

CRCICA Annual Report

2017



CRCICA

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

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Message from the Director

2017 was another year of achievements for CRCICA. 65 new Cases were filed before the Centre making a total of 1226 by the end of the year. In 2018 and until the issuance of this report, the total number reached 1273.

CRCICA Events were a tremendous highlight of the year; just as Cairo stands at the gateway to Africa and the Middle East, so does CRCICA stands at the gateway to the African-Middle Eastern arbitration community. In 2017, CRCICA organized and hosted regional and international events jointly with UNCITRAL, ICCA, University of London, AILA, IBA, ABA, BIAC and AIAC (formerly KLRCA).

CRCICA-organized Trainings over the year were also remarkable annual achievements; our institutional establishment in the field since the 80's brought about a unique tripartite educational Parallelism. CRCICA Training Platform, the CIArb Cairo Educational Path and the CRCICA/ABA Distinguished Lawyers Program all work in parallel under the administration of CRCICA, exposing both the British and the American methodology as flavored by local and regional peculiarities.

This status quo of CRCICA's venue, turns it, both materially and conceptually into a regional training hub with users from all around the world. Last year, CRCICA welcomed visiting stakeholders representing 40 different nationalities.

In support of CRCICA's diversification plan, CRCICA devoted a considerable part of its annual activities to boost relations with Africa and to support and promote the growth and promotion of arbitration in Sub-Saharan Africa all over the year. Our first African Arbitration Week was a striking launch of CRCICA's orientation towards the land of the Sahara over the year. It is worth noting that consistent inter-African collaboration in 2017, with CRCICA as a main contributor, had led to the formation of the African Arbitration Association (AFAA) as Africa's first umbrella organization in the field. I am honored to have been elected as a founding member of the AFAA Board in sole representation of North Africa.

It was not all about Africa; the spirit of our Afro-Asian cooperation was quite echoed in CRCICA's 2017 record. Particularly, the signing of the historic Belt and Road Arbitration Initiative Agreement with the BIAC and AIAC (formerly KLRCA) came to mark a unique institutional coalition across the Afro-Asian Region.

Along regional inter-institutional cooperation, collaboration with one of the world's longest established arbitration institutions, the Permanent Court of Arbitration, was among the top scores of the year. Quoting Mr. Hugo Siblesz, PCA Secretary-General, *"the signing of this cooperation agreement only marks the formalization of our relationship that has existed for a long time"*.

A remarkably salient feature of CRCICA's 2017 media profile is the unprecedented featuring of its news and successes over the year in international and regional

publications; the Global Arbitration Review (GAR), the world's leading source of arbitration news, published stories about almost all our annual achievements. Also, arbitration briefings of international law firms as well as international scholastic studies highlighted CRCICA's leading role in the MENA Region and across the Afro-Asian Lands.

Before going further into detailed reporting, CRCICA would like to pay tribute to the Former Director, Dr. Mohamed Abdel Raouf for his tremendous achievements.

Dr. Mohamed Abdel Raouf: Recognition and Appreciation

CRCICA is internationally known to have “had a string of highly respected directors” and for being “well managed” to quote credible international sources. Dr. Abdel Raouf has ended an unrivaled four-year-term on 31 December 2016 but decided not to renew for a second one. Under Dr. Abdel Raouf Directorship, CRCICA witnessed important developments, which originated in many projects that Dr. Abdel Raouf successfully planned and implemented.

During the period from 2012 to 2016, CRCICA Arbitration Rules as amended in 2011 were tested and proved to be a successful mechanism

To clarify the application of the Rules, the Centre issued in June 2014 its Practice Notes, based on the decisions taken by the Centre’s Advisory Committee (AC). They included eight Practice Notes determining the discretion and role of the Centre as well as its policies regarding decisions to be made under its Rules. Furthermore, CRCICA published the main trends deduced from the decisions of the tripartite ad hoc committees formed from among the members of CRCICA’s Advisory Committee in matters of challenge and removal of arbitrators, outlining the grounds of the requests for challenge and removal as well as the decisions issued by the tripartite ad hoc committees, which led to important conclusions about the salient grounds for the upholding or rejection of the requests.

Since 2012, CRCICA has been the seat of the first in Africa Alternative Hearing Centre (AHC) of the Court of Arbitration for Sport (CAS).

In 2013, the Centre issued its Mediation Rules. This came alongside many efforts and projects implemented in cooperation with the IFC to spread mediation culture and help the parties reaching amicable settlements for their disputes. Dr. Abdel Raouf undertook important renovations in the Centre’s premises. A new hearing center was officially inaugurated on 26 December 2013, which includes hearing rooms containing high-tech equipment and facilities to enable the Centre to manage large and complex cases. In 2016, the Conference Center was renovated to host important events and conferences organized by the Centre.

Another important achievement of Dr. Abdel Raouf was to focus on the training of Egyptian and Middle Eastern practitioners. Hence, the Centre was approved as a Recognized Course Provider of the training courses qualifying for the membership of the prestigious Chartered Institute of Arbitrators (CI Arb). By virtue of this unique stance in the whole Arab region, CRCICA is entitled to hold two CI Arb modules for both lawyers and non-lawyers, entitling the successful candidates to apply for the CI Arb membership.

In September 2016, the Centre renewed its cooperation with the American Bar Association Rule of Law Initiative (ABA ROLI) to develop and administer a unique continuing legal education program (CLE) program. To encourage future practitioners,

Dr. Abdel Raouf encouraged hosting arbitration moots for students. At least four arbitration moots organized by universities and law firms were hosted by the Centre during the last two years.

The Centre continued to issue its most important publications, namely, the collection of its awards in both Arabic and English, and the Arab Journal of Arbitration.

On the institutional level, the Centre's Advisory committee held regularly quarterly meetings and was consulted on various technical and legal issues. The Centre's Board of Trustees (BOT) held regularly its annual meetings and examined the Centre's caseload, activities and financial statements. A new website was designed and operated, allowing the users to view the Centre's Rules, register to its activities and calculate the arbitration costs of their potential claims.

During his term as Director, CRCICA won the prestigious GAR Award for the regional institution of 2013. "in recognition of its great strides in the past year". In 2014, CRCICA has been recognized by the Assessment Report mandated by the African Development Bank, released in April 2014 as one of "the best arbitration centres across the African Continent and can readily be recommended for use by parties from both the African continent and elsewhere". CRCICA holds in high regards Dr. Mohamed Abdel Raouf's achievements and unique contributions and wish him all success in his new phase of professional life.

CRCICA is on the White List of the GAR Guide to Regional Arbitration in 2017 Middle East and Africa

The GAR Guide to Regional Arbitration 2017 topped CRCICA on the White List for Middle East and Africa together with the Dubai International Financial Centre - London Court of International Arbitration (DIFC-LCIA). The Report represents GAR's pick of the best institutions across the Middle East and Africa including a total of ten centres in the Middle East and Africa and solely enrolls two among them on its White List. It is notable that CRCICA has been prestigiously listed since 2013 onwards in the GAR Regional Guide and the 2017 version comes to symbolize a prideful peak by enrolling CRCICA on the White List.

