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**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**



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**REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES**

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# REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

## I. INTRODUCTION

### A. Background

1. The Asian-African Legal Consultative Organization (AALCO), during its Thirteenth Annual Session held in Lagos (Nigeria) in 1973, proposed that apart from follow-up of the work of the United Nations Commission on International Trade Law (UNCITRAL) in the field of International Commercial Arbitration, the Organization should also conduct an independent study on some of the more important practical problems relating to the subject from the point of view of the Asian-African region. Accordingly, the Secretariat prepared an outline of the study, which received favorable response from the Member States. The Secretariat thereafter prepared a detailed and comprehensive study and the Trade Law Sub-Committee considered this study during the Fifteenth Annual Session held in Tokyo (Japan) in 1974.

2. At the Tokyo Session, AALCO endorsed the recommendations of its Trade Law Sub-Committee, that efforts should be made by Member States to develop institutional arbitration in the Asian and African regions. Thereafter, the Secretariat, following the mandate of the Tokyo Session, prepared a revised study on the same topic so as to enable the Trade Law Sub-Committee during the Kuala Lumpur Session, to formulate principles or model rules for consideration. At the Kuala Lumpur Session (Malaysia) held in 1976, the Trade Law Sub-Committee requested the Secretariat to undertake a feasibility study for establishing Regional Arbitration Centres in the Asian-African region, to be placed before the Eighteenth Annual Session of AALCO.<sup>1</sup>

3. At the Eighteenth Annual Session, held in Baghdad (Iraq) in 1977, discussions were focused on the Secretariat study titled 'Integrated Scheme for Settlement of Disputes in the Economic and Commercial Matters', which envisaged *inter alia*, the establishment of a network of Regional Centres for Arbitration functioning under the auspices of the AALCO in different parts of Asia and Africa so that the flow of arbitration cases to arbitral institutions outside the Asian-African region could be minimized. The Integrated Scheme also represented an effort on the part of the developing countries for the first time to evolve a fair, inexpensive and speedy procedure for settlement of disputes.

4. At the Nineteenth Annual Session, held in Doha (Qatar) in 1978, AALCO endorsed the Trade Law Sub-Committee's recommendations on the establishment of two Arbitration Centres for the Asian and African regions in Kuala Lumpur (Malaysia) and Cairo (Arab Republic of

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<sup>1</sup> The Secretariat study elaborated the two basic objectives of the AALCO's integrated dispute settlement scheme. In the first place, to establish a system under which disputes and differences arising out of transactions in which both the parties belong to the Asian-African and Pacific regions could be settled under fair, inexpensive and adequate procedures. Secondly, to encourage parties to have their arbitrations within the region where the investment made or the place of performance under an international transaction was a country within this region. The conclusions made in the study were in favour of establishment of six sub-regions, namely East Asia, South-East Asia, West Asia, North Africa, East Africa and West Africa. It was, however, pointed out that scheme could initially work with two Centres and other Centres could be established in the light of experience and volume of work.

Egypt) respectively. It was envisaged that the two Arbitration Centres would function as international institutions under the auspices of AALCO with the following objectives:

- a. Promoting international commercial arbitration in the Asian and African regions;
- b. Coordinating and assisting the activities of existing arbitral institutions, particularly among those within the two regions;
- c. Rendering assistance in the conduct of Ad Hoc arbitrations, particularly those held under the UNCITRAL Arbitration Rules;
- d. Assisting the enforcement of arbitral awards; and
- e. Providing for arbitration under the auspices of the Centre where appropriate.

5. In pursuance to the above decision, an Agreement was concluded in April 1978, between the AALCO and the Government of Malaysia in respect of the establishment of a Regional Centre for Arbitration in Kuala Lumpur. A similar Agreement was concluded in January 1979 with the Government of the Arab Republic of Egypt with respect to the establishment of a Regional Centre for Arbitration in Cairo. The Agreements recognized the status of the Centres as intergovernmental organizations and conferred certain immunities and privileges for their independent functioning.

6. The Host Governments also offered suitable premises, financial grants and necessary staff to run the Centres. The Centres adopted UNCITRAL Arbitration Rules with suitable modifications and offered their services to any party whether within or outside the region for the administered arbitration and facilities for arbitration whether *ad hoc* or under the auspices of any other institution.

7. The success of these two Regional Arbitration Centres prompted the Organization to establish two more Centres, one in Lagos (Nigeria), which was formally inaugurated in 1989. And the other Centre was established in Tehran (Islamic Republic of Iran), for which an Agreement was concluded between AALCO and the Government of Islamic Republic of Iran in 1997 and subsequently the President of the Islamic Republic of Iran ratified the Agreement for implementation on 10 June 2003. A Memorandum of Understanding (MoU) between AALCO and the Government of Republic of Kenya was signed on 3 April 2006 during the Forty-Fifth Annual Session of AALCO held in the Headquarters in New Delhi to establish a fifth Centre in Nairobi. The Agreement establishing the Nairobi Regional Centre for Arbitration was signed by the then Secretary-General of AALCO and the Attorney-General of the Republic of Kenya during the Forty-Sixth Annual Session of AALCO held at Cape Town, Republic of South Africa from 2 to 6 July 2007.

**(i) Kuala Lumpur Regional Centre for Arbitration (KLRCA), Malaysia**

8. AALCO's first Regional Centre for Arbitration was established in Kuala Lumpur, Malaysia in March 1978. This was considered as an important landmark in the movement for promoting Asian-African solidarity in international legal matters and economic relations. The Centre was established for an initial period of three years by a formal exchange of letters between the Malaysian Government and the then AALCC. The Centre was formally inaugurated by the then Rt. Hon' ble Tun Hussein Onn, Prime Minister of Malaysia on 17 October 1978.

9. Subsequently, an agreement was signed between the Government of Malaysia and the then AALCC relating to the Regional Centre for Arbitration in Kuala Lumpur on 29 July 1981.<sup>2</sup> Thereafter, the Headquarters Agreement for Kuala Lumpur Centre for International Commercial Arbitration was signed on 10 August 1989.<sup>3</sup>

10. In order to formalize the continued functioning of the KLRCA, with effect from 1 January 1992, an Agreement between AALCO and the Government of Malaysia relating to the Regional Centre for Arbitration in Kuala Lumpur was signed on 14 February 2004.<sup>4</sup>

11. The Centre offers facilities and assistance for the conduct of arbitral proceedings, including the enforcement of awards made in the proceedings held under the auspices of the Centre. The Rules for arbitration under the auspices of the Centre are the UNCITRAL Arbitration Rules of 1976 with certain modifications and adaptations. Other main functions of the Centre are to promote international commercial arbitration in the Asia-Pacific region and to render advice and assistance to parties who may approach the Centre.

12. Apart from these services, the Centre also provides other options for the settlement of disputes such as mediation/conciliation under the Conciliation Rules of the Centre. The Centre, realizing the growing importance of intellectual property in the arena of Information and Communications Technology, also administers international and domestic “.my domain” name dispute resolution service, provided by the Malaysian Network Information Centre (MYNIC), which administers the “.my domain”. All domain name disputes are governed and administered in accordance with MYNIC's Domain Name Dispute Resolution Policy (MYDRP), Rules of the MYDRP and RCAKL Supplemental Rules.

**(ii) Cairo Regional Centre for International Commercial Arbitration (CRCICA), Arab Republic of Egypt**

13. The first Regional Arbitration Centre in African region, the Cairo Regional Centre for International Commercial Arbitration (“CRICA”) was established in January 1979. The Centre was established for an initial period of three years by a formal exchange of letters between the Government of the Arab Republic of Egypt and AALCO. In 1983, another agreement was concluded between AALCO and the Government of the Arab Republic of Egypt for granting a permanent status to the Cairo Centre.

14. The Cairo Centre offers specialized services to settle trade and investment disputes, through arbitration. It also includes Alternative Dispute Resolution (ADR) techniques such as conciliation, mediation and technical expertise. Apart from this, the Centre also offers advice to parties to international commercial and investment contracts regarding drafting these contracts,

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<sup>2</sup>This agreement was signed by the then Minister of Commerce and Industry H.E. Tengku Ahmad Rithauddeen on behalf of Malaysia and for AALCC the then Secretary-General Mr. B. Sen.

<sup>3</sup> It was signed by the then Attorney-General of Malaysia H.E. Tan Sri Abu Talib Bin Othman and Mr. F. X. Njenga, the then Secretary-General, AALCC.

<sup>4</sup>This agreement was by signed by H. E. Datuk Seri Utama Dr. RaisYatim, Minister at the Prime Minister's Department andAmb. Dr. Wafik Zaher Kamil, the then Secretary-General of AALCO.

promote arbitration and other ADR techniques in the Afro-Asian region through the organization of international conferences, seminars, and training programmes for international arbitrators and legal scholars from the Afro-Asian region by the Centre's Institute for Arbitration and Investment. The Cairo Centre follows the UNCITRAL Arbitration Rules with certain modifications.

15. Apart from this, the Cairo Centre had also established the Institute of Arbitration and Investment in 1990; the Institute of Arab and African Arbitrators in the Arab Republic of Egypt in 1991; the Centre's Maritime Arbitration Branch in Alexandria, which deals exclusively with maritime disputes in 1992; the Cairo Branch of the Chartered Institute of Arbitrators of London in 1999; Alexandria Centre for International Arbitration in 2001; and a Mediation and ADR Centre as a branch of the Cairo Centre to administer commercial arbitration and other peaceful non-binding means of avoiding and settling trade and investment disputes in 2001.

**(iii) Regional Centre for International Commercial Arbitration-Lagos (RCICAL), Federal Republic of Nigeria**

16. In 1980, an Agreement was concluded with the Government of the Federal Republic of Nigeria for the establishment of a third Centre in Lagos. The Centre was formally inaugurated in March 1989. On 26 April 1999, the then Attorney General and Minister of Justice, on behalf of Nigeria and the then Secretary-General of the AALCC, had signed an Agreement in this connection. Since then, the Centre has been put into operation on the basis of its human resource and capital.

17. The Centre is today a beehive of activities providing venues for both domestic and international arbitration in economic and commercial matters in Africa South of the Sahara, particularly, the West African Sub-Region. On 7 February 2006, the then Secretary-General of AALCO, inaugurated the Advisory Committee of the Regional Centre for International Commercial Arbitration, Lagos. Also present on the occasion were Hon'ble A.G. Karibi-Whyte, CFR (Rtd.), Justice of the Supreme Court of Nigeria, Mrs. Eunice Oddiri, Director of the Centre, Members of the Advisory Board and many other dignitaries.

18. RCICAL is not for profit and is established primarily for the purpose of providing Alternative Dispute Resolution (ADR) methods to Litigation for the settlement of commercial disputes arising from International commercial transactions between parties engaged in trade, commerce and investments within and outside the African region. Such (ADR) methods include Arbitration, Mediation Conciliation etc. The RCICAL is an autonomous International arbitral institution which has its seat in Lagos. The Headquarters Agreement in relation to RCICAL is a treaty signed in 1999 between the Asian African Legal Consultative Organization (AALCO) and the Federal Government of Nigeria, as a host country.

**(iv) Tehran Regional Arbitration Centre (TRAC), Islamic Republic of Iran**

19. On 3 May 1997, an Agreement was concluded between the Government of the Islamic Republic of Iran and AALCO for the establishment of a Regional Centre for Arbitration in Tehran. At the AALCO's Forty-Second Annual Session in Seoul (Republic of Korea), the

Delegate of Islamic Republic of Iran informed that the Judicial Power has adopted the Agreement and that all the legal procedures applicable in the Islamic Republic of Iran for the ratification of the said Agreement were completed.

20. On 31 January 2005, the President of the Islamic Republic of Iran endorsed the Agreement for implementation and on 31 January 2005, the then Secretary-General of the AALCO approved the TRAC Rules of Arbitration.

**(v) Nairobi Regional Arbitration Centre, Republic of Kenya**

21. It may be recalled that during the Arusha (Tanzania, 1986) and Bangkok (Thailand, 1987) Annual Sessions of AALCO, the representative of Republic of Kenya had requested the AALCO to consider the feasibility of establishing a Regional Arbitration Centre in Nairobi to serve the countries in Eastern and Southern Africa. The African, Caribbean and Pacific Group of States (ACP) Secretariat had also approached the AALCO Secretariat for relevant information about the establishment and working of the AALCO's Regional Centres with a view to considering the possibility of establishing such a Centre in Nairobi. At about the same time, the Preferential Trade Area for Eastern and Southern African Countries (PTA) had also sought technical assistance for establishing an Arbitration Centre to serve the countries in those parts of Africa. The PTA Centre for Arbitration was set up in Djibouti on 21 November 1987 to function under the auspices of the PTA Federation of Chambers of Commerce and Industry.

22. During the Thirty-Second Annual Session in Kampala (Uganda 1993), the Leader of the Delegation of Tanzania expressed the view that the PTA Centre in Djibouti had not negated the need for a Centre in Nairobi and suggested that the Secretariat should pursue the possibility and modalities for the establishment of a Centre in Nairobi. Consequently, the then AALCO Secretary-General, H. E. Mr. Frank X. Njenga had approached the Member Governments of Kenya, Uganda and Tanzania with a view to ascertaining the extent of material assistance and back-up support that could be provided by them for the establishment of a Centre in Nairobi which appeared to be an apt location to cater to the needs of the States in the Eastern and Southern parts of the African continent. Accordingly, at the Thirty-Third Annual Session held in Tokyo (Japan, 1994), a proposal was put before the Leaders of Delegations of Member States for the establishment of additional Centres in Tehran and Nairobi.

23. It may be recalled that during the Forty-Fifth Annual Session of AALCO held at New Delhi (Headquarters) on 3 April 2006, the then Secretary-General of AALCO and the Attorney General of the Republic of Kenya signed the Memorandum of Understanding (MoU) for the Establishment of the Regional Centre for Arbitration in Nairobi, Republic of Kenya.

24. In pursuance to the MoU, an Agreement Establishing the Nairobi Regional Arbitration Centre for Arbitration was signed between the then Secretary-General of AALCO and the Attorney General of the Republic of Kenya during the Forty-Sixth Annual Session of AALCO held at Cape Town, Republic of South Africa from 2-6 July 2007.

