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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

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.¹

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

¹ The Secretariat's 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 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 the scheme could initially work with two Centres and other Centres could be established in the light of experience and volume of work.

- 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. 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.

6. 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. The other Centre established was in Tehran (Islamic Republic of Iran), in furtherance of which an Agreement was concluded between AALCO and the Government of Islamic Republic of Iran in 1997 and subsequently ratified by the President of the Islamic Republic of Iran and brought into force on 10 June 2003.

7. 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. On 25 January 2013, the Nairobi Centre for International Arbitration Act came into force. The systems and structures of the Centre were established in 2014-2015 by the inaugural Board of Directors and the Centre's Arbitration and Mediation Rules were published in December 2015. On 5 December 2016, The Nairobi Centre for International Arbitration' (NCIA) was inaugurated. The NCIA is the fifth regional arbitration Centre functioning under the auspices of AALCO and third in Africa after Cairo and Lagos centres.

(i) Asian International Arbitration Centre (AIAC), 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 1981.² Thereafter, the Headquarters Agreement for Kuala Lumpur Centre for International Commercial Arbitration was signed on 10 August 1989.³

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 Kuala Lumpur Regional Centre for Arbitration as it was then called was signed on 14 February 2004.⁴

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.

13. Recently, in order to best reflect the status of the Centre in accordance with its enlarged scope, the Centre was rebranded as the Asian International Arbitration Centre (AIAC) formalized by a supplementary agreement entered into between AALCO and Malaysia on 7 February 2018.

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

14. 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.

² 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.

³ 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.

⁴ This agreement was signed by H. E. Datuk Seri Utama Dr. Rais Yatim, Minister at the Prime Minister’s Department and Amb. Dr. Wafik Zaher Kamil, the then Secretary-General of AALCO.

15. 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, 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.

16. 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.

17. 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.

18. 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.

19. 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

20. 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 agreement has been adopted and that all the legal procedures applicable in the Islamic Republic of Iran for the ratification of the said Agreement were completed.

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

(v) Nairobi Regional Arbitration Centre, Republic of Kenya

22. 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.

23. 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.

24. Further 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.

25. 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.

26. On 25 January 2013, the Nairobi Centre for International Arbitration Act came into force. The systems and structures of the Centre were established in 2014-2015 by the inaugural Board of Directors and the Centre's Arbitration and Mediation Rules were published in December 2015.

27. The Nairobi Centre for International Arbitration was thereafter inaugurated on 5 December 2016. It is hoped that the AALCO's fifth Centre will effectively cater to 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.

(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 Asian International Arbitration Centre (AIAC), Regional Centre for International Commercial Arbitration, Lagos (RCICAL), the Nairobi Centre for International Arbitration (NCIA), and the Tehran Regional Arbitration Centre (TRAC) highlighting the details of the activities of the Centres in the year 2018 and the foreseen plans for 2019.

II. REPORT ON THE ACTIVITIES OF THE ASIAN INTERNATIONAL ARBITRATION CENTRE (AIAC)

ABOUT THE AIAC

The Asian International Arbitration Centre (“AIAC”), formerly known as the Kuala Lumpur Regional Centre for Arbitration, was established in 1978 pursuant to a Host Country Agreement between the Government of Malaysia and the Asian-African Legal Consultative Organization (“AALCO”).

The AIAC is a not for profit, non-governmental arbitral institution, recognized as an international organization under the domestic laws of Malaysia. By virtue of such recognition, the AIAC is also afforded immunities and privileges by the Government of Malaysia.

Situated in one of Malaysia’s most iconic and recently-designated heritage buildings, Bangunan Sulaiman, the AIAC is a trusted provider of alternative dispute resolution (“ADR”) services in the Asian region. The Centre was the first in the world to adopt the UNCITRAL Rules for Arbitration as revised in 2013 and has its own set of procedural rules which governs the conduct of the entire arbitration proceedings from its commencement to its termination.

The AIAC’s suite of products includes the AIAC Arbitration Rules 2018, the AIAC Fast Track Arbitration Rules 2018, the AIAC i-Arbitration Rules 2018, and the AIAC Mediation Rules 2018. Its suite of rules are constantly reviewed to ensure their relevance with commercial practicalities and expectations. There also has been tremendous interest in the AIAC’s i - Arbitration Rules, with this evident from the Centre’s winning the prestigious Global Arbitration Review Award for ‘innovation by an individual or organization’ in 2012. The AIAC is also the sole administrative authority for domestic statutory adjudication proceedings under the Construction Industry Payment and Adjudication Act 2012 and it has also developed the AIAC Adjudication Rules & Procedure to assist in the administration of adjudication proceedings.

Additionally, the AIAC provides domain name dispute resolution services through being one of the four offices and the current Secretariat of the Asian Domain Name Dispute Resolution Centre (ADNDRC) to resolve generic-top level domain name disputes, The AIAC has also been appointed by the Malaysian Network Information Centre Berhad (MYNIC) and the Brunei Darussalam Network Information Center (BNNIC) to administer .my and .bn country-code level domain name disputes.

Part of the Centre’s extensive blueprint includes its expansion into holistic dispute management and dispute avoidance. In that respect, the AIAC is the only arbitration institution in Asia that provides complete ADR and holistic dispute management and dispute avoidance services, serving, effectively, as a multi-purpose global hub for dispute resolution and avoidance.

Towards that end, in November 2018, the AIAC introduced its 2019 edition of the Standard Form of Building Contracts (“2019 SFCs”) which incorporates both the Main Contract and the Sub-Contract. The AIAC is the first arbitral institution in the world to launch a suite of this kind. The 2019 SFCs, which reflect international standards were prepared by the AIAC Expert Advisory Committee, are suitable for building construction projects not only in

Malaysia, but also abroad as they are customizable and can be easily adjusted to the needs of a particular user.

Apart from the provision of institutional support for domestic and international arbitration and other ADR proceedings, the AIAC offers hearing facilities and ancillary administrative services to tribunals operating ad hoc or under the auspices of another institution. The AIAC also publishes guides and circulars to facilitate the use and understanding of its rules. Additionally, the AIAC is also an official Court of Arbitration for Sports (CAS) and Permanent Court of Arbitration (PCA) alternative hearing centre.

The AIAC is also tasked with the mission of promoting and building capacity in the area of ADR. In its continuous efforts in capacity building and disseminating information on ADR, the AIAC organises various courses and forums on the different avenues of ADR.

A key platform for the AIAC's capacity building initiatives is the AIAC's Young Practitioners Group ("AIAC YPG") which brings together dispute resolution practitioners below the age of 40 and students interested in building their careers in the fast-growing and dynamic field of ADR. Members of the AIAC YPG are offered a variety of exclusive events in multiple languages, such as seminars, training days and workshops, visits to ports, interviews with distinguished practitioners and many more.

The AIAC is presently led by its Director, Mr Vinayak P. Pradhan. The AIAC also has a Council of Advisors, chaired by the Attorney General of Malaysia, The Honourable Mr. Tommy Thomas, and comprises of renowned domestic and international arbitrators.

CASE STATISTICS UP TO JULY 2019

As an alternative dispute resolution (ADR) provider, the AIAC provides a range of services including services in arbitration, adjudication, mediation and domain name dispute resolution.

During the 2018 calendar year, a total of 915 matters were referred to the AIAC. This figure comprises of 875 registered matters and 40 pre-registered matters (i.e. matters where the requirements for registration were not fully satisfied).

Of the 875 registered matters, 90 were arbitration cases, 772 were adjudication cases, 1 was a mediation case and 12 were domain name dispute resolution cases.

Of the 90 arbitration cases, 66 of those cases were administered arbitrations and 24 were ad hoc arbitrations. 73.3% of the cases registered were administered arbitrations under the AIAC's suite of arbitration rules. Although the AIAC Arbitration Rules 2018 were only launched in March 2018, statistics indicate that 60% of the AIAC's administered cases in

2018 were registered and commenced under these rules. This is inclusive of ad-hoc arbitrations which were converted into administered arbitrations following the parties' mutual consent.

In terms of empanelment, during the 2018 calendar year, the AIAC empanelled 84 arbitrators (20 domestic and 64 international), 98 adjudicators (88 domestic and 10 international), 31

mediators (25 international and 6 domestic), and 3 domestic domain name dispute resolution panelists.

Between January and July 2019, the AIAC received 634 new cases of which 534 are adjudication cases, 93 are arbitration cases, 5 are domain name cases and 2 are mediation cases. May 2019 recorded the highest number of arbitration cases (20 domestic and 1 international) whilst July 2019 recorded the highest number of adjudication cases (100 registrations).

In comparison to the 2018 registrations, the registrations for January to July 2019 indicate that there has been a 31% increase in adjudication cases and 66% increase in arbitration cases for the same reference period. These increasing case registrations are a testament to the public's confidence in the effectiveness of the ADR services provided at the AIAC.

EVENTS BETWEEN OCTOBER 2018 AND AUGUST 2019

Between October 2018 and August 2019, the AIAC hosted a range of events centered on capacity building and disseminating information on ADR. The key events during this period are highlighted below:

1. **DOMAIN NAME DISPUTES - INDIA ROADSHOW: NEW DELHI CHAPTER, 29TH OCTOBER 2018**

With the support of Lakshmikumaran & Sridaran Attorneys (India), the AIAC conducted its inaugural India Roadshow in New Delhi in 2018. Similar to the domain name workshop held in Manila, Philippines in July 2018, the New Delhi Roadshow introduced participants to the basics of Domain Name Dispute Resolution, the structure of UDRP proceedings, the process of filing a complaint & the role of a provider, as well as an insightful discussion on the substantive issues in domain name dispute resolution.

2. **BUILDING YOUR CAREER IN INTERNATIONAL ARBITRATION - HOW TO GET YOUR FIRST APPOINTMENT AS AN ARBITRATOR AND OTHER TIPS, 25TH OCTOBER 2018**

The AIAC was delighted to welcome Mr Victor Bonnin Reynés (Principal – VBArbitration) to deliver an interactive evening talk to practitioners seeking to build a career in international arbitration.

3. **EXPERT WITNESSES IN ARBITRATION: SHIPS PASSING IN THE NIGHT OR FOUNDERING ON THE ROCKS, 12TH NOVEMBER 2018**

The AIAC welcomed The Hon. Wayne Martin AC QC, the former Chief Justice of Western Australia, to deliver an evening talk on expert witnesses in arbitration. The former Chief Justice of Western Australia evaluated the various techniques that have been utilised to manage expert evidence in arbitral proceedings to avoid common pitfalls including oversight of the process by the Tribunal, conferral, single joint experts, and concurrent expert evidence (hot tubbing). The talk also addressed issues relating to the independence/impartiality of the expert witness, and the differentiation between evidence of fact and evidence of expert opinion.

4. **OFFICIAL LAUNCH OF AIAC 2019 STANDARD FORM BUILDING CONTRACTS, 28TH NOVEMBER 2018**

The AIAC is the first arbitral institution in the world to launch a suite of this kind that is suitable for all building construction projects in both Malaysia and abroad as it can be easily adjusted to the needs of a particular user. The AIAC 2019 SFCs reflect the best international standards and were prepared by the Expert Advisory Committee comprised of distinguished professionals.

5. **AIAC TRAINING PROGRAMME ON DOMAIN NAME DISPUTES, 29TH NOVEMBER 2018**

The AIAC organised the Kuala Lumpur instalment of its Domain Name Roadshows.

