

BOT 98



**The Cairo Regional Centre for
International Commercial Arbitration**

***The Role of the Cairo Centre
In the Settlement of
Commercial Disputes***

Presented by

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Presented to

The Two International Conferences on
Build - Own/Operate - Transfer (BOT) Contracts
And International FIDIC Contracts
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I - GENERAL CONSIDERATIONS

The settlement of disputes occupies a particular importance on the International level. This is due to the fact that the International society is composed of equally sovereign states and does not include any supra-national authority to guarantee and protect the international legality.

In addition to this well known fact, the settlement of disputes has recently acquired special attention as far as international commercial disputes are concerned.

In fact the policies of economic reform on the national level, which is part of an overwhelming phenomena of transition towards market economy, have been accompanied by the globalization of trade.

The Legal basis which reflects this major transformation is the creation of the World Trade Organization (WTO) and all the major commercial agreements which it covers.

These new legal instruments are the main tools of establishment and protection of a new multilateral trade system. The balance, if not the existence of this system depends to a large extent on the efficiency of the dispute settlement dispositions and mechanisms of this multilateral trade system.

In fact, the more trade is liberalized, the more transnational it becomes. Transactions and eventual disputes have therefore increasingly a foreign element. This is why rules of settlement of international commercial disputes are of enhanced importance, and this is why arbitration in particular has known a steady increase and proliferation among means of dispute settlement in the last two decades.

To put the question of arbitration in its proper and global context, one has to note that globalization of economy and liberalization of trade cannot be considered in isolation from the overall evolution of humankind by the beginning of the twenty first century.

This evolution can be summarized in two fundamental transformations : the first one is the extremely quick and impressive technological advances achieved in almost all fields of human activity and, secondly , the unprecedented progress in the field of transport and communications in particular.

These facts created a situation in which more people deal more frequently with different people. The notion of difference , in itself, became much more relevant and much more relative .

It is a well established fact that disputes are not always the result of conflict of interests. Very often disputes are equally the product of cultural gaps. These gaps are manifested by differences in the appraisal of basic values, conflicting sets of priorities, misunderstandings based on differences of linguistics perceptions and to the density of educational backgrounds.

The situation so identified does not only give rise to a cultural problem but also a legal one. Simply because the conduct of a judge or an arbitrator may thus, even undeliberatly, adversely affect the principle of equal treatment of the parties. In other terms, the requirement of neutrality should not be reduced to the elements of indiscrimination, impartiality and independence.

It is therefore logical to conclude that alternative dispute resolution means (ADR) in general and arbitration in particular provide a more appropriate tool of dealing with the growing cultural dimension of dispute settlement .

What I think to be the present trend and the direction of evolution is precisely that the more arbitration is used and practiced the more universal arbitration culture will develop. This is precisely the role of internationally oriented forums like the Cairo Centre for International Commercial Arbitration.

II – A BRIEF HISTORY OF THE CAIRO CENTRE

January 1978: The decision of the 19th Session of the Asian African Legal Consultative Committee (AALCC), which includes 44 Asian and African States¹, to establish several arbitration centres within the Afro-Asian Countries, where Cairo Centre being one of the selected locations.

January 1979: The signing of an agreement between the Committee and the Egyptian Government for the establishment of the Cairo Centre for an experimental period of three years. It was decided that the Centre's Rules would be the UNCITRAL Rules.

November 1983: The conclusion of an agreement between the AALCC and the Egyptian Government for the permanent functioning of the Cairo Centre.

December 1987: The issuance of the headquarter agreement between the AALCC and the Egyptian Government which guarantee for the Cairo Centre all the privileges and immunities of independent international organizations in Egypt. The Egyptian People's Assembly ratified the agreement on December 29, 1987 and the president of the Republic endorsed it by the presidential decree No. 399/1987.

July 1989: The conclusion of an agreement between the AALCC and the Egyptian Government for the permanent financial and organizational structure arrangements of the Cairo Centre.

¹ The members of the Committee are: Egypt, Bangladesh, China, Cyprus, Gambia, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, North Korea, South Korea, Kuwait, Libya, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, State of Palestine, Sudan, Syria, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates, Yemen Arab Republic, Botswana is an associate member.

