



THE ARAB UNION OF INTERNATIONAL ARBITRATION (AUIA)

JOINTLY WITH

**THE CAIRO REGIONAL CENTER FOR INTERNATIONAL
COMMERCIAL ARBITRATION (CRCICA)**

**Conference Program:
The Vital Role of State Courts in Arbitration**

In cooperation with:

The Arab League

**The United Nations Commission on International Trade Law (UNCITRAL)
The International Federation of Commercial Arbitration Institutions (IFCAI)
A Variety of Regional and International
Judicial Authorities and Arbitration Associations**

19 -21 November 2005
Intercontinental Hotel- Garden Reef Resort
Sharm El Sheikh- Egypt



Program of

The International Conference on:
 "The Vital Role of State Courts in Arbitration"
 19-21 November 2005, Sharm El Sheikh – Egypt

	Friday 18 November 2005
7.00: 8.00 PM.	Starting Registration at the ORKA Conference Room

	FIRST DAY Saturday, 19 November 2005 (ORKA Conference Room)
9.00 : 10.00	Resuming Registration
10.00 : 11.00	Inaugural Session
	<p>Welcoming Speech by : Dr. Mohamed Aboul-Enein Director, Cairo Regional Centre for International Commercial Arbitration Secretary General, Arab Union of International Arbitration (AUIA) H.E. Gen. Mostafa Afifi Governor of South Sinai</p> <p>Inaugural Speeches by : H.E. Ahmed Fathi Sorour President of the Egyptian People's Assembly H.E. Coun. Fathi Khalifa President of the Egyptian Court of Cassation, President of the Supreme Judicial Council H.E. Coun. Dr. Abdel Rahman Azouz President of the Egyptian State Council Mr. Jernej Sekolec Secretary of the United Nations Commission on International Trade Law (UNCITRAL.) Mr. Ulf Franke President of International Federation of Commercial Arbitration Institutions (IFCAI) H.E. Prince. Dr. Bandar Ben Salman Al Saud President of the Saudi Arbitration Group; Assistant Secretary General of the Arab Union of International Arbitration</p>
11.00: 11.30	Commemorating the late Professor Philippe Fouchard 30M. Dr. Mohamed Aboul-Enein Dr. Abdel Hamid Al-Ahdab President of the Arab Association for International Arbitration- Assistant Secretary of the AUIA (Lebanon) Prof. Thomas Clay Professor at Versailles University (France), Vice Dean of the Law School
11.30 : 12.00	Coffee Break

12.00: 2.45		FIRST SESSION	
12.00 : 12.15	The Rules and Principles Governing and Balancing the relationship between party Autonomy and Judicial review Chairman: Prof. Bernardo Cremades (Spain) President of the Spanish Court of Arbitration; Vice Chairman: H.E. Prince. Dr. Bandar Ben Salman Al Saud (S.A.)		
12.15 : 2.15 15M.	The Constitutional and legal basis of Arbitration and the Role of the Judiciary	Dr. Mohamed Aboul-Enein (Egypt)	
12.15 : 2.15 15.M. each	Need for Harmonized Legislation on the Role of Courts in the Arbitral Process and for Uniform Interpretation of Such Legislation : Methods for Achieving that Goal	Mr. Jernej Sekolec (Vienna)	
	The Importance of Institutional Arbitration Rules in Relation to the Role of State Courts in Arbitration	Mr. Ulf Franke (Sued)	
	The Exclusion of Contractual Provisions by the Arbitrator	Dr. Fayez El-Hajj Shaheen (Lebanon) Dean, St. Joseph Faculty of Law, Attorney	
	Amiable Composition Before State Courts	Prof. Ibrahim Najjar (Lebanon) Attorney , Professor of Law, St. Joseph University of Law in Beirut	
	The Contractual Modification of the Scope of Judicial Review of Arbitral Awards	Dr. Mohamed Abdel Raouf Ali (Egypt) Lawyer; Secretary General of the Cairo Regional Center	
	Necessary Balance Between Finality of Arbitral Awards and Justice Considerations	Dr. Karim Hafez (Egypt) Lawyer, JURISCONSULTES Law Firm	
	Comment on : The Role of State Courts in Arbitration in the Light of the application of ICC Rules	Mr. Sami Hourabi (Tunisia) Director for Middle East and Africa, International Court of Arbitration ICC Dispute Resolution Services	
2.15 : 2.45	Open Discussion		
2.45 : 4.45	Lunch Sponsored by Dr. Abdel Hamid Al-Ahdab at Al- Hamra Lebanese Restaurant		

4.45 : 7.15		SECOND SESSION	
4.45 : 5.00 15.M.	The Vital and Creative Role of State Courts in Arbitration Chairman: Mr. Ulf Franke Vice Chairman: Dr. Mohamed Aboul-Enein		
5.00 : 6.45 15.M. each	The Brave New World of Global Arbitration and Judicial Pragmatism	Prof. Bernardo Cremades President of the Spanish Court of Arbitration; President of the Global Center for Dispute Resolution Research	