6. **THE MARITIME SILK ROAD: EXPLORING DISPUTE RESOLUTION OPPORTUNITIES, 15TH NOVEMBER 2018**

The AIAC, in cooperation with the China Maritime Arbitration Commission (CMAC), proudly presented a joint seminar highlighting the unique features of maritime dispute resolution mechanisms from the Malaysian and Chinese perspectives. The topics covered included an overview of Chinese and Malaysian perspectives on maritime projects that are caught under the umbrella of the Belt and Road, an exploration of arbitrating maritime disputes in China, and the growth and development of maritime dispute resolution mechanisms in Malaysia.

7. **AIAC-APJA CONFERENCE ON ARBITRATION 2018, 22ND NOVEMBER 2018**

The AIAC and the Asia Pacific Jurist Association (APJA) jointly presented this conference to provide a platform for delegates from India and Malaysia to discuss, address and learn various issues, challenges and best practices relating to different aspects of Arbitration in both countries. In attendance were YABhg Tun Dato' Seri Zaki Tun Azmi (Chief Justice of Dubai International Financial Centre Courts & Former Chief Justice of Malaysia), The Hon. Justice KG Balakrishnan (Former Chief Justice of India), and The Hon. Justice Vijender Jain (Former Chief Justice of Punjab & Haryana & President of APJA).

8. **MOOTING WORKSHOP: A STAR IS BORN, 26TH JANUARY 2019**

The AIAC and the AIAC-YPG conducted a mooting workshop in preparation for the Willem C. Vis International Commercial Arbitration Moot 2019. The attendees had the opportunity to hear from practitioners and experienced mooters, and they were also given a chance to have a practice session and obtained useful advice on how to improve their oral advocacy skills. The topics were wide-ranging and covered: understanding arbitration, how to structure and organise an argument, what to bring to the mock hearing, style of arguments, the laws – procedural and substantive, responding to questions and rebuttals.

9. **ADR AND 21ST CENTURY DIPLOMACY: AN INTRODUCTION AND NETWORKING EVENT FOR ASIA'S DIPLOMATIC CORPS, 24TH JANUARY 2019**

The AIAC held its inaugural event for the diplomatic corps in 2019. In attendance were commercial representatives from Malaysia's diplomatic corps, national and international chambers of commerce, business associations, trade federations, as well as a delegation from Malaysia's Ministry of International Trade and Industry. Given the

non- legal background of the attendees, as well as their role in facilitating international trade and investment in both a public and private sector function, the purpose of the half-day conference was to provide a broad, non-technical and practical introduction to ADR.

10. ICC YAF-AIAC YPG CONFERENCE, 21ST MARCH 2019

Drawing participation from a diverse mixture of participants, coaches and arbitrators of the Pre-Moot, this conference was poised as a prelude to the Pre-Moot, where experienced practitioners and academics dissected the anatomy of international arbitration in four sessions, with a special emphasis on the legal issues revolving around in the Moot Scenario of the 26th Willem C. Vis International Arbitration Moot.

11. 3RD AIAC-ICC PRE-MOOT, 22ND TO 24TH MARCH 2019

This Pre-Moot witnessed a record number of 90 teams numbering 380 participants from 21 countries, as well as over 200 arbitrators taking a total of 180 hearings, making it the largest Vis Pre-moot internationally, leading up to the competitions in Hong Kong and Vienna. The Pre-Moot closed with the Pre-Moot's signature Cultural Gala Dinner featuring traditional Malaysian dances to celebrate the diversity of the students, arbitrators and coaches. It is worth mentioning that shortly after the conclusion of the 26th Willem C. Vis International Arbitration Moot, it was announced that the AIAC Arbitration Rules had been chosen for the 29th Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, and the 19th Willem C. Vis East International Commercial Arbitration Moot in Hong Kong SAR in 2022. This is a remarkable achievement for the AIAC.

12. ASIA ADR WEEK 2019, 27TH JUNE 2019 TO 29TH JUNE 2019

The AIAC held its second Asia ADR Week centred on the theme "The Kintsukuroi Perspective – The Asian ADR Revolution". The theme reflected the ideology of ADR being a melting pot of talent, industries and cultures that mends the imperfections of the global economy. The three-day event saw over 230 participants and speakers from over 17 jurisdictions coming together in Kuala Lumpur to engage in discussions on key issues and the latest developments in the global ADR sphere. The topics canvased during the first two days included the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, project finance, the role of the judiciary, Belt and Road disputes, blockchain technology and public policy issues. The third and final day was reserved for topics relating to the Construction Industry Payment and Adjudication Act 2012.

13. KUALA LUMPUR SFC ROADSHOW, 3RD JULY 2019

The AIAC held its inaugural SFC Roadshow at the Bangunan Sulaiman. The Director of the AIAC, Mr. Vinayak Pradhan, began by giving a welcoming address to the auditorium full of industry players who attended the Roadshow. This roadshow was divided into four sessions which began with a talk on AIAC 2019 SFCs Main and Sub-Contract, and then moved onto the Design & Build Main and Sub-Contracts and Minor Works Contract. The speakers then imparted their own experiences on the ADR provisions as contained in the AIAC SFCs and CIPAA. This was followed by an engaging session titled "Bird's Eye View: CIPAA from Various Stakeholders' Viewpoint".

14. PENANG SFC ROADSHOW, 16TH JULY 2019

The AIAC held the second instalment of its SFC Roadshows at Hotel Jen in Georgetown, Penang. The Penang Roadshow was divided into five sessions, which began with a talk on the AIAC 2019 SFCs Main and Sub-Contracts, and then moved onto the Design & Build Main and Sub-Contracts and Minor Works Contract. The speakers then imparted their own experiences on the ADR provisions as contained in the AIAC SFCs and CIPAA. This was followed by an engaging session titled “CIPAA: How to Improve Your Chances of Success”.

15. EXPEDITED PROCEEDINGS AND INTERIM MEASURES, 5TH AUGUST 2019

The AIAC hosted Professor Christophe Seraglini, a leading authority in the field of international arbitration, to provide an overview on the progress of expedited proceedings globally.

16. DRIVING FORCES BEHIND BELT & ROAD INITIATIVE, 13TH AUGUST 2019

The AIAC and the China International Economic and Trade Arbitration Commission (CIETAC) signed a Memorandum of Understanding (MOU) to cooperate and promote the use of arbitration in the region. The MOU was signed by Mr. Vinayak Pradhan, Director of the AIAC and Mr. Wang Chengjie, Vice Chairman & Secretary-General of CIETAC, and was witnessed by Mr. CW LOH, President of the Malaysia-China Legal Cooperation Society (MCLCS). The AIAC, CIETAC and MCLCS also jointly hosted the referenced seminar which led up to the signing ceremony of the MOU. The highlight of this seminar was a panel discussion on the “Role of Arbitration in the Belt & Road Initiative: Perspectives from China and Malaysia” which was moderated by Mr. Loh Chang Woo, and featured panelists, Mr. Brad Wang of CIETAC Hong Kong Arbitration Centre, Mr. Jerry Zhang of the Beijing Linli Law Office, Mr. Ko Luen Lam of Shook Lin & Bok and Mr. Hon Leng Choon of Raja, Darryl & Loh. The discussion focused on the role and the importance of an effective dispute resolution mechanisms for disputes arising out of the BRI.

17. INTRODUCTION TO LEGAL TECH, 15TH AUGUST 2019

The AIAC, in collaboration with the LawTech Malaysia, hosted the above evening talk. The panel of speakers comprised of Nicholas Hoh, Senior Associate of Herbert Smith Freehills; Adeline Chin YF, Co-Founder of LawTech Malaysia; and Albertus Aldio Primadi, International Case Counsel of the AIAC. The evening talk was moderated by Hui Wen Tan, Associate at Skrine. The evening talk revolved around a discussion on how technology accompanies the legal industry. Mr Hoh shared his experience in adopting technology in his line of legal work followed by Ms Chin who explained how legal innovation is being leveraged in Malaysia and across the region. Mr Primadi described how the AIAC integrates technology to innovate its legal services by coming up with the Case Management System and Standard Form of Building Contracts online generator software.

UPCOMING EVENTS AT THE AIAC

The remainder of 2019 will feature a range of ADR related events some of which are noted below:

1. **SEPTEMBER SPORTS MONTH**

In September 2019, the AIAC will host its 2nd September Sports Month as part of its broader initiative of bringing greater attention to international sports law in general and its application to the Asian sporting industry. Six main events will form part of September Sports Month, namely a Documentary Viewing featuring Al Jazeera's highly acclaimed 2018 investigative documentary, Cricket's Match Fixers (4th September 2019), the AIAC Futsal Tournament (7th September 2019), a Workshop on Drafting Sports Contract (12th September 2019), a Workshop on the Constitution of Sporting Bodies (19th September 2019), and the AIAC's Certificate Programme in Sports Arbitration (23rd to 26th September 2019). The events will culminate with the International Sports Law Conference 2019 ("SLAC 2019") (27th September 2019) where the AIAC, for one full day, will be home to over 27 innovators and visionaries in the world of sports law who will share their thoughts and insights on a range of topics including match-fixing, gender diversity, sports safety, and e-sports. The theme of SLAC 2019, "Stepping Up to the Crease: Asia's Meteoric Rise in the World of Sports" is fitting to reflect Asia's ascension in world sports. Asian athletes' unprecedented rise and acclaim in the global sporting arena accompanied with the emotions and fan-base of some 4 billion spectators has taken the sporting world by surprise. This historic decade marks a growing need for mature discourse on sports jurisprudence and harmonized governance of national and international sports federations across continents. The law versus the spirit of sports in the past few years has also seen Asian countries actively pushing towards establishing a more comprehensive regulatory and wholesome sports law framework, in line with international standards, dealing with a host of issues including match fixing and doping to name a few. The theme this year will not only explore key advancements and contemporary issues in international sports law, but also discuss Asia's meteoric rise in the world of sports.

2. **ADNDRC CONFERENCE, 11TH SEPTEMBER 2019**

The Hong Kong International Arbitration Centre will be hosting 2019 Asian Domain Name Dispute Resolution Centre ("ADNDRC") Conference at the Marco Polo Hotel in Shenzhen, China, to address emerging issues in domain name dispute resolution. The theme for this year's Conference is Manage Domain Names and Trademarks in the E-business World. Since its inaugural conference in 2005, the ADNDRC Conference has provided a unique forum for participants to exchange views on hot topics on domain name dispute resolution, bringing together in-house counsel, barristers, solicitors, arbitrators, domain name experts, and senior executives of major local and international corporations. As the current Secretariat and a member of the ADNDRC, the AIAC will be actively participating in this event which will be conducted in both English and Mandarin.

3. **INVESTMENT ARBITRATION EVENING TALK, 11TH SEPTEMBER 2019**

An evening talk with a leading Malaysian investment arbitration practitioner on the fundamentals of investor-state dispute settlement and how the Comprehensive and

Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Regional Comprehensive Economic Partnership (RCEP) will shape the investment arbitration landscape in the future.

4. **ALTERNATIVE DISPUTE RESOLUTION FOR FINTECH, 18TH SEPTEMBER 2019**

A joint panel discussion co-organised by the AIAC and LawTech Malaysia, this session will explore ADR as a means for resolving Fintech disputes without the need for court litigation, and its feasibility in helping parties preserve business relationships whilst achieving time and cost-efficient resolutions to Fintech disputes.

5. **AIAC, BAR COUNCIL, CIARB JOINT CONFERENCE, 4TH OCTOBER 2019**

Centered on the theme “Developing a Career in International Arbitration”, the above event will be an inaugural joint conference between the AIAC, the Bar Council of Malaysia and the Chartered Institute of Arbitrators, Malaysia.