25. Be that as it may, as regards the progress made on the establishment of the Nairobi Centre for International Arbitration, an up-date was given by Mrs. Agimba Christine Anyango,

Deputy Solicitor of Kenya and the Head of Delegation of the Republic of Kenya to the Fifty-Third Annual Session held at Tehran, Islamic Republic of Iran. She had stated that the Government of Kenya enacted a law in 2013 to establish the centre and that the Centre's objectives are very consistent with AALCO's objectives of establishing regional arbitration centres which offer facilities for both domestic and international obligations. She also went on to add that the Act that has established the Centre also has established an arbitral court that shall be governed by UNCITRAL rules<sup>5</sup>. Therefore, it is hoped that the AALCO's fifth such Centre will be fully functional very soon in order to cater the needs of East and Southern African region States of Africa.

## **B. Activities of the Centres**

27. Although in the beginning, the promotional activities of AALCO's Regional Arbitration Centres were primarily carried out by the AALCO, in view of experience accumulated over the years and the contacts established by these Centres with Governments, governmental agencies and international institutions, such promotional activities are now mainly carried out by the Centres themselves. Such promotional activities are highlighted in the Reports of the Directors of the respective Centres.

28. It is a matter of great satisfaction that, over the years, there has been considerable increase in the number of cases, both international and domestic, referred to AALCO's Regional Arbitration Centres. The types of cases include oil contracts, insurance, intellectual property, construction contracts etc. and involve both public and private sectors. The resolution of commercial disputes by other Alternative Dispute Resolution (ADR) methods such as Mediation and Conciliation under the Rules of AALCO Centres is another option being favoured by the Parties.

29. An important function of the Directors of AALCO's Arbitration Centres has been to act as an Appointing Authority in such arbitrations. The Centres have been organizing international conferences, seminars and training courses in their respective regions. In addition, the Directors of the Centres have actively pursued the conclusion of Cooperation Agreements with other arbitration institutions.

30. With a view to enhancing the role and activities of the AALCO Regional Arbitration Centres, the Secretary-General would like to urge the Member States to fully support the growing activities of these Centres and consider making financial contributions to help in the implementation of their plans and activities. Further, in this context, two concrete suggestions for consideration of Member States are as follows:

- (i) The Member States may consider designating a body, for example, the national chamber of commerce or other industrial promotion organizations to be associated with the AALCO Regional Arbitration Centres as the Liaison Agency within the country, with a view to promoting the activities of AALCO Centres.

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<sup>5</sup> See, for the entire statement on the progress towards the creation of Nairobi Centre for International Arbitration, the Verbatim Record of the Fifty-Third Annual Session of AALCO, Tehran, Islamic Republic of Iran, 15-18 September, 2014, pp.223-224, available at [www.aaclo.int](http://www.aaclo.int).

(ii) Whilst entering into contracts on behalf of the Government, Public Corporations and other Government Undertakings, consideration may be given to incorporate an arbitration clause for settlement of disputes under the arbitration rules of AALCO's Regional Arbitration Centres.

31. Such encouragement from the Member States would further boost the work of AALCO's Regional Arbitration Centres.

32. The following part of this Secretariat Report places for consideration the Report of the Directors of the Kuala Lumpur Regional Centre for Arbitration (KLRCA), Regional Centre for International Commercial Arbitration, Lagos (RCICAL), Tehran Regional Arbitration Centre (TRAC), and Cairo Regional Centre for International Commercial Arbitration (CRCICA) highlighting the details of the activities of the Centre in the year 2015 and the foreseen plans for 2016.

## **II. REPORT ON THE ACTIVITIES OF THE KUALA LUMPUR REGIONAL CENTRE FOR ARBITRATION (KLRCA)**

### **ABOUT KLRCA**

33. The Kuala Lumpur Regional Centre for Arbitration (KLRCA) was established in 1978 under the auspices of the Asian-African Legal Consultative Organization (AALCO). KLRCA was the first regional centre established by AALCO in Asia to provide institutional support in a neutral and independent venue for the conduct of domestic and international arbitration proceedings in Asia.

34. The Centre was established after the Government of Malaysia and AALCO signed a host country agreement, whereby the Malaysian Government agreed to support the establishment of a regional centre for commercial arbitration in Kuala Lumpur and to provide the facilities for the establishment and functioning of such a centre.

35. KLRCA is a non-profit, non-governmental arbitral institution and is led by a Director under the supervision of the Secretary-General of AALCO. The Government of Malaysia has accorded KLRCA independence and certain privileges and immunities for the purposes of executing its functions as an international institution.

### **SUMMARY 2015**

36. Having completed another significant barrier pushing year in 2014, KLRCA took a giant leap up in 2015, leveraging on the world class stature and resources of its new state-of-the-art premises, Bangunan Sulaiman.

37. The Centre started the month of January by holding four talks that had multiple experts from across the Middle East, Asia and Europe; sharing their experiences and insightful views to eager attendees. Throughout the year, KLRCA continued to successfully organise an average of two free talks a month to further generate awareness of alternative dispute resolution (ADR) amongst the public. These talks have since become a popular regular listing within the legal circle and across multiple industries as they act as a perfect medium for ADR observers and enthusiasts to attain the latest updates, statistics and trending case studies from all over the world.

38. In February, KLRCA co hosted a seminar with the Indonesia National Board of Arbitration (BANI). Also held in conjunction with this seminar was the signing of a cooperation agreement between both arbitral institutions that will see both parties jointly organising seminars, conferences, educational training and internship programmes on arbitration, with the main goal of enhancing each party's contribution to their respective nations and continent. This marked the start of more strategic collaborations being signed and more impactful seminars being organised. Other agreements signed in 2015 included memorandums of understanding with; the Russian Arbitration Association (RAA), the

Chartered Institute of Arbitrators (CIArb) UK, the Asian Football Confederation (AFC), and the Securities Industry Dispute Resolution Centre (SIDREC) amongst the many.

39. The high point of the Centre's first quarter came in the form of KLRCA's African adventure. Using the Centre's strong adjudication platform, KLRCA teamed up with the Kigali International Arbitration Centre (KIAC) to conduct a week long 'Adjudication Training Programme' in the heart of Rwanda. This course was a huge success and made positive waves across the local and regional media channels.

40. The Centre's premises, Bangunan Sulaiman burst into life in the month of May as KLRCA held its marquee showcase of the year and Malaysia's biggest arbitration spectacle to date, as it hosted the inaugural Kuala Lumpur International Arbitration Week (KLIAW 2015). Close to four hundred local and international delegates filled the function halls of KLRCA throughout the week as a series of timely conferences were held simultaneously; the CIArb Centennial Lecture, KLRCA's exclusive book launch, the Islamic Commercial Arbitration Conference, the Sports Arbitration Conference, a Conference on the impact of Sanctions and the 9<sup>th</sup> Regional Arbitral Institutes Forum (RAIF) Conference.

41. Following closely in the month of June was the CIPAA Conference themed, 'Aligning with CIPAA'. This event which sold out three days prior to the big day, witnessed a strong panel line-up of experienced and learned moderators and speakers taking stage to discuss the latest updates and cases surrounding the Act that came into effect back in April 2014.

42. With the naming of the KLRCA as the adjudication authority by virtue of Part V of CIPAA 2012, the Centre continued to play a key role in its capacity as the default appointing and administrative authority. Throughout 2015, the Centre organised four road shows across Malaysia and conducted three courses made up of one basic one day course, 'Practical Drafting & Defending of Adjudication Claims', and two comprehensive five-day courses, 'Adjudication Training Programme'.

43. The year 2015 also saw the KLRCA set up a new Investment Treaty Arbitration and International Law department. This led to a new exclusive breed of evening talks being rolled out that has so far featured three of the biggest names from the investor state dispute resolution landscape.

44. To cap off the year, KLRCA teamed up with the Centre for ASEAN Regionalism University of Malaya (CARUM) and the Inter-Pacific Bar Association (IPBA) to organise two separate conferences that saw numerous scholars and practitioners from across the globe coming together to present research papers, explore and deliberate on current ADR issues. Also taking place at the tail end of 2015 was the world's first Diploma in Islamic Banking and Finance Arbitration Course, a joint effort between The Chartered Institute of Arbitrators (CIArb), the Global University of Islamic Finance (INCEIF) and the KLRCA.

45. The extensive coverage in local and international media throughout 2015 also helped to publicise KLRCA's initiatives and activities as well as demonstrated acknowledgement of its work.

## STATISTICS & ACTIVITIES

### 1. ADMINISTRATION OF ALTERNATE DISPUTE RESOLUTION CASES

46. The administration of arbitration and adjudication cases is one of the core functions of KLRCA. The arbitration cases administered by the KLRCA spans across various specialist sectors and are both domestic and international. Under the Malaysian Statutory Adjudication regimen, KLRCA is the appointing, certifying and administering authority for all adjudication cases.

47. The core strengths of the KLRCA as regards administration of arbitration and adjudication cases are its international standards, competitive costs and efficient case management. KLRCA is constantly striving to improve its efficiency in case management. Testament to this, is the fact that our turnaround time for appointment of arbitral tribunal is pegged at 48 hours and all appointment of adjudicators is completed within 5 working days.

48. This has resulted in the progressive increase of the case load handled by KLRCA in both arbitration and adjudication as evidenced by the statistics below.

The statistics of KLRCA's file load as at 31st December 2015 is as follows:

#### FILES, STATUS & APPLICABLE RULES AS OF 31 DECEMBER 2015

TYPES OF FILES	NO. OF REFERRED FILES	RULES/ POLICIES
Domestic and International Arbitration & Fast Track	103	GOVERNING LAW: KLRCA Arbitration Rules 2013, KLRCA Arbitration Rules 2012, KLRCA Fast Track Rules 2013 & Arbitration Act 2005 (Revised 2011)
Domain Name Dispute Resolution	2	MYNIC'S DNDR Policy
Asian Domain Name Dispute Resolution	7	ICANN's Uniform DNDR Policy
Mediation	1	KLRCA Rules for Mediation / Conciliation 2011
Total No. of files	113	

## ADJUDICATION UNDER CIPAA 2012 AS OF 31 DECEMBER 2015

TYPES OF FILES	NO. OF REFERRED FILES	RULES/ POLICIES
Domestic Adjudication	199	KLRCA Adjudication Rules under Construction Industry Payment and Adjudication Act 2012 (CIPAA 2012) [Revised 2014]

### PANEL OF KLRCA ARBITRATORS

49. KLRCA Panel of Arbitrators (“Panel”) comprises various experts from all around the world with the number reaching 1074 of both local (178 panels) and international (710 panels) arbitrators. The international panellists are from 65 countries across the globe with various areas of expertise. We have over 332 Adjudicators empanelled from Malaysia and 14 other countries. The updated Panel list is available on KLRCA’s website and accessible to users. The Panel listing also reflects the areas of expertise of each individual Panellist making it transparent and easily accessible to the users.

### 2. CAPACITY BUILDING AND KNOWLEDGE TRANSFER

50. In an effort to build capacity and educate the legal fraternity and the public on ADR, KLRCA organises arbitration, adjudication and mediation courses and forums.

#### 2.1 Construction Industry Payment and Adjudication Act (CIPAA) 2012

51. KLRCA continued with its efforts to raise awareness on CIPAA as well as to train future adjudicators to be part of the KLRCA Panel of Adjudicators through the Adjudication Training Programmes and Workshops. CIPAA 2012 was officially enforced on 15 April 2014. Three training programmes were held during the year; one basic one day course and two comprehensive five day courses. In addition to the annual CIPAA Conference organised by the KLRCA, three separate workshops were also carried out in Kuala Lumpur, Kota Kinabalu and Johor.

#### **Practical Drafting & Defending Of Adjudication Claims**

- Kuala Lumpur, 11 April 2015 Adjudication Training Programme
- Kuala Lumpur, 20-24 April 2015
- Kuala Lumpur, 14-18 November 2015

The first half of the year also saw the Centre successfully organise a CIPAA conference that led to a sold out auditorium.

- Aligning with CIPAA (Kuala Lumpur, 17 June 2015) CIPAA Road show
- Proses Adjudikasi Dan Perkembangan Terbaru CIPAA 2012: KLRCA & Malaysian Society of Adjudicators (MSA), 15 October 2015, Kuantan
- The Adjudication Process and Recent Developments on CIPAA 2012 : KLRCA & Pertubuhan Akitek Malaysia (PAM), 23 October 2015, Kuala Lumpur
- The Adjudication Process and Recent Developments on CIPAA 2012 : KLRCA & Chartered Institute of Arbitrators (CIArb, Malaysia Branch) 31 October 2015, Kota Kinabalu, Sabah
- The Adjudication Process and Recent Developments on CIPAA 2012 :KLRCA & Malaysian Society of Adjudicators (MSA), 7 November 2015, Johor.

## 2.2 Diploma in International Commercial Arbitration

52. KLRCA and the Chartered Institute of Arbitrators (CIArb) Malaysia Branch jointly organised the Diploma in International Commercial Arbitration 2015 course. The course held from 3 – 11 January was attended by more than 30 participants from many parts of the world with a lecturer panel made up of distinguished and renowned international arbitrators.