III - THE ROLE OF THE CAIRO CENTRE IN SETTling DISPUTES OF INTERNATIONAL TRADE AND INVESTMENT

The Cairo Regional Centre for International Commercial Arbitration (hereinafter the Cairo Centre) is an independent non-profit making international organization. Its leading role aims at contributing to, and enriching the progress of economic development in both Asian and African Countries. In this regard, specialized services are being constantly and consistently provided to prevent or help settle international trade and investment disputes, through fair operations of expeditious and economical procedures. This constitutes a wholly integral dispute-resolution mechanism which employ various effective processes of arbitration. It implies also other Alternative Dispute Resolution techniques (ADR) such as conciliation, mediation and technical expertise.

The scope of services offered by the Cairo Centre encompasses the following:

- Encouraging resort to arbitration to settle investment and trade disputes in the region.
- Encouraging resort to arbitration according to the rules of United Nations Commission on International Trade Law (UNCITRAL).
- Providing advice to parties to international commercial and investment contracts, with regard to drafting these contracts and in the field of dispute prevention activities.
- The promotion of arbitration and other ADR techniques in the region, through the organization of international conferences and seminars as well as the publication of researches serving both the business and legal communities.
- The preparation of international arbitrators and legal scholars from the region by organizing training programs and seminars through the Cairo Centre's Institute for Arbitration and Investment.
- Coordination with, and provision of assistance to existing arbitral institutions particularly those within the region.
- Providing *Ad Hoc* arbitration with necessary technical and administrative assistance.
- Rendering assistance for the enforcement of arbitral awards.

- Developing a comprehensive library and data bank in Arabic, English and French addressing matters of trade, investment and commercial dispute resolution laws, rules and techniques.

The UNCITRAL Rules which are applied by the Cairo Centre, are distinguished by their flexibility in the arbitration procedures as they provide the parties the freedom to choose the arbitrators, the arbitration location, the arbitration language, the rules of procedures and the applicable law. :

Some few provisions were added to the Rules of the Centre to cope with the development that occurred in modern contracts and modern arbitration requirements. Between which is the provision including the rules of appointing arbitrators in multi party arbitration if the parties fail to agree on it. These provisions are effective January 1, 1998.

International trade and investment disputes are to be settled peacefully under the Cairo Centre's Rules of Arbitration, Conciliation, Mediation, Technical Expertise, Mini Trials or Claim Review Boards. It is worth mentioning that beside these traditional means some new systems and developments are expected to occur in this field. The most important of these new systems and developments are the Dispute Settlement Body (DSB) established within the World Trade Organization (WTO) applying the Dispute Settlement Understanding (DSU) established under the Uruguay Round of 1994 and the Marrakech agreement. The Cairo Centre is preparing itself to cooperate to realize the objective of dispute settlement in this regard.

Moreover, the partnership agreement held or to be held between the European Unity and countries of the area include some provisions for dispute settlement. The general principles of settling disputes in this regard are provided for in articles 78, 79, 80 and 81 of the agreement between Morocco and European Unity, and Articles 78, 79, 80 and 81 of the agreement between Tunisia and the European Unity. Also Articles 67, 68, 69 and 70 of the agreement between Israel and the European Unity include the same principles. It is expected that the rules of disputes settlement in the agreement between Egypt and the European Unity will be the same. The Centre is prepared to take its part to cooperate in this regard.

1 - Arbitration

The number of the arbitration cases registered with the Cairo Centre have just reached 117 cases. This number reflects the increasing confidence and the outstanding performance of the Cairo Centre in the field of dispute settlement. It is worth noting here that the arbitration clause for the Cairo Centre has been included in thousands of international contracts concluded in the region to settle any possible disputes before the Cairo Centre and according to its rules.

The Cairo Centre maintains a list of local and international arbitrators. The list contains the names of eminent jurists, judges, engineers and diplomats and other qualified persons from which the parties may select their arbitrators. In this regard, the Cairo Centre asks the different bodies to nominate the names of experienced and qualified personnel to be included in its panel. The nominees undergo a rigorous selection procedure at the end of which only the most outstanding ones are added to the list of arbitrators.

