Arbitral Awards, ICCA Yearbook Commercial Arbitration 2013



Selections of CRCICA Arbitral Awards, of general interest to the international commercial arbitration community, will be published in the ICCA Yearbook Commercial Arbitration 2013. It is notable that CRCICA published three volumes of its awards in both Arabic and English. The fourth volume has recently been published in Arabic. All awards were published in anonymous fashion by Dr. Mohie Eldin Alam El Din, senior legal advisor at CRCICA.

EVENTS UPDATE:

MEDIATION MARKETING WORKSHOP, 19-20 SEPTEMBER 2012, CAIRO-EGYPT



Under the sponsorship of the International Finance Corporation (IFC), Mr. Andy Rogers, Associate Director, Communications and Campaigns; the Centre for Effective Dispute Resolution (CEDR) offered a two-day Marketing Workshop for CRCICA accredited mediators and personnel.

Under the **SELLING MEDIATION** theme, the agenda of the first day was meant to identify external stakeholders for the Centre and to develop key messages appropriate for different sectors and also to give an overview of the communication options for stakeholders and the different ways of communicating these messages. Through interactive role-play, participants were able to practice effectively delivering messages to target sectors.

CRCICA Marketing Workshop was the substantive focal of the second day where CRCICA staff were made to identify what kind of marketing tools exist in selling mediation services. At the end of the day a CRCICA-tailored draft mediation marketing plan was introduced.

EURO-ARAB INVESTOR-STATE DISPUTE RESOLUTION: RECENT DEVELOPMENTS AND FUTURE PERSPECTIVES, 10-11 OCTOBER 2012, CAIRO-EGYPT



In a successful institutional cooperation, CRCICA and the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) held a conference on: "the Euro-Arab Investor State Dispute Settlement: Recent Developments and Future Perspectives", on 10-11 October, 2012, Cairo - Egypt. Hosted by the League of Arab States, the conference provided a thorough analysis of the ISDS in a culturally balanced context from Arab and European perspectives. The agenda shed light on the regulatory framework governing European-Arab investment flows, the latest investment policy developments and the various ISDS mechanisms available to settle Euro-Arab investor-State disputes.

The conference also highlighted the importance of regional Arab investment agreements, as well as Arab national laws on investment and how they affected directly or indirectly Euro-Arab investor-State disputes. The role of mediation and conciliation was also discussed and this proved to be a crucial topic at a time of political and social transition in the Arab world. The conference was the first occasion to discuss the IBA Rules for Investor-State Mediation, which was just adopted by a resolution of the IBA Council on 4 October 2012. Considerable part of the agenda was devoted to the analysis of the key issues (substantive and procedural) involved in Euro-Arab ISDS, which was seen by both scholars and practitioners to be a didactic enlightenment for better ISDS practices. Re-occurring issues in Euro-Arab ISDS such as compensation, FET and state liability were discussed in outstanding details.

"From UNCTAD perspective, such conferences are a great asset as they provide for a platform for UNCTAD to present its latest research findings and to convey its readiness to provide technical assistance and capacity building to Arab and developing countries on issues related to IIAs and ISDS with a view to foster sustainable development objectives. It also strengthens UNCTAD's cooperation with international and regional organizations with a view to build consensus on key issues in investment policy-making", Hamed El Kady, Expert, International Investment Policies, International Agreements Section, Division on Investment and Enterprise, (UNCTAD).

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.

IFC ADR REGIONAL PRIVATE CENTERS WORKSHOP, 23-24 OCTOBER 2012, CAIRO-EGYPT



Within the framework of the IFC regional mediation project, CRCICA hosted the "ADR Regional Private Centers Workshop", which was offered by CEDR on 23-24 October 2012 and sponsored by the IFC. The main objective of the workshop was to enhance strategic relationship among IFC's regional partners and to establish common mediation grounds for institutions concerned. Among other possible regional uniformities, developing a regional standard of quality for mediators was discussed thoroughly.

Participating organizations in addition to CRCICA were the Lahore Chamber of Commerce and Industry - Pakistan, Euro Mediterranean Mediation and Arbitration Centre (CEMA), Morocco, Chamber of Commerce and Industry of Beirut (CCIA-BML), Beirut/Lebanon and the Investors' Dispute Settlement Center of GAFI, Egypt. In this context, the event witnessed the signing of a cooperation agreement between CRCICA and CCIA-BML, which aims at developing a partnership in mediation and arbitration. The participating organizations also agreed to create a regional mediation forum in the MENA region.