6. **2019 KUALA LUMPUR SUMMIT ON COMMERCIAL DISPUTE RESOLUTION IN CHINA, 17TH OCTOBER 2019**

The AIAC will be co-hosting the abovementioned conference with the Beijing International Arbitration Centre (“BIAC”).

THE AIAC’S CAPACITY BUILDING AND OUTREACH INITIATIVES

As part of the AIAC’s Capacity Building and Outreach Initiatives, the members of the AIAC Legal Services Team regularly present or moderate at conferences or deliver lectures to both students and experienced practitioners, both locally and internationally, on a broad range of topics. Aside from the talks given at the AIAC by the Legal Services Team about its products and services, between October 2018 and August 2019, the AIAC Legal Services Team participated in the following external speaking engagements:

1. Lecturer, “Course on Understanding International Investment Law and Dispute Settlement – Session 5: Jurisdiction, Admissibility and Proceural Issues in Investor-State Arbitration”, Judicial and Legal Training Institute (ILKAP) (3rd October 2018)
- Speaker, “The AIAC: Recent Initiative and Developments – Engaging the World”, 57th Annual Session of the Asian-African Legal Consultative Organization, Tokyo, Japan (8th-12th October 2018)
2. Keynote Speaker, “Conference on ‘International and Domestic Arbitration: Current Scenario and Way Ahead”, IITARB, Chennai, India (26th October 2018)
3. Speaker, “The New York Convention in the Age of the Belt & Road Initiative”, International Conference on Celebrating the 60th Anniversary of the New York Convention, Beijing (3rd November 2018)
4. Speaker, “AIAC’s Growth in Becoming A Niche ADR Centre in the World”, Lancang-Mekong Cooperation International Arbitration High-End Forum and Opening Ceremony of Lancang-Mekong International Arbitration Centre, Yunan, China (9th – 11th November 2018)

5. Speaker, “Mooting Workshops and Alternative Dispute Resolution”, Universitas Zainal Abidin, Malaysia (November 2018)
6. Keynote Speaker, “Evolving Asia: New Frontiers in Dispute Resolution”, International Arbitration Conference 2018, Penang, Malaysia (6th December 2018)
7. Speaker, “Memorial Research & Writing”, KPUM Mooting Workshop 2018/19 (Kuala Lumpur) (15th December 2018)
8. “Careers in International Arbitration: Reflections from the Front Lines”, ICC YAF – AIAC YPG Conference, AIAC, Kuala Lumpur (21st March 2019)
9. “The Fundamental of International Legal Business practice” IBA Conference, Japan Federation of Bar Associations, Tokyo, Japan (27th February 2019)
10. “Managing the Exploitation of Confidential and Business Information by Employees”, Legal 500 Malaysia Summit (Moderator), Kuala Lumpur, Malaysia (28th March 2019)
11. Keynote Speech, Opening Ceremony of Mediation Skills Course, Kuala Lumpur Malaysia (30th March 2019)
12. “Introduction to the AIAC”, INTA Roundtable on WIPO Mediation and Arbitration Rules, Shearn Delamore & Co., Malaysia (1st April 2019)
13. “Dispute Resolution for Transportation of Goods: Conventional and Alternative”, Laws of Shipping and Admiralty: Are We in Sink?, UiTM Shah Alam, Malaysia (11th April 2019)
14. “Arbitration in Malaysia: Visit from Attorney General’s Chamber Brunei and Attorney General’s Chamber Malaysia, AIAC, Kuala Lumpur (12th April 2019)
15. “AIAC’s Drive and Innovation”, Shanghai International Arbitration Forum (Panel Speaker), China (20th April 2019)
16. “Independence and Impartiality in Arbitration”, Introduction to ADR, Taylor's University, Malaysia (19th May 2019)
17. “The Singapore Mediation Convention and its Implications”, Introduction to ADR, Taylor's University, Malaysia (19th May 2019)
18. The African Arbitration Academy, London, England (14th-15th June 2019)
19. “Unconscious Bias in International Arbitration”, ArbitralWomen, AIAC (26th June 2019)
20. Keynote Speech, Certificate Presentation Ceremony of Mediation Skills Course, Penang, Malaysia (30th June 2019)

21. “The Role Of In-House Counsel And Company Secretaries In The Emerging Asian Arbitration “Ecosystem”, 2nd Annual General Counsel & Company Secretary (Panellist Speaker), Kuala Lumpur (18th July 2019)
22. Panelist, “Risk Management and Dispute Prevention”, Malaysia-China Belt and Road Economic Cooperation Forum 2019, Kuala Lumpur (8th August 2019)

The AIAC Legal Services Team has also showcased its products and services to visiting universities and external parties between October 2018 and August 2019 including the following visitors:

1. Visit from Embassy of Netherland
2. Visit from University of Brawijaya
3. Visit from University Lancang Kuning
4. Visit from Universiti Kebangsaan Malaysia
5. Visit from Universiti Malaya
6. Visit from Universiti Sultan Zainal Abidin
7. Visit from Attorney General’s Chambers of Malaysia and Attorney General’s Chambers of Brunei
8. Visit from International Islamic University Malaysia
9. Visit from Head of Legal, Streamline Studios
10. Visit from Taylor University
11. Visit from Justitia Training Centre, Indonesia
12. Visit from the Dutch Business Council
13. Visit from Monash University
14. Visit from Guangdong Lawyers Association
15. Visit from Judicial Service of Ghana
16. Visit from Summer Interns at Lee Hishammuddin Allen & Gledhill
17. Visit from the Selangor State Syariah Judiciary Department

AIAC’s STATE OF THE ART FACILITIES

Coupled with cutting edge features and facilities, the AIAC remains one of the most affordable options for parties as it offers competitive rates as a venue for hearings and takes

the lead in the quantity of its offering of hearing rooms. Specifically, the Global Arbitration Review (“GAR”) Survey of 2nd January 2019 indicated that the AIAC has the cheapest facilities and the greatest number of hearing rooms amongst all the arbitration institutions surveyed.

DISSENTING JUDGMENT IN THE MALAYSIAN CASE OF LEAP MODULATIONS

On 9th November 2018, the AIAC welcomed the decision of the Federal Court of Malaysia, being the apex Court in Malaysia, to expunge from the records, comments made pertaining to the AIAC in certain paragraphs of a dissenting judgment of a judge in the Court of Appeal in the Civil Appeal case between Leap Modulations Sdn Bhd v PCP Construction Sdn Bhd. The Civil Appeal case arose from an application as between the parties to the matter, for an enforcement and stay of the Adjudication Decision delivered pursuant to the Construction Industry Payments and Adjudication Act 2012.

In his dissenting judgment, the judge dealt not merely with the factual matters arising in the case between the parties in the case, but also went on to make adverse comments and allegations against the AIAC and its then Director. The AIAC, although not being a party to the High Court and Court of Appeal proceedings, was subject to unwarranted derogation and censure in respect of matters which were not raised by any of the parties to the proceedings nor the other judges whether orally or in writing. None of the matters relied on by the judge in making the remarks were put as evidence before the Court as they were not addressed or referred to at all by the parties. The AIAC was not given an opportunity to defend itself or its then Director from the comments, statements, observations and orders issued by the judge in the dissenting judgement, and there was indeed, a manifest breach of the principles of natural justice and the fundamental right of being heard – to the detriment of the AIAC.

The decision of the Federal Court to expunge those portions of the dissenting judgment was made upon an application by the AIAC, filed on 3rd July 2018, for leave to intervene at the Federal Court, which was granted. Any citation of the expunged paragraphs of the Leap Modulation dissenting judgment would be in contempt of the order of the Federal Court of Malaysia.

CONCLUSION

As the AIAC enters its 41st year of existence, emerging from a successful rebranding, the Centre remains committed to its desire to build upon the trust placed in us by the domestic and international ADR community. For the next year, we propose to revisit old-age principles of quality over quantity, and a recalibration of the Centre’s mission and purpose, focussed on being a trusted provider of quality ADR services to better cater the ADR world. The AIAC is nevertheless, cognizant of industry demands for innovation and adoption of best practices that it keeps at pace with.

These are our testaments in spearheading the ADR ecosystem in Asia and beyond in past, present, and future trajectories. We believe that growth and opportunity go hand in hand with changes. The AIAC looks forward to continue its promotion and facilitation of cost and time efficient ADR proceedings through the administration of cases and also continue its work with global ADR stakeholders in capacity building / training programmes and business development projects in both common and civil law jurisdictions. As the AIAC continues its

pursuit to become the preferred arbitration and multi-service global hub for ADR, it is grateful for the ongoing support of many of its stakeholders.

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

Message from the Director

2019 is CRCICA 40th Anniversary. During these years, and since its establishment, CRCICA worked to develop arbitration and ADR mechanisms in the host state and in the region, through adopting best practices in case management, providing training, and increasing ADR and arbitration awareness in Africa and Asia.

The period from October 2018 until September 2019 was a very important and interesting period for CRCICA. In addition to organizing successfully its biennial world international conference on the Role of State Court in International Arbitration”, CRCICA also organised, for the first time, two events at Dubai arbitration week in November 2018. In April 2019, CRCICA won the GAR award of “**an arbitral institution that impressed**”.

By the end of 2018, CRCICA opened its renovated offices which includes offices of the case management department, the conferences, external relations and training department, and the financial and administrative department. CRCICA has already inaugurated, in March 2016, its renovated Conference Centre and had opened, in 2013, its fully renovated hearing centre.

CRCICA caseload in 2018 witnessed an increase compared to 2017, since 77 new cases were filed in 2018, compared to 65 in 2017. Disputes related to construction cases also ranked on top this year. CRCICA caseload continues to cover a vast variety of economic sectors, the disputed contracts included contracts for works, construction, media and entertainment, services, lease and supply agreements, real estate, sale and purchase of shares, hotel management and franchise agreements.

In 2018 and 2019, CRCICA continued its regional and international contributions to the development of both international arbitration and mediation. This period witnessed a special focus on Africa and Asia. In May 2019, CRCICA hosted and contributed to a training course organised by the African Union on “the Settlement of Disputes: The African Continental Free Trade Area”. CRCICA also organised delivered several training programs in the Middle East and North Africa.

2019 also witnessed the **launch of the CRCICA Young forum** for young arbitration practitioners from Egypt, Africa, the Middle East and Worldwide. I hope this forum helps raising the awareness of younger generations to the rising importance of arbitration and mediation, and their important role in attracting foreign investments in the region and contribute to economic and social development.

I hope that 2019 and the beginning of 2020 witnesses the completion of many ambitious projects that have already started: the production of a documentary tracing the role of arbitration in economic development in Africa and Asia, and the full operation of an archiving software and a 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.

CRCICA wins the "GAR Guide to Regional Arbitration Award for an Arbitral Institution That Impressed" at the 9th Annual GAR Awards Ceremony:

On 4 April 2019, in the “largest ever GAR awards” ceremony held in Paris, CRCICA was awarded the GAR Guide to Regional Arbitration Award for **“arbitral institution that impressed”**. The award was won for CRCICA’s commitment to improving diversity not only in the appointment of arbitrators, but also when promoting its own staff, and for being *“one of the most reasonable priced institutions around.”*

It is worth noting that in 2013 CRCICA also won the prestigious GAR Award for the up-and-coming regional institution "in recognition of its great strides in the past year". In 2016, for the third consecutive year, the GAR enrolled CRCICA as one of four regional institutions in the Middle East and Africa that are worth a closer look and worth considering for the right case. In 2017, the GAR topped CRCICA on the White List for Middle East and Africa together with another institution.