## 2.3 KLRCA Talk Series

53. The KLRCA Talk Series is a sequence of monthly talks held at the Centre. It is a free forum that is meant to be informative to all those who are interested in arbitration and the scope of alternative dispute resolution (ADR). Each talk will feature an ADR specialist who will focus on a specific topic. KLRCA held the following talks during the year:

- Bias in Arbitration (Mr Robert Rhodes), 6 January 2015
- Arbitrating in The Middle East – A Seminar by KLRCA, Trowers & Hamlins and Stewart consulting (Mr. Nick White, Ms. Cheryl Cairns, Mr. Alan Stewart), 22 January 2015
- Increasing the Time and Cost Efficiency of Arbitration (Dr. Axel R. Reeg & Mr Kuhendran Thanapalasingam), 26 January 2015
- Arbitration of Trust Disputes: A New Frontier (Mr. Noriswadi Ismail, Dr. Sonny Zuhuda, Mr. Malcolm Crompton, Dr. Paolo Balboni, Dr. Sivasangaran Nadarajah), 12 February 2015.
- The Impact of Building Information Modelling (BIM) on Dispute Resolution (Tan Sri Emeritus Professor Datuk Dr. Augustine S.H. Ong, Professor David Mosey, YA Datuk John Louis O’Hara), 3 March 2015

- The Reconciliation of Norms in International Relations (Professor Peter Borschberg, Professor Lee Poh Ping & Professor Anthony Milner), 13 March 2015
- Role of in House Counsel in International Arbitration (Mr Dan Tan, Mr. Shem Khoo & Mr. Revantha Sinnetamby), 26 March 2015
- Annual Review of Arbitration Cases (Mr Lam Ko Luen, Mr. Sudharsanan Thillainathan, Mr. Chang Wei Mun, Mr. Rajendra Navaratnam & Mr. Mohanadass Kanagasabai), 31 March 2015
- Dispute Resolution in Capital and Commodity Markets (Dr. Dilip V Virani, Mr. Samir Shah & Ms. Sabarina Samadi), 7 April 2015
- Role of Expert Witnesses in International Arbitration (Mr Michael Tonkin, Mr. James Lyall & Mr. Kuhendran Thanapalasingam), 17 April 2015
- Default, Delays, Bias and Fraud: The New Obstacles to Adjudication (Justice Peter Coulson QC & Mr. Ivan Loo), 4 June 2015
- Mediating A Natural Disaster Claim (Mr. Jonathan Wood), 9 July 2015
- The Importance and Development of International Arbitration in the Asia Pacific Region (Mr. Ernest Yang & Datuk Professor Sundra Rajoo), 27 July 2015 • In the Seat: 60 Minutes with Loretta Malintoppi, 25 August 2015
- Adjudicator's Jurisdiction: Payment Response, Counterclaims and the Effects of the Bina Puri Construction Case (Mr. Belden Premaraj, Mr. Gananathan Pathmanathan & Mr. Chong Thaw Sing)
- Differences between Civil Law and the Common Law from the Perspective of a Construction Lawyer (Mr. Emerson Holmes & Mr. Rodney Martin), 6 October 2015
- May the Odds be Ever in your Favour (Mr. Alastair Henderson, Mr. Chelva Retnam Rajah, Mr. Harman Faiz, Mr. Lee Shih, Mr. Ben Olbourne), 8 October 2015
- In the Seat: 60 Minutes with Lucy Reed: Legitimate and not-so-Legitimate Concerns, 13 October 2015
- Witness Preparation in International Arbitration (Claus H. Lenz & Prof. Dr. Rouven F. Bodenheimer), 26, October 2015
- Multi-tiered Dispute Resolution Clauses and Arbitration (Mr. Denys Hickey & Mr. Ernest Jai Kumar Azad), 25 November 2015

- In the Seat: 60 Minutes with Gordon Nardell QC : In Asia – What’s Happening? (Mr. Gordon Nardell QC & Mr. Rangunath Kesavan, 7 December 2015)

#### 2.4 Kuala Lumpur International Arbitration Week (KLIAW 2015)

54. KLRCA’s marquee showcase of the year took place from the 7<sup>th</sup> to the 9<sup>th</sup> of May 2015. The inaugural Kuala Lumpur International Arbitration Week (KLIAW 2015), saw a large turn out as eminent and aspiring practitioners of the arbitration field from around the globe, filled the function halls of Bangunan Sulaiman to embrace the ethos of peer edification and passionate knowledge sharing.

The highlights of KLIAW 2015 were:

- The CIArb Centennial Lecture
- Exclusive Launch of the KLRCA Book entitled, “Acknowledging the Past, Building The Future”
- Islamic Commercial Arbitration Conference
- Sports Arbitration Conference
- Conference on the Impact of Sanctions in Arbitration
- 9<sup>th</sup> Regional Arbitral Institutes Forum (RAIF) Conference 2015

#### 2.5. Other events

55. KLRCA also organised and participated in the following seminars and forums:

- CIArb Introduction Course, 28-30 January 2015, Myanmar
- Collaboration Agreement signing with Badan Arbitrase Nasional Indonesia (BANI) of Jakarta and seminar on “The Development of Arbitration and the Role of KLRCA, 5 February 2015, Kuala Lumpur
- Huawei Shenzhen Meeting, 7 February 2015, China
- Vienna Arbitration Day – “Does Arbitration Deliver?”, 11-15 February 2015, Austria
- DRBF Nairobi Conference – “DBs in a Statutory Adjudication Environment: Malaysian perspective”, 26-27 February 2015, Nigeria
- GAR Awards & Annual Arbitration Day, 25-27 February 2015, Washington

- “Arbitration an Access to Justice”, 17 March 2015, Mauritius
- 4<sup>th</sup>Asia Pacific Regional Forum Conference : Borderless Asia, 18 – 20 March 2015, Singapore
- An Introduction to the Malaysian Sports Arbitration Tribunal (MSAT) Meeting, 10 April 2015, Kuala Lumpur
- 54<sup>th</sup> AALCO Annual Session, 14-16 April 2015, Beijing
- Russian Arbitration Conference, 22-23 April 2015, Moscow
- International Congress of Maritime Arbitrators XIX – “Maritime Trade in Malaysia: With special emphasis on FOB and CIF Contracts, 11-15 May 2015, Hong Kong
- Manulife Asia Legal & Compliances Conference 2015, 3-4 June 2015, Kuala Lumpur
- MYNIC Training Workshop, 10 June 2015, Kuala Lumpur
- AIBIM Law Seminar : Islamic Financial Services (IFSA), 15 & 16 June 2015, Kuala Lumpur
- 5<sup>th</sup> ICC Young Arbitrators Forum, 25- 27 June 2015, London
- Mediation of Medico-Legal Disputes: Is it A Viable Alternative?, 30 July 2015, Kuala Lumpur
- Seminar on “ADR: A Better Choice for Construction Disputes?” - Statutory Adjudication in Malaysia, 19 August 2015, Bangkok
- Construction Industry Council (CIC) “Innovation Tour: Malaysia and Singapore” – “Manpower & Training: Implementation of the Construction Industry Payment and Adjudication Act 2012”, 20 August 2015, Hong Kong
- International Conference on Arbitration Discourse and Practice in Asia (Joint Conference with University Malaya), 20- 21 August 2015, Kuala Lumpur
- CIArb Singapore Centenary Conference – “Averting the Clone Wars: Are arbitral institutions doing enough to innovate and differentiate themselves from the competition?”, 3 September 2015, Singapore
- 2015 Taipei International Conference on Arbitration and Mediation – “Dual Role of the Malaysian Government in ADR: Conflict or Accountability”, 6 September 2015, Taipei
- Construction Contract Management Conference (International Construction Week), 9 September 2015, Kuala Lumpur

- The Malaysian Global Business Forum – Shaping Business Green – Driving Investment, 10 – 11 September 2015, Kuala Lumpur
- University of Pretoria / MDA Consulting (PYT) Ltd “Collective Wisdom Lecture 2015, 11 September 2015, Johannesburg, South Africa
- Diploma in Islamic Banking & Finance Arbitration Course (KLRCA, INCEIF & CIArb), 5 – 13 September 2015, Kuala Lumpur
- IPBA Asia-Pac Arbitration Day, 14 September 2015, Kuala Lumpur
- 3<sup>rd</sup> International Business Law Conference 2015 – “Role of National Courts in International Commercial Arbitration: Enforcer, Gatekeeper, Jurist”, 14 -15 September 2015, Bali
- Development of CIBE in Malaysia CPD Seminar, 21 September 2015, Kuala Lumpur
- KLRCA’s GST Guidelines, Practice & Procedure (Arbitration & Adjudication) Workshop 1, 30 September 2015, Kuala Lumpur
- The Malaysian Legal and Corporate Conference – “Non Litigation Options for Corporate Disputes (MLCC), 7 October 2015, Kuala Lumpur
- CIArb Ireland Centenary Forum, 9 October 2015, Dublin
- Kluwer Arbitration Conference, 20 October 2015, Tokyo
- Memorandum of Understanding Signing Ceremony between KLRCA & The Asian Football Confederation (AFC), 20 October 2015, Kuala Lumpur
- Lecture organised by University of Sultan Zainal Abidin – “International Commercial Arbitration – Basic Concepts and Introduction to Practice & Procedure”, 5 November, Terengganu
- CIArb Caribbean Centenary Forum – The Bahamas as a Leading Commercial Arbitration Seat and Centre, “Niche Arbitration Clauses: Just a pipedream or how to make them work for you?”, 14 November 2015, Bahamas
- 2<sup>nd</sup> Dame Joan Sawyer Lecture, “Arbitration in South Asia and how lessons learnt can be positively applied in the Bahamas”, 14 November 2015, Bahamas
- Public Lecture at the Faculty of Law at Mona, University of the West Indies, 16 November 2015, Kingston, Jamaica
- The 2<sup>nd</sup> Annual Corporate Legal Excellence 2015, 16-18 November 2015, Kuala Lumpur

- 3<sup>rd</sup> International Arbitration Conference, “Strength in Diversity in the AsiaPacific”, 24 November 2015, Sydney
- 39<sup>th</sup> Asia-Pacific Forum for International Arbitration (AFIA) Symposium – “Transformation and Expansion of Arbitral Institutional Roles amidst the Rise of Regionalism”, 26 November 2015, Sydney
- International Chamber of Commerce (ICC) – 32<sup>nd</sup> Joint Colloquium on International Arbitration, 11 December 2015, Washington
- Memorandum of Understanding Signing Ceremony between KLRCA & SIDREC, 15 December 2015, Kuala Lumpur
- Badan Arbitrase Nasional Indonesia (BANI) Short Talk – “Implementation of the Construction Industry Payment and Adjudication Act 2012 (CIPAA)”, 16 December 2015, Jakarta

### **3. STRATEGIC PARTNERSHIP AND COMMUNITY ENGAGEMENT**

56. Throughout the year, KLRCA received visits from colleges and universities as well as from dignitaries and those from the arbitration community within and outside of Malaysia. Below are some of those who visited the Centre: -

- Visit by Asian Law Students Association (Legal Training Workshop, 10 March 2015
- Visit by JKR (Training Workshop), 11 March 2015
- Visit by BANI of Palembang Representatives, 23 March 2015
- Visit by students from the East China University of Science & Technology, 27 March 2015
- Visit by YAM Tunku Zain Al’ Abidin ibni Tuanku Muhriz, 7 April 2015
- Visit by Molengraaff Dispuut (Molengraaff Institute of Utrecht University) 21 April 2015
- Visit by Technology University of Malaysia (UTM) 21 May 2015
- Visit by KDU University College (Law Faculty), 9 July 2015
- Visit by Korean Commercial Arbitration Board (KCAB), 20 July 2015
- Visit by Monash Australia (Summer Law Programme), 4 August 2015
- Visit by Perdana University, 9 September 2015
- Visit by International Islamic university Malaysia (Moroccan Delegates), 11 September 2015

- Visit by Pakistan Lawyers, 15 September 2015
- Visit by UiTM Kedah Student, 15 October 2015
- Visit by Korean Bar Association, 30 October 2015
- Visit by Asian Bankers Association, 5 November 2015
- Visit by KREISSON, 19 November 2015
- Visit by SAARC Arbitration Council (SARCO Islamabad), 26 November 2015

#### **4. OTHER SIGNIFICANT INITIATIVES**

KLRCAs undertook several initiatives as follows:

4.1 Domain Name Dispute Resolution

4.2 Arbitration of Sporting Disputes

4.3 Investor-State Arbitration

4.4 Co-operation Agreements

57. KLRCAs also entered into co-operation agreements with the following institutions:

- a. Thailand Arbitration Centre (THAC)
- b. Kigali International Arbitration Centre (KIAC), Rwanda
- c. Banda Arbitrase Nasional Indonesia (BANI)
- d. Russian Arbitration Association (RAA), Moscow, Russia
- e. Chartered Institute of Arbitrators (CIArb), London, UK
- f. The International Arbitration Institute of the University of Miami School of Law, (IAI), Florida, USA
- g. Monash University, Melbourne, Australia
- h. Asian Football Confederation (AFC)
- i. Securities Industry Dispute Resolution Centre (SIDREC)

- j. Malaysian Institute of Arbitrators (MIArb)
- k. Labuan Financial Services Authority (Labuan FSA), Malaysia
- l. The Associated Chinese Chambers of Commerce and Industry of Malaysia (ACCCIM), Malaysia
- m. Islamic Finance Lawyers (ISFIN), Brussels, Belgium
- n. International Centre for Settlement of Investment Disputes (ICSID)
- o. Shanghai International Economic and Trade Arbitration Commission (SHIAC)
- p. Asian Domain Name Dispute Resolution Centre (ADNDRC)
- q. Chamber of Commerce of Bogotá, Colombia
- r. The Chinese European Arbitration Centre (CEAC), Hamburg, Germany
- s. Hainan Arbitration Commission (HAC), Hainan Province, China
- t. International Council of Arbitration for Sport (ICAS), Lausanne, Switzerland
- u. Hong Kong International Arbitration Centre (HKIAC), Hong Kong
- v. Hong Kong International Arbitration Centre (HKIAC), China International Economic and Trade Arbitration Commission (CIETAC), Korean Internet Address Dispute Resolution Committee (KIDRC) and Asian Domain Name Dispute Resolution Centre Limited (ADNDRC)

4.5 Maritime Law Society

4.6 Collaboration with the Companies Commission, Malaysia

## **5. CONCLUSION**

58. KLRCA continues its pursuit to become the preferred arbitration hub in the Asia-Pacific region and is grateful for the full support of AALCO, the Malaysian Government and other stakeholders, such as the Judiciary and the Malaysian Bar as well as the local arbitral institutions.

### III. REPORT ON THE ACTIVITIES OF CAIRO REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION (CRCICA)

#### Letter From The Director

59. 2015 was a very interesting year for CRCICA. For the third consecutive year, in the 2016 version of the Guide to Regional Arbitration published by the Global Arbitration Review (GAR) in October 2015, CRCICA is enrolled as one of the regional institutions in the Middle East and Africa that are worth a closer look and worth considering for the right case. According to the Guide, CRCICA is seen as "*the current class of the field*".