According to the Report, CRCICA is the "granddaddy" of arbitration in the region. It has been operating for more than 35 years, during which time it has administered more than 1,000 cases, many with an international element. Other local organizations look to it for inspiration. It has been operating for long enough to have encountered most situations at least once.

These factors ranked CRCICA as *"the current class of the field"* in the Middle East. As reported in the Guide, this stance is the accumulative outcome of the efforts of a string of highly respected directors. That's why the Report finds CRCICA to be well managed.

The Guide estimates the scope of functionality of the Centre as well as the nationalities of parties and arbitrators to CRCICA-administered disputes and rates CRCICA to be "a true regional player". It is also seen to be increasingly attracting more international arbitrators.

CRCICA Board of Trustees Meeting, 10 December 2017

On 10 December 2017, the CRCICA Board of Trustees (BOT) held its annual meeting at CRCICA Premises. The meeting was presided by Dr. Nabil ELARABY (Chairman/Egypt), supported by two Vice-Chairs; Coun. Amin EL MAHDY (Vice-Chair / Egypt) and Prince Dr. Bandar Ben Salman Al SAUD (Vice-Chair/ Saudi Arabia). During the meeting, in support of CRCICA's strategic vision of diversity and global integration, the Board appointed seven new members with the ratio of 5:2 (non-Egyptians: Egyptians), taking the overall number of BOT members to 25 representing 13 countries; Bahrain, Cameroon, Chile, China, Egypt, France, Germany, Lebanon, Nigeria, Saudi Arabia, Somalia, Spain and Sweden. The new BOT members are: Prof. Dr. Mohamed ABDEL RAOUF (Egypt), Sheikha Haya Rashed AL KHALIFA (Bahrain), Mr. Ulf FRANKE (Sweden), Prof. Emmanuel GAILLARD (France), Dr. Gaston KENFACK (Cameroon), Prof. Dr. Fathi WALY (Egypt), and Prof. Nassib ZIADÉ (Chile - Lebanon). The new appointments are effective as of 1 January 2018.

During the meeting, CRCICA Director provided a presentation to the Board on the Centre's activities and caseload in 2016-2017, the administrative and managerial developments in 2017 as well as its audited financial statement of operations for the year ending on 31 December 2016. The BOT unanimously recognised the achievements of the CRCICA over the past year and expressed its acknowledgment of the efforts and devotion of Dr. Hamza Haddad (Jordan) the former Vice-President of the BOT who resigned as of 1 January 2018.

Advisory Committee Meetings

CRCICA Advisory Committee held three meetings during 2017; on 8 April, 8 June and 21 October 2017. Two new members attended the first AC Meeting; Dr. Mohamed Abdel-Raouf (Egypt) and Dr. Emilia Onyema (Nigeria) while Counsellor Amin El Mahdi (Egypt) was unanimously elected to be the Chairman of the AC for the coming four years substituting Dr. Ahmed Sadek El Kosheri (Egypt). Among the topics discussed by AC members over the year: CRCICA's orientation for the coming four years, the issuance of the French version of CRCICA Arbitration Rules, repeated appointment of arbitrators raised by CRCICA cases' incidents, the amendment of the Centre's Practice Note related to the application of Article 10.3 of the Centre's Arbitration Rules and the approval of the Note in its final version, and possible interpretations of a decision of the Egyptian Court of Cassation on the Challenge of Arbitrators.

CRCICA new appointments and promotions

On the 1st of September 2017, CRCICA's Director issued many decisions including a new appointment and some promotions of a number of CRCICA staff to various positions, all scaled at the international-officer rank according to Article 8 of the Headquarter Agreement concluded between AALCO and the Egyptian Government in 1987.

Dr. Dalia Hussein was appointed as Deputy Director of the Centre; Mr. Said Hassanein was promoted to Associate Director and Head of Administrative and Financial Affairs Department; Mr. Khaled Osman was promoted to Associate Director and Head of Dispute Management Department; Mrs. Wissam Elmolla was promoted to Associate Director and Head of Conferences, Training and External Relations Department; both Mr. Remon Ramzy and Ms. Heba Salem were promoted to Counsels.

Later in the year, the following employees joined CRCICA: Mr. Georges Ghali, Case Manager and Legal Researcher; Mrs. Noha Wahsh, Marketing & Communication Officer; Mr. Sherief Ahmed, Information Technology Supervisor; Mrs. Shireen Fathy; Senior Executive Officer and Mr. Tamer El-Kharadly, Financial Controller.

New Logo: Introducing CRCICA New Brand Identity

In September 2017, CRCICA launched a new logo as part of the ongoing evolution of CRCICA's brand. The logo was altered to reflect the present and to symbolize the future. Basically, the new logo crystalizes the acronym "CRCICA" as the Centre's most popular identification label. Symbolically, the framing circle becomes borderless to denote whirling dynamism. Out of pride of its history and heritage, CRCICA retained the logo's core elements, the scale and the map. The image of the scale stands for justice and the Afro-Asian map reflects the Centre's regional scope of expertise and roots deriving from the Asian African Legal Consultation Organisation ("AALCO"). The Global Arbitration Review (GAR) reported the new logo to be "*highlighting Cairo's central position between the two continents and potential to balance the interests of both continents in the administration of justice*".