SHARM EL SHEIKH IV – THE ROLE OF STATE COURTS IN ARBITRATION, 27-28 NOVEMBER 2012, SHARM EL SHEIKH, EGYPT



On 27-28 November 2012, Sharm El Sheikh IV- The Role of State Courts in Arbitration was held as 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 initiative 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).

The agenda featured comparative analysis of the different aspects of the role of state courts in arbitration in eastern and western countries. Most recent judicial applications as well as latest legislative and institutional developments were discussed in a splendid cross-cultural context. Conferees were interested for being updated on the role of state courts under the new French Arbitration Law after a year of application. The new court-related features of the Swiss Arbitration Rules 2012 were discussed including the possibility of referring the arbitration file to a sole emergency arbitrator even prior to the constitution of the tribunal.

Throughout the conference, a wealth of court as well as arbitral decisions were highlighted to provide an all-scoping analysis of the different features of the role of courts in arbitration such as the appointment, liability, challenge and removal of arbitrators, the enforcement of the arbitration agreement, interim measures, the time limit for rendering the award as well as the enforcement and annulment of arbitral awards. Notably, new topics of increasing importance were handled, such as the third party funding in international arbitration and the potential role of State courts in reviewing and controlling such arrangements.



Twenty seven countries were represented in the conference: Egypt, Libya, Morocco, Tunisia, Sudan, Palestine, Jordan, Lebanon, Syria, Iraq, Qatar, Saudi Arabia, U.A.E., Kuwait, Yemen, Ethiopia, Nigeria, Turkey, France, Italy, Spain, Sweden, Switzerland, Venezuela, U.S.A., Austria and Canada. Beside the geographical variation, an outstanding variety of professional sectors were represented in the conference including, for instance, 19 international arbitration centres and arbitration federations from all around the world , 12 courts representing different jurisdictions, 34 law firms, 8 chambers of commerce, 6 faculties of Law, 5 ministries of justice. Added to this, there were representatives of many business sectors especially the gas and petroleum sector and the financial sector. World Bank and UN organizations were also present.

The Sharm El Sheikh series of conferences use to issue a number of recommendations aiming at the promotion and refinement of arbitration practices in the Arab World. As a direct implementation of one of the recommendations of Sharm El Sheikh IV, the Supreme Council of Universities – Egypt decided to integrate an arbitration course to the curriculum of fourth-year students in all Egyptian schools of law. Formerly, arbitration was studied mainly by postgraduates. Adding arbitration to the curriculum of fourth yearers is a qualifying factor for fresh graduates to practice in the field more accessibly.



CRCICA NEW MEDIATION RULES: A DRIVE TO THE FUTURE, 14 MAY 2013, CAIRO-EGYPT



On Tuesday 14 May 2013, the Cairo Centre organized a seminar on CRCICA NEW MEDIATION RULES: A Drive to the Future. The event was held in cooperation with the IFC, the Egyptian Ministry of Justice and the Investors Dispute Settlement Center- General Authority for Investments and Free Zones (GAFI).

The seminar tackled the salient features of CRCICA New Mediation Rules, effective as of January 2013, and their foreseen practices out of different perspectives. Beside the institutional perspective, the views of mediators, lawyers and representatives of businesses were highlighted. In addition to this, one whole session was devoted to the discussion of the draft of the new Egyptian Mediation Law prepared by the Egyptian Ministry of Justice.

The seminar was attended by more than 20 law firms in Egypt. Also, there were senior representatives of construction and petroleum companies, ministries of justice and investment, banks, universities and Arab arbitration centres.

Lectures were followed by lively discussions among the panelists and the audience. The Rules were very well received from the representatives of the different business sectors as well as lawyers and governmental officials.

COMPARATIVE COMMERCIAL ARBITRATION: THEORY AND PRACTICE (CCATP)



Since May 2011, CRCICA has launched the first comparative commercial arbitration program, in the Arab World: “Comparative Commercial Arbitration: The Theory and the Practice” (CCATP). The program is a progressive educational ladder of four successive courses covering the main arbitration stages being the arbitration agreement, the arbitral tribunal, the arbitral proceedings and finally the arbitral award. The program, in its four modules, provides the ideal platform to underpin and support the development of professional experience in arbitration.

CCATP is held in cooperation with the Cairo Branch of the Chartered Institute of Arbitrators (CIArb). Tutors are Dr. Mohamed Abdel Raouf, CRCICA Director, and Dr. Mohamed S. Abdel Wahab, Vice President of the Cairo Branch of the CIArb. What is unique about the CCATP tutorial methodology is that the two tutors have both Common Law and Civil Law backgrounds and they lecture together instead of separately to give participants a wide interactive legal exposure.