SHARM EL SHEIKH VII, the World’s Sole Biennial International conference on “The Role of State Courts in International Arbitration: Unprecedented Number of Sponsors and Participants

CRCICA held its seventh World’s Sole Biennial International Conference on “The Role of State Courts in International Arbitration- SHARM EL SHEIKH VII” on 9-10 December 2018 at Savoy Hotel, Sharm El Sheikh, Egypt. This event was the seventh of highly successful international series of conferences being held biennially since 2005 in cooperation with the United Nations Commission on International Trade Law (UNCITRAL), the International Federation of Commercial Arbitration Institutions (IFCAI) and the Arab Union for International Arbitration (AUIA).

SHARM ELSHEIKH 2018 was sponsored by 32 firms and organizations from 10 countries. Youssef & Partners have GOLD SPONSORED the Conference for first time this year. The Conference’s silver sponsors were Shahid Law Firm and Matouk Bassiouny & Hennawy. The Bronze sponsors were Shehata Attorneys at Law, Al Tamimi & Co., Aztan Law Firm, Obeid Law Firm, Ali & CO., and Fahad Elrefaei & Partners Consulting & Law Firm. Lunch was supported by Nassar Law. Supporting Organizations were a mixture of law firms, regional arbitration institutions, arbitration forums and consulting companies. Law firms and consulting companies included Mayer Brown, Rizakana & Partners, Jaber Law Firm, Mahmood Hussein Law Firm, Hassouna and Abu Ali Attorneys at Law, Karim Adel Law office, Badran Law Office, Kosheri, Rashed & Riad- Legal Consultants & Attorneys at law, BDO Legal, and Quantum Global Solutions. Arbitration institutions and legal organizations included the Bahrain Chamber for Dispute Resolution (BCDR), the Riyadh Chamber and the AEJF. The Conference was also supported by an unprecedented number of African organizations and forum: the APAA, Africa Arb, the AAA, and the East Africa International Arbitration Conference. Media partners were GAR, Law TV, Lex MEA, the I-Arb Africa, and TDM OGEMID.

The agenda included important topics related to the arbitration practice and relationship with state courts. The topics covered controversial issues in Egypt, the Middle East, Africa and worldwide, for instance, the enforcement by state courts of the interim measures and the decisions of the emergency arbitrators, challenges facing the parties in the post-arbitral phase, and sovereign immunity against enforcement of arbitral awards according to the law and case

law in France, Belgium, the United Kingdom, the United States and the OHADA. The 2018 Conference also included an important session on investment arbitration, focusing on the role of state and regional courts in investment arbitration. The Conference also witnessed the celebration of the 60th Anniversary of the New York Convention in its second day.

The conference was attended by 234 participants from 28 countries: Austria, Bahrain, Belgium, Cameroon, Canada, Chile, Egypt, France, Germany, Iraq, Italy, Jordan, Lebanon, Morocco, Nigeria, Palestine, Qatar, Rwanda, Saudi Arabia, South Africa, Spain, Sudan, Sweden, Switzerland, Syria, Tunisia, the United Arab Emirates, the United Kingdom and the United States.

CRCICA Launches its Young CRCICA Forum:

On 27 March 2019, CRCICA organized the Young CRCICA Forum Launch Event by a seminar titled: “The New frontiers of Arbitrability: Expansion and Diversity”. Similar to youth forums of other international arbitral institutions, Young CRCICA aims to help the younger generations develop their skills, gain knowledge, network with experienced practitioners, and understand arbitral procedure and other dispute resolution mechanisms.

Board of Trustees Meeting:

On 9 December 2018, the CRCICA Board of Trustees (BOT) held its annual meeting in Sharm El Sheikh, Egypt. The meeting was presided by Dr. Nabil ELARABY (Chairman) and attended by Prof. Bernardo M. CREMADES (Spain), Prof. Dr. Fathi WALY (Egypt), Prof. Dr. Hani SARIE ELDIN (Egypt), Sheikha Haya Rashed AL KHALIFA (Bahrain), Mr. Michael SCHNEIDER (Germany), Prof. Dr. Mohamed ABDEL RAOUF (Egypt), Prof. Nassib ZIADÉ (Chile - Lebanon), Dr. Nayla Comair OBEID (Lebanon), Mr. Philippe LEBOULANGER (France), Mr. Ulf Franke (Sweden) and Dr. Ziad BAHAA-ELDIN (Egypt). In representation of CRCICA, Dr. Ismail Selim, Director and Dr. Dalia Hussein, Deputy Director attended the meeting. During the meeting, CRCICA Director provided a presentation to the BOT on the Centre’s activities and caseload in 2017-2018, the administrative and managerial developments in 2018 as well as excerpts of its audited financial statement of operations for the year ending on 31 December 2017.

CRCICA Advisory Committee: New Members and Meetings:

Three new members were nominated as members of CRCICA Advisory Committee during the second quarter of 2019, namely, Dr. Karim Youssef, Managing Partner and Head of International Arbitration & International Law, Youssef & Partners Attorneys (Egypt), Mr. Ahmed Ouerfelli, Attorney at Law, Former Presidential Legal Advisor, Former Judge (Tunisia), and Mr. Lijun Cao, Head of Zhong Lun’s Arbitration Practice (China).

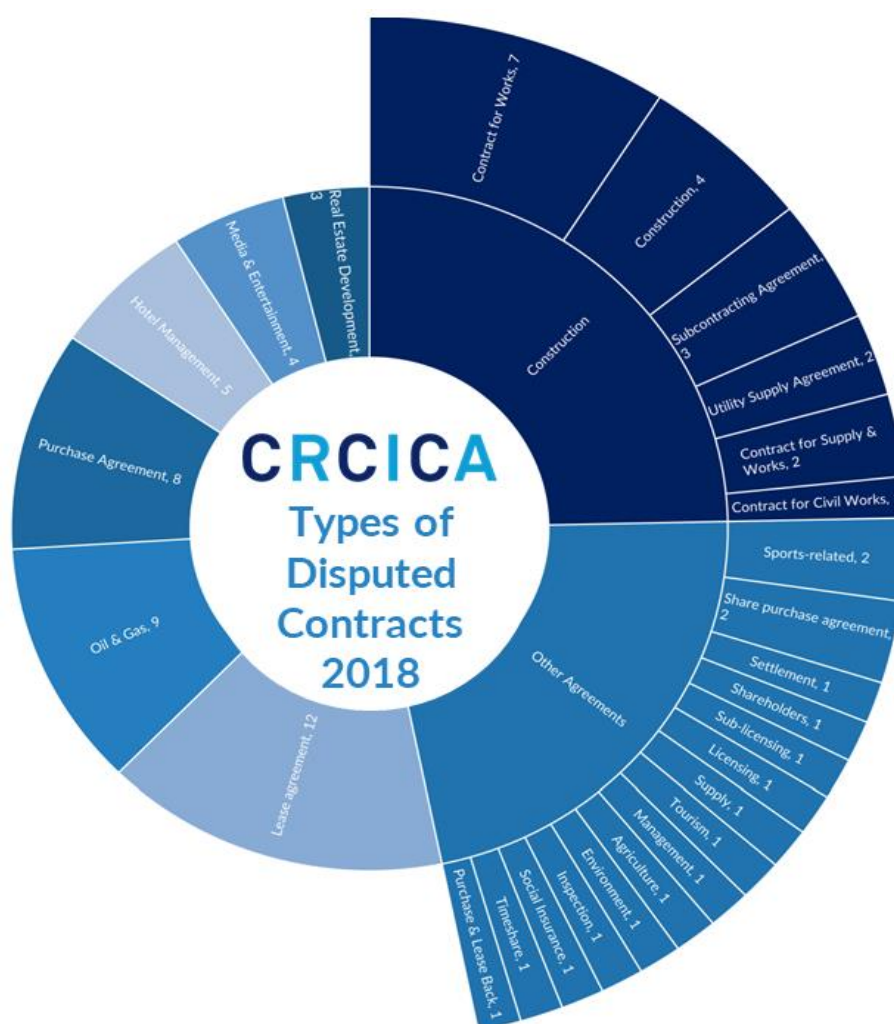
From October 2018 until 15 September 2019, CRCICA Advisory Committee held 4 meetings: on 8 December 2018, 10 January 2019, 21 April 2019, and 22 July 2019. The meetings discussed various topics and issues related to case management. A new “availability form” was approved in order to ensure the availability of appointed arbitrators to hear and decide the cases. Amendments to CRCICA Practice Notes and to the By-laws of the Committee were also approved.

CRCICA's Caseload in 2018 and until 15 September 2019:

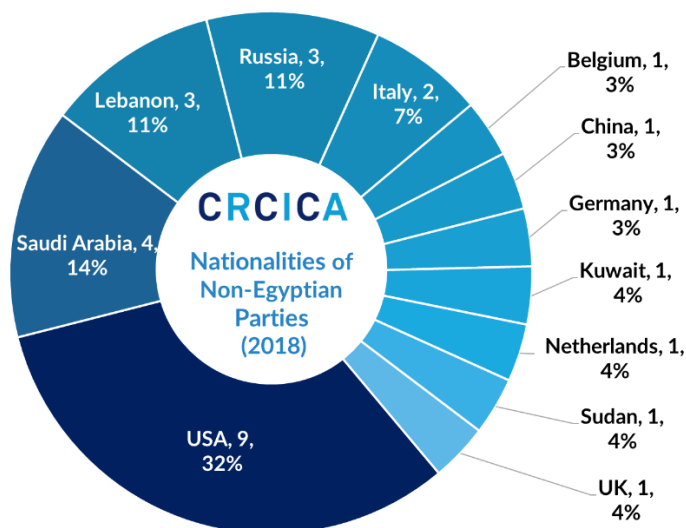
Caseload of 2018:

The total number of cases filed before CRCICA until 31 December 2018 reached 1303 cases. In 2018, 77 new cases were filed, compared to 65 in 2017. Further, 2 mediation cases were registered in 2018 compared to a single one in 2017. One of the mediation cases relies on a dispute settlement provision in a Bilateral Investment treaty.

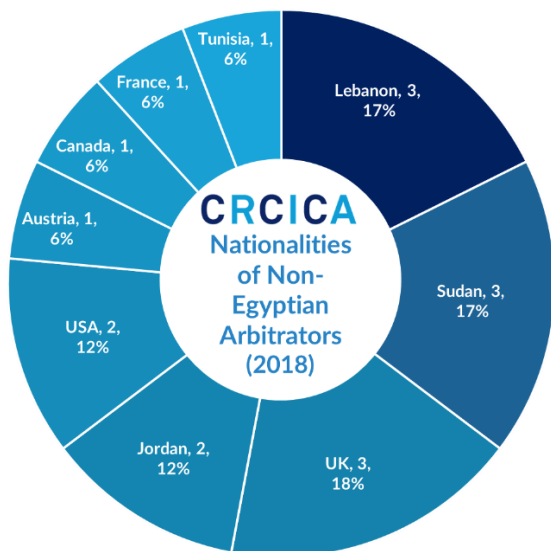
The Centre's caseload during 2018 involved disputes relating to various sectors including: Oil & Gas, Construction, Media & Entertainment, Sports, Real Estate Development, Agriculture and Tourism.



