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**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**



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

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## **I. Introduction**

### **A. Background**

1. At its Thirteenth Annual Session held in Lagos (Nigeria) in 1973, the Asian-African Legal Consultative Organization (AALCO) proposed that in addition to its follow-up of the work of the United Nations Commission on International Trade Law (UNCITRAL) in the field of International Commercial Arbitration, the Organization would 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 favourable 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 so as to enable the Trade Law Sub-Committee during the Kuala Lumpur Session, to formulate principles or model rules for consideration. At the Kuala Lumpur Session (Malaysia) held in 1976, the Trade Law Sub-Committee requested the Secretariat to undertake a feasibility study for establishing Regional Arbitration Centres in the Asian-African region, to be placed before the Eighteenth Annual Session of AALCO.<sup>1</sup>

3. At the Eighteenth Annual Session, held in Baghdad (Iraq) in 1977, discussions were focused on the Secretariat study titled 'Integrated Scheme for Settlement of Disputes in the Economic and Commercial Matters', which envisaged *inter alia*, the establishment of a network

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<sup>1</sup> 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.

of Regional Centres for Arbitration functioning under the auspices of 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.<sup>2</sup>

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:

- (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

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<sup>2</sup> AALCC, 'Report of the Seventeenth, Eighteenth and Nineteenth Session held in Kuala Lumpur (1976), Baghdad (1977) and Doha (1978)' available at: <http://www.aalco.int/scripts/view-posting.asp?recordid=4>

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 (the Islamic Republic of Iran), in furtherance of which an Agreement was concluded between AALCO and the Government of the 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 the 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, the 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.

8. At the Fifty-Seventh Annual Session of AALCO held in Tokyo, Japan (2018) it was resolved that the Secretary-General take an initiative towards establishment of another Regional Arbitration Centre in any interested Member State in the South-African, East-Asian and South-Asian regions in order to serve to those regions better. Willingness was shown by the Government of the People's Republic of China to establish a Regional Arbitration Centre in the Hong Kong SAR, People's Republic of China.

9. Accordingly on 10 November 2021, a Host Agreement was signed between the People's Republic of China and the Asian-African Legal Consultative Organization (AALCO) for the establishment of the Hong Kong Regional Arbitration Centre.<sup>3</sup> The Centre was officially inaugurated on 29 November 2022 and stands united by the ideals of friendship and collaboration with a view to promote the resolution of trade and investment disputes in the Asian-African region.

10. Directors or representatives of the Regional Arbitration Centres regularly participate in Annual Sessions and present their report for preceding year and provide the Member States with an overview of the progress and development of their work, activities and cooperation arrangements.

11. With a view to further the cooperation between the Regional Arbitration Centres, an annual event in the form of the 1<sup>st</sup> AALCO Annual Arbitration Forum the "AAAF" was organized in Kuala Lumpur, Malaysia hosted by the Asian International Arbitration Centre (AIAC) in 2018. The AAAF was conceived as an idea to bring together the Directors or representatives of the Regional Arbitration Centres, representatives of other arbitration institutions and centres, arbitrators, legal practitioners and academics to share their views and experiences with arbitration in particular and alternate dispute resolution. The 2<sup>nd</sup> AAAF was recently concluded in December 2022 and witness active participation from a large group of stakeholders.

**(i) Asian International Arbitration Centre (AIAC), Malaysia**

12. 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

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<sup>3</sup> Agreement between the Government of the People's Republic of China and the Asian-African Legal Consultative Organization (AALCO) on the establishment of the a Regional Centre for Arbitration in the Hong Kong Special Administrative Region of the People's Republic of China (10 November 2022) <<https://www.aalco.int/agreements/Agreement%20between%20AALCO%20and%20Hong%20Kong%20Regional%20Centre%20for%20Arbitration.pdf>> accessed 1 September 2022

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.

13. Subsequently, an agreement was signed between the Government of Malaysia and the then AALCC relating to the Regional Centre for Arbitration in Kuala Lumpur (RCAKL) on 29 July 1981.<sup>4</sup> Thereafter, the Headquarters Agreement for Kuala Lumpur Centre for International Commercial Arbitration was signed on 10 August 1989.<sup>5</sup>

14. In order to formalize the continued functioning of the RCAKL, 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.<sup>6</sup>

15. 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.

16. 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

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<sup>4</sup> This agreement was signed by the then Minister of Commerce and Industry H.E. Tengku Ahmad Rithauddeen on behalf of Malaysia and for AALCC the then Secretary-General Mr. B. Sen.

<sup>5</sup> It was signed by the then Attorney-General of Malaysia H.E. Tan Sri Abu Talib Bin Othman and Mr. F. X. Njenga, the then Secretary-General, AALCC.

<sup>6</sup> 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.

in accordance with MYNIC's Domain Name Dispute Resolution Policy (MYDRP), Rules of the MYDRP and RCAKL Supplemental Rules.

17. 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.<sup>7</sup>

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

18. The first Regional Arbitration Centre in the 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.

19. 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.

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<sup>7</sup> Supplementary Agreement between the Government of Malaysia and the Asian-African Legal Consultative Organization (AALCO) relating to the Regional Centre for Arbitration in Kuala Lumpur (7 February 2018) <<https://www.aalco.int/Supplimentary%20Agreement%20between%20Malaysia%20and%20AALCO%20on%207%20January%202018.pdf>> accessed 1 September 2022

20. 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), the Federal Republic of Nigeria.**

21. 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 own human resource and capital.

22. 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.

23. 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 AALCO and the Federal Government of Nigeria, as a host country.

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

24. 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 (the Republic of Korea), the Delegate of the 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.

25. 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 International Arbitration Centre (NIAC), the Republic of Kenya**

26. It may be recalled that during the Arusha (the United Republic of Tanzania, 1986) and Bangkok (Thailand, 1987) Annual Sessions of AALCO, the representative of the Republic of Kenya had requested 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.

27. During the Thirty-Second Annual Session in Kampala (Uganda 1993), the Head 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.