* The Role of the Centre as an Appointing Authority :

Whenever the Cairo Centre is selected as an appointing authority it uses the list-procedure, in appointing sole arbitrators, members of arbitral tribunals or chairmen upon request by one of the parties. Communicating an identical list to both parties containing names from the Centre's list of arbitrators, the Centre requests each party to return the list after having deleted objected-against names and numbered the remaining names in order of preference. The Centre abides strictly with the conditions provided for in the UNCITRAL Rules, especially article 6 / 4 which provides that "*In making the appointment, the appointing authority shall have regard to such considerations as are likely to secure the appointment of an independent and impartial arbitrator and shall take into account as well the advisability of appointing an arbitrator of a nationality other than the nationalities of the parties.*"

2 - Conciliation

In March 1990, the Cairo Centre adopted the Conciliation Rules of the United Nations Commission on International Trade Law (UNCITRAL). These rules aim to save the parties' time and money

during the settlement of any commercial and economic disputes which may arise between them.

If the parties fail to settle their dispute through conciliation, then the arbitration procedures are commenced, or resumed, until the dispute gets settled.

In a number of cases, the Director of the Cairo Centre was asked by the parties sometimes before and other times after the commencement of arbitration procedures, to refer the dispute to the conciliation procedures.

3 - Mediation:

The Rules of Mediation were adopted by the Cairo Centre in 1990.

Although both mediation and conciliation share some common concepts, yet the mediation procedures do differ. The mediator, unlike the conciliator, does not always meet with both parties together, but meets sometimes separately with each of them in an attempt to reach a satisfactory reconciliation. The parties would not be completely obliged to consider and follow the mediator's recommendations despite their previous agreement to do so.

The mediator must be a person with a persuasive talent and must have enough experience in the field of dispute subject to be able to collect the necessary information and to negotiate with the parties. His role is to bridge the gaps between the parties viewpoints and to eliminate psychological and bureaucratic barriers which are often the direct cause of the dispute.

The type of mediation depends on several factors such as the nature and place of the dispute. Positive mediation may include long debates and negotiation in order to settle the dispute, but on the other hand mediation could be limited to reporting information and giving recommendations which may help the parties to settle their dispute. In this regard, the mediator has to be aware of the cultural background of the parties and of their interests in order to seek the optimum means for settling the dispute.

4 - Technical Expertise:

The Cairo Centre issued its Rules of Technical Expertise in the same year it issued the conciliation rules, i.e. 1990. As the United Nations Commission on International Trade Law (UNCITRAL) had not set model rules for technical expertise, the Cairo Centre in this concern decided to adopt the most effective and suitable rules applied by the international arbitration organizations to be its rules for technical expertise.

The Centre expects the rules of technical expertise to become more favorable to the disputing parties specially in technical disputes, since it could substantially save the parties' time and money when compared with other means.

The Cairo Centre is in the process of updating its panel of technical experts. In this regard the Cairo Centre invites the personnel who possess the necessary practical and academic qualifications, to nominate themselves in the panel.

5 - Mini Trials

This means was applied for the first time by the American Arbitration Association and followed by the Zurich Chamber of Commerce. Like the other ADR means, it aims to minimize the cost and time spent in settling trade and investment disputes as well as their subsequent complications.

In a Mini Trial, the dispute is referred to a three-member tribunal. Each of the disputed parties appoints one of its qualified top management officials as a member of the tribunal, and then the two members select a chairman for the tribunal. If the two appointed members fail to agree on a chairman, a neutral party, e.g. one of the arbitration centres or chambers of commerce agreed upon by the parties, makes the appointment.

The tribunal is then expected to propose a plan for the settlement of the dispute. In case the two members fail to reach an agreement on a plan, the chairman takes the responsibility of designing a plan by himself.

The parties are not to resort to any judicial or arbitral procedures during the mini trial. They are also not obliged to accept the dispute settlement plan proposed by the tribunal .