CRCICA Director appointed IFCAI Secretary Treasurer, 16 October 2017

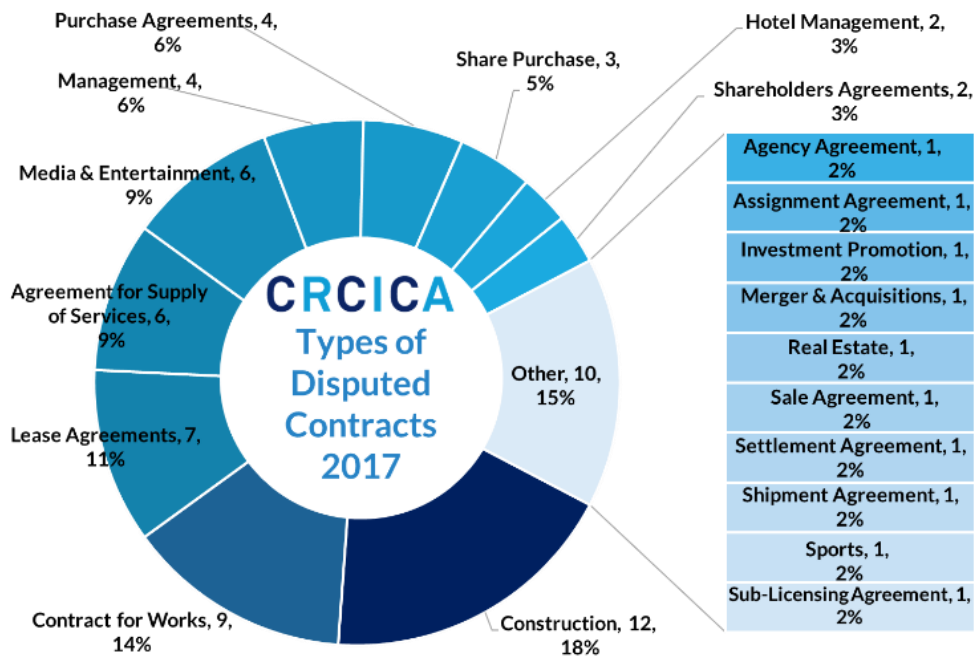
On 16 October 2017, Dr. Ismail Selim, CRCICA Director was appointed as the Secretary Treasurer of the International Federation of Commercial Arbitration Institutions (IFCAI), by virtue of a decision of the IFCAI's General Assembly held during the Hong Kong Arbitration Week. The General Assembly was attended by representatives of 12 international arbitral institutions. Collaboration between CRCICA and IFCAI started as early as 1986. The late Dr. Mohamed Aboul-Enein, CRCICA Former Director and the father of its renaissance over nearly 30 years, was elected as Vice-President of the Federation for many terms and in 2001, he was elected as Chairman of the IFCAI Institutional Section. Dr. Mohamed Abdel Raouf, CRCICA Former Director was also elected as the Vice President of the Federation in the past.

CRCICA Caseload of the year 2017

The CRCICA Caseload for the entire year 2017 has been published at the Global Arbitration Review (“GAR”). 65 new cases were filed during 2017 compared to 91 new cases in 2016. Accordingly, the total number of arbitration cases filed before CRCICA until 31 December 2017 reached 1226 cases.

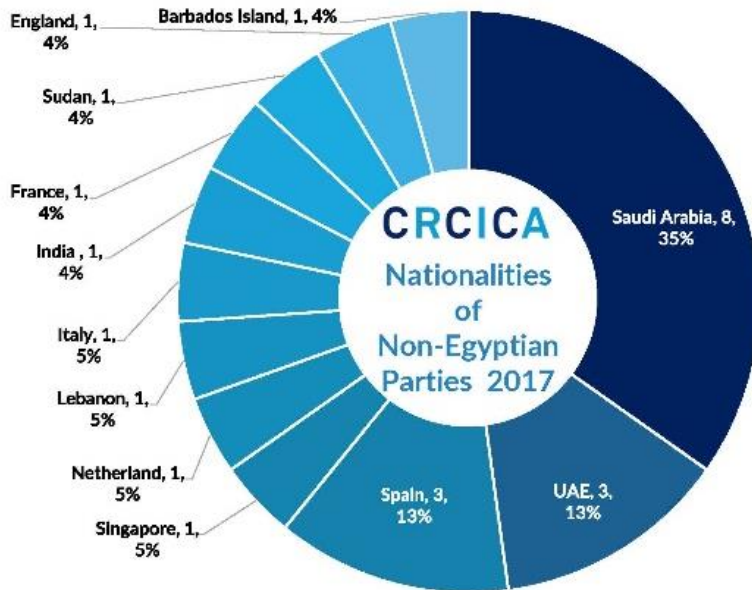
In 2017, disputes arising from construction and other contracts for works (such as contracts for implementation of electro-mechanical works, etc.) ranked on top, with 32 % of the total number of cases, followed by lease agreements, media and entertainment and other contracts for supply of services.

The types of disputes are shown in the figure below:



The Parties to the disputes included 23 Non-Egyptian Parties. Parties from Saudi Arabia ranked on top of Non-Egyptian parties referring their disputes to the Centre followed by parties from Spain and the U.A.E. At the third rank came parties from Singapore, Netherland, Italy, India, France, the United Kingdom and Barbados Island.

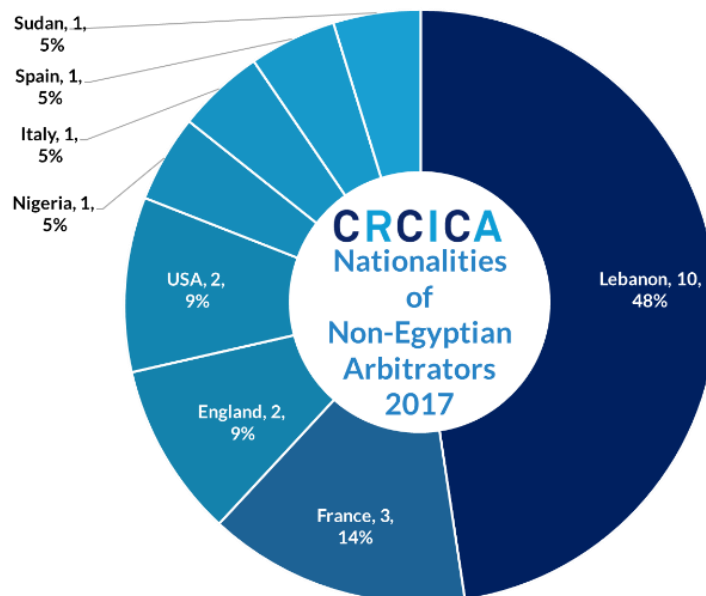
The Parties to the disputes included 23 Non-Egyptian Parties, shown in the figure below:



It is worth noting that the above statistics are very conservative as they do not include Egyptian joint stock companies owned or ultimately controlled by non-Egyptian shareholders.

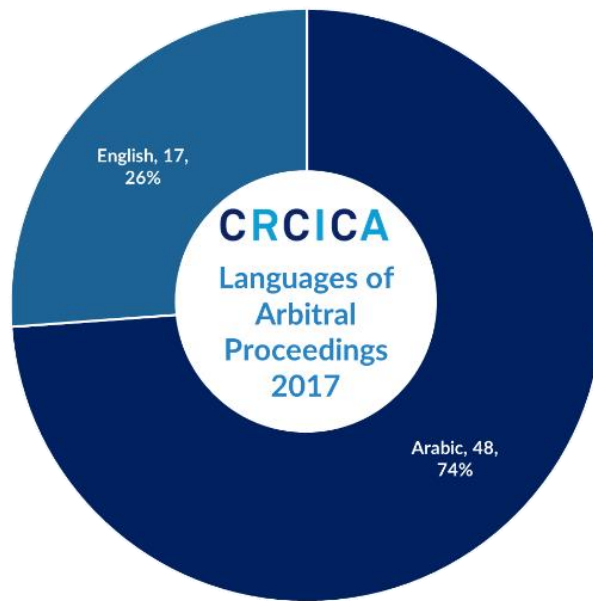
2017 also witnessed the appointment of arbitrators coming from Egypt, France, Italy, Lebanon, Nigeria, Spain, Sudan, the United Kingdom, and the USA.