60. CRCICA received another valuable recognition in 2015 when approved as a Recognised Course Provider of the training courses qualifying for the membership of the prestigious Chartered Institute of Arbitrators (CIArb). By virtue of this one of the kind stance in the whole Arab region, CRCICA is entitled to hold two CIArb modules for both lawyers and non-lawyers, entitling the successful candidates to apply for the CIArb membership.

61. It is also worth mentioning that in the summer of 2015, the Executive Committee of the International Handball Federation unanimously agreed to recognize the CRCICA-hosted Alternative Hearing Centre (AHC) of the Court of Arbitration for Sport (CAS) to be used in case of any sports dispute, which may arise in the Middle East, after the consent of CAS.

62. By the end of 2015, CRCICA announced the inauguration of its renovated Conference Centre to be officially inaugurated on 31 March 2016 on the occasion of the inaugural international investment arbitration conference organized with the Arbitration Institute of the Stockholm Chamber of Commerce (SCC). CRCICA Conference Centre stretches over a total of 420 m<sup>2</sup> and is composed of one main conference room (upto 151 persons), three breakout rooms, one reading room, one lounge and a refreshment area.

63. CRCICA caseload in 2015 witnessed an increase in construction cases, which regained its top position with 13 cases compared to 10 cases in 2014. CRCICA caseload also continues to cover a vast variety of disputed contracts including media and entertainment, services, lease and supply agreements, real estate, sale and purchase of shares, hotel management and franchise agreements. 2015 also witnessed an increase in the total sums in dispute reaching US\$ 6,435,713,084 (more than 50 Billion Egyptian Pounds), representing as such new record for the aggregate annual sums in dispute. I am particularly proud of the diversity of the nationalities of the parties and arbitrators coming not only from Africa and Asia, but also from Europe and North America.

64. One of the key developments in 2015 is the publication by CRCICA, for the first time since its inception in 1979, of its Practice regarding the Challenge and Removal of Arbitrators comprising 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.

65. In 2015, CRCICA continued its regional and international contributions to the development of both international arbitration and commercial mediation. This included holding the first ICCA 2016 Roadshow in June 2015, followed by the Second International Conference for a Euro-Mediterranean Community of International Arbitration, held in November 2015. CRCICA also held and hosted several training programs, workshops, Arbitration Moot Courts, lectures and seminars on arbitration and mediation and was actively promoting both dispute resolution mechanisms in Europe (London and Stockholm), Asia (Beijing and Hong Kong) and the Middle East (Manama and Amman).

66. Another salient feature of the reported period are CRCICA's publications ranging from its well-known Journal of Arab Arbitration and the Arabic Volume VI of CRCICA Awards, to contributions in the commemorative Kluwer publication "Festschrift Ahmed Sadek El-Kosheri: From the Arab World to the Globalization of International Law and Arbitration" as well as an article by CRCICA Director on the Emergence of new Arbitral Centres in Asia and Africa: Competition, Cooperation and Contribution to the Rule of Law, to be published by Kluwer in 2016 in the book titled The Evolution and Future of International Arbitration.

67. After the official inauguration of its new Hearing Centre in 2013, CRCICA is starting the very busy 2016 with the official inauguration of its new state-of-the art Conference Centre. 2016 will also witness the completion of two very ambitious projects that have already started in 2013 and 2014 with respect to the development of CRCICA new website and the case management software. I am confident that, with the devotion and support of my colleagues, CRCICA will be achieving all its future objectives enabling it to serve the arbitration and ADR communities in the region and beyond.

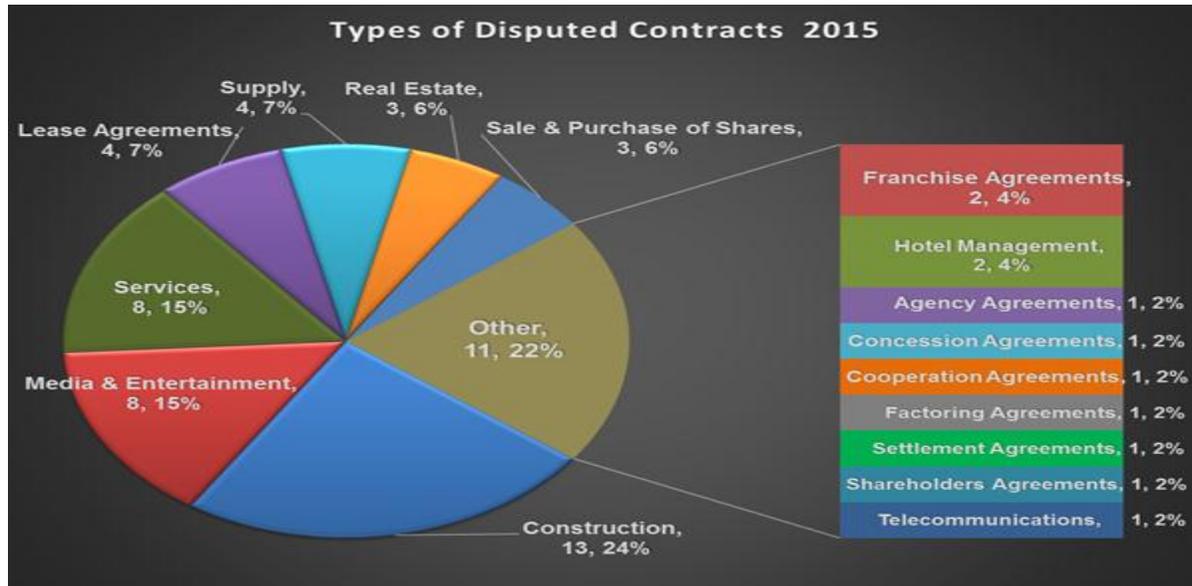
### **I. CRCICA Caseload in 2015: New Record Aggregate Sums in Dispute and Construction Disputes Regain Top Position**

68. The total number of arbitration cases filed before CRCICA until 31 December 2015 reached 1070 cases. In 2015, 54 new arbitration cases were filed. 14 out of the 54 new cases were filed in the first quarter of 2015, while 12 cases were filed in the second quarter of 2015. The third quarter of 2015 witnessed the filing of 11 new arbitration cases, while 17 new cases were filed in the last quarter of 2015. The largest sum in dispute filed in 2015 amounted to US \$971,587,461 and related to the construction of an industrial and commercial project in Damietta Port, Egypt.

69. According to the statistics of 2015, Construction disputes rank on top of the disputed contracts referred to the Centre (13 Cases) followed by media and entertainment disputes (8 cases) and services (8 cases). Cases arising out of lease and supply agreements filed in 2015 amounted to 4 cases each, while the number of cases arising out of real estate and sale and purchase of shares amounted to 3 cases each. Two cases arising out of both hotel management and franchise agreements were also filed in 2015. The other 7 cases filed in 2015 related to agency agreements, cooperation agreements, concession agreements, factoring agreements, settlement agreements, shareholders agreements, and telecommunications (1 case each).

70. A promising start for construction cases was actually announced in the first quarter in 2015 and has been confirmed by the end of 2015 with construction cases regaining its top position with 13 cases compared to 10 cases in 2014.

The following pie shows a breakdown of the types of disputed contracts in 2015:



71. The rich variety of the types of disputed contracts referred to CRCICA in 2015 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices. It was previously reported that the second quarter of 2015 witnessed the filing of a counterclaim in a case already registered under the auspices of the Centre. The aggregate sum in dispute after taking into account the counterclaim and the revised main claim reached US\$ 3,972,054,058 (Approx. EGP 30,806,933,504).

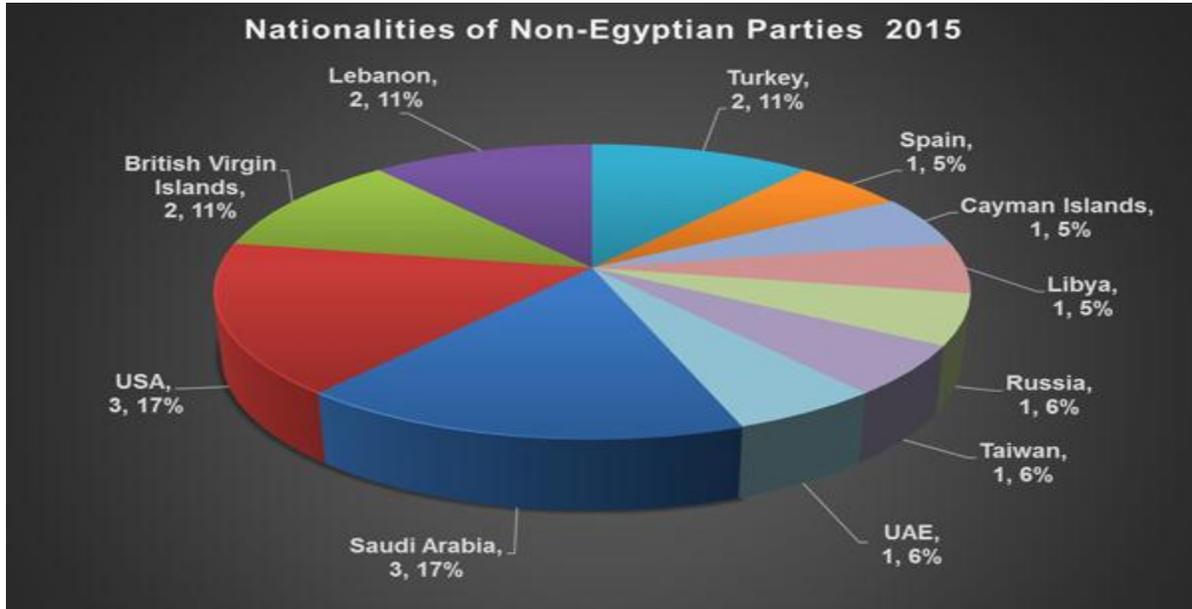
72. The fourth quarter of 2015 also witnessed a substantial increase in the main claim in a Gas Supply case already registered under the auspices of the Centre. The aggregate sum in dispute after taking into account the revised main claim reached US\$ 2,586,439,098 (Approx. EGP 20,303,546,919.3).

73. The above changes led to an increase in the total sums in dispute during 2015 reaching US\$ 6,435,713,084 (more than 50 Billion Egyptian Pounds), representing as such new record for the aggregate annual sums in dispute.

74. According to the statistics of 2015, parties from Saudi Arabia rank on top of Arab parties referring their disputes to the Centre followed by parties from Lebanon, Libya, and the U.A.E., while parties from the USA rank on top of non-Arab parties referring their disputes to the Centre, followed by parties from Turkey, the British Virgin Islands, Russia, Spain, Taiwan and the Cayman Islands.

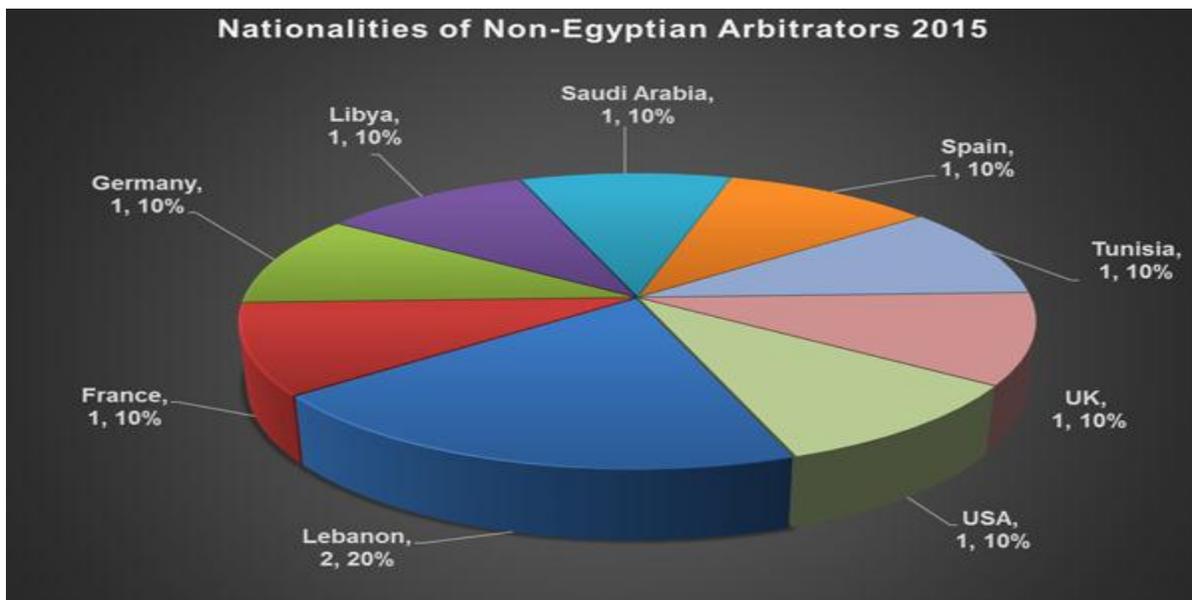
75. CRCICA is pleased to see that, in 2015, its Arbitration Rules have been chosen by parties to two purely international contracts (not involving any Egyptian party) between parties from Saudi Arabia, USA, and the U.A.E.

The following pie shows a breakdown of the nationalities of non-Egyptian parties in 2015:



76. According to the statistics of 2015, non-Arab arbitrators came from the USA, the UK, Germany, France and Spain, while Arab arbitrators came from Egypt, Lebanon, Saudi Arabia, Libya and Tunisia.

The following pie shows a breakdown of the nationalities of non-Egyptian arbitrators in 2015:



## **II. CRCICA Publishes its Practice regarding the Challenge and Removal of Arbitrators**

77. In Volume 24 of the Journal of Arab Arbitration, CRCICA published in Arabic 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<sup>6</sup>. The Practice includes a summary of 17 requests for challenge and 5 requests for removal of arbitrators submitted to CRCICA. It covers requests submitted according to CRCICA's Arbitration Rules of 2011 starting from 2012 to date. The Practice outlines the grounds of the requests as well as the decisions issued by the tripartite *ad hoc* committees, which leads to important conclusions about the salient grounds for the upholding or rejection of the requests. The Practice will be available in English soon.

## **III. CRCICA renovates its Conference Centre**

78. CRCICA is pleased to announce the renovation of its Conference Centre which stretches over a total of 420 m<sup>2</sup> and is composed of an auditorium, three breakout rooms, one reading room, one lounge and a refreshment area.