Neither one of the two parties is allowed to use any information or evidence reached to during the mini trial against the other party in any judicial or arbitral procedures . It is expected that Mini Trial will become more preferable to disputed parties, especially the private sector companies, since it protects the parties' interests and confidential information.

6 - Claims Review Boards

This means is mostly applied in settling disputes arising from construction contracts. A three- member board is formed at the beginning of the project. Two members are to be appointed : one by the contractor and another by the owner, the two members then select a chairman for the board.

Each member of the board receives a complete set of documents including a copy of the contract, the job schedule, minutes of the meetings between the parties and the work progress reports:

The board reviews any claim delivered by the contractor or any modifications requested by the owner and then issues its recommendations which are not obligatory for the parties .

This means has the advantage of settling minor disputes right in their infancy since the members of the board are normally well acquainted with all the details of the contract and thus can help the parties to put off any dispute or controversy before its gets escalated .

IV - THE ELECTRONIC INFORMATION SYSTEM

Due to the multiplicity of the services and means provided by the Cairo Centre to settle international trade disputes, it became a necessity to support these services with an advanced and up-to-date information system which guarantees that the users, researchers and disputing parties obtain the relevant information in an efficient and smooth manner.

Accordingly, the Cairo Centre established its data bank to store information - in Arabic, English and French - concerning international trade and investment. This includes legislation, awards, international conventions and arbitration rules from the various countries of the world.

This service is not limited to the parties in the cases before the Centre, its scope is wide enough to include legal researchers and academics from the Afro-Asian Region specially in the field of peaceful settlement of international commercial disputes.

In this regard, the Cairo Centre has started an ambitious project to establish a comprehensive Data Bank.

The Cairo Centre is eventually in the process of modernizing its system by replacing the old hardware with more recent and efficient units. Although this will be quite costly, but it will definitely be worthwhile. The new system will allow the Cairo Centre to communicate and to be linked to international networks in order to obtain the most up-to-date information from commercial and business sources.

V - THE CENTRE'S INSTITUTE FOR INVESTMENT AND ARBITRATION

In 1989, the Cairo Centre established its Institute for Investment and Arbitration (the Institute) to further encourage the resort to arbitration and other ADR means, and also to create a new caliber of trained international arbitrators and lawyers in the Afro-Asian Region.

The Institute is now responsible for the organization of international conferences, seminars and training programs in order to provide lawyers, law practitioners and businessmen the opportunities to get exposed to the latest styles in settling international trade and investment disputes. In the recent programs several topics were presented such as: drafting

international contracts, arbitration procedures, preparation of arbitration awards, enforcement of arbitral awards and statement of claims.

The Institute is also responsible for the Centre's publications such as booklets, periodicals and newsletters.

The following is a brief report about the most successful international conferences and seminars that were organized by the Cairo Centre:

- 1.** The International Conference on "International Commercial Arbitration" organized jointly with the United National Commission on International Trade Law (UNCITRAL), Cairo, January 20 – 22, 1986.
- 2.** The International Conference on "International Commercial Arbitration and the encouraging and Protection of Investments in the Afro-Asian Region", Cairo, January 26 – 28, 1988.
- 3.** The International Conference on "The European Unity and its Impact of the Arab Countries' Economy", Cairo, January 11 and 12, 1992.
- 4.** The First International Congress on "the International Federation of the Commercial Arbitration Institutions", Cairo February 21 and 22, 1992.
- 5.** The International Conference on "International Commercial and Maritime Arbitration", Cairo, October 11 – 13, 1992 and Alexandria, October 14 – 15, 1992.
- 6.** The International Conference on "Recent Developments on International Construction Contracts", Cairo, April 18 – 20, 1993.
- 7.** The International Conference on "The New Egyptian Law on Arbitration", Cairo, September 12 and 13, 1994.
- 8.** The International Conference on "Recent Trends on International Maritime Arbitration", Alexandria, 14 and 15 September, 1994.
- 9.** The International Conference on "Reforming and Modernizing Procurement Rules in Developing Countries", Cairo, January 29 – 31, 1994.
- 10.** The second International Conference on "The European Unity and its Impacts on the Arab Countries' Economy", Cairo, October 15 – 17, 1994.
- 11.** The International Conference on "The Laws and Rules of Goods, Construction and Services Procurement", Cairo, September 17 and 18, 1995.