28. 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, the Republic of Kenya.

29. 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, the Republic of South Africa from 2-6 July 2007.

30. 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.

31. 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.

**(vi) Hong Kong Regional Arbitration Centre**

32. The Hong Kong Regional Arbitration Centre was established recently by a Host Agreement signed between the Government of the People's Republic China and AALCO. The Centre was officially inaugurated on 25 May 2022, by Ms. Teresa Cheng, Secretary for Justice, Hong Kong Special Administrative Region, People's Republic of China. At the inauguration it was stated that the Centre was unique in the sense that not only would it seek to integrate itself into AALCO's dispute settlement system, but also promote the growth and effective functioning of arbitration institutions and other alternative dispute resolution services, including online dispute resolution. It was stated that the Department of Justice, Hong Kong SAR, People's Republic of China looked forward to working with the centre and the legal and dispute resolution community to promote Hong Kong as an international legal and dispute resolution hub.

**B. Activities of the Centres**

33. Although in the beginning, the promotional activities of AALCO's Regional Arbitration Centres were primarily carried out by AALCO, in view of the 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.

34. The AALCO Annual Arbitration Forum (AAAF) which was conceived in 2018 as a forum that brings together the AALCO Regional Arbitration Centres to share views, suggestions and experience in the field of alternate dispute resolution with each other and experts in the field of international dispute resolution. The first AAAF was held in Kuala Lumpur organized by the Asian International Arbitration Centre (AIAC) in 2018. The Second AAAF was organized by the Cairo Regional Centre for Commercial Arbitration (CRCICA) in December, 2022 after a long break due to the Covid-19 pandemic.

35. 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.

36. 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.

37. 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.

38. Such encouragement from the Member States would also go a long way in supporting the work of AALCO's Regional Arbitration Centres.

39. The following part of this Secretariat Report places for consideration the Report of the Directors of the Asian International Arbitration Centre (AIAC), the Cairo Regional Centre for International Commercial Arbitration the Nairobi International Arbitration Centre (NIAC), and AALCO Hong Kong Regional Arbitration Centre(AALCO HKRAC) shedding light on the details of the activities of the Centres in the year 2022-2023.

**I. Report on the activities of the Asian International Arbitration Centre (AIAC)  
(2022-2023)**

## **Report on the activities of the Asian International Arbitration Centre 2022-2023**

### **About the AIAC**

The Asian International Arbitration Centre (“AIAC”), formerly known as the Kuala Lumpur Regional Centre for Arbitration (“KLRCA”) is under the leadership of Datuk Sundra Rajoo for the 2023 to 2025 term. The Minister in the Prime Minister’s Department, through the Legal Affairs Division of the Prime Minister’s Department, has appointed eleven (11) members of AIAC Advisory Board to ensure utmost trust can be placed by relevant stakeholders to the AIAC. The AIAC Advisory Board is chaired by Professor Dato’ Dr. Rahmat Mohamad, former Secretary General of the Asian-African Legal Consultative Organization (“AALCO”).

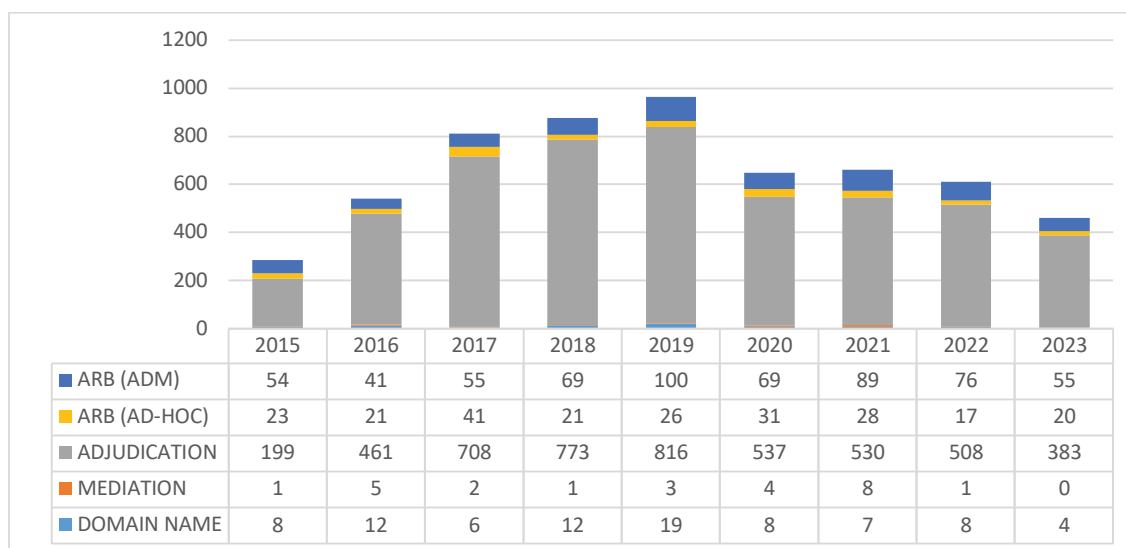
The AIAC has its own suite of AIAC Arbitration Rules covering varied forms of arbitration including conventional and Shariah-based arbitrations. The AIAC also serves as the sole administrative authority for domestic statutory adjudication proceedings under the Construction Industry Payment and Adjudication Act 2012 (“CIPAA”). It has also developed the AIAC Adjudication Rules & Procedure to assist in the administration of adjudication proceedings. In the domain name arena, the AIAC provides domain name dispute resolution services as one of the four offices of the Asian Domain Name Dispute Resolution Centre (“ADNDRC”) to resolve generic top-level domains (“gTLDs”). The AIAC has also been appointed by the Malaysian Network Information Centre Berhad (“MYNIC”) for ‘.my’ domain names.

Apart from the provision of institutional support for domestic and international arbitration and other ADR proceedings, the AIAC extends its services to provide hearing facilities, multi-currency support, fund-holding arrangement, fly-in fly-out exemption and ancillary administrative services to tribunals operating ad hoc or under the auspices of other institutions. 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 Sport (“CAS”) and Permanent Court of Arbitration (“PCA”) alternative hearing centre.