79. The auditorium is named after Dr. Esmat Abdel Meguid, the former Secretary-General of the League of Arab States and the honorary Chairman of CRCICA Board of Trustees who exerted valuable contributions during the establishment of CRCICA. It capacitates 151 seats in theatre style setting, a major 5-seat podium plus one-stand alone podium. The room is furnished with high-tech equipment for the smooth functioning of events; this includes 3 built-in screen 75" with immersive viewing experience and 3 lingual simultaneous translation equipment, 2 high-definition remotely operated Ceiling Mount cameras recording automatically and video conference features. The Room is privileged with a terrace overview of the historical Aquarium Grotto Garden and a side Nile View. Each of the 3 break out rooms has a round table with a capacity of 10 seats based on the standard training practices and logistical needs.

## **IV. CRCICA Again Considered as “the Current Class of the Field”**

80. For the third consecutive year, in the 2016 version of the guide published by the Global Arbitration Review (GAR): Guide to Regional Arbitration (October 2015), CRCICA is enrolled as one of the regional institutions in the Middle East and Africa that are worth a closer look and worth considering for the right case. It is seen as "the current class of the field". Among other aspects, the study recognized the Centre as highly affordable, as having new rules that help to counteract worst practice and thus facilitate enforcement.

## **V. CRCICA announced a CIArb Recognized Course Provider**

81. CRCICA has been recently approved as a Recognised Course Provider of the training courses qualifying for the membership of the Chartered Institute of Arbitrators (CIArb). By virtue of this one of the kind stance in the whole Arab region, CRCICA is entitled to hold both CIArb modules; Module I: Law of obligations and Civil Evidence which prepares candidates

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<sup>6</sup> [http://www.crcica.org.eg/newsletters/nl032015/auia\\_vol24\\_ar01\\_main\\_trends.pdf](http://www.crcica.org.eg/newsletters/nl032015/auia_vol24_ar01_main_trends.pdf)

having no legal background to participate at Module 2: Law of Arbitration. Candidates are then entitled to apply for the CIArb membership. The International Handball Federation recognizes CRCICA-hosted CAS AHC for use in Middle East Sports Disputes.

#### **VI. The International Handball Federation recognizes CRCICA-hosted CAS AHC for use in Middle East Sports Disputes**

82. In June 2015, the International Handball Federation recognized CRCICA-Hosted CAS AHC to be used in case of any sports dispute, which may arise in Middle East, after the consent of CAS. This recognition lends a strong boost for to the Agreement CRCICA concluded with the International Court of Arbitration for Sport (ICAS) in 2012, nominating it as a host of an Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS) based in Switzerland.

#### **VII. CAS APPOINTMENTS OF CRCICA OFFICIALS**

83. Dr. Nabil Elaraby, Chairman of CRCICA Board of Trustees and Secretary General of the League of Arab States, has been appointed as President of the Arbitration Division of the Court of Arbitration for Sport (CAS). CRCICA Director has also been appointed in CAS *ad hoc* Division for the RIO 2016 Olympics which will be a temporary office on the site of the Rio 2016 Olympic Games in order to resolve legal disputes which may arise during the games. It is notable that Egypt and Korea are the only two countries from the Afro-Asian Region to be represented in this Division.

#### **VIII. YOUNG PRACTITIONERS HONOR THE NAME OF DR. MOHAMED ABOUL-ENEN**

84. The Young Arab Arbitrators Forum (YAAF) has launched the biennial "Aboul-Enein Memorial Prize Competition" as the first and only competition of its kind in the Arab world to commemorate the role of Dr. Mohamed Aboul-Enein as a scholar and educator in the field of international arbitration and to challenge young arbitration practitioners to reflect on their practices of arbitration and showcase their writing talents.

85. The Winner of the Aboul-Enein Memorial Prize Competition 2015-16 is Mr. Essalhin Faraj, for his essay, "Reflections on Arbitration under OHADA" which will be published at the 25<sup>th</sup> Volume of the Journal of Arab Arbitration. CRCICA congratulates Mr. Faraj and extends its sincere appreciation for YAAF's commemoration of the role of Dr. Mohamed Aboul-Enein, the former Director of CRCICA and the catalyst for its renaissance over more than 25 years.

#### **IX. Annual CRCICA BOT Meeting**

86. Annual CRCICA BOT Meeting was successfully held on 17 November 2015 at the Centre. Presided by his Excellency Dr. Nabil Elaraby, the meeting was attended by members from Egypt, Somalia, Switzerland. During the meeting, CRCICA Director presented CRCICA's activities and caseload in 2014-2015 as well as its financial statement of operations for the year ending on 31 December 2014 as audited by the external auditor. The BOT unanimously hailed

the works and achievements of the Centre over the past year. It is notable that as of 2015 CRCICA has on its Board, two new eminent members from Nigeria (Olufunke Adegoya) and Somalia (Judge Abdulqawi Yusuf).

## **X. CRCICA Advisory Committee Meetings**

87. CRCICA Advisory Committee convened four times over the year. Various technical issues were discussed including conflicts of interests within the context of applications for the challenge or removal of arbitrators; a judgment rendered by the Cairo Court of Appeal, endorsing the decision of a tripartite *ad hoc* committee, composed pursuant to the CRCICA Arbitration Rules to decide on the challenge of a co-arbitrator; the res judicata effect of the decisions issued by the tripartite *ad hoc* committees composed by the Centre from among the AC members to rule on applications for challenge or removal of arbitrators and the possibilities to standardize CRCICA's institutional reaction towards certain arbitral acts likely to affect the soundness of the arbitration process such as the repeated appointment of arbitrators.

## **XI. Events Update:**

### **First ICCA 2016 Roadshow Excites Interest in Cairo, 14 June 2015**

88. The first ICCA 2016 Road show was held in Cairo on 14 June, raising the anticipation there for the 23rd ICCA Congress, to be held in Mauritius on 8-11 May 2016. The ICCA 2016 Road shows are a series of short symposia, held in five major African cities, which give participants a taste of the content and style of the ICCA Congress, and provide them with practical information about the Congress itself.

### **Second International Conference for a Euro-Mediterranean Community of International Arbitration, 12 November, 2015**

89. The United Nations Commission on International Trade Law (UNCITRAL), the Organization for Economic Cooperation and Development (OECD) and the Cairo Regional Centre for International Commercial Arbitration organized the Second International Conference for a Euro-Mediterranean Community of International Arbitration on 12 November 2015, Cairo – Egypt. The Euro-Mediterranean International Arbitration series of events was first launched in Marseille, France in 2014 as a part of the MENA-OECD Investment Program which is created to support investment policy reform in the Middle East and North Africa region. It aims at promoting a sustainable Euro-Mediterranean arbitration community as part of a broader agenda for securing investments, key for stabilization and economic growth in the South and the East of the Mediterranean.

### **Mediation Breakfast Seminars**

90. In 2015, CRCICA organized twelve mediation breakfast seminars in cooperation with the International Finance Corporation (IFC) tackling the following topics; “Practical Experiences and Expertise in Mediation”, “Preparation Stage of Mediation: An Important Step Forward Towards a Successful Amicable Settlement”, “Contractual Drafting of the Mediation Clause”,

“Alternative Disputes Resolution Techniques and the Settlement of Investment Disputes: Exploring the Recent Amendments of the Egyptian Investment Law”, “The Role of the Legal Advisor in Construction Mediation”, “Construction Contracts, Risk and Disputes: Can Mediation Play a Positive Role?”, “The Future of International Mediation”, “Distinction between Facilitative and Evaluative Mediations: Which is More Appropriate?” , “Mediation of Construction Disputes: The Role of the Legal advisor” , “Cost Effective Management of Construction Disputes: The Role Mediation Can Play” , “Cost-Benefit of Commercial Mediation” , “The Art of Mediation Regulation”.

91. Lectures were delivered by eminent speakers with high mediation profiles whether on the international or the national level such as Eng. Aisha Nadar, Member of FIDIC Updates Task Group and IFC Consultant on the Construction Mediation Project, Judge Louise Otis, civil and commercial mediator and arbitrator and a retired Justice of the Quebec Court of Appeal and Prof. Dr. Nadja Alexander, Conflict Specialist, Mediator and Conflict Coach based in Hong Kong.

### **Construction Mediation Project**

92. The International Finance Corporation (IFC) Mediation Program in Egypt, in close cooperation with CRCICA has recently developed a construction mediation project meant to promote the use of mediation in construction disputes through system design, workshops, capacity building and training. Within this context, a Construction Mediation Working Group (CMWG) was established to drive forward the effective implementation of mediation in the Egyptian Construction Sector in close coordination with Eng. Aisha Nadar, IFC International Consultant. The CMWG has most recently decided to undertake the preparation of a document focusing on construction dispute resolution and the role of mediation in Egypt. The publication will be a joint venture between IFC and CRCICA.

### **XII. CRCICA hosts CIArb Cairo Wednesday One Seminars**

93. Since 2000, CRCICA has been hosting the monthly seminars of the Cairo Branch of the Chartered Institute of Arbitrators, In 2015, the record of these seminars featured very interesting topics to arbitration practitioners such as “The Law and Practice of the Arbitrators' Duty to Ascertain the Content and Apply the Law Governing the Merits of the Dispute” , “Non-competition Clauses in Commercial Contracts in Light of the Law on Protection of Competition and the Arbitration Law”, “Developing Countries and International Law: Confrontation, Contribution, or Acting Behind the Enemy Lines?”, “Critical Analysis of Some Practical and Legal Problems in International Commercial Arbitration: Case Study”, “The Enforcement of Judgments and Arbitration Awards”, “International Arbitration Agreement: Is Legal Uniformity Still a Possibility?”, “Investment Climate in Egypt out of a Legal Perspective”, “Reflections on CRCICA Practice Notes”, “The Role of the French Cour de Cassation in Arbitration”, “Islamic Finance: Transactions and Disputes”.

94. Seminars were delivered by a pool of experts including Judge Dominique HASCHER, Judge at the French Cour de Cassation, Adjunct Professor of Law (University Paris 1 Pantheon-Sorbonne), Member of ICCA Governing Board and former General Counsel and Deputy Secretary-General of the ICC and Prof. Dr. Georges ABI-SAAB, Emeritus Professor of

International Law at the Graduate Institute of International Studies in Geneva, and Former Chairman of the Appellate Body of the World Trade, Organization (WTO).

### **XIII. Hosted Events:**

#### **CRCICA Hosts the Oral Hearings of the Second Annual SHALAKANY LAW OFFICE ARBITRATION MOOT (SAM), Cairo, 4 April 2015**

95. On 4 April 2015, CRCICA hosted the Oral Pleadings of The Annual Shalakany Law Office International Commercial Arbitration Moot (SAM). SAM is an annual competition of teams representing law schools throughout Egypt and is intended to stimulate the study of international commercial law and to promote and develop interest and skills in international commercial arbitration. The nature of the Moot is intended to lead participants to interpret the texts of international commercial law to develop an expertise in advocating a position before an arbitral panel. The Moot is designed as an educational learning program in the form of a competition. It is not intended to be a competition with material benefits.

96. The pleadings were divided into four teams of students coming from the Cairo University English Section Law, IDAI–Paris I-Sorbonne (Cairo University French Section Law) and Ain Shams University. The IDAI Sorbonne team won the competition and was awarded the first prize.

#### **CRCICA Hosts IDAI First Arbitration Moot, 26 May 2015**

97. Created in November 2004 upon by the students of the *Institut de Droit des Affaires Internationales* (IDAI), Université Paris 1 Panthéon-Sorbonne, the *Club d'arbitrage et de plaidoirie de l'IDAI* aims at training selected students of the IDAI to acquire the necessary advocacy skills that would enable them to participate in local; regional and international moot courts including the reputable annual Willem C. Vis International Commercial Arbitration Moot. Within this context, the first Internal Moot held by the *Club d'arbitrage et de plaidoirie de l'IDAI* was hosted by CRCICA on 26 May 2015 where five groups of students pleaded their cases before six arbitral tribunals composed of a blend of eleven experienced specialists and graduates.

### **XIV. Regional and International Contributions**

#### ***International Board and Council Meetings***

##### **1. IFCAI Council & General Assembly Meetings, Manama, Bahrain**

98. In his capacity as Vice President of IFCAI, CRCICA Director chaired the IFCAI Council meeting hosted by the BCDR in Manama, Bahrain on March 24, 2015 and discussed matters of interest to the arbitral institutions, future activities as well as the results of the 13<sup>th</sup> IFCAI Biennial Conference on "Hot Issues in International Arbitration in the Arab World and Arbitral Institutions and Issues of Conflicts of Interest" held in Manama, Bahrain on March 23, 2015. The IFCAI Council meeting was followed by the IFCAI General Assembly meeting attended by 12

arbitral institutions from Europe, Asia, Africa, the USA and Latin America. The attendees discussed the features of the new IFCAI website as well as future IFCAI projects.

## **2. ICCA Board Meeting, Hong Kong, China**

99. In his capacity as Vice-President of the ICCA Governing Board, CRCICA Director attended the annual Board meeting held on 12 May 2015 in Hong Kong. Discussions focused on ICCA's ongoing projects and future events.

## **3. SCC Board Meeting, Sweden, Stokholm**

100. On 18 September 2015, CRCICA Director attended the Annual Board Meeting of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) which was established in 1917 (celebrating 100 years of existence in 2017) and has developed into one of the world's leading forums for dispute resolution. Sweden and the SCC play a unique role in the international system developed for bilateral and multilateral investment protection worldwide.

### **CRCICA Director joins ICCA Delegation in Beijing**

101. A delegation from the International Council for International Arbitration (ICCA) including CRCICA Director visited Beijing from 7 to 9-May 2015 and held meetings with Chinese officials, judges, arbitral institutions and students including a meeting with officials from the Ministry of Commerce of the People's Republic of China (MOFCOM), a meeting at the Supreme People's Court of the People's Republic of China with its President and senior Chinese judges and finally a meeting with senior officials of the Beijing Arbitration Commission. The meetings focused on the future of international arbitration in China and the role of institutions and state courts in bettering its practices.