- 12.** The International Conference on "Settlement of Energy, Petroleum and Gas Disputes", Cairo, November 18 and 19, 1995.
- 13.** The Seminar on "Recent Developments on FIDIC Contracts", Cairo, January 10 and 11, 1996.
- 14.** The International Conference on "International Construction and Services Contracts", Cairo, March 17 – 22, 1996.
- 15.** The third International Conference on "Economic Relations Between the Arab and European Countries, The Euro-Arab Partnership Agreements", Cairo, September 22 and 23, 1996.
- 16.** The International Conference on "Characteristics of Maritime Arbitration", Alexandria, September 30 to October 2, 1996.
- 17.** The International Conference on "Build, Operate and Transfer Contracts (BOT)", Hurghada, October 22 – 24, 1996.
- 18.** The International Conference on "Recent Trends in the Laws of International Trade and Investment", Cairo, December, 1 – 4, 1996.
- 19.** The International Conference on "Settlement of Build, Operate and Transfer Contracts Disputes (BOT) by Arbitration and Other ADR Techniques", Cairo, April 8 – 12, 1997.
- 20.** The International Conference on "International Commercial Arbitration", Beirut, Lebanon, August 4 – 7, 1997.
- 21.** The International Conference on "Build, Operate and Transfer Contracts (BOT)", September 7 – 9, 1997.
- 22.** The International Conference on "Settlement of International Maritime Disputes", Alexandria, October 14 – 16, 1997.
- 23.** The International Conference on "Arab Arbitration Institutions", Cairo, November 23 – 25, 1997.
- 24.** The International Conference on "Rules of International Procurement", Aswan, February 11 and 12, 1998.
- 25.** The International Conference on "Licensing in Intellectual Property and the Settlement of its Disputes", Cairo March 9 and 10, 1998.
- 26.** The International Conference on "Recent Trends in Oil and Gas Agreements, Financing the Infrastructure Projects and the Peaceful Settlement of Disputes", Hurghada Hilton Plaza, May 20 and 21, 1998.
- 27.** The Seminar on "Settlement of Banking Disputes" held on June 21, 1998 in the premises of the Centre.

B – Training Programs

1. The Training Program on “International Commercial Arbitration” jointly with IDLI, Cairo, November 13 – 24, 1988.
2. The Training Program on “International Commercial Arbitration” jointly with Jeddah Chamber of Commerce and Industry, Jeddah, Saudi Arabia, November 6 – 18, 1989.
3. The Training Program on “International Commercial Arbitration” jointly with the Arab-German Chamber of Commerce, Cairo, December 6 – 12, 1989.
4. The Training Program on “International Commercial Arbitration” Jointly with AAA and LCIA, Cairo, February 19 – 28, 1990.
5. The Training Program on “International Commercial Arbitration” jointly with the Arab-German Chamber of Commerce, Konrad Adenauer Association, Cairo, November 4 – 12, 1990.
6. The preparatory Training Program on “Construction Contracts” jointly with Euro Conference, Cairo, October 5 and 6, 1991.
7. The Training Program on “International Construction Contracts” jointly with Euro Conference, Cairo, October 7 and 8, 1991.
8. The Training Program on “International Commercial Arbitration” jointly with King Fahd University for Petroleum and Minerals, Dhahran, Saudi Arabia, November 16 – 21, 1991.
9. The Training Program on “International Maritime Arbitration”, Alexandria, October 1992.
10. The Training Program on “International Commercial Arbitration”, Cairo, December 12 – 22, 1992.
11. The Training Program on “International Maritime Arbitration”, Alexandria, April 21 – 25, 1993.
12. The Training Program on Arbitration was held jointly with the London Chartered Institute of Arbitrators (CI Arb) and was divided into two levels. The ordinary level lead to the membership of the Institute and the advanced level lead to its fellowship. The program was held in the Nile Hilton Hotel from June 12 to 18, 1995.
13. The Training Program on “Evaluation of International Trade Contracts” jointly with the French Agency for Culture and Technical Cooperation, Cairo, December 9 – 21, 1995.
14. The Training Program on “Recent Development in FIDIC Contracts” jointly with the Arab Contractors Co., Cairo, January 15 and 16, 1996.
15. The Training Program on “Arbitration in International Construction Contracts” jointly with the American Arbitration Association, Cairo, May 22 and 23, 1996.