In its ongoing dedication to capacity building and knowledge dissemination within the ADR field, the AIAC organises a diverse array of courses and forums catering to different avenues of ADR. One prominent platform in the AIAC's capacity-building initiatives is the AIAC Young Practitioners' Group (“AIAC YPG”), which fosters collaboration among dispute resolution practitioners under the age of 40 and students with an interest in building careers within the fast-growing and dynamic field of ADR.

### **Statistics of the AIAC**

During the year of 2022, the AIAC recorded a total of 615 cases. The chart below indicates the historical case registration for the calendar years between 2015 and August 2023.



## Activities of the AIAC from July 2022 until August 2023

### Introduction

As a testament to the AIAC's steadfast commitment to remaining at the forefront of industry standards and best practices and to reaffirm the AIAC's commitment to excellence, the AIAC has recently launched its new suite of ADR Rules which are the AIAC Arbitration Rules 2023, AIAC i-Arbitration Rules 2023 and AIAC Mediation Rules 2023. These rules officially took effect on 24<sup>th</sup> August 2023 and rooted from the UNCITRAL Arbitration Rules and Mediation Rules which are time-tested mechanism. The AIAC aims to continue to adopt the evolving practices of leading arbitration jurisdictions.

In its forward-looking vision, the AIAC is poised to expand its range of products and services. The AIAC acknowledges the significance of the considerable expansion and substantial growth of specialised sectors such as maritime, sports, environmental, technology, and more. The AIAC is embarking on initiatives to establish our very own set of rules, regulations and directives for these areas, such as Islamic-Standard Form of Contracts (i-SFC), the Asian Sports Arbitration Rules and etc.

### AIAC's Products

#### 1. AIAC Arbitration Rules 2023 and AIAC i-Arbitration Rules 2023

The 2023 edition of the AIAC Arbitration Rules marks a return to the UNCITRAL framework with simplified and clearer provisions. These Rules aims to offer clear guidance for arbitrators, lawyers, and disputing parties, in order to reduce ambiguity or confusion.

The streamlined procedures and efficient processes embedded within these Rules are designed to expedite dispute resolution. In an era where time is of the essence,

these Rules sought to shorten the duration and costs associated with lengthy legal proceedings. With these Rules, the AIAC endeavour to have a stronger international presence and to cater for the needs of different users from the world.

Overall, the key features of these Rules are as follows:

- (a) Consolidation and Joinder provisions – streamline the process, allowing multiple disputes to be handled in a cohesive manner.
- (b) Technical Review – ensures the enforceability of awards.
- (c) Third-party funding provision – opens new doors for financial support, ensuring that every party can access the justice they deserve and establishes a duty of disclosure if third-party funding schemes.
- (d) Summary determination – accelerates the process and addresses straightforward issues swiftly.
- (e) Settlement negotiations provision – encourages amicable solutions and embraces the power of mediation.

## **2. AIAC Mediation Rules 2023**

With the goal of proving products and services which align with the expectations and demands of the institution's stakeholders, the AIAC has launched a new version of the Mediation Rules 2023.

This 2023 edition of the Mediation Rules offers a simple and streamlined process which empowers parties and mediators to tailor the procedure in order to facilitate efficient dispute resolution. Highlight features include expertise, confidentiality and flexibility.

## **3. Domain Name Disputes**

### **a. Domain Name Dispute Resolutions (DNDR)**

The AIAC has been appointed as a provider by the Malaysian Network Information Centre (MYNIC)'s which administers “.my” to offer domain name dispute resolution services. AIAC has recognised the need to offer dispute resolution services in light of the growing importance of intellectual property rights. Only disputes over “.my” country code top level domain names can be settled through domain name dispute resolution proceedings in Malaysia. This is because only “.my” country code top level domain names can be registered in Malaysia with the Malaysian Network Information Centre (MYNIC).

### **b. Asian Domain Name Dispute Resolution Centre (ADNDRC)**

The Asian Domain Name Dispute Resolution Centre (ADNDRC) is one of only four providers in the world, and the only one in Asia, authorised under the Internet Corporation for Assigned Names and Numbers (ICANN) to provide dispute resolution services in relation to generic top-level domain

names. The ADNDRC handles disputes and provides a diverse and international panel with the Kuala Lumpur office operated by AIAC to resolve generic top-level domains ("gTLDs").

## **Upcoming Products**

### **4. Islamic-Standard Form of Contracts (i-SFC)**

In the recent inaugural Islamic Arbitration Conference 2023 held on 20<sup>th</sup> June 2023, the AIAC launched the world's first Islamic Standard Form of Contracts (i-SFC), which aims to cater to the construction industry internationally and domestically.

The Steering Committees, chaired by Tun Zaki Tun Azmi, and other experts of various backgrounds were formed following the launch of the i-SFC to provide their input into the i-SFC. It is hoped that the launch of the i-SFC at the end of 2023 will cater to the demands of users who are looking for Shariah-compliant construction contracts.

### **5. The Asian Sports Arbitration Rules**

As part of the AIAC's commitment to the growth of the sports industry in the region, it will be launching its very first product dedicated to the resolution of all sports-related disputes in late 2023, i.e., the Asian Sports Arbitration Rules (the "**Rules**").

The Rules feature a comprehensive mechanism for parties within the sporting world to have their dispute on any activity or matter related to or connected to sports heard by an arbitral tribunal. In addition to the guarantee of a *prima facie* expedited arbitration, parties are accorded autonomy in agreeing on the expert neutral(s) to preside over the proceedings. This is further made possible by the AIAC's publicly accessible panel of trained sports experts to assist the parties in selecting the most qualified individual according to the necessity of their case.