102. On the occasion of the visit of ICCA delegation to Beijing, Young ICCA organized an International Arbitration Panel Discussion. The workshop was hosted by Tsinghua University. The topic of the session was "Getting Into and Getting Ahead in International Arbitration". It was moderated by ICCA's Executive Director, Ms Lise Bosman, and featured CRCICA Director among the speakers who provided their views on how to successfully build a career in international arbitration.

### **CRCICA Director acts a Mentor in the 2015-2016 Cycle of the Young ICCA Mentoring Programme**

103. The 2015-2016 cycle of the Young ICCA Mentoring Programme has already commenced with CRCICA Director again acting as Mentor. The mentoring group consists of the following three Mentees: Ms. Silke Noa Kumpf, associate in Brown Rudnick's London office; Ms. Laura Lozano, associate at González-Bueno & Asociados in Madrid; Mr. Amr Arafa, LL.M. Candidate for the Master of International Dispute Settlement in Geneva. CRCICA Director is assisted by a "Buddy", Ms. Maria Athanasiou, an independent arbitration practitioner based in Cyprus, whose role is to facilitate communication within the mentoring group, make any necessary

organizational arrangements, and act as a catalyst to ensure that the mentoring group remains motivated and active.

### *Participation in International Conferences*

#### **4. 13<sup>th</sup> IFCAI Biennial Conference, Manama – Bahrain**

104. On March 23, 2015, Manama hosted the 13<sup>th</sup> IFCAI Biennial Conference on "Hot Issues in International Arbitration in the Arab World and Arbitral Institutions and Issues of Conflicts of Interest". The Conference was co-organized with the Bahrain Chamber for Dispute Resolution (BCDR-AAA). CRCICA Director addressed "Institutional Arbitration in the Arab World: Challenges and Perspectives". This covered mainly the salient challenges facing the development of institutional arbitration in the Arab World as well as future perspectives.

#### **5. Queen's Mary School of International Arbitration Celebrates 30 Years of Existence, London, UK**

105. On the occasion of its 30<sup>th</sup> anniversary, the School of International Arbitration Centre for Commercial Law Studies, Queen Mary University of London held a conference in London on "The Evolution and Future of International Arbitration: The Next 30 Years" from 19 to 21 April 2015. 280 delegates from around the globe attended the Conference. CRCICA Director drafted an article that he presented orally at the conference titled: "Emergence of New Arbitral Centres in Asia and Africa: Competition, Cooperation and Contribution to the Rule of Law" in which he explained that the emergence of such centres has led to the diversification of the available arbitral fora as well as the promotion of best arbitral practices.

### *Role in Regional Trainings and Conferences*

#### **6. Intensive Course on International Investment Arbitration in the MENA Region, Manama, Bahrain, 6-9 December 2015**

106. The Bahrain Chamber for Dispute Resolution (BCDR-AAA), in conjunction with the Investment Treaty Forum (ITF) of the British Institute of International and Comparative Law (BIICL), held a four-day (6 to 9 December 2015) intensive course on International Investment Arbitration specifically tailored for the MENA region in Manama, Bahrain. The four-day course was attended by delegates from all over the MENA region and provided the theoretical knowledge and the practical know-how from some of the leading practitioners in the field of international investment both in the region and beyond.

107. CRCICA Director shared three panels during the course and addressed the following issues:

1. The State of Play in the Middle East and North Africa, in which he focused on the salient features of the most recent national investment laws in the MENA region;
2. Understanding the State's International Obligations within the context of Managing Foreign Investment Relations and Preventing Foreign Investment Disputes;

3. The Pros and Cons of National Court Litigation as means of Resolving Investor-State Disputes as well as the different forms of arbitration (national and international, *ad hoc* and institutional) and the advantages and disadvantages of each; and
4. The Request for Arbitration as a means of initiating Arbitral proceedings with special emphasis on the Mandatory and Optional Requirements under the ICSID Convention.

#### **7. International Conference on International Investment Arbitration in the MENA Region, Manama, Bahrain**

108. The Bahrain Chamber for Dispute Resolution (BCDR-AAA), in conjunction with the Investment Treaty Forum (ITF) of the British Institute of International and Comparative Law (BIICL), held a one-day (10 December 2015) conference on International Investment Arbitration in the MENA region in Manama, Bahrain. The one-day conference was attended by practitioners from all over the MENA region as well as some of the leading investment arbitration specialists and key players in the investment industry. CRCICA Director moderated a panel on Bilateral and Multilateral Investment Agreements in the Arab World, which focused on the Egyptian and Bahraini BITS as well as the Unified Agreement for the Investment of Arab Capitals in the Arab States and the Agreement on the Promotion, Protection and Guarantee of investments among Member States of the Organization of the Islamic Cooperation (OIC)

#### **8. International Legal Dialogue Middle East and North Africa Conference, Amman, Jordan**

109. The American Society of International Law (ASIL), Columbia Law School, and the Columbia Global Center–Amman hosted a three-day conference entitled “International Legal Dialogue – Middle East North Africa.” Organized in cooperation with the University of Jordan Law School, the American Red Cross, and the Bahrain Chamber for Dispute Resolution (BCDR-AAA), the conference took place at the Columbia University Global Center in Amman, Jordan from December 14 to December 15, 2015. CRCICA Director was among the speakers and addressed the question of whether a foreign arbitral award is enforceable through means other than the New York Convention, with special emphasis on the conflicting applicable treaties (the New York and the Riyadh Conventions) as well as the possible conflict of applicable national statutes governing the enforcement of foreign arbitral awards.

### **XV. Cooperation Agreements**

110. In 2015, CRCICA signed three cooperation agreements with the Somali Chamber of Commerce and Industry SCC (AFRICA), the Commercial Legal Service Center of China Council for the Promotion of International Trade/China Chamber of International Commerce (ASIA) and the Madrid Arbitration Court (EUROPE). The scope of institutional cooperation varies between the three continents of the world depending on the practical needs in each jurisdiction. In cooperating with a Somali partner, focus is being given to the conduct of training programs and workshops on international arbitration in Mogadishu for Somalians with various backgrounds. Cooperation with the Chinese Center, however, focused on the promotion of the use of mediation in Egypt and China. The Agreement with the Madrid Arbitration Court lends significance to the development of arbitral practice in both jurisdictions.

## **XVI. Publications**

### **CRCICA Publishes Arbitral Awards (Volume VI)**

111. In 2015, the Centre published the Sixth Volume of its ARBITRAL AWARDS prepared in Arabic by Dr. Mohi-Eldin Alam Eldin, CRCICA's Senior Legal Advisor. The volume includes 15 awards on different types of cases. By the issuance of volume six of CRCICA Arbitral Awards, the number of published awards reached 113 awards. Quite aware of the relative shortage of Arabic literature on arbitral awards, CRCICA will keep up with publishing its own awards on regular basis, without, of course, disclosing the identities or nationalities of the concerned parties.

### **Journal of Arab Arbitration: 24<sup>th</sup> Volume**

112. CRCICA is issuing the 24<sup>th</sup> Volume of the Journal of Arab Arbitration which is a CRCICA-sponsored Publication of the Arab Union of International Arbitration (AUIA). The Journal is issued semi-annually to include updated articles, judicial awards and arbitral precedents. Volume 24 includes two important articles. The first, prepared by Dr. Dalia Hussein, Legal advisor at CRCICA, relates to the salient 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. The study includes a summary of the requests for challenge and removal of arbitrators submitted to CRCICA, their grounds, and the decisions of the tripartite *ad hoc* committees. The examination of these decisions leads to important conclusions about the committees' approaches in dealing with these requests and highlights the most important trends for their upholding or rejection.

113. The second article, prepared by Ms. Heba Salem, Legal Researcher and Case Manager at CRCICA, relates to pathological arbitration clauses and the difficulties they raise. The article gives many examples of pathological clauses examined by arbitral tribunals under the auspices of CRCICA and analyses in depth the defaults these clauses contained as well as the legal issues resulting from their implementation. The article's conclusion includes some recommendations for the proper drafting of arbitration clauses.

### **Journal of Arab Arbitration: 25<sup>th</sup> Volume**

114. CRCICA is issuing the 25<sup>th</sup> Volume of the Journal of Arab Arbitration which is a CRCICA-sponsored Publication of the Arab Union of International Arbitration (AUIA). The Journal is issued semi-annually and is used to include updated articles, judicial awards and arbitral precedents.

## **IV. REPORT ON THE ACTIVITIES OF THE REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION-LAGOS (RCICAL)**

### **INTRODUCTION**

The President of the 55<sup>th</sup> session of AALCO and the Vice-President,

The Secretary General Professor Dr. Rahmat Mohamad

Excellences, Distinguished Delegates, Ladies and Gentlemen

115. I present to you a brief report on the activities of the Regional Centre for International Commercial Arbitration – Lagos (The Centre) for the year 2015 – 2016.

### **CASE LOAD FOR THE PERIOD MARCH 2015 – FEBRUARY 2016**

116. In the period under review, the Centre records an addition of five cases which are clearly institutional with the already existing case load comprising of mainly ad hoc arbitrations.

117. Of the five additional cases, one has reached the award stage. The parties after the first sitting, stated their intention to settle. Upon the second sitting, they furnished the sole arbitrator with the terms of settlement to be incorporated into the award as consent award. These arbitration cases have to do with Supply, Leases and one on Brokerage. Out of the five already existing ad hoc arbitration in the Centre, two have been concluded and award issued to parties. This leaves the Centre with a total of eight arbitrations pending.

118. The Centre also records one Mediation during this period under review. The Mediation was concluded after two sittings and parties agreed to an amicable settlement of the dispute. The nature of the contract had to do with Supply. The Claimant entered into an agreement with the Respondent to supply and install specialised furniture to the Respondent with an agreed delivery date. The Claimants were unable to deliver and install the specialised furniture within the agreed timeline due to what the Claimant termed delivery challenges and unforeseen circumstances.

119. Due to the late delivery and installation, the Respondent decided to withhold 10% of the contract sum as penalty for late delivery and installation. The Claimants subsequently demanded for the outstanding balance on the contract sum withheld including interest on the outstanding sum and fluctuation sums due to foreign exchange volatilities. All sums were as contained in the Claimants statement.

120. The Respondent refused to pay these sums and this led to a dispute between the parties. The matter was referred in accordance to the terms of the contract between the parties to the Centre.

Figure 1 shows a Pie Chart illustration on the Centre's case load from March 2015 to February 2016

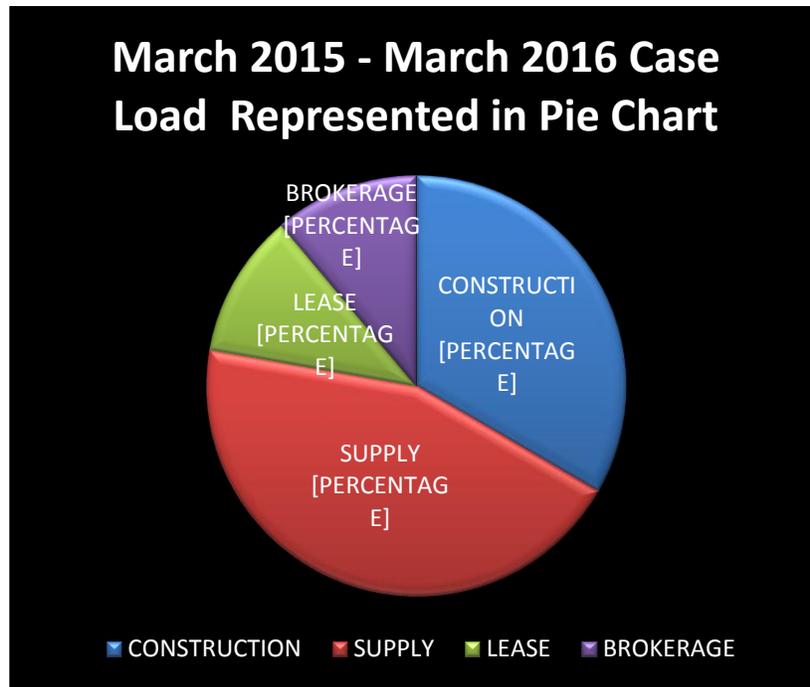


Figure 1

Figure 2: A bar chart representing the types of cases and the total number of times proceedings were held in the Centre on each case for the year 2015

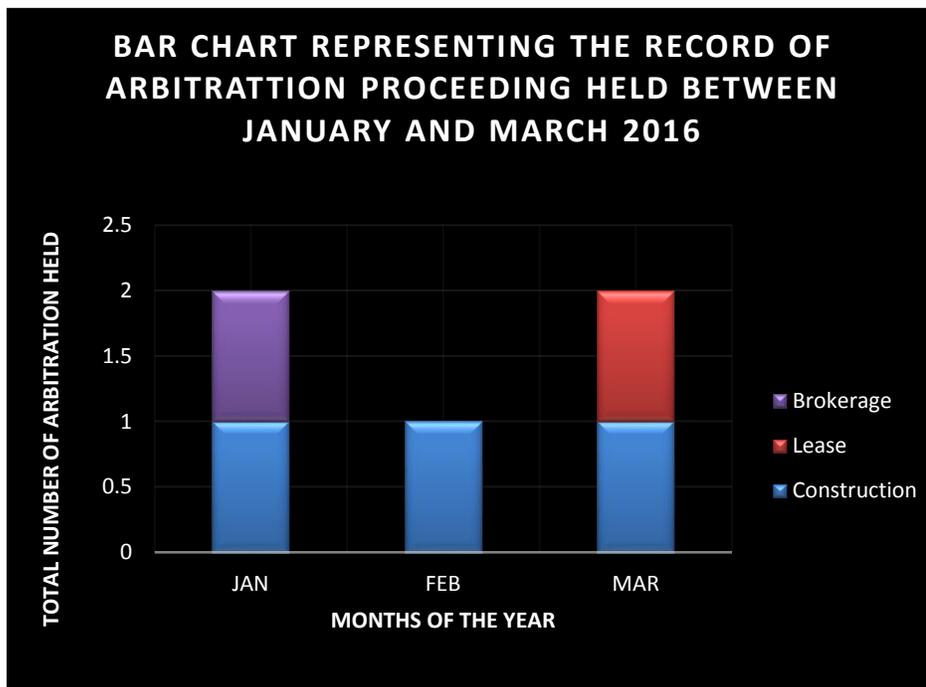
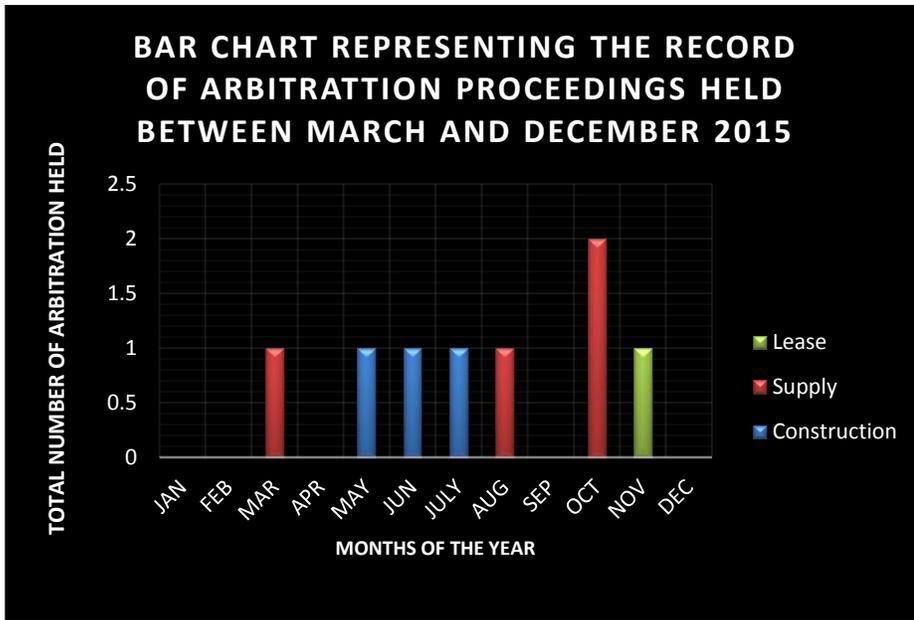


Figure 3: A bar chart representing the types of cases and the total number of times proceedings were held in the Centre on each case from January to March 2016.