Disputes arising from the Construction Sector, including construction contracts, contracts for works and utility supply agreements, ranked on top with nearly 25% of the total number of cases, compared to 32% of the cases in 2017. As in 2017, these were followed by disputes arising out of lease agreements, which made up nearly 16% of the total number of cases. Oil & Gas related disputes in 2018 ranked third, representing nearly 12% of disputes, closely followed by disputes arising out of purchase agreements and those relating to Hotel Management and Sports.



The parties to disputes included 28 Non-Egyptian parties. Parties from the USA ranked on top of Non-Egyptian parties referring their disputes to the Centre, with 9 US parties, followed by parties from Saudi Arabia and then parties from Lebanon and Russia. There were also parties from Italy, Belgium, China, Germany, Kuwait, Netherlands, Sudan and the UK. It is worth noting that these conservative figures do not include Egyptian companies owned or ultimately controlled by non-Egyptian shareholders.



2018 also witnessed the appointment of 17 Non-Egyptian arbitrators, with the number of arbitrators coming from the UK, Lebanon and Sudan coming at the top. There were also arbitrators from Austria, Canada, France, Jordan, Tunisia and the USA. For the cases registered in 2018, 11 female arbitrators were appointed, compared to 9 female arbitrators cases registered in 2017. 13 arbitrators aged under 40 appointed during 2018 as co-arbitrators as well as sole arbitrators. A number of the arbitrators under 40 were also female arbitrators as well.



These numbers and percentages, though both still modest, show a tendency to increase female appointments by the CRCICA as well as by parties and co-arbitrators. In fact, 2018 saw the composition of an all-female tribunal. Similarly, in a case where both co-arbitrators were male, their chosen presiding arbitrator was a woman.

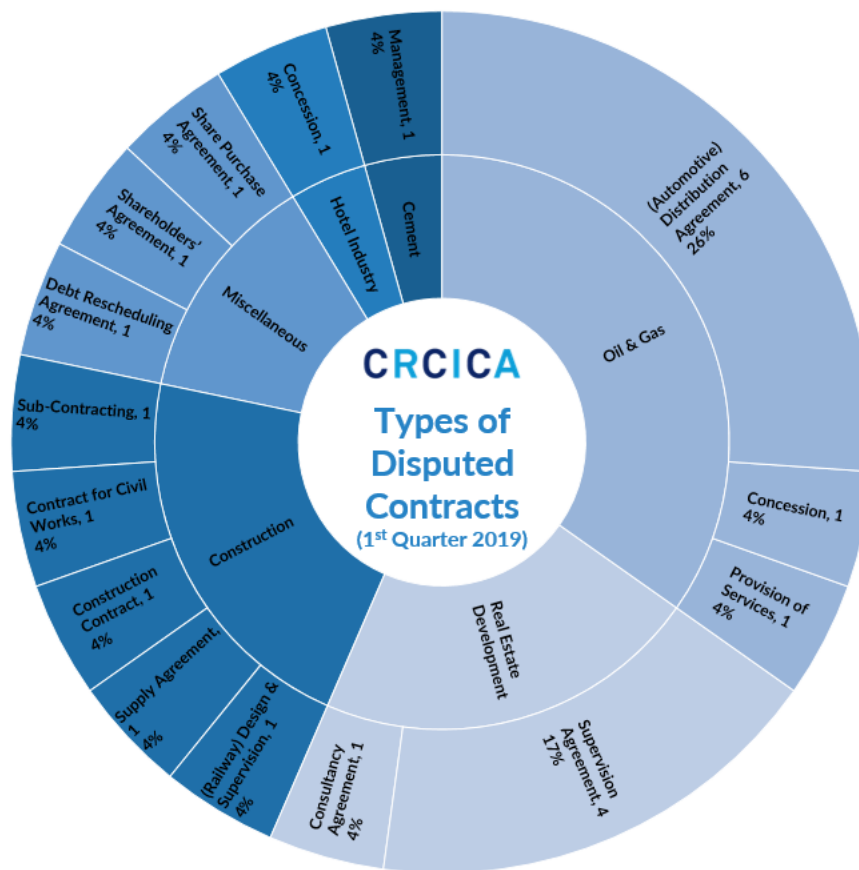
In implementation of CRCICA's regional diversity policy, 2 arbitrators from Tunisia and Sudan were appointed in cases registered in 2018 where the language of arbitration was Arabic, compared to 2 arbitrators from Nigeria and Sudan appointed by the CRCICA in 2017 in cases where the language of arbitration was English and Arabic respectively.

In 2018, 54 arbitration cases were conducted in Arabic, (i.e. 70%), whereas 23, (i.e. 30%), were conducted in English. The French version of the CRCICA Rules has been issued on 31 March 2017.

Caseload until 15 September 2019:

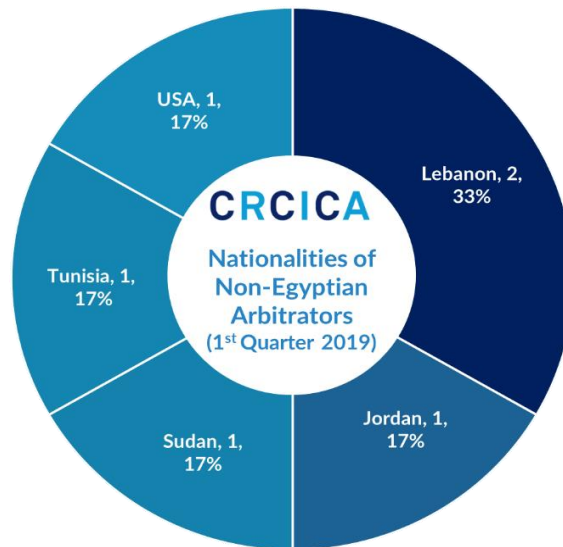
Until 15 September 2019, the total number of cases filed before CRCICA reached 1351.

During the first quarter of 2019, 23 new cases were filed compared to 20 new cases filed the first quarter of 2018. Cases involved disputes relating to various sectors, including Construction, Real Estate Development, Hotel industry, Railway and Oil & Gas.



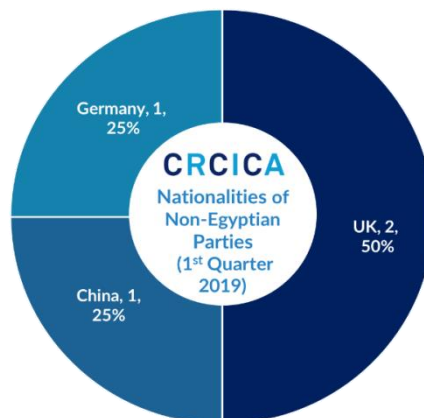
Disputes arising from oil and gas sector the ranked on top with nearly 34.7% of the total number of cases. They were followed by disputes arising out of the construction sector, including construction contracts and contracts for works, and the real estate development sector, each representing nearly 21% of the total number of cases.

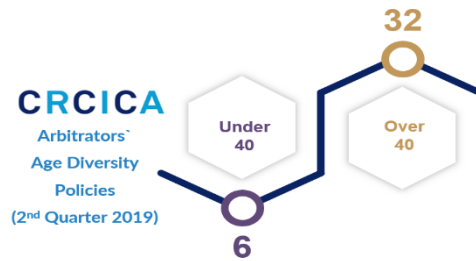
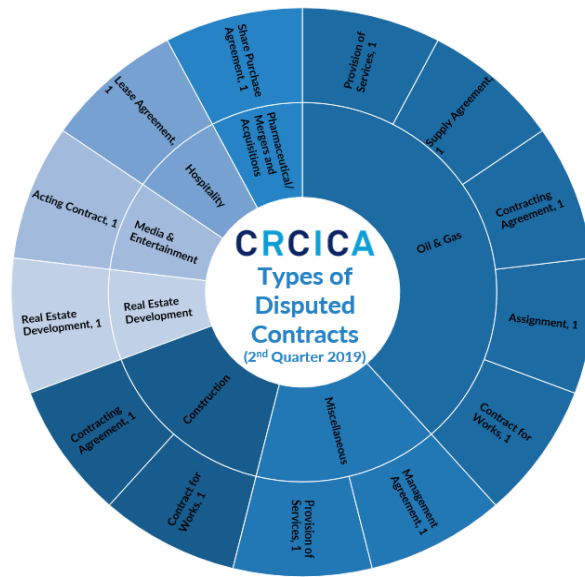
The first quarter of 2019 witnessed the appointment of 62 arbitrators from Egypt, Sudan, Jordan, Tunisia, Lebanon and the USA.



4 arbitrators were female arbitrators and 4 are under 40:

Arbitration proceedings in the first quarter involved parties from China, Germany and the UK. Amongst the 23 cases filed in the first quarter, 5 case, representing 22 %, were conducted in English, while 18 cases, representing 78 %, were conducted in Arabic.





The second quarter of 2019 witnessed the appointment of arbitrators from the Egypt and the UK. Of the 38 arbitrators appointed this quarter, 6 are under 40.

Arbitration proceedings in the second quarter involved parties from China and Egypt. Amongst the 13 cases filed this quarter, 2 cases were conducted in English, 15%, while 11 were conducted in Arabic, 85%.

CRCICA as a Hearing Centre:

In addition to hearings in institutional cases brought under its Rules, CRCICA also hosts a large number of hearings in ad-hoc cases and in cases brought under other institutional Rules, where the Parties select to hold hearings at CRCICA's state of the art hearing centre.

Hearings in 2018:

Throughout 2018, 91 hearings took place at CRCICA's hearing facilities. 81 of the hearings related to cases brought under the CRCICA Rules, 5 hearings related to *ad hoc* cases administered by CRCICA, and 2 hearings, which lasted for several days, related to cases brought under the ICC Rules. CRCICA also hosted a witness to testify remotely to The Grand Court of The Cayman Islands, using live feed of proceedings (*i.e.* video conferencing to visualize the hearing room), real time viewer (*i.e.* live testimony immediately appears on your computer screen as the court reporter writes real-time), and using Opus 2 Magnum electronic bundle solution and by printing and organizing witness' binders. CRCICA has also provided

video conferencing assistance to both CAS and the High Court of London in relation to remote examination and cross-examination of witnesses.

Hearings in 2019:

Until 15 September 2019, 74 hearings took place at CRCICA's hearing facilities. 71 of the hearings related to cases administered by CRCICA, 1 hearing related to a mediation case under CRCICA Mediation Rules, and 2 hearings related to cases brought under the ICC Rules.

CRCICA also hosted witnesses to testify remotely to the ICC, using live feed of proceedings, real time viewer and Opus 2 Magnum electronic bundle solution, in two separate cases.

CRCICA Contribution to International Publications and Events:

CRCICA contributed with a Chapter titled "CRCICA Overview" at the GAR Middle Eastern and African Arbitration Review 2019. The Chapter introduced CRCICA, its activities and caseload, and focused specially on cases related to the media and entertainment sector in light of the development of the legislative framework regulating this sector in Egypt.

CRCICA also contributed to the June 2019 (African Arbitration Association) "AfAA" newsletter by a Brief on its caseload and activities.

Dr. Ismail Selim also contributed to the book published in honor of Professor Eric Loquin, titled "*Droit Sans frontières: Mélanges en l'honneur d'Eric Loquin*" (Law without Borders: Collection in Honor of Eric Loquin) by a Chapter titled "Les règles matérielles adaptées aux besoins de l'arbitrage du commerce international" ("Substantive Rules Adapted to the Needs to International Commercial Arbitration").

CRCICA Partner to a Number of African and International Events

On 15 October 2018, CRCICA and the Riyadh Chamber of Commerce and Industry jointly organized a Seminar on "Commercial Arbitration" hosted by the Riyadh Chamber.