The four modules of the program are being held annually in a total of 13 days through the year since 2011. 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 more than 20 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 several mock cases, 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. ***Upon completion of the program, in its four modules, participants are eligible to apply for the membership of CRCICA.***

Attendees are a mixture of lawyers, judges, engineers, governmental officials and representatives of the different business sectors from Egypt, Syria, Ethiopia, Libya, Morocco, Tunisia, Sudan Saudi Arabia and Palestine.

In 2012-2013, the CCATP modules were held intensively as follows:

First Module: the Arbitration Agreement



The first module was held on 19-21 May 2012 and 3-5 March 2013. The course is 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 the understanding of the arbitration agreement. The agenda tackled, *inter alia*, the different forms of the arbitration agreement, its validity requirements and effects. Other topics include the anti-suit injunctions and arbitration agreements, the doctrine of Kompetenz-Kompetenz, multi-tier arbitration clauses, multiparty arbitration agreements, arbitration without the traditional form of an arbitration agreement (investment arbitrations before ICSID) and the IBA Guidelines for Drafting International Arbitration Clauses. At the end of the module, there is a training workshop on drafting Arbitration Clauses (Examples of real Pathological Arbitration Clauses), followed by discussion of the mock case in groups.



Second Module: The Arbitral Tribunal



The second module was held on 9-11 September 2012 and 2-4 June 2013. In this module, "*the Arbitral Tribunal*" is studied in depth based on a big number of the most recent international decisions and institutional regulations. Unlike the traditional format of arbitral tribunal programs, which mainly focuses on the composition of tribunals, the agenda tackles all aspects related to the tribunal including the appointment of arbitrators, the scope and nature of their mission as well as challenge, removal, resignation and replacement of arbitrators. Considerable attention was also given to the rights, obligations and liabilities of arbitrators. Reference documents include an unprecedented collection of court judgments, published institutional decisions, analytical articles as well as expert commentaries. Participants have the chance to role play through a mock case designed to raise all top issues related to the composition and functioning of the arbitral tribunal.



In an interesting initiative, the course sometimes features eminent international arbitrators who volunteered to contribute to the course to share their respective extensive experiences regarding the appointment and challenge of arbitrators. This included Professor Nassib Ziadé, Director of the Dubai International Arbitration Centre (DIAC) and Professor Hamzah Haddad, former Minister of Justice (Jordan)

Third Module: The Arbitral Proceedings



The Third Module was held on 4-6 November 2012 and is scheduled for 1-3 September 2013. Beside tradition topics pertaining to the arbitral proceedings such as the commencement and conduct of proceedings, interim measures, cessation, suspension and termination of proceedings, the course tackles other different aspects of the arbitral proceedings. Examples of these aspects are: the determination of the rules applicable to the arbitral proceedings, the relationship between the selected procedural rules and the mandatory procedural provisions in the law of the place of arbitration as well as basic principles of pleading before arbitration.

Evidence in Arbitration is tackled intensively including the general rules of evidence, the rules applicable to the taking of evidence, the means of Evidence [writing – witness – Experts (The Sachs Protocol) – Inspection] , the production of documents [The Redfern Schedule] , discovery, tribunal's discretion in weighing the evidence and finally the IBA Rules on the Taking of Evidence in International Arbitration, May 2010). At the end of the module, a mock case is discussed in groups.

Fourth Module: The Arbitral Award



The fourth module was held on 16-19 December 2012 and is scheduled for 1-4 December 2013. In this module, "the Arbitral Award" is handled in depth as based on most recent court judgments in different jurisdictions. Reference documents include a huge collection of court judgments which are regularly updated, analytical articles, expert commentaries and a model arbitral award.

Agenda items include: law applicable to the merits of the dispute, making the award, types of arbitral awards, formal requirements of an arbitral award, refraining from ruling on matters falling beyond the jurisdiction of the arbitral tribunal, drafting of the award, challenge of arbitral awards, *Res Judicata* of arbitral awards and enforcement of arbitral awards. At the end of the module, participants have the chance to draft an arbitral award based on the facts of a mock case.

CRCICA HOSTS CIARB CAIRO WEDNESDAY ONE SEMINARS



CRCICA was nominated the seat of the Cairo Branch of the Chartered Institute of Arbitrators since its inception in 1999. One of the liveliest activities of the Branch, which CRCICA has been hosting since then, is the Wednesday One Seminars which feature key speakers to tackle the practical aspects of current legal issues. Guest Speakers of the CIARB Cairo Wednesday One Seminars are eminent figures in the legal and business professions.