Nationalities of Non-Egyptian arbitrators are shown in the figure below:



In 2017, Arabic was the language of arbitration in 48 cases while English was the Language of arbitration in 17 cases. Having launched the French version of its Arbitration Rules in 2017 and having increased its French speaking personnel, the CRCICA is ready to administer cases in French in the coming years. The percentage of

cases in English vs Arabic as the language of arbitration in 2017 is illustrated in the figure below.



CRCICA as an Appointing Authority: A Tribute to Diversity

The year 2017 has witnessed the signature by the CRCICA of the Pledge for Equal Representation in Arbitration 2017, by virtue of which the CRCICA, taking into consideration the interest of the parties, the nature of the case and the interest of arbitral justice, implements a regional, gender and age diversity policy when it acts as appointing authority.

Accordingly, diversity is taken into consideration when the Centre is invited to appoint directly arbitrators instead of a defaulting party and when the Centre proceeds to appointments through communication to the parties of identical lists including the names of at least three arbitrators, according to Article 8.3 and 9.3 of its Arbitration Rules. The said lists usually include the name of a competent female arbitrator or a competent arbitrator under the age of forty or from a region where competent arbitrators merit a closer look and were traditionally less appointed compared to arbitrators from other regions. The “identical list” procedure, in accordance with articles 8(3) and 9(3) of the rules is viewed by the CRCICA as mean of involving the parties themselves in the process of appointing the sole or presiding arbitrator.

In implementation of this diversity policy, the CRCICA has appointed in 2017 notable Nigerian and Sudanese arbitrators and one female arbitrator in cases where it was acting as appointing authority. A number of 5 arbitrators under the age of forty were also appointed by the CRCICA for their first time in various cases during 2017.

GAR Arbitration Costs Compared:

CRCICA the most affordable

In September 2017, GAR published “Arbitration costs compared”, a survey comparing the costs of 18 major arbitral institutions prepared by a team led by Louis Flannery, Head of International arbitration at Stephenson Harwood.

In this survey, CRCICA is the only representative of Africa and one of only two arbitration centres representing the MENA Region out of 18 major arbitration institutions from all over the world.

According to the Study, CRCICA costs are the cheapest in case of one arbitrator and among the three most affordable in case of three arbitrators until the dispute amount of US\$ 1 million. This important finding renders CRCICA among the most suitable arbitration institutions for small and medium-sized enterprises (SMEs). As of the amount of US\$ 5 million and beyond, CRCICA’s arbitration costs slightly fluctuate within the middle level.

CRCICA Releases the French Version of its Rules

On 31 March 2017, CRCICA released the French Version of its Arbitration Rules. The translation was prepared by Native French Legal Professionals under the supervision of Dr. Ismail Selim, the director of the CRCICA, and was gratefully reviewed by Prof. Phillipe Deboulanger, Cabinet Leboulanger & Associés (France) who rated it as “an extremely good work”. The linguistic effect of the French version was tested and well received by top international arbitrators. Prof. Emmanuel Gaillard, Partner and Head of International Arbitration, Shearman & Sterling LLP, “think(s) the text is excellent and faithfully reflects the English version, with which most users are familiar”.

The issuance of the French Version of CRCICA Rules comes responsive to users’ needs as well as global criterial reviews, specifically after the issuance of a Report by the African Development Bank ranking CRCICA as one of the Best Arbitration Centres across the African Continent and Elsewhere and recommending that CRCICA should consider issuing a French version of the Rules to facilitate administering cases in French. The release of the new version, coupled with good number of CRCICA’s staff members mastering the French language, provide the technical and logistical groundwork necessary to encourage the administration of cases in French.

Releasing the French version catches chords with the Centre’s strategic vision to exceed its level of cooperation within Africa. As Africa’s oldest arbitration institution, CRCICA has been largely acknowledged as the Continent’s leading Arbitration Institution (Africa Legal Briefings, HERBERT SMITH, February 2017), a research-oriented posture strongly supported by CRCICA’s prestigious enrollment on GAR’s White List of the Guide to Regional Arbitration in 2017 Middle East and Africa. Tooling the Centre with the technical and logistical mechanisms that are necessary to operate within the Francophone Africa, is such an indispensable requirement to preserve this stance.

Leading International Arbitration Practitioners support the issuance of the French Rules as an important business development initiative. Prof. Emmanuel Gaillard, believes that “the French version will be most useful in promoting CRCICA as a natural choice for disputes involving Africa, especially Western and Central Africa”. Dr. Gaston Kenfack, the Ex-President of the UNCITRAL, considers that “(the) Rules are modern, flexible and adaptable because they are inspired by the UNCITRAL Rules”. He further states: “this French version will indisputably allow the CRCICA to open to the African French speaking countries”. Home-grown international practitioners strongly support the initiative; Dr. Mohamed Abdel Raouf, Abdel Raouf Law Firm, opines that “the recent adoption of the excellent French version of CRCICA’s Arbitration Rules is a major development that was highly recommended by the African Development Bank Group in order for CRCICA to attract parties from the whole of the African continent”.

The initiative, also, triggers echoes in purely French businesses. A number of in-house counsels in French companies agrees that the issuance of the French Arbitration Rules rings a bell that “a set of regionally based arbitration tools and mechanisms is out there and is worth considering”.

To build on this key developmental initiative, CRCICA has firm plans to translate into French its other Rules and regulatory texts such as the Practice Notes and the Mediation Rules. Contributing to the French-language arbitration literature is another important target. To this end, it is being considered to add a French Section to the Arab Arbitration Journal which currently features an English section. CRCICA will continue to explore the needs and expectations of French-oriented businesses having trade and investment interests in Africa and the Middle East.

CRCICA Events 2017:

A Regional Gateway for International Institutions

As Cairo stands at the gateway to Africa and the Middle East, so does CRCICA stands at the gateway to the African-Middle Eastern arbitration community. The 2017 CRCICA events are quite a clear token of this vantage point.

On 2 April 2017, the Centre hosted the African International Legal Awareness's (AILA) Conference: "**A Paradigm Shift in International Investment Law**". The conference was co-organized by the Faculty of Law, University of Geneva and attended by international and African experts from 12 countries.

On 3 April 2017, CRCICA hosted **the ICCA's Second Consultative Workshop on African Arbitration Practice**. 22 Participants were in attendance from all across the Continent and discussed cooperation in education and training, creation of online resources on African arbitral practice, provision of technical assistance, and the creation of an umbrella organization dedicated to the promotion and development of international arbitration and arbitrators in Africa, later launched in June 2018 as the African Arbitration Association (AFAA).

On 3-5 April 2017, SOAS University of London jointly with CRCICA organized "*The Role of African States and Governments in Supporting the Development of Arbitration in Africa*" Conference. The agenda discussed institutional arbitration in Africa, the attitude of African governments towards the legal environment for investment arbitration, and views from outside Africa and responses from government ministers. There was also a roundtable examining arbitration-related UNCITRAL texts and their adoption by African states. Speakers represented 20 countries, and was attended by 123 participants from 26 countries.