Two other notable qualities of the Rules worth highlighting are the AIAC's non-interventionist approach in the conduct of the proceedings and the fees imposed for its administered arbitrations, which are relatively low compared to other institutions offering similar services globally. Parties wishing to arbitrate their sports-related dispute may also refer non-commercial disputes to arbitration under the Rules, specifically that of selection and eligibility nature, which will be governed by a separate appendix altogether.

## **International Conference, Cross-Border Outreach Effort and Signing of Memoranda of Understanding by the AIAC from July 2022 to August 2023**

The AIAC is committed to expand its global presence and advancing its reinternalisation agenda in the field of ADR. The AIAC also recognises the paramount importance of fostering international cooperation and engagement in the field of ADR. In order to make

significant strides in advancing its commitment, the AIAC actively participated in a multitude of international conferences, engaged in cross-border outreach and collaborated with international partners through the signing of Memoranda of Understanding. The details of which are as follows:

#### **A. International Conferences and Cross-Border Outreach**

a)	Dubai Arbitration Week 2022, Dubai	November 2022
b)	Vis International Moot 2023, Vienna	April 2023
c)	APCAM International ADR Summit, New Delhi	May 2023
d)	Courtesy visit to International Chamber of Commerce, Paris	
e)	International Conference of Construction Arbitration, New Delhi	
f)	AALCO-HKRAC Establishment Anniversary and Signing Ceremony of the Memorandum of Understanding (MOU) between SCIAHK and AALCO-HKRAC, Hong Kong	
g)	UNCITRAL, 56 <sup>th</sup> Commission Sessions, Vienna	July 2023
h)	International Conference, Contemporary Development in Arbitration by DY Patil, Deemed to be University, School of Law, Mumbai	August 2023
i)	SIAC Symposium 2023	
j)	UNCITRAL Academy Conference and Industrial Workshop 2023	

#### **B. Memoranda of Understandings**

a)	Between AIAC and ARIAS ASIA	August 2022
b)	Between AIAC and AALCO Hong Kong Regional Arbitration Centre (HKRAC)	May 2023
c)	Between AIAC and Thailand Arbitration Center (THAC)	June 2023
d)	Between AIAC and Istanbul Arbitration Centre (ISTAC)	
e)	Between AIAC and International Commercial Dispute Prevention and Settlement Organization (ICDPASO)	July 2023
f)	Between AIAC and China-ASEAN Legal Research Center (CALRC)	
g)	Between AIAC and the Arbitration Center of Iran Chamber (ACIC)	August 2023
h)	Between AIAC and the International Centre for Dispute Resolution (the International Division of the American Arbitration Association)	

#### **Events organized by the AIAC from July 2022 to August 2023**

The AIAC continued to provide and host a range of events centred on capacity building and disseminating information on ADR. The key events are highlighted and summarised below:

## **A. AIAC Certificate in Adjudication 2022 – 2023**

Having been entrusted as the sole adjudication authority under the Construction Industry Payment and Adjudication Act 2012 (CIPAA), the AIAC is dedicated to organising regular adjudication training programs that equip individuals with the necessary skills to conduct adjudication proceedings.

Two series of certification in adjudication courses were organised in Sabah and Kuala Lumpur on 20<sup>th</sup> August 2022 to 27<sup>th</sup> August 2022 and 21<sup>st</sup> November to 28<sup>th</sup> November 2022 respectively.

It is worth noting that the AIAC Certificate in Adjudication course is recognised under the CIPA Regulations 2014 as a pre-requisite qualification to be empaneled as an adjudicator with the AIAC. Alongside that, the CIPAA Refresher Course was conducted on 22 July 2023 and 29 July 2023 to provide further opportunities for unsuccessful candidates to obtain certificates in adjudication.

## **B. 7<sup>th</sup> AIAC Pre-Moot**

The AIAC, in keeping its annual tradition, successfully organised the seventh edition of the AIAC Pre-Moot 2023 from 10<sup>th</sup> March 2023 to 12<sup>th</sup> March 2023, witnessing over 121 registered participants from 12 countries. This annual flagship event thrived to provide an ideal platform for the mooters to strengthen their oratory skills and preparations for the much anticipated 31<sup>st</sup> Willem C. Vis International Commercial Arbitration Moot in Vienna. This year's Pre-Moot stood as a remarkable milestone achieved by the Centre as we had assumed the lead baton in resuming a full-fledged physical hearing to reconnect with the global ADR community post-pandemic. Through several rounds of high-spirited oratory battles, the National Law School of India University emerged as the champion of the 7<sup>th</sup> AIAC Pre-Moot.

## **C. AIAC Mooting Workshops 2023**

In conjunction with the 7<sup>th</sup> AIAC Pre-Moot, the AIAC, in strong alliance with the AIAC Young Practitioner Group (YPG), organised three consecutive series of the Pre-Moot workshops.

### **i. Session 1 (10<sup>th</sup> February 2023)**

The first session entitled “Drone In, Drone Out: An AIAC Virtual Mooting Workshop”, presented a comprehensive discourse on the substantive and merits of the moot problem, among others, the do's and don'ts of international commercial transactions.

### **ii. Session 2 (17<sup>th</sup> February 2023)**

The second workshop series entitled “Get Your Drone Straight: Manoeuvring Procedural Issues in Moot” served to enlighten the participants on selected common procedural issues in arbitration proceedings.

**iii. Session 3 (24<sup>th</sup> February 2023)**

The final session of the Pre-Moot workshop titled “Strengthening Your Oratory Skills in Moot Competition” shed light on the practical and effective ways to navigate complex moot problems.

**D. International Arbitration Colloquium 2023: State Sovereignty and Immunity in Commercial Arbitration**

Two consecutive Colloquia were successfully organised by the AIAC with the aim of unweaving the historical intricacy as well as dissecting the various legal issues within the infamous Sulu arbitration case.

The inauguration of the Kuala Lumpur Colloquium on 9 May 2023 at the AIAC’s very own Bangunan Sulaiman has garnered overwhelming participation with over 200 physical and 100 virtual attendees. While mirroring the structure of the KL Colloquium, it is notable that the Sabah Colloquium conducted on 4<sup>th</sup> July 2023 canvassed an in-depth analysis of the recent Paris and Hague Court of Appeal decisions on 6 June 2023 and 26 June 2023 respectively.