Record of past speakers includes Dr. Fouad Riad Professor of Law (Private International Law) - Cairo University; Former Judge of the International Criminal Tribunal for the former Yugoslavia, Dr. Mostafa El Fiky, Former Head of the Foreign Relations Committee, People's Assembly, Prof. Dr. Georges Abi Saab, Former Member and President of the Appellate Body, WTO and Mr. Michael Schneider, Founding Partner of LALIVE; President of the Swiss Arbitration Association (ASA).

5 December 2012:

The Determination of the Law Applicable to the Merits of the Dispute: The Arbitral and Judicial Case Law



The Wednesday One Seminar Tradition was revived on 5 December 2012, by an interesting talk on *"The Determination of the Law Applicable to the Merits of the Dispute: The Arbitral and Judicial Case Law."* The speech was delivered by Dr. Hesham Sadek, Professor of Private International Law, Faculty of Law, Alexandria University and Member of the Permanent Court of Arbitration in The Hague.

2 January 2013: The Practice of Investment Treaty Arbitration before the ICSID: The Egyptian Experience



On 2 January 2013, Dr. Mohamed Abdel Raouf, CRCICA Director, delivered a speech on "The Practice of Investment Treaty Arbitration before the ICSID: The Egyptian Experience." The lecture covered the lessons of the past learned from ICSID's case law involving Egypt with respect to both jurisdictional and substantive issues. The conclusion included some perspectives for the future. The lecture was followed by a lively discussion involving eminent legal figures from both the private and the public sectors.

6 February 2013: Anti-Corruption Agreement and its Impact on Arbitration



On 6 February 2013, Judge Mohamed Amin EL Mahdy, Former President, Egyptian State Council, delivered a lecture on "Anti-Corruption Agreement and its Impact on Arbitration". The topic relates to the importance of the UN Convention against corruption and its relevancy and potential impact on arbitration. The role of the arbitrator in fighting corruption was also discussed with special emphasis on the duties of international arbitral tribunals in this respect.

5 March 2013: Arbitration in Direct and Indirect Investment Disputes



On 5 March 2013, Counsellor Mahmoud Fahmy, Former President of the Capital Market Authority and the Investment Authority - gave a lecture on "*Arbitration in Disputes of Direct and Indirect Investments*". The lecture covered various ways of solving investment disputes by arbitration under the Investment Law No. 8 of 1997 and the Capital Market Law No. 95 of 1992. Lively exchange of views and comments took place between the speaker and attendees.

8 April 2013: The appointment and Removal of Arbitrators



On 8 April 2013, Dr. Karim Hafez, principal of HAFEZ; Member of the Arbitration Court of the London Court of International Arbitration- London, delivered a speech on "*The appointment and Removal of Arbitrators*." The lecture covered salient features relating to the selection and removal of arbitrators, their exact role as well as the legitimate expectations of the parties. The conclusion included some perspectives for the future. The lecture was followed by a lively discussion involving eminent legal figures from both the private and the public sectors.

8 May 2013: The Enforcement of Foreign and Domestic Arbitral Awards:



On 8 May 2013, Judge Dr. Borhan Amrallah, Secretary-General, Arab Union of International Arbitration (AUIA); Former President of the Cairo Court of Appeal, delivered a speech on "*The Enforcement of Foreign and Domestic Arbitral Awards*". The speech focused on the conflict of laws governing the enforcement of foreign arbitral awards in Egypt and the position of the Cairo Court of Appeal as well as the Egyptian Court of Cassation in light of the New York Convention for the Recognition and Enforcement of Foreign Arbitral Awards.

5 June 2013: Reflections on Law, Judiciary and Arbitration



On 5 June 2013, Judge Yehia El-Dakrouy, Vice-President of the State Council of Egypt and Former President the Club of the Judges of the State Council, delivered a lecture on "*Reflections on Law, Judiciary and Arbitration*". The topic covered the recent position of the Egyptian judiciary regarding a wide range of legal matters including privatization and arbitration.

CRCICA CONTRIBUTIONS TO THE DEVELOPMENT OF INTERNATIONAL ARBITRATION AND ADR

Adoption of the IBA Rules for Investor-State Mediation



International Bar Association

By a resolution of the IBA Council dated 4 October 2012, the IBA Rules for Investor-State Mediation were adopted. The IBA Subcommittee on State Mediation has drafted the Rules to specifically address disputes and conflicts arising between foreign investors and sovereign States that host their investment. Divided into 12 articles, the Rules facilitate the resolution of disputes involving States and States entities. They establish clear rules for the commencement of mediation and for the appointment of a mediator in absence of party agreement. The Rules also include an innovative rule on "Mediation Management Conference", to effectively get the mediation started.