On 22-23 November 2018, CRCICA cooperated with the Libyan Center for International Commercial Arbitration (LCICA) to organize the Second International Arbitration Conference in Libya titled: "The Role of Arbitration and Mediation in Supporting Investments in Libya" held at the headquarters of the Organization of Education, Science and Culture (ALECSO) in Tunis, Tunisia. The conference aimed at highlighting the importance of mediation and arbitration as alternative means to resolve the international disputes to be able to support and attract foreign investments.

CRCICA at the Dubai Arbitration Week for the First Time:

For the first time, CRCICA co-organized and sponsored two events at the Dubai Arbitration Week (11-15 November 2018) hosted by the Dubai International Financial Centre ("DIFC") Arbitration Institute, Dubai, UAE. The first event was the **Seminar titled Arbitration in the Entertainment and Media Industry** organized on 11 November 2018, jointly with HORIZONS & Co. a Seminar.

The second event was held on 14 November 2018 and consisted of a networking lunch and a Panel Discussion on: “Arbitration in Africa,” organized with Al Tamimi & Company.

Fifth SOAS Arbitration in Africa Conference

In February 2019, CRCICA sponsored and participated as media partner at the Fifth SOAS Arbitration in Africa Conference titled: “Best Practices in Arbitration and ADR in Africa”, held at the International Convention Centre, Arusha, Tanzania from 12 to 14 February 2019 and organized by the SOAS University of London, African Institute of International Law (AIIL) (Arusha), Bannaga & Fadlabi LLP (Sudan).

AfAA Board of Directors Meeting and First Annual International Arbitration Conference in Kigali, Rwanda:

In his capacity as member of the Board of Directors of the African Arbitration Association (AfAA), Dr. Ismail Selim, founding member of the AfAA and the sole representative of North Africa in its Board, participated in the AfAA Board meeting held on 2-5 April 2019 in Kigali, Rwanda. The meeting discussed plans and activities to support and fund the work of AfAA.

CRCICA also was a media partner to the AfAA First Annual International Arbitration Conference on: “The Coming of Age of International Arbitration in Africa”, held on 3-4 April 2018. Dr. Selim spoke at the Panel titled: “The Use of African Arbitral Institutions: The Pan African Investment Code Paves the Way”.

CRCICA at the Paris Arbitration Week:

CRCICA participated at the Paris Arbitration Week, held during the week of 1-5 April 2019. Dr. Mohamed Hafez, Counsel and Legal Advisor to the Director, represented CRCICA and spoke at a seminar & round table hosted and organized White & Case (Paris) on 4 April 2019 titled “the Games of Seats: Arbitral institutions in Africa and the Quest for Ascendancy”

CRCICA was also represented by Dr. Mohamed Hafez at the international conference on “Civil Proceedings Today: an International and Comparative Approach ”held at Tunis, Tunisia on 2&3 May 2019. Dr. Hafez spoke at the fifth session on “The Civil Procedure and International Commercial Arbitration”. His presentation was titled “What is the general applicable law to the law of arbitration from the perspective of scholars and jurisprudence in Egypt and Tunisia?”

IFCAI General Assembly Meeting and Biennial Conference:

CRCICA Director participated in his capacity as IFCAI treasurer, at the IFCAI Council and General Assembly Meeting held on 24 May 2019 in Helsinki, Finland. He also spoke at 15th IFCAI Biennial Conference.

The Africa Arbitration Academy:

On 20 June 2019, Dr. Dalia Hussein, CRCICA’s Deputy Director delivered the session dedicated to CRCICA at the AYA’s Africa Arbitration Academy held in London from 3 to 21

June 2019. The session included training on procedural issues raised under the CRCICA Rules, through the study of mock cases inspired by real arbitration cases administered by the Centre. The Academy hosted 24 young arbitration practitioners from different African states.

CIArb Seminars and Conferences

Seminar on Practicing FIDIC in Civil Law Jurisdictions- Application of Time and Additional Payment Provisions on 9 January 2019:

The CIArb Egypt Branch organized a seminar on “Practicing FIDIC in Civil Law Jurisdictions - Application of Time and Additional Payment Provisions”. The Seminar focused on the FIDIC forms of contract as one of the most commonly used standard conditions of contract in international projects and the application of some of their provisions related to time and additional payment in the context of the Civil Law, with special application on the Egyptian Civil Law.

The CIArb MENA Region: An Overview:

On 7 February 2019, the CIArb Egypt Branch organized a seminar on “The CIArb MENA Region: An overview”. Mr. Anthony Abrahams, Director General, Chartered Institute of Arbitrators (UK) was the speaker at the seminar and presented the CIArb plans in the MENA Region as well as the changes it intends to introduce to its training programs and courses. The seminar was attended by about 60 participants representing a diversity of business sectors: construction, engineering, engineering contracts, contract administration, management consultation and lawyers.

Conference on Arbitrating Banking and Finance Related Disputes: A New Paradigm?

On the occasion of the Twentieth Anniversary of the CIArb Egypt Branch, the Branch organized this international Conference, hosted and co-organized by CRCICA on 9 & 10 February 2019.

The Conference shed light on the specificities of banking and financial disputes and tackled the actual and potential use of international arbitration to resolve them.

“Contract Interpretation in International Arbitration - Is There A Common Law/Civil Law Divide of Real Significance?”

On 1 April 2019, the CIArb Egypt Branch organized jointly with CRCICA this seminar. The speaker was Dr. Lawrence Shore, Partner and Team Leader of the International Arbitration Focus Team, Bonelli Erede, Italy, and Former vice Chair of the Executive Committee of the Institute for Transnational Arbitration. More than 110 professionals attended the Seminar from Egypt and Switzerland.

Seminar on: Cost/Contracts Challenges in the Egyptian Construction Industry

On 9 April 2019, the CIArb Egypt Branch organized a seminar on “Cost/Contracts Challenges in the Egyptian Construction Industry”. The seminar addressed common challenges that face the construction industry in Egypt and the possible means to overcome them.

CRCICA Events:

Launching in Egypt of the Project on “the Social and Psychological Underpinnings of Commercial Arbitration in Europe” and Seminar on “The Social and Psychological Underpinnings of Commercial Arbitration” following the launching the project:

During the first week of November 2018, CRCICA hosted a series of interviews conducted by Tony Cole, JAMS arbitrator and reader in arbitration and investment law at Leicester Law School, and Joshua Karton, associate professor and associate dean at the Queen’s University Faculty of Law in Canada, with Egyptian arbitration practitioners. The interviews were conducted as part of the Research Project into “the Social and Psychological Underpinnings of Commercial Arbitration in Europe,” conducted by University of Leicester Law School, funded by the UK Economic and Social Research Council and supported by the Chartered Institute for Arbitrators. This project is reported to be the “biggest empirical research project yet to be undertaken in the field.”

Following the end of the interviews, CRCICA hosted and organized, on 8 November 2018, a seminar titled “The Social Underpinnings in Arbitration”.

Cairo Legal Franchise Workshop and Symposium

On 12 & 13 January 2019, CRCICA hosted and co-organized the first Legal Franchise Events in Egypt and the MENA Region: "Cairo Legal Franchise Workshop and Symposium", Cairo-Egypt. The Workshop and the Symposium were also organized by the Egyptian Franchise Development Association (EFDA) and supported by the International Franchise Association (IFA). Mr. Philip Zeidman, DLA Piper Law Firm, U.S.A, who is named as the father of international franchise law and whose legacy is known to impact the franchise community for decades to come, was the keynote speaker. The agenda focused on the establishment of the franchise requirements and prerequisites, the top legal issues in franchising from regional and international perspectives and on the digital economy’s impact on franchising. Both days were concluded by questions and answers sessions. The Workshop and Symposium were well attended with more than 120 participants and speakers.

African Union Training Course on the Settlement of Disputes: The African Continental Free Trade Area

During the week of 13-17 May 2019, CRCICA hosted and co-organized a Training Course on “the Settlement of Disputes: The African Continental Free Trade Area”. Organized by the African Union (“AU”), the training aimed at raising the capacities of AU member states in arbitration and alternative dispute settlement mechanisms, especially in light of the African Continental Free Trade Area (AfCFTA) and was conducted in the form of interactive discussions. Opening and closing speeches were delivered by her Excellency Ambassador Dr. Namira Negm, Legal Counsel of the AU. Speakers included eminent professors of the Universities of Cairo and Geneva, members of the ICC, ICSD, and UNCTAD and attendees were diplomats and legal officials from 25 African countries.

CRCICA Training Courses

CIArb Course on: The Contract and the Rules of Responsibility and Evidence and on Comparative Commercial Arbitration

In its capacity as a CIArb Recognized Course Provider, CRCICA held during the week of 22 to 29 October 2018, for the third time, Module 1: Law of Obligations and Civil Evidence, and during the week of 16-23 December 2018, Module 2: Law of International Arbitration, under the customized thematic approach “Comparative Commercial Arbitration, Theory and Practice.” The two courses allow candidates who pass successfully the examinations and assignments to apply for the CIArb membership.

ABA Distinguished Lawyers Program: Basic Legal Skills Course

From 2 to 31 December 2018 CRCICA held the Basic Legal Skills Course under the CRCICA/ABA Distinguished Lawyers CLE Program. This program started in October 2016 as a continuation of the ABA Rule of Law Initiative (ROLI)’s CLE scheme in Egypt which ran under the US AID funds from 2009 until September 2016. 7 qualified trainers delivered the modules of the course, namely: client interviewing, legal analysis, legal writing, negotiation, contract drafting, oral advocacy and arbitration. 9 volunteering arbitrators ran the Arbitration Moot organized at the end of the course. Attendees were junior practicing lawyers, contract administrators, contract coordinators, legal researchers, legal interns, and fresh graduates.

Support to Students and Internships:

On 27 March 2019, signed two cooperation agreements with the Faculty of Law, British University in Egypt (“BUE”) and the Faculty of Law, Cairo University. The agreements provide for cooperation in the field of arbitration, holding training programs, and exchanging experience and research.

From December 2018 to February 2019, Ms. Foluke Akinmoladun, Managing Solicitor of Trizon Law Chambers (Nigeria), arbitrator, mediator and a trainee accountant under the auspices of the Association of Chartered Certified Accountants (ACCA UK) has accomplished her internship programme at CRCICA.

CRCICA Institutional Visits:

On 18 March 2019, a senior delegation of the Shanghai Municipal Bureau of Justice at People's Republic of China, a department of the municipal government carrying out guidelines, policies, laws, rules and regulations concerning the judicial administration work in the municipality visited CRCICA. The delegation was headed by its Director General, Mr. Lu Weidong.

III. REPORT ON THE ACTIVITIES OF THE TEHRAN REGIONAL ARBITRATION CENTRE (TRAC)

A. Introduction

This Report, comprising of TRAC's 2018 Activities and 2019 Prospective, hereinafter the "Report", is respectfully submitted to the Fifty- Eighth Annual Session of the Asian-African Legal Consultative Organization (AALCO), which will be held from 21-25 October 2019 in Dar es Salaam, United Republic of Tanzania.

B. 2018 Activities

In 2018, TRAC continued professionally and efficiently its domestic, regional and international contributions to the development of arbitration by managing domestic and international arbitration cases, organizing conferences, seminars and training courses, motivating young students and promoting arbitration in Iran and in the region. TRAC is now recognized in the region for its smooth and professional conduct.