The upcoming Colloquium will be held in London on 25 September 2023.

**E. Asia ADR Week 2022**

Between 3<sup>rd</sup> and 9<sup>th</sup> October 2022, the AIAC hosted its fourth edition of the Asia ADR Week, centered around the theme “Compassus: The Odyssean Course to Modern ADR”. Aptly with the theme, throughout the conference, the AIAC showcased the strides made in its own Odyssean journey and how in facing new challenges, the AIAC continued to serve its mandated role as a compass in guiding practitioners, stakeholders and businesses in finding their way through conflict resolution.

The AIAC was honoured to be graced with the presence of Duli Yang Maha Mulia Paduka Seri Sultan Nazrin Muizzuddin Shah Ibni Al-Marhum Sultan Azlan Muhibbuddin Shah Al-Maghfur-Lah, Sultan of Perak Darul Ridzuan to deliver his Keynote Address. The Right Honourable Chief Justice of Malaysia, Tun Tengku Maimun binti Tuan Mat, also attended the event and delivered her special address during the opening ceremony of the Asia ADR Week 2022.

Notably, this edition of Asia ADR Week marked a first, as AIAC proudly conducted its flagship event in a hybrid format. Over 100 speakers and more than 300 participants joined both in person and virtually via the Brella platform.

## **F. Asia ADR Week 2023**

Between 24<sup>th</sup> to 26<sup>th</sup> August 2023, the AIAC hosted its fifth edition of the Asia ADR Week centred around the theme “Prism: The Spectrum of ADR”. The theme encapsulated the multifaceted nature of ADR with five core principles: Perspective, Reliance, Innovation, Synergy, and Movement. These principles represent the foundation upon which ADR practitioners from around the world gathered to explore the intricate patterns of dispute settlement. The Asia ADR Week 2023 addressed the frames that magnify ADR's influence on the global stage, shedding light on both traditional approaches to conflict resolution and the ever-expanding horizons of international law.

The event welcomed several distinguished guests, including Deputy Minister in the Prime Minister's Department, Yang Berhormat Tuan Ramkarpal Singh, Professor Dato' Dr. Rahmat bin Mohamad and featured a keynote address delivered by a former Judge of the Indian Supreme Court, Justice Arjan Kumar Sikri. With more than 55 expert speakers and a combined physical and virtual participation of 280 participants, the Asia ADR Week 2023 provided a dynamic platform for discourse, learning, and collaboration. It served as a testament to AIAC's commitment to advancing ADR as a vital instrument for promoting harmony and justice in our ever-changing world.

## **G. AIAC Roadshow 2022**

The AIAC acknowledges the potential for increased inward investments in Malaysia and is committed to addressing issues faced by ADR users from the grassroots level. In this endeavor, outreach programs like the AIAC Roadshow series play a crucial role in enabling users to maximise the benefits of dispute resolution mechanisms.

### **i. Perak (22<sup>nd</sup> September 2022)**

The AIAC team conducted an interactive knowledge-sharing session in the city of Ipoh, engaging with local stakeholders at the WEIL Hotel's ballroom. This full-day event featured presentations on the AIAC's key products, including the AIAC's suite of Rules, Standard Form of Building Contracts (SFC) and Adjudication Rules and Procedures. During this session, attendees had the opportunity to ask questions and seek clarification from the AIAC case counsel team regarding the functionality of these Rules. At the conclusion of the Ipoh roadshow, the AIAC received valuable feedback from more than 50 industry leaders and professionals. This feedback will contribute to the ongoing enhancement of the centre services and further support the construction sector's development.

### **ii. Penang (1<sup>st</sup> December 2022)**

Drawing more than 120 participants from the northern region of Peninsular Malaysia, the roadshow had a common objective: to promote and deliberate on matters related to the advancement of Alternative Dispute Resolution (“ADR”). The AIAC also paid courtesy visits to key stakeholders who played integral roles in the success of the Penang roadshow. These included the Penang Bar and prominent

law firms in the state. Penangites' warm hospitality fostered productive discussions regarding the practical applicability of AIAC products in today's commercial landscape. These insights are invaluable for enhancing the AIAC's role in providing world-class solutions to our stakeholders.

## **H. AIAC CIPAA Conference 2023: Prospects of Adjudication in Malaysia**

On 22<sup>nd</sup> June 2023, the AIAC hosted one of its flagship conferences, i.e., the AIAC CIPAA Conference 2023 entitled: Prospects of Adjudication in Malaysia! (CIPAA Conference). This one-day conference holds tremendous significance as it provides a unique platform for the AIAC and its key stakeholders to come together and drive improvements in legislative, administration and efficiency within the adjudication and construction industry.

During the CIPAA Conference, we heard speakers and moderators from different jurisdictions. The Keynote speech was delivered by YB Tuan Ramkarpal Singh a/l Karpal Singh, Deputy Minister in the Prime Minister's Department (Law and Institutional Reforms) and the closing remarks were delivered by the Honourable Justice Dato' Mary Lim Thiam Suan, Federal Court Judge.

## **I. AIAC Evening Talk Series 2022**

### **i. Joint Venture Arbitrations: Your Divorce, Your Way? (And More)**

On 28<sup>th</sup> July 2022, the AIAC was delighted to host an evening talk entitled "Joint Venture Arbitrations: Your Divorce, Your Way? (And More)". This talk was entertained by expert panel from the UK, Singapore and Malaysia namely, Mr. Roderick Cordara QC, Mr. KC Lye and Ms. Sharon Chong who discussed the issues and challenges of joint venture disputes.