CRCICA Director participated in the drafting process as member of the drafting committee for "Scope of application of rules"; "Commencement"; and "timeframe for mediation proceedings".

Establishment of the MENA Regional Mediation Forum



Within the framework of the regional mediation project of the International Finance Corporation (IFC), IFC regional partner-centres agreed to found the MENA Regional Mediation Forum (MREMF).

In its capacity as a founding member, CRCICA was called upon to prepare the new by-laws of the MREMF which is established for the purpose of maintaining relations among commercial Mediation and ADR institutions and promoting greater understanding of Mediation and ADR in the MENA Region. The draft By-laws have been approved by all members and will be soon finalized.

Other MREMF founding members are: The Investors' Dispute Settlement Center, General Authority for Investment (GAFI), Cairo-Egypt; Euro-Mediterranean Center of Mediation and Arbitration (CEMA), Casablanca, Morocco; Lebanese Mediation Center (LMC) of the Chamber of Commerce, Industry and Agriculture of Beirut and Mount-Lebanon (CCIAB), Beirut-Lebanon; and Tripoli Bar Association, Tripoli, Lebanon.

ISPRAMED Works on the Independence and Impartiality of Arbitrators



Since its inception in 2009, the Institute for the Promotion of Arbitration and Mediation in the Mediterranean (ISPRAMED) has developed a comparative project on the institutional practices on the independence and impartiality of arbitrators in the Mediterranean. Through its Network of Arbitral Centres, ISPRAMED developed a powerful mechanism to exchange relevant experiences across the Mediterranean.

Member-Centres of the Network are: the Cairo Regional Centre for International Commercial Arbitration (EGYPT), the Centre for Arbitration Mediation and Conciliation of the Algerian Chamber of Commerce and Industry (ALEGRIA), the Arbitration Court of Morocco (MOROCCO), the Milan Chamber of Arbitration (ITALY), the Tunis Mediation and Arbitration Centre (TUNISIA) and the Arbitration Centre of the Istanbul Chamber of Commerce (TURKEY).

Within the bounds of this, CRCICA has participated in the drafting of a rules comparison chart as well as in a cross-Mediterranean institutional discussion on cases with particular emphasis on independence and impartiality issues. The discussion puts forth the most frequent circumstances raising doubts as to the independence and impartiality of arbitrators and the position of the member centres towards these situations.

The discussion divides cases of independence into four basic categories; Arbitrator's relationship with the Institution; Arbitrator's relationship with the parties or parties' counsels; Arbitrator's relationship with another arbitrator and finally Arbitrator's relationship with the subject matter of the dispute.

CRCICA practice profile shows that the most frequent cause for challenging arbitrators is related to the arbitrator's current or previous relationship with the parties or parties' counsels. Challenges based on such causes were recently upheld by the Tripartite *Ad hoc* Committees composed from amongst the members of CRCICA Advisory Committee to rule on such challenges.

Depending on the outcome of this study, ISPRAMED will soon issue a common handbook on the independence and impartiality of arbitrators for the use in the Mediterranean region.

Reform of the Palestinian Arbitration Law



The United Nations Commission for International Trade Law (UNCITRAL) undertakes a project for the modernization of the arbitration regime in Palestine. Within this context, the Government of Palestine has prepared a draft law on arbitration. To best achieve harmonization in the field of arbitration law, the new draft legislation is patterned on the UNCITRAL Model Law with some adjustments to meet local requirements.

Upon the request of the UNCITRAL, CRCICA has been asked to review and assess the draft law which is prepared in Arabic and to consult with both the Palestinian Officials and the UNICTRAL regarding the similarities and differences between the draft national law and the Model Law.

It is noteworthy that, since the late 1990's, CRCICA has been approached to review national draft arbitration laws in the region such as the laws of Morocco, United Arab Emirates, Jordan, Yemen and more recently Iraq.

ICCA Mentoring Program



The International Council for Commercial Arbitration (ICCA) has recently initiated the YOUNG ICCA Mentoring Program. The objective of the Program, now in its second cycle (2013-2014), is to bring younger practitioners into regular contact with established arbitration practitioners in request for know-how, advice on arbitral practice or career advice. The Program is to link 3-4 successful Mentee applicants to a senior arbitration expert and member of ICCA's Governing Board (Mentor) and an established arbitration practitioner (Buddy) to form a Mentoring Group.