December was exceptionally busy at CRCICA where five different arbitration events were held consecutively, bringing the works and regional inclinations of six international institutions, UNCITRAL, ICCA, IBA, ABA, BIAC and KLRCA (now Asian International Arbitration Centre "AIAC"), under CRCICA limelight.

On 2 December 2017, CRCICA organized and hosted in cooperation with ICCA and the National Centre for Judicial Studies "the Second Cairo ICCA New York Convention (NYC) Roadshow". The program included three sessions; an overview of the New York Convention, its objectives, means of interpretation and salient comparative judicial application, the role of the Arbitration Department within the Ministry of Justice in the enforcement of the arbitration awards guided by the New York Convention, and the role of the national judge in the international arbitration process from the perspectives of both practitioners and judges. The event was attended by Egyptian judges and discussions were led by arbitration and post-arbitral proceedings practitioners.

On 9-10 December 2017, CRCICA organized jointly with the UNCITRAL the regionally exclusive celebratory Conference of UNCITRAL's 50th Anniversary: **“Global Inclusion and Dispute Resolution Harmonizing Trends in International Arbitration”** at CRCICA Auditorium. Similar celebratory conferences were held in Austria, Cameroon and India. The Cairo version was the exclusive one in the Middle East and North Africa (MENA) Region. The conference addressed the UNCITRAL contributions in the field of dispute settlement over 50 years with particular focus on the New York Convention and its applications, the UNCITRAL Model Arbitration Law and Arbitration Rules. Conference's speakers were from 14 countries, participants, totaling 125, came from 20 countries. During the Conference, the historic signing ceremony of the CRCICA/ Permanent Court of Arbitration (PCA) cooperation agreement took place. **Among other modes of cooperation, the agreement enables PCA hearings to take place at CRCICA premises and vice versa.**

On 11 December 2017, CRCICA hosted a **Young ICCA Workshop entitled: International Arbitration: Procedural Tactics and Strategies** which was followed by **the IBA Arb40 Toolkit for Award Writing Training Program** having focused on practical guidance and tips for writing a reasoned and enforceable award.

On 12 December 2017, CRCICA organized a significant conference on: **The Belt and Road Initiative: Economic Legal Landscape and Dispute Settlement** in collaboration with the Beijing International Arbitration Center (BIAC) and the Kuala Lumpur Regional Centre for Arbitration (now the Asian International Arbitration Centre "AIAC").

The conference's program focused on the legal environment in Egypt with regard to the B & R, the new prospects for international trade and industry out of both domestic and international perspectives, the financial and contractual framework of infrastructure development projects, and the impact of the B & R initiative on the future of dispute settlement with specific focus on the BIAC/CRCICA/KLRCA (now AIAC) Arbitration Initiative. Attendees came from 14 different countries with very remarkable presence of Chinese and Malaysian businesses and diplomats in Egypt.

CIArb Cairo Wednesday One Seminars:

The CRCICA-hosted CIArb Cairo Wednesday One Seminars during 2017 featured the following topics: New Trends in Arbitration in Morocco held on 28 of February 2017, Anti-suit Injunctions: A tool to enforce the Arbitration Agreement held on 26 April 2017, The New Egyptian Investment Law held on 3 May 2017, Arbitration in the UAE: Theory and Application held on 12 July 2017, The Stock Market in Egypt held on 29 November 2017, and International Dispute Settlement: Lessons Learned held on 19 December 2017.

CRCICA Trainings 2017: Distinction and Diversity

Proudly, CRCICA training and public awareness activities work in three parallel lines, CRCICA Events, the trainings of CIArb Cairo (seated at and administered by CRCICA) and more recently the ABA/CRCICA Distinguished Lawyers Program which CRCICA develops and administers in close collaboration with the ABA Rule of Law Initiative (MENA Region). While the ABA ROLI has various funded projects in countries of the MENA Region, the Distinguished Lawyers Program stands as an unprecedented initiative solely administered by and relying on the know-how of a local/regional institution while keeping the ABA Brand.

This status quo of CRCICA's venue, turns it, both materially and conceptually into a regional training hub with users from all across the region.

With that being said, 2017 witnessed a variety of training programs along three parallel paths; CRCICA Training Platform, the CIArb Cairo Educational Path and the CRCICA/ABA Distinguished Lawyers Program.

In its' capacity as a CIArb Recognized Course Provider, on 10-15 July and 17-23 September 2017, CRCICA successively held **Module 1: Law of Obligations and Civil Evidence** under the customized thematic approach "**The Contract and the Rules of Responsibility and Evidence**" and **Module 2: Law of Arbitration** under the customized theme "**Comparative Commercial Arbitration, Theory and Practice**", both qualifying for the membership of the Chartered Institute of Arbitrators. The Program, with its two modules, stroke a unique balance between local and regional practices and jurisdictions on one side and international law and practices on the other. CCATP was launched in 2011 as the first comparative arbitration program in the Arab World with a simultaneous bilateral tutorial methodology that combines Civil Law and Common Law systems.

The most significant aspect of CRCICA's educational activities in 2017 was the launch of **the CRCICA/ABA Distinguished Lawyers CLE Program**. While the ABA ROLI has various funded projects in countries of the MENA Region, the Distinguished Lawyers Program stands as an unprecedented initiative administered by and relying on the know-how of a local/regional institution while keeping the ABA Brand.

The Program is a continuation of the ABA ROLI's CLE scheme in Egypt which, ran under the US AID funds, from 2009 until September 2016. As of October 2016, ABA Rule of Law Initiative (ROLI) and CRCICA started a new partnership to deliver self-funded CLE trainings for young lawyers in Egypt under the co-administration of both institutions.

One of the most important component of this Program is the **Arabic-Language Basic Legal Skills Course**, conducted in two rounds over 2017; on 2-27 July and 15 October – 8 November. The course provides basic, though comprehensive, training on the seven advocacy legal skills being client interviewing, legal analysis, legal writing, negotiation,

contract drafting, oral advocacy, and arbitration. It lasts for 13 sessions ending by an arbitration moot and totaling 40 training hours.

All trainers should have passed the ABA's Training of Trainers Course. It is worth noting that CRCICA exclusively developed a detailed course administration manual to insure the smooth administration of future courses.

Also under the umbrella of the CRCICA/ABA Distinguished Lawyers CLE Program, a course on *Effective Advocacy skills for Arbitration Practitioners* was held on 12 December 2017. The Course focused on expert aspects of advocacy skills for arbitration, persuasive opening and closing submissions, effective cross-examination of fact witnesses and strategies for examination. Practical sessions included a mock witness cross-examination.

On 18 January 2017, within the boundaries of the third path, the CIArb Cairo Branch one, **the Institute's Introduction to Mediation Course** was held for the first time in Egypt. The course provided candidates with an introduction to the legal position of, and good practice and procedure in, mediation. Successful candidates were eligible to apply for Associate grade of the Chartered Institute of Arbitrators (CIArb).