- 16.** The Training Program on "Commercial and Construction Arbitration" jointly with the Military Justice Department, Ministry of Defence, Cairo, February 16 – 24, 1997.
- 17.** The Training Program on "International Commercial Arbitration" jointly with the Judicial Studies Centre, Ministry of Justice, March 2 and 3, 1997.
- 18.** The Training Program on Arbitration was held jointly with the London Chartered Institute of Arbitrators (CI Arb) and was divided into two levels. The ordinary level lead to the membership of the Institute and the advanced level lead to its fellowship. The program was held in the Nile Hilton Hotel from June 12 to 18, 1997.
- 19.** The Training Program on Arbitration was held jointly with the London Chartered Institute of Arbitrators (CI Arb) and was divided into two levels. The ordinary level lead to the membership of the Institute and the advanced level lead to its fellowship. The program was held in the Nile Hilton Hotel from December 12 to 17, 1997.

VI- THE SOCIETY OF ARBITRATORS

In 1991, the Society of Arbitrators was established under the auspices of the Cairo Centre. The Society plays a vital role in providing legal, cultural and scientific services. Additionally, the society aims at enhancing international commercial arbitration and improving the technical and practical standards of the arbitrators through participation in regional and international seminars, educational conferences, and also in following up the recent researches and perspectives of international arbitration.

The Society recently organized the following training programs under the auspices of the Centre:

1. A seminar on the "Evaluation of the International Trade Contracts" which was held at the premises of the Centre between December 9th and 21st, 1995. The Seminar was held in association with the French Agency for Cultural and Technical Cooperation and the Business Law Institute (Cairo University and Singor University in Alexandria).

2. A seminar on "the Latest Development in the FIDIC Contracts". The seminar was held in cooperation with the Arab Contractors Co. during 15 - 16 January 1996.

VII - THE ROLE OF THE CAIRO CENTRE IN DEVELOPING THE LEGISLATION OF THE REGION REGARDING ARBITRATION

1) The Centre's role in the preparation of the New Egyptian Arbitration Law:

As a result of the growing international trade relations in this century, there has been a noticeable increase in resorting to arbitration as a means for resolving disputes related to international trade relations which incorporate foreign practices that necessitate the involvement of private international law.

Due to the nature of such international trade relations, many countries issued new rules especially in the field of arbitration in international trade related cases - other than those to which the local trade relations are subjected.

Moreover, many international agreements were concluded which support arbitration, or certain prospects of it, in such commercial relations.

In June 21st, 1985, the United Nations Commission for International Trade Law approved the International Commercial Arbitration Model Law which was adopted by the General Assembly of the United Nations in September 1985.

The Report of the United Nations Commission stated that " The General Assembly of the United Nations recommends that the adopting countries should take the Model Law into consideration

whenever they issue legislations or reviews for their laws to meet the current needs related to the international trade law”.

Accordingly, and because there was a need to modify the commercial arbitration rules in the Egyptian Legislation in order to encourage foreign investments in local economic development projects. Hence, there was an urgent need to develop these rules according to the Model Law Rules in order to achieve the nation's goals.”

Taking the above considerations into practice, the Cairo Centre held a meeting, in March 11th, 1986, which recommended the formulation of a Committee headed by the late Dr. Mohsen Shafik, and the membership of the Director of the Centre and other professors of commercial law, in addition to several Egyptian Experts in arbitration in order to draft an international commercial arbitration law following the rules of the Model Law. On March 12th, 1986, the Minister of Justice issued a decree to form the said Committee. The Committee prepared the draft of the above Law which was later reviewed by the Legislation Administration of the Ministry of Justice and the Ministerial Committee for Legislative Affairs. The Draft was then referred to the People's Assembly which ratified it. On April 18th, 1994, the new Egyptian Arbitration Law for Civil and Commercial Matters was issued under the Law No. 27/1994, and went into force as of May 20, 1994.