## PARTICIPATION IN ARBITRAL EVENTS

### Nigerian Bar Association 55<sup>th</sup> Annual General Conference (Abuja 2015)

121. The Centre was well represented at the Annual General Conference of the Nigerian Bar Association for 2015 which was held at the Federal Capital Territory Abuja. This year's theme

was titled Lawyers and National Development. In one of the breakout sessions at the conference, a very interesting topic was discussed and it was focused on “The use of ADR in mediating election petitions”. It is important to discuss this topic because election matters are crucial and contentious issues.

122. Some of the contributions and suggestions made at the conference session were:

- Not all election issues should go to the Election Petition Tribunals; many times, parties just need to air their grievances, and this is where an ad hoc ADR Tribunal will be required
- Recommended alternative dispute resolution mechanisms to solve election petitions; a parallel tribunal which shall be the Election Petition ADR Tribunal.
- In conflict resolution, what makes it acceptable is the independence of the parties and the intervener. Sometimes it is better to settle for ADR where the end result could well be 50-50 rather than the election tribunal which may be dismissed based on technicalities and mere irregularities therefore resulting in a winner-takes-all situation.
- Agreements reached by parties at Mediation Sessions shall be sent to the tribunal so that the agreement will be entered as a Consent Judgement.
- More reasons for Mediation include but not limited to:
  - The purpose of public interest, since other interest are involved in election petition matters;
  - Preservation of friendship because in every election dispute there is loss of friendship;
  - Cost effectiveness

123. The Independent National Elections Commission INEC, Secretary had canvassed for an ADR Election Petition Tribunal to be established in every state of the country. The ball is now in the court of lawyers. The purport of this session is to examine if mediation and other hybrid processes can be applied in election disputes.

#### **INTERNATIONAL LAW INSTITUTE: INTERNATIONAL INVESTMENT TREATIES AND INVESTOR-STATE ARBITRATION SEMINAR**

124. The International Law Institute had its 60<sup>th</sup> Anniversary Conference and training programme on International Treaties and Investor-State Arbitration in Washington DC on Nov 29 – Dec 12. The Director of the Centre was at this event. At the Conference Training Programme, the topics discussed exposed participants to the expectations and introduction to International Investment Agreements and Arbitration.

125. A further look at the Implementation of these Investment Agreements, the Arbitral Rules and Applicable Laws were discussed. The Director of the centre highlighted during the session, the existing collaboration agreement with ICSID and sensitised the participants of the scope of the Centre's mandate and the existing facilities to host and administer investor state arbitration proceedings under the auspices of ICSID. It was also expected of participants at the end of the training to be knowledgeable in the Mechanics of Arbitration; like the Jurisdiction, Appointment and Challenges of arbitrators, Place of arbitration, Interim measures, the standard of treatment (fair and equitable treatment), investment policies and Transparency in Investment arbitrations.

### **ARBITRATION INSTITUTIONS IN AFRICA CONFERENCE 2015**

126. The Arbitration Institutions in Africa Conference was held on July 23<sup>rd</sup>, 2015. The Theme for the Conference was 'The Role of Arbitration Institutions in the Development of Arbitration in Africa. The topic was prompted by the growing institutionalization of arbitration and a critical concern with the ability and capabilities of the centres and institutions that administer the arbitration process and the quality of the services they provide for their consumers in the delivery of arbitral justice.

127. Modern arbitration can be seen as a field of study, a system of justice, a profession, business or an industry. However, there has to be a dispute, disputing parties and arbitrators for arbitration to come alive. Alongside these key components are arbitration institutions that provide procedural rules, directions and guidance for the parties and arbitrators for conducting the arbitration proceedings, ensuring the integrity of the process and ultimately the arbitral award. A wide variety of role players consisting of professionals, institutions, states, corporate and individuals including the Centre contributed in this discussion.

128. In a paper delivered by Hon. Wilfred D.Ikatari, the Director of the Centre, he gave a brief introduction about the Centre, its case load, additional services rendered by the Centre, the jurisdiction of the Centre and its Headquarters Agreement. One of the highlights of the Directors presentation was the Funding of the Centre versus its Independence and its Diplomatic Immunities and Privileges. The Headquarters Agreement placed International obligations on the Host Government (Federal Republic of Nigeria) to fund the Centre through annual grants towards meeting its administrative and operational needs; such as rental obligations, recurrent expenditure, conferences, seminars, workshops and publicity. Noted however, that in spite of the International obligations of Nigeria government under the headquarters agreement, the Government does not in any way interfere with the activities of the Centre, as the Centre continues to enjoy its Diplomatic Immunities and Privileges'.

129. The Centre's major selling point is based on its independent and neutral nature. The rules of the Centre allow a great deal of flexibility in the conduct of arbitration proceedings and leaves a wide discretion to the parties with regards to the place of arbitration, choice of arbitrator and the applicability of procedural rules.

### **THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW WORKING GROUP 11 (ARBITRATION AND CONCILIATION)**

130. The Sixty – Third Session of the United Nations Commission on International Trade Law Working Group 11 commenced on 7<sup>th</sup> – 11<sup>th</sup> September, 2015 and was held in Vienna. The topic for discuss was focused on the enforceability of international commercial settlement agreements reached through conciliation. At its forty-seventh (New York, 7 – 18 July 2014), the Commission agreed that the Working Group should consider at its sixty-second session the issue of enforcement of international settlement agreement resulting from conciliation proceedings and should report to the Commission, at its forty-eighth session, in 2015, on the feasibility and possible form of work in that area.

131. At that session, the Commission had before it a proposal to undertake work on the preparation of a convention on the enforceability of international commercial settlement agreements reached through conciliation. In support of that proposal, it was said that one obstacle to greater use of conciliation was that settlement agreements reached through conciliation might be more difficult to enforce than arbitral awards. In general, it was said that settlement agreements reached through conciliation were already enforceable as contracts between the parties but that enforcement under contract law cross-border could be burdensome and time-consuming. It was further said that the lack of easy enforcement of such contracts was a disincentive to commercial parties to mediate. Consequently, it was proposed that the Working Group develop a multilateral convention on the enforceability of international commercial settlement agreements reached through conciliation, with the goal of encouraging conciliation in the same way that the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (“New York Convention”) had facilitated the growth of arbitration.

132. Support was expressed for possible work in that area on many of the bases expressed. Doubts were also expressed as to the feasibility of the proposal and questions were raised in relation to that possible topic of work.

## **OXFORD DIPLOMA CONFERENCE**

134. The Chartered Institute of Arbitrators celebrated its 15 successful years of the Oxford Diploma. It was held on the 11<sup>th</sup> – 13<sup>th</sup> of September, 2015 at the Keble College, Oxford. The Director of the Centre participated in the occasion. The working sessions was based on the active participation of all those present. Drawing on their knowledge and experience to identify and get to the bottom of the issues. The course has been a highlight in developing skills and an understanding of the techniques in Arbitration to help us resolve clients’ disputes and, for some, becoming arbitrators in their own right. The Conference is an opportunity to bring knowledge up to date, pick up on and develop friendships forged during attendance on the course and acquaint ourselves. Also discussed at the Conference is the crucial role of arbitration institutions in the growth and development of arbitration and other ADR methods.

## **COLLABORATION**

**Courtesy visit of delegates from the Nigerian Shippers Council (Cargo Defence Fund) to the Centre**

135. The Nigerian Shippers' Council paid a courtesy visit to the Centre on 30<sup>th</sup> April, 2015. The team that visited was led by Ms. A.N. Ogo, the Director, Consumer Affairs Department. In her statement, she informed the Centre that the NSC has been appointed the Economic Regulator for Nigerian Ports by the President of the Federal Republic of Nigeria. This is in addition to its mandate to protect Nigeria's Cargo interest in International Trade. In order to ensure Fair Trading Practices between Providers and Users of Shipping Services, the NSC plays a Mediatory Role between Providers of Services, Users of Services, Port Users, and all other Stakeholders at Nigerian Ports. It is in this regard that the NSC thought it necessary to visit the Centre to discuss areas of collaboration and matters of mutual interest, to assist with the NSC Alternative Dispute Resolution Role.

136. The areas of common interest discussed were:

1. Marketing the Centre to stake holders in the region
2. Using the Centre when parties agree
3. Inviting the Centre to meetings both West African Ports and locally to make presentations on the use of the Centre's Arbitration Clause, the Centre's rules for both Institutional and ad hoc arbitration proceedings including trainings.
4. Educating the informal sector on the Centres clause; and
5. Collaborating with the Centre together with other service providers e.g. MAN in setting up a dispute resolution mechanism for the Cargo Defence Fund.

137. The Centre maintains cooperation agreements with major institutions such as the World Bank's International Centre for Settlement of Investment Disputes (ICSID), The Chartered Institute of Arbitrators UK, The China Law Society and most recently, the Centre entered a cooperation agreement with The Arabic Centre for Arbitration. Under such Agreements, arbitration proceedings under the auspices of these institutions can be held at the Centre.

## **FUTURE ACTIVITIES OF THE CENTRE**

138. The Centre has a work plan to participate or organize various International Conferences, Seminars and Workshops as soon as the host government facilitates her obligation. The Centre is open for internship for those who apply. And also the Centre is working out modalities for a Diploma Program for young aspiring arbitration practitioners and students. The Centre organizes the African Universities International Arbitration Moot Competition for undergraduates with the support of Willem Vis Moot International Arbitration Competition, Vienna.

## **CONCLUSION**

139. This is a brief rundown of the activities of the Centre for the period covered. We look forward to a promising rest of the year 2016 and wish you all a successful deliberation at this 55<sup>th</sup> session.

Thank you.

## **V. REPORT ON THE ACTIVITIES OF TEHRAN REGIONAL ARBITRATION CENTRE (TRAC)**

### **A. Introduction**

140. This Report, comprising of TRAC's 2015 Activities and 2016 Prospective, hereinafter the "Report", is respectfully submitted to the Fifty-Fifth Annual Session of the Asian- African Legal Consultative Organization (AALCO), New Delhi, 2016.

### **B. 2015 Activities**

141. In 2015, TRAC actively continued to maintain its function and productivity. TRAC is proud that in the past year, it has played independently, professionally and efficiently under its mandate. As an established arbitration institution, it has gained a valuable recognition for the smooth and professional conduct and promotion of international arbitration in the Region.

142. TRAC's major activities during 2015 are summarized as follows:

1. Providing institutional services for administering arbitration cases;
2. Organizing an international conference "International Arbitration Day" in commemoration of 10th Anniversary of TRAC;
3. Organizing the first Iranian Commercial Arbitration Moot Court (jointly with Arbitration Centre of Iran Chamber);
4. Introducing TRAC's new multi-lingual website;
5. Participation in international and national Conferences and seminars:
  - Sponsoring and participation in Alameh Tabatabai University's Conference
  - Participation in Conference on "Arbitration and International Sales of Goods; and
  - Participation in Kuala Lumpur International Arbitration Week Conference.
6. Opening internships for graduate students;
7. Request for a Government Circular;
8. Appointment of new Arbitrators;
9. Sponsoring first Iranian team in the Annual Willem C. Vis Arbitration Moot; and
10. Enlarging TRAC's network.

#### **1. Providing institutional services for administering arbitration cases**

143. In 2015, TRAC's arbitration clause has inserted in various types of international and domestic contracts and, TRAC continued to offer its institutional support as a neutral, independent and international organization for the conduct of domestic and international arbitration proceeding. In accomplishment of its main duty, in 2015, TRAC has administrated effectively its pending cases and, in regard to the handled cases, assisted the parties in complying with further legal or administrative formalities before tribunals.

## **2. Organizing International Arbitration Day in commemoration of 10<sup>th</sup> Anniversary of TRAC**

144. On October 8, 2015, in commemoration of its 10th anniversary, the Tehran Regional Arbitration Centre hosted the first ever “International Arbitration Day” in Tehran. The purpose of the conference was to bring together aspiring lawyers, distinguished scholars and prominent advocates of international arbitration to discuss recent challenges and developments in the field of international arbitration, but as well, to explore Iran’s place post-sanctions as a key hub for arbitration in the region.