On 11 October 2017, the CIArb Cairo Branch and CRCICA organized a Training Course on **Managing Delay Damages in Construction Contracts**. The Course presented a thorough understanding of construction delay damages, as the source of frequent claims and disputes, under both the common law and civil law systems.

The last CIArb/CRCICA training of the year was held on 24-25 December 2017, focusing on **"Expert Witness in International Commercial Arbitration"**. The agenda included the fundamental role of the expert witness in international commercial arbitration, interactive exercises, Qs&As and ended by a mock cross examination.

Raising Investment Arbitration Awareness in the Region:

A pillar feature of CRCICA Annual Record

Noticing the radical changes in today's investment arbitration environment, and out of its long-established regional mission to enhance arbitration awareness in the region, CRCICA adopts a fundamental strategy to integrate the dissemination of investment arbitration knowledge into its annual plan, creating as such a round-the-clock platform for regional users.

"*Investment arbitration*" had been a recurrent theme in all main CRCICA events over the year; the Role of African States in Arbitration Conference examined the legal environment for investment arbitration in Africa and screened practitioners' thoughts across and outside the Continent. Few days after the 34th UNCITRAL ISDS Session, where CRCICA was represented as an observer, Cairo created a miniature replica of the session during the UNCITRAL's 50th Anniversary Conference focusing on the Reform of Investor-State Dispute Settlement and exploring expert practitioners' perspectives. The Belt and Road Initiative Conference was no exception as it approached the investment environment in Egypt and the chances if it allows for Belt and Road businesses.

The dynamicity of CRCICA Venue as an investment educational hub attracted international entities to address the regional marketplace out of CRCICA Platform. On 2 April 2017, the Centre hosted the African International Legal Awareness's (AILA) Conference: "***A Paradigm Shift in International Investment Law***". On 3 April 2017, LALIVE, a Geneva-based leading law firm, held at CRCICA an expert discussion led by Ms. Laura Halonen on "**Investment Arbitration at grassroots Level: Impact of Recent and Planned Changes to Investment Law on Parties and their Counsels**".

Outside the local borders, CRCICA was keen to contribute to investment arbitration events across the Afro-Asian region and beyond. On the occasion of the signing of the BIAC/CRCICA/ KLRCA (now AIAC) Belt and Road Arbitration Agreement, the Symposium: "***Investment Environment and Dispute Resolution in Malaysia and Egypt***" was held on 9 May 2017, in *Beijing, China*.

CRCICA Director delivered a speech on Egyptian laws and local courts' support to arbitration and Dr. Khaled Attia, Partner, Head of Dispute Resolution at Nour & Partners in association with Al Tamimi & Company and member of CRCICA delegation at the Symposium, gave a speech on the legal framework of investment and arbitration in Egypt.

In June 2017, members of CRCICA delegation to *the BIAC London & Zurich Summits* on Dispute Resolution in China successively contributed to the session on: "***The Impact of Regulatory Changes on Private Investment & Finance Disputes in the PRC***" in the two European Cities. Prof. Dr. Mohamed S. Abdel Wahab, Founding Partner; Head of International Arbitration, Zulficar & Partners and Member of CRCICA Advisory

Committee delivered expert commentaries to the London version of the Session and Dr. Dalia Hussein, CRCICA Deputy Director, contributed to the Zurich version of the Session.

Finally, on 14 December 2017, CRCICA Director delivered a speech on “Expropriation” at the conference on “The Protection of Foreign Investors in the African Extractive Sector: Challenges and Opportunities for African's Growth and Development”, Dubai, UAE; organized by the Dubai International Arbitration Centre (DIAC) and the Institute Afrique Monde.

What doubled the significance of CRCICA’s focus on investment arbitration is its being named in many Bilateral Investment treaties (BITs) concluded between Egypt and European parties (including, for instance, the 2010 Egyptian-Swiss BIT and the 2001 Egyptian-Austrian BIT) or concluded between countries from the Middle East and Africa (including, for instance, BITs between Egypt and the UAE, Oman, Kuwait, Syria and Lebanon). It is also provided in BITs where Egypt is not a party, such as the BIT between Libya and Morocco.

This has not gone globally unnoticed; the GAR Guide to Regional Arbitration in Middle East and Africa highlights a key recent development which is the rise in investment treaty disputes across the Middle East and North Africa. Among other institutions of the region which are reported to have the potential of gaining bigger market share, *“CRCICA is named as a possible administrator of investment arbitration proceedings in a number of inter-Arab treaties”*.

2017: Into the Heart of Africa

In support of CRCICA's diversification plan, CRCICA devoted a considerable part of its annual activities to boost relations with Africa. This strategy was mainly echoed in CRCICA's *first Africa Arbitration Week* held on 2-6 April 2017 which brought more than thirty African nationalities together at CRCICA Premises (For more details: CRCICA 2017 Events: A Regional Gateway for International Arbitration Events).

As the oldest arbitration Centre in Africa, CRCICA continued *to support and promote the growth and promotion of arbitration in Sub-Saharan Africa all over the year*. In May 2017, CRCICA was represented in three successive major arbitral events held in Sub-Saharan Africa as follows:

On 5 May 2017, Dr. Ismail Selim participated at **AALCO's 56th Annual Session Nairobi, Kenya**. The Session was attended by representatives of 26 member states.

On 14-16 May 2017, he delivered a speech at *the Second ICC Africa Regional Arbitration Conference in Lagos, Nigeria*. Titled "*An Arbitration Seat in Africa: Challenges and Opportunities*", the speech urged African states to secure legislative frameworks favoring arbitration and guaranteeing the enforcement of arbitral awards.

On 24 - 25 May 2017, Dr. Selim participated at the Colloquium: "**UNCITRAL at 50 and Arbitration in Africa**" in Yaoundé, Cameroon. The Colloquium was held under the patronage of the Government of Cameroon and with the support of Association for the Promotion of Arbitration in Africa (APAA). He presented CRCICA's leading experiences and achievements in Africa in a roundtable entitled "*The Implementation of the Domestic and International Commercial Arbitration*".

October 2017 provided another example of CRCICA's collaboration with the Arbitration Community in Sub-Saharan Africa, particularly Abuja, Nigeria. On 23 October 2017, Mr. Khaled Osman, CRCICA Associate Director and Head of the Case Management Department attended the Workshop on "*Effective Case Management Processes for Arbitration Institutions in Africa*", and led the third session on "*Appointment of Arbitrators*". On 24 October 2017, CRCICA Director participated at the *Second Biennial African Arbitration Roundtable on "Growing and Sustaining Arbitration and ADR in Africa"* organized by the International Centre for Arbitration & Mediation Abuja ICAMA, *Abuja, Nigeria*. He delivered a speech on: *African States and Governments: To use or not to use ADR*, urging African states to provide adequate legal framework for arbitration and ADR and outlining the need for cooperation among African and Asian arbitral institutions to allow best practice of arbitration, transparency and due process. The speech also included AALCO's visionary 'scheme' for administering international arbitration through establishing notable arbitration centres in Asia and Africa.