CRCICA Director, in his capacity as member of ICCA Governing Board, was invited to participate in the 2013-2014 cycle of the program, as Mentor.

Aiming to achieve the objective of the program, CRCICA offered scholarship for three mentees from Egypt and Morocco to attend all four modules of the CRCICA / CIArb Cairo **Comparative Commercial Arbitration: Theory and Practice (CCATP)** which is the first Arabic comparative arbitration program in the Arab World.

CRCICA PARTICIPATION IN REGIONAL AND INTERNATIONAL EVENTS

Regionalism in International Arbitration, 19 June 2012, London - UK



After almost a year of entry into force, the salient features and practice of the new CRCICA Arbitration Rules of 2011 were presented to the international Conference on "**Regionalism in International Arbitration**", which was organized by the British Institute of International and Comparative Law (BIICL) on 19 June 2012, London to deal with the phenomenon of regionalisation of arbitration: its advantages and shortcomings. As one of the main topics was "*the recent developments in regional arbitration centres*", CRCICA participated in a panel discussion that approached four regional arbitration venues, being Hong Kong, Singapore, Cairo and Japan. CRCICA's presentation was titled "*The UNCITRAL Arbitration Rules as institutional rules: the Experience of CRCICA*". It tackled the salient features of the new CRCICA Arbitration Rules, which are based upon the new UNCITRAL Arbitration Rules as revised in 2010, as well as the advantages of the UNCITRAL Arbitration Rules in the context of institutional arbitration.

A BEBA Breakfast Briefing, 18 July 2012, Cairo - Egypt



CRCICA's Director was the Keynote speaker on the Egyptian British Business Council (BEBA) Breakfast Briefing held on Wednesday July 18th 2012, Cairo. CRCICA's speech, entitled "*The role of arbitration in difficult times: the Experience of CRCICA*", focused on the analysis of CRCICA's recent caseload and its role in responding to the needs of both the users and the practitioners.

Dispute Resolution in North Africa, the 2012 ICC Rules of Arbitration, 5 October 2012, Tunis – Tunisia



In a pioneering regional initiative to allow North African practitioners to have a comprehensive overview of the 2012 ICC Rules, the ICC International Court of Arbitration and BrownRudnick law firm organized an international conference on "Dispute Resolution in North Africa: the 2012 ICC Rules of Arbitration" on 5 October 2012, Tunis, Tunisia. CRCICA was invited to provide two presentations entitled "*Overview of arbitration across the region: Some statistics*" and "*The increasing impact of anti-bribery and corruption legislation: The role of international arbitrators*". The first presentation focused on the role of CRCICA as a regional arbitration and ADR Centre and its contribution to the development of such mechanisms in this part of the world. The second presentation reviewed how international arbitrators are at present tackling corruption issues arising within the context of commercial and investments disputes.

International Arbitration Congress, 18-20 October, 2012, Barcelona – Spain



The Barcelona Bar Association organized an **International Arbitration Congress** during 18-20 October 2012, Barcelona, Spain. In addition to Spanish and other European lawyers, professors and arbitrators, the Congress attracted experts from Latin America and was a great opportunity for all participants to share their respective experiences and to learn more about the development of arbitration in Spain. The Congress addressed the latest issues and changes to international arbitration regulations and solutions proposed by courts and arbitration institutions. CRCICA participated in the panel on "**New Trends and Innovations in International Arbitration Regulations (A Comparison)**" and discussed in this context the role of regional arbitral institutions as service providers and promoters of best practices in the field of Arbitration and ADR.

The German-Egyptian Expert Talks on Arbitration, 19-23 November 2012, Cologne Germany



CRCICA was invited to the German-Egyptian expert talks on arbitration, which was organized by the German Foundation for International Legal Cooperation (IRZ) and hosted by the German Institution of Arbitration (DIS) in Cologne, Germany from 19 to 23 November 2012. Along with a group of Egyptian judges from the Ministry of Justice and the Cairo Economic Court, CRCICA Legal Advisor Inji Fathalla attended the Working Group.

The meeting featured presentations on the legal framework of arbitration in Egypt and Germany as well as the arbitral experiences of both Egyptian and German institutions for international arbitration. The functioning of the DIS was presented in details. This included explanation of the conflict management technique, which is meant to determine the best method of settling a given dispute. Also, the functioning and advantages of the DIS expedited proceedings were highlighted.