145. The conference was composed of an opening ceremony and three panels. In the opening ceremony, first, Dr. Morteza shahbazinia (President of Scientific Committee of the conference) and Dr. Oveis Rezvanian (Director of TRAC) delivered a welcome speech. This was followed by the lectures of Dr. Baharvand (Deputy Secretary General of the AALCO) on behalf of Dr. Rahmat Mohamad (Secretary General of the AALCO), Dr. Mohsen Mohebi (Chair of Iran’s Presidential Centre for International Legal Affairs) and Dr. Patricia Shaughnessy (Vice Chairperson of the SCC).

146. The first panel “International Arbitration in Iran” was moderated by Dr. Morteza Shahbazinia. In this panel, an overview of the foundation of arbitration in Iran, its legal regime, the main arbitral institutions in the country as well as the role of the Iran’s judiciary in international arbitration were discussed. Dr. Moshkan Mashkour (Legal Practitioner and Arbitrator), Dr. Laya Joneydi (Professor of Law at the University of Tehran) and Homayoon Rezai Nejad (Iranian Judge) were three speakers of this panel. The subject of second panel was “International Arbitration involving State Parties”. This panel was moderated by Ms. Adineh Abghari (Attorney-at-Law and Senior Legal Counsel at TRAC) and three speakers as follow discussed the different challenges and practical issues of international arbitration involving State parties: Dr. Werner Janel (Partner at Lalive Law Firm), Dr. Kaj Hobér (Professor of International Investment and Trade Law at Uppsala University) and Dr. Hamid Gharavi (Founding Partner at Derains &Gharavi Law Firm).

147. The third panel covered the question of diversity challenges in international arbitration. Dr. Gunther J Horvath (Vice President of the Vienna International Arbitral Centre), Suresh Divyanthan (Head of the Oon & Bazul LLP's Commercial Arbitration Practice) and Dr. Georgios Petrochilos (Partner at Three Crowns LLP) provided their experience and insights on the impact of legal and cultural differences in the process of international arbitration. This panel was moderated by Dr. Mojtaba Kazazi (legal practitioner and former judge of the high courts of Tehran). This conference, which had a great show in Iranian media, was the first conference of its kind to be held in Iran and among the participants were lawyers, judges, students, and some of

the most prominent scholars and advocates of international arbitration, from abroad and within Iran.

### **3. Organizing the first Iranian Commercial Arbitration Moot Court**

148. TRAC is pleased to announce that the preparation and setting up of the first Iranian Commercial Arbitration Moot Court have been accomplished in 2015 and this Moot Court was officially launched in January, 2016. This competition is jointly organized by TRAC and the Arbitration Centre of Iran Chamber of Commerce, Industries, Mines and Agriculture (ACIC). The goal of this Moot Court is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train professional lawyers in international level in Iran. First Moot Court Problem was released on January 21, 2016. A Scientific Committee composed of law professors drafted this problem and, it was reviewed by different experts in the field of commercial arbitration. This competition was warmly welcomed by law students as well as junior attorneys and was highly appreciated by academic sections as well as legal professionals. A big number of groups (two to six members) registered for this first moot court and the oral hearings are scheduled for May 2016 in Tehran.

### **4. Organizing and Hosting a Seminar on AALCO's Regional Arbitration Centres**

149. On April 27, 2016, the Tehran Regional Arbitration Centre (TRAC) organized a seminar for introducing AALCO's Regional Arbitration Centres. This was a great opportunity to get familiar with the structure and function of different regional arbitration centres established and active under the auspices of AALCO namely the Tehran Regional Arbitration Centre, the Kuala Lumpur Regional Centre for Arbitration, the Lagos Regional Centre for International Commercial Arbitration and the Nairobi Centre for International Arbitration. Professor Dr. Rahmat Mohamad (Secretary-General of Asian-African Legal Consultative Organization) was the keynote speaker of this event and provided the participants with an insightful history of regional arbitration centres established under auspices of the AALCO, as well as the role that these centres can play in resolving the disputes between parties from AALCO contracting states.

150. Dr. Oveis Rezvani (Director of TRAC) and Mr. Laurence Muiruri Ngugi (Registrar/CEO of Nairobi Regional Arbitration Centre) were the next speakers who introduced and presented the structure and function of their respective arbitration centres. The panel, moderated by Ms. Adineh Abghari (Senior Legal Counsel of TRAC), was followed by a question and answers session and was warmly welcomed by lawyers, students and business users.

### **5. Introducing TRAC's new multi-lingual website**

151. In 2015, TRAC launched its new and multilingual website. This brand new website provides the users with more updated information in a very user-friendly manner. In addition, some new sections are added in the website, namely News, Careers, Legal Texts, etc. In particular, in its NEWS section, visitors are provided with latest information regarding

arbitration in Iran and the region. TRAC's new website is available in four languages (Farsi, English, French and Arabic) which allow more users to benefit from TRAC's website.

## **6. Participation in international and national Conferences and seminars**

152. In 2015, TRAC's members participated actively in different conferences and seminars as follow:

- **Sponsoring and participation in Alameh Tabataba'i University's Conference**

153. TRAC participated actively in "International Commercial Arbitration Conference" organized by Allameh Tabataba'i University (ATU) on November 18 and 19, 2015 in Tehran. In this event, different topics in the field of international commercial arbitration were discussed with participation of prominent professors and practitioners from around the world. TRAC was one of the sponsors of this event. In the opening ceremony of the conference, Dr. Oveis Rezvanian (Director of TRAC) introduced TRAC and its activities to the audience. In addition, in the framework of a workshop, Ms. Adineh Abghari (Senior legal counsel of TRAC) talked about the role of institutional arbitration in arbitration process.

- **Conference on "Arbitration and International Sales of Goods"**

154. On 16 September 2015, the Iranian Central Bar Association organized a conference held in Tehran, on the "Arbitration and International Sale of Goods". The conference sought to discuss the ever-increasing importance and trend towards international arbitration in the settlement of international commercial disputes. Among other panelists, Dr. Oveis Rezvanian, Director of the Tehran Regional Arbitration Centre (TRAC), addressed lawyers, students, and advocates with respect to the arbitration of disputes arising under the Convention of International Sale of Goods ("CISG"), and its implications in Iranian commercial contracts with foreign companies.

- **Participation in Kuala Lumpur International Arbitration Week Conference**

155. The Director of the TRAC (Dr. Oveis Rezvanian) spoke at the Kuala Lumpur International Arbitration Week on the topic of "The Nature and Effects of Sanctions on the Resolutions of Disputes". This conference was held on May 9, 2015 and it provided an international platform for interested parties and relevant stakeholders to receive vital and updated information on the effects of sanctions on the resolution of disputes. Kuala Lumpur International Arbitration Week was held from 7<sup>th</sup> to 9<sup>th</sup> May 2015 in Kuala Lumpur and during these three days, three main themes as follow were discussed: Islamic Commercial Arbitration, Sports Arbitration and Sanctions.

## **7. Opening internships for graduate students**

156. In 2015, TRAC offered several internship opportunities to young professionals. Under supervision of one legal counsel, interns were assigned projects and tasks that are relevant to International Arbitration and they had the opportunity to put into practice and further development their theoretical knowledge.

## **8. Request for a Government Circular**

157. Pursuing the 54th Report on AALCO's Regional Centres for Arbitration (AALCO/RES/54/ORG3, Beijing, April 17, 2015), TRAC requested Iranian Government to issue a circular for promoting and supporting the use of TRAC as an institutional arbitration in resolving commercial disputes. In particular, TRAC requested the government to encourage private and public entities to consider in their contracts, the inclusion of the TRAC Arbitration Clause.

## **9. Appointment of new Arbitrators**

158. TRAC panel of arbitrators comprises various experts from all around the world and this list has been expanded during last year. In 2014, TRAC was pleased to receive the applications of many outstanding arbitrators. A number of these applicants were added to the TRAC's list of arbitrators and some others are still under consideration. The admitted arbitrators are as follow: Dr. Georges Affaki (France), Mr. Xavier FAVRE-BULLE (Switzerland), Mr. Veijo Heiskanen (Finland), Mr. Werner Jahnel (Austria) and Dr. Christian W. Konrad (Austria) The updated list of arbitrators is available on TRAC's website ([www.trac.ir](http://www.trac.ir)) and accessible to users.

## **10. Sponsoring first Iranian team in the Annual Willem C. Vis Arbitration Moot**

159. In 2015, for the first time, an Iranian team from Allameh Tabataba'i University (ATU) participated in Willem C. Vis Arbitration Moot. TRAC supported and helped Iranian team in their preparation by providing useful information and recommendation as well as organizing a pre-moot in the Centre.

## **11. Enlarging TRAC's network**

160. As an initiative to a growing business relationship, TRAC aims to elaborate its collaboration with other arbitration centers and reputable law firms specialized in the field of international arbitration all over the world. For this purpose, during 2015, TRAC organized different meetings at two levels as follow for promoting TRAC's activities, exchanging the ideas and envisaging possible collaboration:

- i) Meetings with local arbitrators, law firms, embassies and commerce chambers; and
- ii) Meetings with foreign law firms, institutional arbitrations and academic centers.

## **C. 2016 Prospective**

161. TRAC aims to continue offering its institutional support as a neutral, independent and international organization for the conduct of domestic and international arbitration proceedings. In pursuing this objective, 2016 prospective plan of TRAC is as follows:

## **1. Exploring new areas after lifting the sanctions**

162. As the economic sanctions against Iran have been lifted in the first quarter of 2016, in one hand, the Iranian economy is reopened to global trade and, in the other hand, business communities are preparing to explore new opportunities in the Iran market. The commercial contracts will be signed between foreign investors and Iranian counterparts and, therefore, TRAC may play a significant role in resolving potential disputes that might arise between parties.

## **2. Organizing training courses, workshops and seminars**

163. In the accomplishment of its educational duty, TRAC envisages to organize different workshops, seminars as well as an intensive summer school in the field of international arbitration. And, for this purpose, TRAC is considering collaborating with reputable academic centers in order to maximize the quality of its training activities.

164. More specifically, the summer school will run approximately for seven to ten days and is designed to provide participants with an opportunity of in-depth training in international arbitration. This training course will cover both theoretical and practical aspects of international arbitration and will focus on topics such as arbitration agreements, starting arbitration proceedings, setting up an arbitral tribunal, issues related to jurisdiction, procedure and arbitral awards. Students will acquire a practical understanding of how to conduct an international arbitration, and the skills required to conduct a successful international arbitration.

165. In addition, TRAC intends to organise further seminars and workshops to promote international commercial arbitration and other ADR techniques at both national and regional levels, with participation of International and Iranian professionals. These sessions will focus on new issues in the field of international arbitration in the format of a case study or roundtable between experts.

## **3. Joint event with DIS**

166. TRAC and the German Institution of Arbitration (DIS) will jointly organize an event in 2016 for presenting both arbitral institutions as well as the legal and economic framework of doing business in Iran and Germany. For this purpose, a seminar will be held in March 2016 in Cologne and, few months later, a return visit in Tehran.

## **4. MoU with arbitral institutions and academic centers**

170. TRAC intends to collaborate closely with other arbitration institutions as well as academic centers. TRAC believes that this kind of cooperation would be instrumental for striking higher and harmonious standards in arbitration conduct. It also would create awareness about the existence of a transnational safe environment extended throughout the region for settlement of international commercial disputes. In this regard, TRAC is hopeful to commence regular cooperation with other regional Arbitration Centers as well as international Arbitration Centers

in association with other arbitration centers in the Region. For this purpose, conclusion of Memorandum of Understanding with a number of organizations is under review.

## **5. Revision of TRAC Rules**

171. Adopted and published in 2005, the TRAC Rules of Arbitration are essentially based on the UNCITRAL Rules of Arbitration which are well known to the practitioners and, as a widely used set of procedural norms, would be capable of offering a higher comfort to the parties. However, certain aspects of the UNCITRAL Rules of Arbitration have been modified in order to take into consideration the institutional character of the arbitration cases conducted under the Rules. Considering the revised version of 2010 UNCITRAL Rules as well as contemporary developments in the field of international arbitration, TRAC is envisaging to revise its Rules of Arbitrations.

## **D. Conclusion**

172. In 2015, TRAC continued to offer its institutional support as a neutral, independent and international organization for the conduct of domestic and international arbitration proceeding and, it has gained a valuable recognition for the professional conduct of international arbitration in the Region. By growing new opportunities in the Iran market after lifting the sanctions against Iran, TRAC is intended to play more significant role in resolving potential disputes that might arise between parties in business communities. For this purpose, TRAC attempts to enlarge its professional reputation and network in both regional and global level.

**Annex**

**SECRETARIAT'S DRAFT  
AALCO/RES/DFT/55/ORG 3  
20 MAY 2016**

**REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION**

*The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,*

**Considering** the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/ORG 3,

**Noting** with appreciation the introductory remarks of the Deputy Secretary-General and the report of the Directors of the Regional Arbitration Centres,

**Reaffirming** the commitment by the Governments of Member States towards enhancing the role of the Regional Arbitration Centres,

**Recalling** decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978,

**Expressing satisfaction** over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres,

**Appreciating** the efforts and contributions of the Governments of the Malaysia, Arab Republic of Egypt, Federal Republic of Nigeria, the Islamic Republic of Iran, and the Republic of Kenya for hosting the respective Regional Arbitration Centres,

**Further appreciating** the promotional activities undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions,

**Reiterating** the earlier decision of the AALCO on the necessity for the Governments of Member States to promote and support the use of the Regional Arbitration Centres,

**Further reiterating** its proposal, after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the Centres, with the support of Member States,

1. **Requests** the Member States to continue their support to the Regional Arbitration Centres and use the AALCO's Regional Arbitration Centres for resolving their disputes and in particular to consider in their contracts, the inclusion of the Arbitration Clause of AALCO's Regional Arbitration Centres;

2. **Urges** the Regional Arbitration Centres to consider to the extent possible, among themselves, the formation of a common system both administratively and financially between the Centres and common standards for the qualification of arbitrators;
3. **Directs** the Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization;
4. **Requests** the Secretary-General to take initiative to promote the Arbitration Centres among Member States and to work toward establishing another Arbitration Centre in the South Asian region; and
5. **Decides** to place this item on the provisional agenda of the Fifty-Sixth Annual Session.