On 25 October 2017, CRCICA Director also attended **the Third ICCA Consultative Workshop on Cooperation Among African Arbitral Initiatives**. The workshop

focused on the structure of an umbrella organization to support arbitration in Africa, which was later launched in June 2018 as the African Arbitration Association (AFAA). On 26-27 October 2017, CRCICA Director participated at a panel discussion titled: *Proliferation of Arbitration Centres in Africa - A Gift or a Curse?* at ***the LCIA African Users' Council Symposium, Abuja, Nigeria***. The panel focused on the important areas of international arbitration and maintaining an arbitration-friendly environment.

Strengthening CRCICA's Ties with Asia:

China and Malaysia under spot

One of CRCICA's strategic goals in 2017 and beyond has been the enhancement of relations with Asia; China with a number of its institutional bodies are on the top of the list together with Malaysia as the Host-Country of CRCICA's sister-institution, the Asian International Arbitration Centre (AIAC) [Formerly KLRCA), representing Malaysia.

Within this context, on 9 May 2017, CRCICA signed **the Belt and Road Arbitration Initiative**, a tripartite cooperation agreement with the Beijing Arbitration Commission/Beijing International Arbitration Center and the-then Kuala Lumpur Regional Centre for Arbitration. By virtue of this significant agreement, the parties shall commence close cooperation in handling disputes and promoting alternative dispute resolution mechanism under the Belt & Road Initiative.

The signing ceremony was held during *the Belt and Road Arbitration Initiative Conference, 9 May 2017, Beijing, China*. During the Event, the three institutions introduced to the Chinese Legal Community the philosophy and significance of the B & R Arbitration Initiative Agreement and the official speech of each institution presented its vision, services and role in the promotion of arbitration in the Afro-Asian region through inter-institutional works and projects.

During his May visit to China, CRCICA Director held collegial institutional meetings with other Chinese allies; the China International Economic and Trade Arbitration Commission (CIETAC) and the China Law Society (CLS).

June was another month of remarkable collaboration with China as CRCICA intensively contributed to *the BIAC London & Zurich Summits*, June 2017. CRCICA Delegation was composed of Dr. Nabil Elaraby, Chairman of the Board of Trustees, Dr. Ismail Selim, the Director, Dr. Dalia Hussein, Legal Advisor (currently the Deputy Director), Mr. Philippe Leboulanger, member of the BoT and Vice-President of CRCICA's Advisory Committee and Prof. Dr. Mohamed Abdel Wahab, Member of the Advisory Committee.

CRCICA also participated at China's Africa Legal Professionals Exchange Project as represented by Ms. Heba Ahmed Salem, Case Manager and Legal Researcher. Ms. Salem attended the 4th Course of China – Africa Legal Professionals Exchange Project, 5- 9 June 2017, Guangzhou, China organized by the China Law Society.

CRCICA continues to support Sino-African Cooperation, especially under the scheme of the China-African Cooperation Forum. On 24-26 November 2017, CRCICA Director delivered a speech at *the First China-Africa Joint Arbitration Centre (CAJAC) international conference* on China-Africa Arbitration titled "*From Vision to Action*",

Cape Town, South Africa and aired a message of support to the CAJAC initiative from CRCICA as the oldest African arbitration institution.

It was integrally significant for CRCICA to introduce to the legal community in Egypt and the MENA Region the spirit of Afro-Asian Solidarity in promoting arbitration generally and the Belt and Road Arbitration Initiative in particular. On 12 December 2017, CRCICA organized the conference on: The Belt and Road Initiative: Economic Legal Landscape and Dispute Settlement in collaboration with BIAC and KLRCA (now AIAC) (For more details: CRCICA 2017 Events: A Regional Gateway for International Arbitration Events).

CRCICA Information Tool Crosses Borders:

Enhancing Communications with Lawyers Worldwide

CRCICA has adopted a vigorous policy to introduce its role and activities to users and gatekeepers of arbitration in different parts of the world. Within this framework, CRCICA arranged business meetings at international law firms and a selected bar of lawyers to closely approach their expectations and respond to their demands. In 2017, the Director visited Paris, London, Marseille and Lagos where he briefed lawyers on CRCICA's history, caseload, and recent international recognitions and activities including conferences and publications; visits were at the Paris Office of Jones Day and the London Offices of Herbert Smith Freehills and Shearman & Sterling, the Paris Office of Mayer Brown, Aluko & Oyebode and Banwo & Ighodalo Laws Firms of Nigeria. Later in the year, CRCICA Director addressed the lawyers of the North Mediterranean at the Marseille Bar where they showed special interest in CRCICA's Comparative Arbitration Program.

This close interaction with users has proven highly effective to increase awareness of CRCICA's regional services and neutral stance and to call international attention to the AALCO's visionary 'scheme' for administering international arbitration.

CRCICA Information Tool Crosses Borders:

Reaching far out to Financial Institutions

October 2017 witnessed a remarkable focus on development and investment banks for their significant role in supporting arbitration. On the 5th of October 2017, the Paris Office of Mayer Brown hosted a live meeting between CRCICA Director and representatives of three significant financial institutions providing finance and facilitation services to African Countries; US Im-Ex Bank, UK Export Finance, and US OPIC. The Director delivered a speech on CRCICA and the arbitration environment in Egypt. Discussions approached the distinction between the venue and the seat of arbitration under Egyptian law and jurisprudence, and appointment of arbitrators, and enforcement of awards.

On 4 October 2017, the Director presented CRCICA to the European Investment Bank at its premises in Luxembourg. Questions involved CRCICA's financial stability and independence as well as its permanency and percentage of international cases among the cases administered by the CRCICA.

This point of contact helped informing financial institutions of the independence and neutrality of AALCO-established regional centres increasing as such the probability of their being referred to in internationally-financed projects.

CRCICA Information Tool Crosses Borders:

Dialoguing with Francophone Business and Legal Communities

Concomitant to the issuance of the French version of CRCICA Arbitration Rules, CRCICA has been keen to develop ties of cooperation with institutional entities representing Francophone businesses. In March 2017, CRCICA Director attended the monthly luncheon of the French Foreign Trade Advisors (*Conseillers du Commerce Extérieur de la France* “CCEF”) and a meeting of the French Chamber of Commerce and Industry in Egypt (CCIFE). During the two events, Dr. Selim explored the needs of the Francophone business community and introduced CRCICA’s role and activities.