### **ii. An Evening Dialogue on Arbitration**

On 12<sup>th</sup> October 2022, the AIAC was proud to host The Hon. V. K. Rajah (Arbitrator, Duxton Hill Chambers and Former Attorney General of Singapore), Ms. Vera Van Houtte (Independent Arbitrator and Vice President of the ICC Court of Arbitration) and Prof. Robert Smit (Independent Arbitrator and Adjunct Professor of Law, Columbia Law School) for a special Evening Talk session. The panel discussion covered many topics, including inter alia, the different paths in international arbitration to Kuala Lumpur as a hub for international arbitration.

### **iii. The Interplay Between ESG Issues & Investment Treaty Arbitration**

On 26<sup>th</sup> October 2023, the AIAC hosted an evening talk entitled "The Interplay Between ESG Issues & Investment Treaty Arbitration". The participants heard from Ms. Elodie Dulac (Partner, King & Spadling) on the relevant ESG issues and the significant role they play in investment in business and policy-making.

**iv. Document Disclosure and Expert Evidence in Commercial Arbitration**

On 17<sup>th</sup> November 2022, the AIAC was pleased to have The Hon. Wayne Martin AC KC, former Chief Justice of Western Australia, to talk about “Document Disclosure and Expert Evidence in Commercial Arbitration”. Drawing on his experience as a counsel, judge and arbitrator, The Hon. Wayne Martin AC KC discussed the intricacies of document disclosure and expert evidence. He has also shared some best practices that may be utilised to mitigate risks out of the process.

**J. AIAC Evening Talk Series 2023**

**i. Mediating and Arbitrating Family, Family Business, Technology and Intellectual Property Disputes**

On 22<sup>nd</sup> February 2023, the AIAC held the first AIAC Evening Talk Series for the year 2023 with Mr. Michael Cover from ArbDB Chambers, to talk about “Mediating and Arbitrating Family, Family Business, Technology and Intellectual Property Disputes”. Joining him was Ms. Shanti Abraham from Shanti Abraham & Associates. Mr. Cover started the session with a brief introduction and the drafting of ADR clauses in IP contracts. This was followed by an arbitrating and mediating dispute discussion in relation to family and family business as well as technology. He also shared some of his 30 years of experience as a Barrister and Solicitor.

**ii. The New York Convention in a Fractured World – Can International Arbitration Survive the Resumption of History?**

On 14<sup>th</sup> March 2023, the AIAC organised the second instalment of the AIAC Evening Talk Series in the year 2023, entitled “*The New York Convention in a Fractured World – Can International Arbitration Survive the Resumption of History*”. The event discussed the principles underlying the New York Convention and its present application, including the enforceability of arbitral awards in various signatories to the New York Convention. Moderated by Ms. Grace Chaw from Messrs Grace Chaw & Co., the panel of speakers saw prominent arbitrators such as Mr. Toby Landau KC from Duxton Hill Chambers, Mr. Lucas Bastin KC from Essex Court Chambers, and Mr. KC Lye of Breakpoint LLC draw their arguments from professional experiences gathered.

**iii. Unlocking India’s Potential: Navigating the Reforms in India’s Legal Market and Arbitration Laws**

On 27<sup>th</sup> July 2023, AIAC organised an evening talk specifically focused on India’s outlook on arbitration and legal market reforms. The talk featured Mr. Gourab Banerji SA who is a renowned arbitration practitioner presently appointed by the Government of India as an Expert Committee. Mr. Gourab Banerji explored the present trends in the Indian legal market and discussed the possible reforms that are currently being studied by the Expert Committee, arising from policies as well as case laws.

## **K. AIAC September Sports Week 2022**

The annual AIAC September Sports Week (“Sports Week”) reached its fifth edition this year, which featured several sports-centred events to raise the public’s awareness on current industry issues.

The fifth edition of the AIAC Sports Week (“2022 Sports Week”), which took place from 5th September 2023 to 9th September 2023, kickstarted with an opening ceremony in the form of a panel discussion featuring two prominent Malaysian national athletes in cricket and karate respectively, Mr. Harinder Sekhon and Mr. R. Shamendran.

The AIAC organised three webinars entitled “A ‘Metaverse’ of Madness: A Virtual Parallel World That Will Change the Future of Sports”, “Olympic Recap: XXIV Beijing Winter Olympics 2022”, and “In Conversation with Pro Bono Sports Counsels” where the speakers engaged the audience with dialogues on the introduction of technology in sports, particularly the impact of the metaverse, issues and criticisms pertaining to the Winter Olympic Games, and pro-bono legal services in the field of sports.

Furthermore, the 2022 Sports Week included two physical sessions, offering participants the opportunity to engage in a night of recreational activities. The AIAC also had the opportunity to collaborate with the Olympic Council of Malaysia (OCM) and the Sports Law Association of Malaysia (SLAM) on two separate occasions for a panel discussion and trivia night, which each saw a large number of sports enthusiasts attend the events in person. The conclusion of all eight events marked the end of the 2022 Sports Week.

## **L. Insurance Arbitration Workshop Programme 2023**

On 21<sup>st</sup> March 2023, the AIAC organised its inaugural workshop focusing on the arbitration of insurance disputes in collaboration with ARIAS Asia. In consideration of the lack of a platform for discussion on the resolution of disputes predominantly arising out of or in relation to insurance agreements, the workshop brought together stakeholders from within the industry for a one-day affair at the Bangunan Sulaiman.

The speakers spoke on several interesting issues in the realm of insurance, including the nature of insurance and re-insurance in arbitration, the different coverage of insurance in construction, professional indemnity, medical and maritime practices, and the key to drafting good insurance arbitration decisions.

The session received tremendous support from both physical and virtual participants, who engaged in a lively question-and-answer session that saw enthusiastic sharing of knowledge between the participants and the speakers alike.

## **M. AIAC YPG Advocacy Workshop Series 2022**

The AIAC YPG Advocacy Workshop Series was divided into three virtual sessions delving into the different stages and methods of advocacy. This practical and interactive workshop was led by Vee Vian Thien from White & Case, Jagpreet Sandhu from Lalive and Joe-han Ho from 39 Essex Chambers. The learned speakers addressed different styles of substantiating and structuring arguments and held in-depth discussions regarding advocacy strategies. In overall, the workshop series was attended by over 240 participants.