On behalf of CRCICA, Ms. Fathalla presented an overview of the organization and arbitral experience of the Centre as well as its current and future projects. Attendees from both the German and the Egyptian sides were particularly interested in CRCICA's rising mediation and recent hosting of a CAS Alternative Hearing Centre. CRCICA's participation in this working group was very functional in fostering relations with DIS as well as members of the German legal community.

Follow up Seminar on Arbitration and ADR, 27-28 January, 2013, Cairo - Egypt

GERMAN FOUNDATION
FOR INTERNATIONAL LEGAL
COOPERATION



**National Center for
Judicial Studies**

Upon the success of the German-Egyptian expert talks on arbitration, the German Foundation for International Legal Cooperation (IRZ) jointly with the Egyptian National Centre for Judicial Studies organized a follow-up seminar on Arbitration and ADR on 27-28 January 2013, Cairo - Egypt. The Seminar featured a juxtaposition between the German and the Egyptian Arbitration and ADR systems. On the Egyptian side, CRCICA Director presented a speech about investment

arbitration in Egypt with special emphasis on the experience of Egypt before the ICSID. The audience was more than twenty senior Egyptian judges from different Egyptian courts including the Economic Courts. Both the Cologne and the Cairo events have established sound grounds for German-Egyptian cooperation in the field of Arbitration and ADR in general and for CRCICA institutional cooperation with the German side in particular.

IFCAI Council and General Assembly meetings, 13 March 2013, Caracas – Venezuela



CRCICA Director attended the IFCAI Council meeting in his capacity as one of IFCAI's Vice Presidents. The meeting was held on March 13, 2013 in Caracas, Venezuela and discussed matters of interest to the arbitral institutions as well as future activities. Upon the recommendation of the Council, four persons were elected as new Councilors by IFCAI's General Assembly during its meeting held on the same day.

12th IFCAI Biennial Conference, March 14, 2013, Caracas- Venezuela



IFCAI Council meeting was followed by the Federation's 12th Biennial Conference on "Innovations and relationships in the arbitral world" held on March 14, 2013 in Caracas.

The one day conference was divided into five sessions dedicated to the following issues: Relationship between institutions and arbitrators, relationship between institutions and parties, accountability of institutions and arbitrators, arbitration costs and third party funding in international arbitration.

CRCICA Director tackled the relationship between institutions and parties from the perspective of a regional arbitration institution. This covered the role of the institutions vis-a-vis the parties as well as the role of the parties and their representatives vis-a-vis the institutions.

ABA Training Courses on International Commercial Arbitration, 3-6 April 2013, Tunisia



CRCICA was invited by the ABA Rule of Law Initiative, Tunisia Office to conduct two training courses in Arabic on international commercial arbitration for young Tunisian lawyers in two Tunisian cities; Sfax from 3 to 4 April 2013 and Soussa from 5 to 6 April 2013.

The courses were conducted in association with the Tunisian Association for Young Lawyers and the Middle East Partnership Initiative (MEPI).

CRCICA Director and Dr. Mohamed Abdel Wahab, Vice-Chairman of the Chartered Institute of Arbitrators (Cairo Branch), were the two experts who jointly conducted the courses (2 days each) covering four major phases of the arbitration process namely the arbitration agreement, the arbitral tribunal, the arbitral proceedings and the arbitral award. The courses focused on the practical aspects of international commercial arbitration from a comparative perspective including the Tunisian law on Arbitration. Five mock cases were discussed by the participants (36 persons) at the end of each of the two courses.



ICCA Governing Board Meeting, London-England, 10 May 2013



In his capacity as an elected member of the ICCA Governing Board, CRCICA Director attended the Board meeting held on 10 May 2013 in London / England. Discussions focused on ICCA's ongoing projects and future events. It is noteworthy that ICCA has been recently running various important projects such as the ICCA's Guide to the Interpretation of the 1958 New York Convention, which was presented at ICCA's 50th anniversary meeting in Geneva, May 2011 and is currently being promoted and translated into many different languages.

Also, ICCA and Young ICCA launched a series of workshops for judges on the New York Convention. First workshop was held in Mauritius on 3-4 May 2012 and followed by other workshops in different countries. The workshop programme - known as the "New York Convention Roadshow" - recognizes the dependence of international arbitration practice on the critical role of national court judges in applying the New York Convention.

ICCA Governing Board is busy preparing for the 2014 ICCA Congress scheduled to take place on 6-9 April 2014, in Miami, Florida. The Congress theme is Arbitral Legitimacy: Myths, Realities, Challenges.