The Centre also participated in drafting and revising some drafts of arbitration legislations of some Arab Countries.

VIII - THE COOPERATION AGREEMENTS BETWEEN THE CAIRO CENTRE AND THE OTHER ARBITRAL INSTITUTIONS AND ORGANIZATIONS

Ever since it was founded, the Cairo Centre has constantly been strengthening its relations, through intensive communications, with the various the international organizations and Centres that are interested in international commercial arbitration. The Centre cooperates with such institutions which lead to exchanging experience in this field, and promotion of arbitration as a means for resolving disputes in the international commercial and investment issues.

Such communications resulted in many joint activities which were organized by the Centre and other international arbitration organizations and Centres.

So far, 37 international agreements were concluded with the Cairo Centre.

Within the framework of the general agreement between the Cairo Centre and the American Arbitration Association signed in July 1984, another agreement was made on a common format for the Arbitration Clause between the Centre and the American Arbitration Association concerning the trade and investment disputes between the Arab countries and the United States of America.

The above agreement was signed on March 3rd, 1993. According to the articles of this agreement, any dispute, controversy or claim, related to an international investment or trade relationship, arising out of breach of any contractual commitment or even its termination, shall be settled by arbitration pursuant to the signed agreement between the Cairo Centre and the American Arbitration Association whenever the parties of the trade or investment contract agree to that.

This agreement provided a greater opportunity for arbitration to be held within the Arab region whenever an Arab Country is a party. A similar agreement was concluded with the Indian Arbitration Centre.

IX - THE COOPERATION AGREEMENT BETWEEN THE LEAGUE OF ARAB STATES AND THE AFRO-ASIAN LEGAL CONSULTATIVE COMMITTEE - THE ROLE OF THE CAIRO CENTRE IN EXECUTING AMMAN AGREEMENT OF COMMERCIAL ARBITRATION

On July 7th, 1992, a cooperation agreement was signed between the Arab League and the Afro-Asian Legal Consultative Committee AALCC. Dr. Esmat Abdel-Maguid, the Secretary General of the Arab League, signed this agreement on behalf of the Arab League. Mr. Frank Njenga, the Secretary-General of the AALCC at this time, signed the agreement on behalf of the AALCC. The Arab League

Counsel approved this Agreement in its decision No. 5914/976 on April 4th, 1992.

The said Agreement is comprised of 8 articles which govern and organize the areas of cooperation between the two Organizations, which greatly enforces the role of the Centre in the Arab countries.

After signing this Agreement and still within the framework of cooperation between the two Organizations, the Council of the Arab Ministries of Justice agreed on making the Cairo Centre the execution body of the Amman Agreement concerning arbitration. This was issued in its meeting of April 22nd, 1993 organized by the Arab League.

X - COOPERATION AND SUPPORT TO OTHER ARBITRATION CENTRES IN THE REGION

In order to enhance arbitration in the African-Asian region, the Cairo Regional Centre for International Commercial Arbitration supports and cooperates with, other new arbitration Centres in the Afro-Asian region.

The following are examples of the arbitration Centres which the Cairo Centre supported during their establishment;

a.) The Djibouti Arbitration Centre :

In May 1990, the Cairo Centre delegated His Excellency Ambassador / Kamal Bahgat Abdel-Motal , Assistant-Director of the Centre and the Ex-Egyptian Ambassador to Philippines, in order to establish the initial and essential foundations for the Djibouti Arbitration Centre. The Ambassador prepared a detailed report including the basic regulations the new arbitration Centre should adopt with respect to its rules, administrative structure, the personnel affairs, and equipment.

b.) The Lagos Arbitration Centre:

The Cairo Centre notified the responsible representatives of the Lagos Arbitration Centre in Nigeria that the Cairo Centre is ready to provide it with every possible assistance and cooperation .

c.) The Bahrain Arbitration Centre:

The Cairo Centre is constantly working towards strengthening its cooperation links with the Arab Arbitration Centres as well.