### **i. AIAC YPG Written Advocacy Workshop (7<sup>th</sup> July 2022)**

The workshop focused on the drafting issues arising from particular key documents and procedural stages in an arbitration. The speakers discussed certain recurring issues, including memorial vs. pleading-style submissions, tips for effective written advocacy, and other practical considerations. The audience actively participated through live polls during the workshop.

### **ii. AIAC YPG Oral Advocacy Workshop (1<sup>st</sup> September 2022)**

In its efforts to promote capacity building for young practitioners, the AIAC YPG hosted this workshop centred on the substance and delivery of oral submissions. The speakers placed particular focus on opening, closing, and interim application submissions. Key issues included jurisdictional disputes, addressing foreign law, and effective ways of communicating with the tribunal through demonstratives and multimedia presentations. Similar to the first session, audience participation was highly achieved through polling and breaks in the presentation.

### **iii. AIAC YPG Oral Advocacy Workshop (3<sup>rd</sup> November 2022)**

The last session constituted the second part of the oral advocacy workshop and was dedicated to cross-examination. With the goal of crystalizing real-life settings and expectations within a hearing room or courtroom, this session accommodated a mock hearing with the speakers cross-examining a quantum expert from a leading forensic accounting firm. After a display of different examination techniques and mechanisms, the do's and don'ts of cross-examination were discussed. As with the prior sessions, the audience was actively involved through live polling.

## **N. AIAC YPG Conference 2023**

The AIAC YPG had the pleasure of organising the AIAC YPG Conference 2023 in conjunction with the 7<sup>th</sup> AIAC Pre-Moot on To Kingdom Come: Drawing the Line in Dispute Resolution on 9<sup>th</sup> March 2023. The Keynote address was given by Dr. Túlio Di Giacomo Toledo, representative from the Permanent Court of Arbitration. The first session of the Conference, titled “Sweet Success: Is This Reality Or Just Fantasy?” delved into the risk associated with the enforcement of commercial arbitration awards, the mechanisms employed during the asset tracing process and the intricacies of enforcing awards against States. The second session, which was titled “Your Next

Investment In Construction Projects”, took a close look at the construction sector and the art of simplifying complex issues in order to prevent disputes. Both sessions were led by several distinguished speakers from around the world and resulted in engaging discussions and active audience participation.

#### **O. AIAC Mediation Skills Workshop Series 2022**

In line with the AIAC’s objective of capacity building and following the increased demand for virtual alternatives for dispute resolution, the AIAC conducted a series of mediation workshops, focused on efficient and optimised dispute settlement. The sessions were directed at professionals from all fields and provided tools and insight into the procedure of mediation, its intricacies, nuances and considerations. The participants actively took part in interactive and in-depth demonstrations of real-life scenarios taking place in complex mediation disputes.

**i. Practical Tips in Undertaking the Various Stages of the Mediation Process up to Settlement (16<sup>th</sup> July 2022)**

The workshop provided an overview on the role of mediators in different types of mediations. The learned speakers discussed the enforcement of settlement agreements and shared useful and practical tips for a successful mediation proceeding.

**ii. Drafting the Various Documents in the Mediation Process (10<sup>th</sup> September 2022)**

This workshop was directed at professionals from all fields and focused on the drafting of mediation-targeted documents. The experienced speakers provided insight and details into efficient document drafting and management to maximise the mediation process.

**iii. Practical Tips in Understanding the Various Stages of the Mediation Process Up to Settlement (22<sup>nd</sup> October 2022)**

This special edition of workshop was brought back by popular demand and invited professionals from all fields to walk through the mediation process, while the learned speakers guided the participants through the diverse dynamics that take place in a mediation. The speakers shared abundant tips and knowledge, which resulted in an enriching and engaging workshop for the audience.

#### **P. Arbitration-In-Practice (AIP) Workshop Series**

In the second half of the year 2022, the AIAC, in partnership with the Chartered Institute of Arbitrators (Malaysia Branch) continued with the second edition of the Arbitration-In-Practice (“AIP”) Workshop Series. With a total of six (6) monthly workshops conducted from July 2022 to December 2022, the series aimed to provide practical and professional development training to credited arbitrators. The workshops were also designed in a lecture format with the requirement for advance preparation of case studies as well as breakout discussions with tutors and the conduct of mock

exercises on, amongst others, examination of witnesses, conduct of hearings and drafting of arbitral awards led by selected senior and prominent arbitrators.

In the year 2023, the AIAC launched its third edition of the Arbitration-In-Practice (“AIP”) Workshop Series. There were notable alterations to the workshop format in 2023, with it taking the form of a panel discussion. The first workshop was held in June 2023 titled “The Fundamentals and the Rise of Third-Party Funding in Arbitration” which revolved around examining the necessity of third-party funding in arbitration and the corresponding legal framework.

#### **Q. AIAC Continuing Competency Development (CCD) Workshop Series**

Since the inception of the Construction Industry Payment Adjudication Act (“CIPAA”), the AIAC has played a vital role in the resolution of payment disputes arising out of construction contracts. In line with CIPAA Regulations, the AIAC sets the competency standards and criteria for adjudicators and further certifies the qualified adjudicators. To support these initiatives, the AIAC conducted a total of seven (7) AIAC Continuing Competency Development (“CCD”) Workshops from July 2022 to July 2023.

The AIAC Continuing Competency Development (“CCD”) Workshop Series is designed to be interactive and helpful for both legally trained and non-legally trained individuals who regularly appear and participate in proceedings under the Construction Industry Payment and Adjudication Act 2012. The focused topics of the CCD Workshop Series were selected with the aim of finessing the ability of AIAC-emplanelled adjudicators to deal with all technical, procedural and substantive matters as well as drafting effective pleadings, management techniques in conducting hearing and finally drafting enforceable decisions.