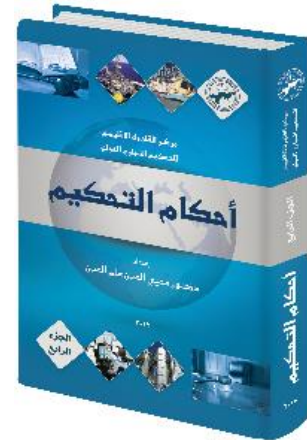
It is notable that the ICCA Governing Board comprises members from 26 countries being Argentina, Australia, Austria, Belgium, Brazil, Chile, China, Egypt, France, Hong Kong, India, Ireland, Italy, Kenya, Korea, Malaysia, New Zealand, Nigeria, Russia, Singapore, Spain, Sweden, Switzerland, Tunisia, United Kingdom, USA.



CRCICA PUBLICATIONS

Arbitral Awards (Volume IV)

The Centre has recently published the fourth Volume of its ARBITRAL AWARDS prepared in Arabic by Dr. Mohi-Eldin Alam Eldin, CRCICA's Senior Legal Advisor. 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.



Volumes 18 and 19 of the Journal of Arab Arbitration



CRCICA has recently published volumes 18 and 19 of the Journal of Arab Arbitration, which is a semi-annual publication of the Arab Union of International Arbitration (AUIA). Both volumes include a number of articles, judicial awards and arbitral precedents. The 19th volume features the papers submitted to Sharm El Sheikh IV- The Role of State Courts in International Commercial Arbitration held on 27-28 November 2012.

COOPERATION AGREEMENTS AND VISITS

CRCICA and SCC Cooperation Agreement



On 10 October 2012 in Cairo, CRCICA entered into a cooperation agreement with the Arbitration Institute of the Stockholm Chamber of Commerce (SCC). Signed on the occasion of the conference on Euro-Arab Investor-State Dispute Resolution: Recent Developments and Future Perspectives, the Agreement includes cooperation in promoting the use of arbitration, organizing seminars, conferences and educational activities, in the appointment of arbitrators, mediators, experts and other neutrals as well as in providing local administrative facilities and support services.

CRCICA and LIACC Cooperation Agreement



On 14 May 2013, CRCICA signed a cooperation agreement with the Libyan International Arbitration Commercial Center (LIACC) on the sidelines of the Seminar on CRCICA New Mediation Rules: A Drive to the Future.

The agreement encourages both parties to cooperate in the appointment of arbitrators, whenever appropriate, in the exchange of information and judicial awards as well as in the organization of conferences and training courses.

Afghani Delegation Visited CRCICA



On 5 December 2012, the Afghani Minister of Justice accompanied by top governmental officials visited the Centre in the context of Egyptian-Afghani ministerial cooperation, which aimed at getting the official representatives of the Afghani legal community more acquainted with Egypt's legal and legislative experience including its arbitration experience.

After hearing a presentation about the Centre, its role and activities, the Delegation showed remarkable interest in developing arbitration in Afghanistan and in selecting a reliable and credible venue for arbitration disputes involving Afghani public entities.

Bangladesh International Arbitration Centre visited CRCICA



On 8 April 2013, a delegation of the Bangladesh International Arbitration Centre (BIAC) visited CRCICA. The delegation was presided by Mr. Mahbubur Rahman, BIAC Chairman and Dr. Toufiq Ali, the Chief Director of BIAC.

Visitors learned about CRCICA's challenges and practices since inception. Discussions focused on institutional set-up and strengthening operational set-up, training, outreach and communication, arbitration and mediation.

The visit was so productive and according to BIAC Director, members of the delegation "were deeply impressed by the Cairo Centre and the successes it attained, and the manner in which it is managed".

It is noteworthy that BIAC was launched in 2011 by a consortium of three key Bangladeshi business associations, Dhaka Chamber of Commerce and Industry (DCCI), Metropolitan Chamber of Commerce and Industry (MCCI) and the International Chamber of Commerce - Bangladesh (ICCB), with support from the International Finance Corporation (IFC).

SAVE THE DATES!

Continuation of the 2013 Round of CRCICA/CI Arb Cairo Comparative Commercial Arbitration: Theory and Practice (CCATP) as follows:



1-3 September 2013: Third Module: The Arbitral Proceedings

The Arbitral Proceedings Module tackles, *inter alia*, the rules applicable to the procedures, evidences and the examination of witnesses, interim measures...etc.

1-4 December 2013: Fourth Module: The Arbitral Award

CCATP's fourth and last module is scheduled for 1-4 December 2013. In this module, "the Arbitral Award" will be handled in depth as based on most recent court judgments in different jurisdictions.