	The Creative Role of State Courts in Arbitration	Dr. Mahmoud Samir Al-Sharkawy (Egypt) Professor of Law, Former Dean, Faculty of Law, Cairo University-International Arbitrator and Lawyer
	The Role of State Courts in Arab Laws (Egypt, Omman, Jordan)	Dr. Hamzeh Haddad (Jordan) President of the Jordanian Law and Arbitration Center; Former Minister of Justice; Assistant Secretary General of the (AUIA) (Eastern Area)
	The Vital and Creative Role of State Courts in Arbitration	Dr. Hafiza Al-Haddad (Egypt) Professor of Private International Law and International Commercial Arbitration, Alexandria University Ex-Dean, Faculty of Law, Beirut Arab University
	The Creative Role of the State Courts in Arbitration. The separability of the Arbitration Agreement	Dr. Mustafa Trary (Algeria) Attorney; Professor of International Arbitration and Comparative law, Oran University
	The Creative Role of the Administrative Courts in Arbitration	Dr. Mohi El-Din Qaissy (Lebanon) Attorney, President of the Beirut Arbitration Centre of the Beirut Chamber of Commerce and Industry
	Comment : Court Decisions... Lessons Learned / Construction Industry	Dr. Eng. Sherif El Haggan (Egypt) International Arbitrator, Consulting Engineer – Partner: Contract Administration & Arbitration Bureau – Fellow, Chartered Institute of Arbitrators, London
6.45 : 7.15	Open Discussion	

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	SECOND DAY Sunday 20 November 2005	
	THIRD SESSION	
9.30 : 11.15 9.30 : 9.45 15M.	The Changing Role of State Courts in Arbitration in Different Legal Cultures Chairman: Prof. Gabrielle Kaufmann-Kohler Honorary President of the Swiss Association of Arbitration (ASA) Vice Chairman: Dr. Abdel Hamid Al-Ahdab	
9.45 : 10.45 15M. each	The Role of the American Courts in Arbitration	Mr. William Slate (France) President of the American Arbitration Association (AAA)
	The Role of the French Courts in Arbitration	Prof. Thomas Clay (France) Vice Dean of the Law School, Professor at Versailles University (France)

	The Role of the English Courts in International Commercial Arbitration	Dr. Eugen Salpius (London) President, The Chartered Institute of Arbitrators (CI Arb.)
	Islamic Sharia and Recent Trends in Arbitration	Judge. Abd El-Ellah Abd AlAziz Al-Faryan (S.A.) Judge in the Saudi Ministry of Justice
10.45 : 11.15	Open Discussion	
11.15 : 11.45	Coffee Break	
11.45 : 1.30	FOURTH SESSION	
11.45 : 12.00 15M.	The Role of State Courts in Supporting and Assisting Arbitration Chairman: Mr. William Slate Vice Chairman: Dr. Hamzeh Haddad	
12.00 : 1.00 15M.each	<ul style="list-style-type: none"> • The Role of State Courts in Appointing Arbitrators • The Role of State Courts in the Gathering of Evidence 	Coun. Mustafa Al Alem (Lybia) Chairman, Benghazi Arbitration Center
	The Role of State Courts in Issuing Interim Measures	Coun. Dr. Refaat Abdel Maguid (Egypt) President of the First Commercial Circuit, Court of Cassation Dr. Ghaleb Mahmasany (Lebanon) Attorney, Member of the International Arbitral Tribunal of the International Chamber of Commerce (ICC)
	The Role of Judges in creating Arbitral Rules (Tunisian Experience)	Dr. Ahmad Warfaly (Tunisia) Judge, Tunis Court of Appeal
1.00 : 1.30	Open Discussion	
1.30 : 3.30	Lunch Sponsored by Zaki Hashem Law Firm (Open Buffet at the Olive Tree Restaurant)	
3.30 : 6.45	FIFTH SESSION	
3.30 : 3.45 15M.	The Role of State Courts in reviewing arbitral awards in Arbitration Chairman: Dr. Eugen Salpius Vice Chairman: Dr. Mahmoud Samir El Sharkawi	
3.45: 5.15 15M.each	The Essential Judge : The Role of the Courts in a System of National and International Commercial Arbitrations	Prof. Markham Ball (U.S.A.) Director of the ADR Centre of the International Law Institute, Washington
	The Judicial Review of Arbitrations. Egyptian Jurisprudence Conciliating Litigation and Arbitration	Dr. Abdel Hamid Al-Ahdab (Lebanon)
	Recent Trends in Challenging Arbitral Awards	Judge. Abd Al-Mohsen Nader Al-Dossary (S.A.) Judge at the Saudi Grievance Board