TRAC's major activities during 2018 are summarized as follows:

1. Providing institutional services for administering arbitration cases;
2. Financial management of the Centre, with the goal of complete independence and relocation to new place;
3. Organizing conferences in collaboration with other arbitral institutions:
 - Third TRAC & ISTAC Joint Seminar
 - Third TRAC & SCC Joint Seminar
4. Organizing the third Iranian Commercial Arbitration Moot Court (jointly with Arbitration Centre of Iran Chamber);
5. Organizing the first TRAC Vis Pre-Moot in Tehran;
6. Publication of TRAC new Rules of Arbitration;
7. Internships for graduate students;
8. Appointment of new Arbitrators;
9. Sponsoring Iranian teams in the Annual Willem C. Vis Arbitration Moot;
10. Enlarging TRAC's network throughout the world.

1. Providing institutional services for administering arbitration cases

In 2018, by enlarging its networks, TRAC's arbitration clause has been inserted in various types of international and domestic contracts involving both public and private sectors. Furthermore TRAC administrated effectively its pending cases.

2. Financial independence, with the goal of relocation to new place

Since its establishment in 2005, TRAC has been located in the building of Iran Presidential Center for International Legal Affairs (CILA). This allocation has been in line with the obligations of the Iran government, as provided in “the Agreement between The Government of the Islamic Republic of Iran and the Asian-African Legal Consultative Committee on the Establishment of a Regional Centre for Arbitration in Tehran”. Article V of the said Agreement provides that:

“Until such time that the Centre shall become financially independent, the Government shall make available premises and make an annual grant for the purposes of the functioning of the Centre...”

In the last years, it became one of the main goals of TRAC to reach a certain financial independence so that be able to move to a new place without any affiliation with the government. This goal was only possible by means of effective financial management of the Centre on the one hand, and attracting more arbitration cases, on the other hand. In 2018, TRAC took the ultimate steps toward to this huge goal and became ready to purchase its own place of business. It is TRAC’s prospective to complete this step in 2019.

3. Organizing conferences in collaboration with other arbitral institutions

3.1. Third TRAC & ISTAC Joint Seminar

On February 1, 2018, TRAC and Istanbul Arbitration Centre (ISTAC) hosted the third ISTAC-TRAC joint conference in Istanbul, in cooperation with Derains & Gharavi International Law Firm. The conference composed of two opening remarks, two round tables and a keynote speech.

Mr. Dominique Perben, Former French Minister of Justice and a Partner at Betto Seraglini, and Mr. Rıfat Hisarcıklıoğlu President of the Union of Chambers and Commodity Exchanges of Turkey opened an introduction to the conference.

In the first roundtable, titled as “Emerging Arbitration Institutions: Room and Ingredients for Success?” Professor Ziya Akıncı, President of ISTAC and Dr. Oveis Rezvanian, Director of TRAC introduced two arbitration centers and reviewed some latest development thereon. Dr. Rezvanian also provided an introduction to TRAC new Rules of Arbitration 2018 and unveiled some of its innovative features.

In the second roundtable, titled as “The business and arbitration opportunities in the region? How to improve? How to cooperate?” and moderated by Professor Ziya Akıncı, the panelists shared some thoughts on the improvement of arbitration in the region, namely in Iran, Turkey and Arab countries. The panelists were Dr. Mohammad Jafar Ghanbari Jahromi, Mr. Ayman Odeh and Professor Ercüment Erdem.

After all, Dr. Hamid Gharavi, President of TRAC Board of International Arbitration and the partner of Derains & Gharavi Law Offices delivered a keynote speech in which he highlighted the safeguards that arbitration institutions should create for securing the highest degree of impartiality and independence in conduct of arbitration proceedings. Dr.

Gharavi further provided some practical advices for strengthening the relation between TRAC and ISTAC.

As a half day conference, it was warmly welcomed by legal practitioners, in-house counsel, business people and distinguished scholars.

3.2. Second TRAC & SCC Joint Seminar

The Third TRAC-SCC joint event, titled “International Arbitration in Developing Countries”, was held on September 26, 2018 with participation of ambassadors and counselors of many Asian and European countries as well as Iranian and foreign lawyers, academics and practitioners. In addition to a number of solo speeches, the seminar composed of two challenging and demanding panels.

At the beginning, Dr.Oveis Rezvanian, the Director of Tehran Regional Arbitration Centre (TRAC) and Professor Kaj Hober, the Chairperson of the SCC Board, each greeted the audience with their welcome speeches.

In his speech, Dr. Rezvanian pointed out the key importance of selecting an arbitration institution in commercial transactions and added that still there are many companies and even lawyers that do not pay sufficient attention to the arbitration agreement. According to Dr. Rezvanian, while parties bargain strictly on every single clause of the contract, when it comes to the dispute resolution clause, all they do is to repeat the same name that they have in mind as the arbitration institution, without even knowing the reasoning behind that. Rezvanian further reminded that during last years, some well-known arbitration institutions either stopped to provide services to cases related to Iran, or made lots of problems before Iranian parties, only because the international and political environment was “unfairly” against Iran.

Many cases were in the waiting list for a couple of years and we all know that “delayed justice is denied justice”. According to Rezvanian, the the seminar was about deliver the message that let’s start thinking about different options in the forum, evaluate the advantages and disadvantages, look back to the history and background of the institution, and then make an appropriate selection among the existing institutions.

Rezvanian further suggested that local and small-scale business users might consider regional arbitration centers which many of them proved to be reliable solutions. Plus, they are, in most cases, more efficient than some big names in terms of time and cost. Also if one is a large-scale business user with truly international transactions or it is - for any reason- looking for an institution other than local and regional ones, it should start to get familiar with arbitration institutions with brilliant reputation which their history does not show any sign of misconduct when the international and political weather changes.

Following the welcome speeches, Dr. Pedram Soltani, the vice president of Iran Chamber of Commerce, as the keynote speaker referred to the challenges of doing business in international scene. He, furthermore, emphasized onthe major role of international arbitration in settling commercial disputes. Dr. Soltani described the “arbitration” as a private and specialized method of dispute resolution which is much more efficient as opposed to litigation. Ultimately, he reiterated the fact that arbitration makes the disputes less dependent on the government-affiliated organizations but rather makes it a subject to a more independent method of private adjudication.

The solo speeches followed by the first panel, titled “western arbitration institution’s practice in Iran related cases: ongoing issue”. The panel was moderated by Dr. Mohammad Hossein Tavana, with participation of Professor Kaj Hober, Dr. Moshkan Mashkour and Ms. Kristin Campbell-Willson as the panelists.

At the invitation of Dr. Tavana, Mr. Huber and Dr. Mashkur discussed the dispute resolution mechanisms with regard to arbitration institutions.

According to Dr. Mashkour,” the general principle in arbitration is the recognition of the parties’ freedom”. In this regard, he referred to article 454 of Iran Civil Procedure Code (CPC) and article 19(1) of Iran International Commercial Arbitration Law (ICAL). Dr. Mashkour added “Iranian (whether companies or persons) may validly agree on referring their disputes to arbitral tribunals acting under the rules of Iranian or foreign arbitration institutions and having their seat inside or outside of Iran. On the other hand, foreign parties may have their disputes validly decided by an arbitral tribunal situated inside Iran. Dr. Mashkour further listed the difficulties arising from sanctions at the initial stages of arbitration, during the proceedings or after the hearings. He also proposed that parties can devise an alternative for these situations. For instance, parties can agree on other arbitration institutions with the following conditions: (i) If the Institution is unable or unwilling to set the arbitration in motion within 3 months from the time a request is made by either of the parties, in accordance with the Rules, or (ii) If the arbitral tribunal, once constituted is unable or unwilling to proceed in accordance with the applicable procedural timetable, or (iii) If the arbitration proceedings is interrupted for a period of more than 3 months; or (iv) If any hearing cannot take place; or (v) If no award is issued by the arbitral tribunal within a reasonable time following the conclusion of the hearings.”

Ms. Campbell Wilson, as the last speaker of the panel, initially discussed the subject of Businesses looking for an effective settlement of their disputes. The requirements for such resolutions are quickness, efficiency (proceedings and cost) and trust in the outcome in the sense of transparency and foreseeability. Ms. Campbell Wilson also pointed out the role of the SCC as a facilitator to international business and she said” founded in 1917, SCC has a long history as a forum for arbitration. SSC is an impartial and independent institution and it is part of the Stockholm Chamber of Commerce (SCC), with a Secretariat in Stockholm, International Board.”

After the first panel, in a special part of the event, Dr. Oveis Rezvanian, Director of TRAC introduced new Rules of Tehran Regional Arbitration Centre, and in particular, specified the new features of the Rules 2018 (Expedited Procedure and Emergency Arbitrator) by giving some practical examples.

The second panel, titled “practitioner’s Guide for Selecting the Best institution”, was moderated by Ms. Adinah Abghari and with participation of Dr. Mojtaba Kazazi, Dr. Mehrdad Nazemi and Mr. Sam Jalaei to share their views on this topic.

With Ms. Adineh Abghari’s initial speech on “how parties can select an appropriate institution in order to resolve their disputes”, Dr. Nazemi began his presentation and referred to essential criteria such as efficiency, time and cost as the main factors of selecting

an institution. Ultimately While explaining about each one, Dr. Nazemi illustrated the geographic distribution of arbitration institutions over the world.

As the second speaker, Dr. Kazazi discussed the most important principles of arbitration and also referred to independence as the most critical criterion while selecting an arbitration institution.

Mr. Sam Jalaeias the last speaker of this panel mainly focused his speech on evaluating the Scandinavian institutions as an option for international dispute resolution.

Ocluding remarks of the event was delivered by Dr. Mohsen Mohebi. He thanked the organizers of this professional seminar, and very precisely, evaluated the internal capacity of Arbitration in both countries, and emphasized that this capacity can and should be extended. He also referred to the considerable impact of the sanctions on the arbitration in Iran and the region and further proposed that the parties insert a local arbitration institutions clause in their contracts.

The seminar ended with lunch, allowing the attendees to network with each other.

4. Organizing the third Iranian Commercial Arbitration Moot Court

TRAC is proud to announce that, in 2018, the third Iranian Commercial Arbitration Moot Court has been jointly organized by T R A C and the Arbitration Centre of Iran Chamber of Commerce, Industries, Mines and Agriculture (ACIC) in May 2018 in Tehran and 14 teams participated in this event.

The goal of this Moot Court as of the first one, was 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.

5. Organizing the first TRAC Vis Pre-Moot in Tehran

TRAC is pleased to announce that it held the first Vis Pre-Moot on 7 March 2018 in Tehran. All Iranian teams who attended in Vienna competition, participated in the first TRAC Vis Pre-Moot in Tehran.

The TRAC Vis Pre-Moot provided an opportunity for teams to practice their oral pleadings ahead of the competition in Vienna.

Participating teams pleaded before arbitral tribunal made up of experienced practitioners Sophie Tkemaladze, Jaba Gvelebiani and Nima Nasrollahi.

6. Publication of TRAC new Rules of Arbitration

In March 2018, after thirteen years of experience, TRAC released its new set of Arbitration Rules.

Similar to TRAC's initial Rules (2005), which were based on UNCITRAL Arbitration Rules (1976), the Rules 2018 are essentially based on the new edition of UNITRAL Arbitration

Rules (2010) with some modifications to fit institutional arbitration. Moreover, considering the recent trends in international commercial arbitration and the business users' needs, some innovative features are added in the 2018 Rules. In particular, the Rules provide for an expedited procedure (Article 5), as well as the possibility of rendering emergency interim measures (Article 27 and appendix I).