On 20 April 2017, CRCICA was represented by its Director at the Paris Symposium *"Towards a Globalized Law of Arbitration"* organized by Chambre arbitrale internationale de Paris, the Center of International Law of Nanterre (CEDIN) at Paris Nanterre University, the Comité Français de l'arbitrage and CIETAC. CRCICA Director intervened in the First Round Table titled *"Arbitration Centres: From Competition to Cooperation"* focusing on the competition between arbitration centers as a healthy means to ensure better justice, outlining the suitability of CRCICA as an ideal neutral venue to administer cases involving European and Chinese parties, and highlighting the role of regional centres especially in terms of familiarity and affordability.

On 28 September, CRCICA Director was invited by the Société de Législation Comparée (“SLC”) to deliver a presentation about the Role and Objectives of CRCICA at the *French Cour de Cassation*. The speech presented the Egyptian Arbitration Law and CRCICA’s pivotal role in promoting arbitration in the region, stance in some bilateral investment treaties agreements, as well as the salient features of CRCICA long-established practices including its arbitration costs as featured in **"Arbitration cost compared: GAR 2017 Edition"**.

Other International Contributions

Euro-Mediterranean Community of International Arbitration

In 2017, CRCICA Director participated at the **Third and Fourth International Conferences for a Euro-Mediterranean Community of International Arbitration** held on 18 January, Milan, Italy and on 19 November 2017, Manama, Bahrain respectively. This series of conferences is a joint venture of the UNCITRAL and the Organization for Economic Co-operation and Development (OECD). The third conference in the series was locally co-organized by the Institute for the Promotion of Arbitration and Mediation in Mediterranean (ISPRAMED), while the Fourth was co-organized jointly by the Bahrain Chamber for Dispute Resolution (BCDR-AAA).

In the Bahrain version, the Director contributed to a panel discussion approaching practical issues related to impartiality and independence of arbitrators against the background of the IBA Guidelines on Conflicts of Interest in International Arbitration, the UNCITRAL Model Law on International Commercial Arbitration and BCDR-AAA's new arbitration rules. It is worth mentioning that, in 2015, CRCICA co-organized the **Second Event in this important Euro-Mediterranean Series**. Quoting Mr. Renaud Sorieul, Former UNCITRAL Secretary, *"the Cairo Conference was widely acknowledged to have been a major cornerstone in the whole project"*.

The Synergy between Civil Law and Common Law

On 8-9 March 2017, CRCICA participated at two panels discussions of the **CIArb Conference on 'The Synergy and Divergence between Civil Law and Common Law in International Arbitration'**, Dubai, UAE. H.E. Dr. Nabil Elaraby, CIArb Patron and Chairman of CRCICA Board of Trustees chaired the panel discussion on *"The role of legislation in developing and sustaining an arbitration friendly seat"*. CRCICA Director participated at the panel discussion entitled: *"The perspective from Arbitral institutions on building the synergy between common & civil law"*. Focusing on *the synergy between civil and common law under the UNCITRAL and CRCICA Rules*, the speech was reformulated into a scholastic article in the CIArb Journal, Vol. 83, No. 4, November 2017. The CRCICA Arbitration Rules were chosen, in the said article, given that they are based on the UNCITRAL Arbitration Rules of the 2010 save for minor modifications emanating mainly from the Centre's role as an arbitral institution and an appointing authority. The article concluded that CRCICA Arbitration Rules went further in the embodiment of the synergy between the common law and the civil law systems where the UNCITRAL Arbitration Rules adopted a common law approach.

External Institutional Visits:

The Peace Palace, The Hague, The Netherlands

On 20-21 July 2017, CRCICA Director paid a significant visit to the Peace Palace, The Hague, The Netherlands where he had three noteworthy meetings at the PCA, the ICCA Bureau, and The Hague Academy of International Law respectively. At the PCA, CRCICA Director met Mr. Hugo Siblesz, PCA Secretary-General, to discuss fostering mutual relations between CRCICA and PCA which culminated in the signing of a cooperation agreement during the conference celebrating the 50th Anniversary of UNCITRAL on 9-10 December 2017, Cairo-Egypt. At ICCA, CRCICA Director and Ms. Lise Bosman, Executive Director and Executive Editor of ICCA discussed the organization of the Second Cairo New York Convention Roadshow on 2 December 2017. At The Hague Academy of International Law, CRCICA Director discussed with Prof. Jean-Marc Thouvenin, Secretary General of The Academy, the possibility of hosting an educational program of the Hague Academy in Cairo.

The Court of Arbitration for Sport (CAS) Geneva, Switzerland

On 3 October 2017, CRCICA Director visited the Court of Arbitration for Sport (CAS) in Geneva, Switzerland where he met Mr. Matthieu Reeb, CAS Secretary General, to discuss future relations between the Court and CRCICA as host of the first CAS Alternative Hearing Centre (AHC) in Africa. It was agreed to hold a Cairo Sports Arbitration Week in close collaboration with the CAS.

CRCICA adopts a supporting role towards students and career beginners.

- **Sponsorship of Students' participations at International Moots**

CRCICA sponsored the team of I.D.A.I (Université Paris 1 PANTHEON SORBONNE) having participated in the 14th Vis Moot East in Hong Kong, alongside with Zaki Hashem Law Firm. This Event, the counter part of the Vienna WILLEM C. VIS International Commercial Arbitration Moot, gather young minds in the legal field from all over the world to plead and argue before panels of arbitrators about a mock international commercial case.

- **CRCICA Internship Program**

CRCICA Internship program over the year was beneficial to students and fresh graduates from Egypt, Libya, Cameroon and France. Interns contributed to preparation of legal researches, translations, and attended arbitration hearings.

Conclusions and Recommendations

On the threshold of its 40th Anniversary, CRCICA will continue to emphasize its role in the region and will more examine the needs of its marketplace to introduce, and tailor as may be needed, other Alternative Dispute Resolution Mechanisms such as mediation and adjudication. Arbitration, however, will remain CRCICA's main emphasis and alignment. **Volume Growth of transnational arbitrations** in particular is our persisting target in order to ensure **the global regionalism** of AALCO-established Centres, originated from intergovernmental efforts to improve and promote access to international arbitration.

While we have taken satisfactory strides along this way, we cordially urge our parent-institution to **encourage governments of member-countries** to include the arbitration clause of CRCICA, and other sibling-institutions as the case may be, in their **Bilateral Investment Treaties (BITs)** *“(in order) to counter-balance the weight of renowned western institutions often criticized for not sufficiently taking into account the specialties and identities of the region”* (a 2017 Review on CRCICA). The recent radical shift in international investment arbitration paths the way ahead for regional centres to continue thriving and it is mainly through collaborative efforts under AALCO's umbrella that we would score peak achievements.

Simultaneously, there is a dire need to identify an AALCO unified mechanism to draw global attention to **the neutrality, integrity and permanence of its regional centres as independent international organizations**. Despite the huge triumph achieved so far, regrettably, the majority of the international arbitration and business community, specifically publishers, reviewers and financial institutions, still label AALCO Centres as *“local arbitration centres”*. Calling a unified move under the umbrella of the Organization will definitely change the scene.