	The Legislative and Judicial Trends in Limiting the Annulment of Arbitral Awards	Dr. Abdel Wahab Al Bahi (Tunisia) President of the Tunisian Conciliation and Arbitration Center- Assistant Secretary General of the AUIA
	The Role of Yemeni Courts in reviewing Arbitral awards	Mr. Shaher El-Salhi (Yamen) Secretary General, Yemeni Center for Conciliation and Arbitration
	The Recent Principles of Judicial review in the states of the Gulf Cooperation Council GCC	Dr. Nasser Ghoneim Zeid (Bahrain) Secretary General of the Centre of Commercial arbitration of the Gulf Cooperation Council GCC
5.15 : 5.30	Break	

5.30 : 7.15	FIFTH SESSION Continued	
	The Role of State Courts in Reviewing Arbitral Awards Chairman : Dr. Eugen Salpius 5.30 : 5.45 Vice Chairman : Dr. Mahmoud Samir Al Sharkawy	
5.45 : 6.45 15M.each	The Role of the Judge in the Enforcement of Arbitral Awards	Dr. Fathi Wali (Egypt) Professor of law, Former Dean of Faculty of Law, Cairo University, International lawyer and arbitrator
	The Importance of the Role of State Courts, in Enforcing Arbitral Awards Pursuant to Riyadh Judicial Convention	Dr. Sadir El Khardaji (Sorya) Attorney, member of the National Committee of the International Chamber of Commerce
	Enforcement of Foreign Arbitral Awards :The Public Policy or Ordre Public Defense	Prof. Gabrielle Kaufmann-Kohler (Swiss land)
	Demystifying Public Policy in International Commercial Arbitration : Curbing the Unruly Horse	Dr. Mohamed Salah Abdel Wahab Lecturer, Faculty of Law, Cairo University, Of-Counsel, Shalakany Law Firm
6.45 : 7.15	Open Discussion	
8.30	Dinner Sponsored by Shalakany Law Office at the Food Court Hall	

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<p>9.30 : 12.30</p> <p>15 M.</p>	<p style="text-align: center;">THIRD DAY Monday 21 November 2005</p> <p style="text-align: center;">SIXTH SESSION</p> <p>The Sixth Session is devoted to a Round Table for Heads and Members of State Courts who may Comment on the Presentations of the Fourth and Fifth Sessions. Chairman : Mr. Jernej Sekolec Vice Chairman : Counselor Dr. Mohamed Aboul-Encin</p>
	<p>Honorable Head Judges of State Courts : <i>Names are put in alphabetical Order :</i></p> <p>Coun. Abdel Rahman Azouz (Egypt) President of the Egyptian State Council Judge. Alhasen Alkasem (Morocco) First President of the Commercial Court of Appeal, Ministry of Justice, Casablanca Coun. Dr. Fathi Khalifa (Egypt) President of the Egyptian Court of Cassation, President of the Supreme Judicial Council Judge. Mabrouk Ben Moussa (Tunisia) First President of the Judiciary Judge. Ghaleb Ghanem (Kuwait) President, Lebanese State Council Judge. Rashed Abdel Mohsen El Hamad President of the Supreme Judiciary Council (Kuwait)</p>

	<p>Recent Trends in Challenging Arbitral Awards.</p> <p>Enforcement of Foreign Arbitral Awards in Egypt</p> <p>Challenge of Arbitrators. A Comparative Study between the position of Judges and Arbitrators</p>	<p>Honourable Judges Members of State Courts : <i>Names are put in alphabetical Order :</i></p> <p>Judge. Abd El-Ellah Ab l Al-Aziz Al-Faryan (S.A.) Judge at the Saudi Ministry of Justice</p> <p>Judge. Abd Al-Mohsen Nader Al-Dossary Coun.Dr. Adel Qura (Egypt) Former President of the Court of Cassation</p> <p>Dr. Ahmad Warfaly (Tunisia) Judge, Court of Appeal</p> <p>Coun.Dr. Borhan Amrallah (Egypt) Judge, Cairo Court of Appeal</p> <p>Coun.Dr. Moqbel Shaker (Egypt) Vice-President, Court of Cassation</p> <p>Coun.Dr. Refaat Abdel Maguid (Egypt) President of the First Commercial Circuit, Court of Cassation</p> <p>Dr. Yehia El Gamal (Egypt) Professor of Law, the Faculty of Law, Cairo University, International Lawyer and Arbitrator</p>
12.30 : 1.00	Open Discussion	
1.00 : 1.30	<p style="text-align: center;">SEVENTH AND ENDING SESSION</p> <p style="text-align: center;">Chairman: Dr. Coun. Mohamed Aboul-Enein Vice Chairman: Mr. Abd Al-Wahab Al-Bahi</p>	
	Conference Report and End of Conference	<p>Dr. Mohamed Abdel Raouf Dr. Mohamed Salah Abdel Wahab</p>