TRAC Rules permit a vast level of freedom to the parties in order to determine the number of arbitrators, appoint the arbitrator of their choice or define the procedure for their appointment. The parties are also free to agree on different procedural aspects of the arbitration, as well as the substantive law that might be applied by the arbitrators.

According to the TRAC Arbitration Rules 2018, the Interventions of the Centre is limited to minimum and only to the extent necessary to assist the arbitration to proceed.

After public consultation in late 2017, the final version of TRAC Arbitration Rules was sent to the AALCO for acquiring the approval. The new Rules became effective as of 1 March 2018.

7. Internships for graduate students

Similar to previous years, in 2018, TRAC offered internship opportunities to young professionals. The 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 under the supervision of legal counsels.

8. Appointment of new Arbitrators

TRAC panel of arbitrators comprises various experts from all around the world. In 2018, 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 updated list of arbitrators is available on TRAC's website (www.trac.ir) and accessible to users.

9. Sponsoring the Iranian teams in the Annual Willem C. Vis Arbitration Moot

As previous years, TRAC supported and helped Iranian team for participation in the VIS moot court by providing useful information and recommendation as well as organizing a pre-moot in the Centre.

10. Enlarging TRAC's network

As previous years, 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.

C. 2019 Prospective

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 addition, TRAC looks forward to more independence by relocating to a new place. In pursuing this objective, 2018 prospective plan of TRAC is as follows:

1. Relocation to new place

As an international organization and in order to secure the highest degree of independence, TRAC is planning to purchase an office and move its own place. If this goal is achieved, this would become a huge step in the history of TRAC.

2. Exploring new areas

Revision of TRAC Rules of Arbitration and adding new features, together with TRAC relocation will have a great effect on the name of TRAC and encouraging business users to refer disputes to TRAC as a pioneer arbitration forum.

3. Organizing training courses, workshops and seminars and cooperation with arbitral institutes and academic centres

In the accomplishment of its educational duty, TRAC envisages to organize different workshops, seminars, training forums in the field of international arbitration and conclusion of Memorandum of Understanding with different organizations and universities to create awareness about arbitration and motivate young practitioners to advise their clients to benefit of a transnational safe environment for settlement of international commercial disputes.

D. Concluding words

This is a brief rundown of TRAC activities in 2018. TRAC has gained a valuable recognition in the field of international arbitration in the region. TRAC looks forward to enlarge its activities in 2019 and is grateful to the support of AALCO and Iranian government for achieving its goals.

IV. REPORT ON THE ACTIVITIES OF THE NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION (NCIA), 2018-19

A. About NCIA

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.

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.

During the Fifty-Fourth Annual Session in Beijing (China, 2015) the Head of Delegation of the Republic of Kenya noted that the Government of Kenya had shown its commitment to establishing a regional centre by enactment of the Nairobi Centre for International Arbitration Act No. 26 of 2013 to establish the Nairobi Centre for International Arbitration (NCIA).¹

NCIA is governed by a Board of Directors of eminent practitioners, consisting of a Chairperson and eleven members, two of whom are from the East African region. The daily affairs of NCIA are managed by a Registrar.

B. Arbitration and Alternative Dispute Resolution Conferences & Events, 2018 - 2019

In keeping with the mandate of AALCO regional arbitration Centres to promote the practice of international commercial arbitration and other forms of dispute resolution, the NCIA held four sectoral breakfast round table meetings to engage NCIA Arbitration Rules users with a view to improving the efficacy of the Case Administration process. The meetings were held on a monthly basis from March to June 2019.

The Centre participated in an ADR Open day during the Law Society of Kenya Legal Awareness week held on 24th-28th September 2018. The forum provided an opportunity for the Centre to create awareness of the ADR services and facilities available.

The Centre participated in the 6th Devolution conference held on 4th- 6th March 2019. Participation in the conference provided an opportunity for the Centre to create awareness on our lead role on intergovernmental dispute resolution while at the same time mapping out Counties with already existing disputes with a view to engaging them on resolution. The conference enabled the Centre to reiterate its role in creating an enabling environment towards the achievement of the Government's Big Four Agenda.

Participated in the 1st Annual International Arbitration conference from 3-4 April 2019. The conference organized by African Arbitration Association, was held at the Kigali Convention

¹ See, the Report of the Fifty Fourth Annual Session of AALCO, Beijing, People's Republic of China, 13-17 April 2015, p. 321, available at www.aalco.int

Centre in Kigali, Rwanda. The Centre was part of a panel in the conference discussing “**The Use of African Arbitral Institutions: The Pan African Investment Code Paves the Way**” The conference provided an opportunity for the Centre to create awareness of its services as well as share information on the requirements for Arbitrator and Mediator panel listing. It also provided an opportunity for participants to learn about emerging issues in the realm of arbitration and tap to available resources for research.

Participated in the China Arbitration Summit from 16-18 September 2018. The Summit was co-hosted by the Supreme People’s Court of China (SPC), United Nations Commission on International Trade Law (UNCITRAL), China Council for the Promotion of International Trade (CCPIT) and China International Economic and Trade Arbitration Commission (CIETAC). Participation afforded an opportunity for business development through Sino-Africa dispute resolution, assessment of the e-tech case management model and progress discussions with CIETAC for purposes of collaboration.

Participated in the AALCO Seminar dubbed “Reviewing International Reforms to the Investment Regime and to the Investor-State Dispute Settlement Mechanism: Perspectives from the Asian-African Regions” from 19 – 21 November 2018 at the Arusha International Conference Centre in Arusha, United Republic of Tanzania.

Participated in the CIArb (Kenya) Branch international conference from 8-9th November 2018 at Diani, Kenya. The Centre was part of a panel discussing Challenges and Opportunities ADR presents in the resolution of disputes at domestic and international levels. The Centre also shared IEC materials and responded to queries on panel listing and hire of hearing rooms.

C. Collaborations

1. Joint activities with the Kenya Judiciary - (Jan – Jun 2019)

Collaboration with the Judiciary and the International Development Law Organization (IDLO) in development of a National Alternative Dispute Resolution Policy in Kenya.

Collaboration with the Judiciary and the International Development Law Organization (IDLO) and USAID organized national alternative dispute resolution stakeholder forums to discuss the proposal for a National Alternative Dispute Resolution Policy in Kenya. The forums were held in April and July 2019.

2. Signed MOU with the Cairo Regional Center for International Commercial Arbitration (CRCICA) - August 2019

Signed a Memorandum of Understanding with the Cairo Regional Center for International Commercial Arbitration (CRCICA) to deepen the mutual knowledge and understanding of our respective institutions and develop a positive and mutually beneficial relationship in different fields.

D. Educational Activities

1. 1st NCIA Regional Moot Competition, May - June 2019

The Nairobi Centre for International Arbitration organized its 1st ever ***Regional Investment Arbitration Moot Competition on the 30th - 31st May 2019*** dubbed ***“Preparing the Future Today.”*** The competition brought together law faculties from the East African region. The competition pitted the best law schools against each another with each team bringing their A game in a friendly and competitive environment. More than twenty (20) teams were registered with participants drawn from Universities from Kenya, Tanzania, Uganda and Rwanda. The judges were also drawn from top law firms within the region with a view to ensuring fairness and impartiality.

The preliminary rounds were held in the respective countries in well branded and colorful events which were adequately covered on social media. Uganda Christian University from Uganda, Moi University from Kenya, University of Dar es salaam from Tanzania and University of Kigali from Rwanda emerged top to proceed to the semifinal and finals that were held in Nairobi, Kenya on the 30th - 31st May 2019 respectively at the Kenya School of Law. However, only one team can emerge the winner and after battling it out for two days, Moi University took the cup home together with the best memorial. There was also a special recognition of the best orator; Daniella Sarah Khanani from Uganda Christian University.

This is easily the singular platform that currently promotes healthy competition among young lawyers in Kenya whilst fine tuning their advocacy skills. The Centre is always seeking to nurture and support young lawyers through such initiatives and plans to go bigger and organize an All Africa Moot Arbitration Competition are underway.

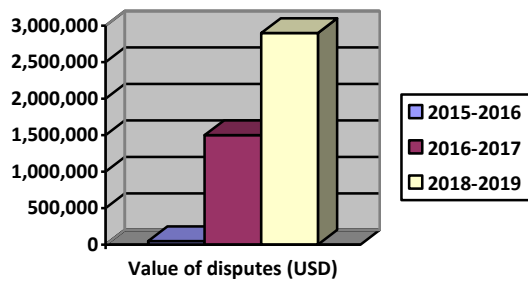
Presentation of trophies and certificates to participating teams.



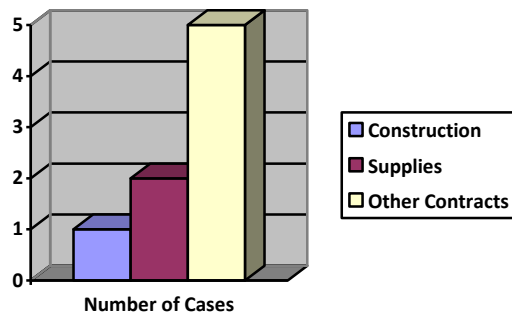
E. Administration of Disputes

The year 2018-19 has continued to record a growth in reference of disputes for administration by the Centre. The disputes totaled in value at USD 2.9 million and varied in nature of disputes from supply and delivery, construction and other commercial agreements.

Year	Value of disputes (USD)
2015-2016	50,000
2016-2017	1,500,000
2018-2019	2,900,000

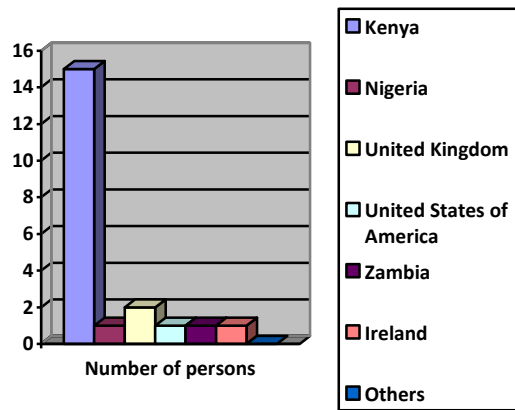


Nature of disputes	Number of Cases
Construction	2
Supply & Delivery Agreements	9
Other Contracts	5



In promoting diversity and neutrality, the Centre in the year 2018-19 empaneled arbitrators drawn from different nationalities. Arbitrator selection for the panel was undertaken throughout the year according to the panel listing standard criteria that includes qualifications, training, and experience in arbitration.

Nationality of Panelists	Number of persons
Kenyan	15
Nigerian	1
United Kingdom	2
United States of America	1
Zambia	1
Ireland	1
Others	0



F. Planned activities for the NCIA

These are some of the activities lined up by NCIA for the remainder of 2019 and early 2020

1. Conclusion of the process for formulation of an Alternative Dispute Resolution Policy through consultative forums September – November 2019.
2. 2nd NCIA International Arbitration Conference 4th – 6th March 2020 to be held in Mombasa.

DRAFT RESOLUTION ON THE AGENDA ITEM

25 OCTOBER 2019

REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

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

Considering the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/58/DAR ES SALAAM/2019/ORG 3,

Noting with appreciation the introductory remarks made by the Secretariat and the report of the Directors of the Regional Arbitration Centres,

Reaffirming the commitment by the Governments of the 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 the 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 the 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 Regional Arbitration Centres to meet at every AALCO Annual Session to enable an exchange of ideas and to report the outcome to the Organization; and
4. **Decides** to place this item on the provisional agenda of the Fifty-Ninth Annual Session.