The Bahrain Ministry of Commerce and Commercial Chamber delegated a team, headed by Mr. Abdel-Razik Zeen AL-Abedeem, to the Cairo Centre in order to consider the technical issues for the establishment of the Bahrain Arbitration Centre and the drafting of its rules.

The visit of the delegation lasted for two weeks during which its members collected all the necessary information and data for establishing the new Centre, and reviewed the draft project for establishing the said Centre .

The Director of the Cairo Centre participated in the Conference of the International Counsel for Commercial Arbitration which was held at Bahrain between February 14th and 16th in 1993. The Director also attended the Inauguration Ceremony of the Bahrain Centre and expressed his willingness to offer further support.

d) The Abu Dhabi Arbitration Centre:

The Abu Dhabi Arbitration Centre, which is now under establishment, has recently approached the Cairo Centre to provide it with its experience regarding the organizational and administrative structure, the training of the arbitrators who will work in its Centre thereafter. The Cairo Centre has expressed its willingness to support and cooperate with this new Centre. The Abu Dhabi Arbitration Centre has already expressed its willingness to delegate participants to the conferences arranged by the Cairo Centre

XI – ESTABLISHING A NEW BRANCH OF THE CAIRO CENTRE DEVOTED TO MARITIME ARBITRATION IN ALEXANDRIA

In order to become an arbitration organization with a wide range of specialization, the Cairo Centre signed a cooperation agreement with the Arab Academy for Science, Technology and Transport which is a part of the League of Arab States, to establish a new branch of the Cairo Centre that is devoted to maritime arbitration and its premises in Alexandria.

The Maritime Arbitration Centre was established in October 1993. The first activity of the said Centre was the organization of a training program on maritime arbitration between April 21st and 25th, 1993. More successful activities and events took place from then on.

The new Maritime Arbitration branch in Alexandria, a large and important port on the Mediterranean, is considered an advantageous opportunity for all the Arab, African and Asian countries which will have, for the first time, a Centre, specialized in the field of maritime disputes, devoted to their benefits.

It is worth to note that our Maritime Arbitration branch has more plans to organize a number of international maritime arbitration training courses and conferences on a regular basis in the near future.

XII – THE ESTABLISHMENT OF THE SECRETARIAT OF ARAB CENTRES FOR ARBITRATION

Upon the recommendations concluding the Arab Arbitration Institutions Conference held on November 1997, the General Secretariat of Arab Arbitration Centres was established since then by the membership of various arbitration experts from all around the Arab World and under the presidency of the Director of the Cairo Centre. The secretariat aims at unifying arbitral trends in the whole Arab Region as well as enhancing means of inter-Arab cooperation in the field of ADR techniques. To this end, the secretariat, in its latest meeting of 9 March 1998, announces establishing the Federation of Arab Arbitration Institutions (FAAI) as patterned in form on the International Federation of Commercial Arbitration Institutions (IFCAI). All Arab Centres and Institutions are invited to join in as were the Arab Chambers of Commerce and the Federation of Commercial and Industrial Chambers having affiliated arbitration departments. Promising response indicate that the year 1998 may not pass by without witnessing the first FAAI General Assembly Meeting.

XIII – THE NEW PREMISES OF THE CAIRO CENTRE

The Cairo Centre has moved as from March 1st, 1997 to new premises in Cairo to cope with its widened activities and development. Moving from a rented premises to an owned one was, and proved to be, a step forward marking the beginning of a more prosperous stage. Quite believing in this presumption, the Centre buys the new premises for 7,200,000 Egyptian Pounds. Expanding over 800 square meter, the new premises comes to double the previous one, a remarkable change in spatial capabilities of the place that would definitely help in developing and widening the scope of services offered by the Centre.

XIV – CRCICA ON THE WORLD WIDE WEB

Since March 17th, 1998, the Cairo Centre has published its own home page on the web site <http://www.crcica.org.eg>. In addition to the basic information,, the home page includes the Centre's Arbitration, Conciliation, Mediation and Rules of Technical Expertise as well as its Code of Ethics.

THE CENTRE'S ADDRESS:

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