#### **R. Executive Negotiation & Conflict Management Skills Course**

The AIAC was excited to host ADR ODR International (“AOI”) on the 6<sup>th</sup> to 8<sup>th</sup> March 2023 at Bangunan Sulaiman. For the first time out of Dubai, AOI held their Executive Negotiation and Conflict Management Course with both international and local participants. Conducted by Rahim Shamji from the United Kingdom and Dr. Zoe Giannopoulou from Greece.

The course saw delegates focusing on the Theory of Conflict Management, Negotiation Theory and Practice, ending with an examination on the final day. The examination brief, prepared by Dr. Giannopoulou, had also been used by the International Chamber of Commerce (ICC) Paris for their International Negotiation Competition, highlighting the standard the participants were held at.

## **S. Arbitral Women: Developing Personal Brand in International Arbitration**

On 26<sup>th</sup> July 2023, the AIAC hosted an event with Arbitral Women entitled “Developing Personal Brand In International Arbitration”. The event, which was held in a hybrid format, brought together a diverse and expert panel of Crystal Wong, Dr. Vanina Sucharitkul, Tatiana Polevshchikova, Anita Natalia and was moderated by AIAC’s Senior Case Counsel Sharifah Shazuwin. The Panel spoke on how women could build their personal brand within the industry and deftly responded to questions from eager participants, both physically and virtually. The event ended with a lively networking session.

## **T. Islamic Arbitration Conference 2023: Evolving Standards of the Global World**

The Islamic Arbitration Conference 2023 was held at the AIAC on 20<sup>th</sup> June 2023 with the theme, “Evolving Standards of the Global World” to discuss the common issues surrounding Islamic Arbitration, the AIAC i-Arbitration Rules 2021, as well as explore the future of the Islamic Standard Form of Contracts (AIAC i-SFC) in the construction industry.

With the support of organisations such as the International Islamic Financial Market, The Global University of Islamic Finance (INCEIF University), the Chartered Institute of Islamic Finance Professionals (CIIF), Islamic Financial Services Board, IFN Lawyers and the Islamic Banking and Finance Institute Malaysia, the Conference gathered Islamic Finance professionals, regulators, lawyers, and students under one roof. The conference was attended by more than 100 participants virtually across the globe, and a similar number of attendees attended the conference physically at the AIAC.

**II. Report on the activities of the Cairo Regional Centre for International Commercial Arbitration (2022-2023)**

# CRCICA

# Annual

# Report

September 2022- September 2023



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

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## Introduction

This year is marked by three major events: Holding the eighth round of the Sharm El Sheikh biennial conference after four years of interruption hosting the AALCO Second Annual Arbitration Forum, the launching of CRCICA new website, and the finalizing of the draft of the Centre's new arbitration rules, made available to public consultation in June 2023.

The Sharm El Sheikh World's Sole Biennial International Conference on The Role of State Courts in International Arbitration - SHARM EL SHEIKH VIII, was held on 5 & 6 December 2022. The conference was the eighth 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). The conference was also co-organized with the Asian African Legal Consultative Organization (AALCO) and the International Council for Commercial Arbitration (ICCA). 32 law firms and organizations sponsored the Conference. This round witnessed an unprecedented number of attendees in person (250 participants) and had two keynote speeches: on ISDS reform by Anna-Joubin Bret, and on dispute settlement and Climate Change by Annette Magnusson. The conference program and speakers, including representative of major African and Asian institutions, testified to the international outreach of CRCICA, and showed its interest in the latest developments related to dispute resolution. The topics of the agenda covered many of the most currently debated issues related to the role of state courts in arbitration. SHARM EL SHEIKH 2022 also hosted and co-organized the AALCO Second Annual Arbitration Forum in cooperation with the AALCO on the second day of the conference. Top representatives of AALCO's arbitration institutions spoke at the Forum outlining their institutions relationship with the courts of the states where their seat is located as well as their immunities against jurisdiction and enforcement by virtue of their Headquarters Agreements.

[For more information about SHARM EL SHEIKH VIII](https://crica.org/sharmelsheikh/), <https://crica.org/sharmelsheikh/>

In December 2022, CRCICA announced the launch of its new website [www.crica.org](http://www.crica.org) designed to serve and guide CRCICA's users with more information on CRCICA's activities and services. With more than 250 pages, CRCICA's new website displays uniformity, consistency, and ease of referencing for its browser; whilst maintaining CRCICA's identity in a professional responsive format. Nearly 80% of the website content is new with some innovative changes and additions to best serve the arbitration community.

In June 2023, CRCICA made available for public consultation the draft of its New Arbitration Rules in Arabic, English and French. The projected new Arbitration Rules come as a response to several changes that took place in the field of international arbitration making it more complex since the issuance of CRCICA's Arbitration Rules in 2011. The draft introduced important amendments and new provisions to bring CRCICA arbitration in line with international standards and maintain its position as a leading arbitral institution in the Middle East and Africa. For instance, the draft includes new provisions allowing consolidation of arbitration proceedings and annexes on emergency arbitrators and expedited proceedings.

## CRCICA Caseload 2022-2023

The year 2023 witnessed a continuity in CRCICA's efforts to promote arbitration and other ADR mechanisms under its Rules.

**Until September 2023, the total number of cases filed before CRCICA reached 1658 cases.**

The total number of cases filed before CRCICA **until 31 December 2022 reached 1618 cases**. In 2022, 83 new cases were filed, equal to the number of cases in 2021, the second highest number of annual registrations since 2016. Of the 83 cases filed in 2022, 12 related to ad hoc proceedings. Further, 5 mediations were referred to the Centre in 2022 compared to 6 in 2021. The Centre also registered 3 dispute board cases in 2022, equal to the number of dispute board cases in 2021, following the issuance of the Dispute Board Rules on 1 August 2021.

The Centre's caseload during 2022 involved disputes relating to a variety of sectors, including: Construction, Tourism & Hospitality, Banking & Finance, Real Estate Development, Oil & Gas, Corporate Restructuring, Media & Entertainment, Sports, Agriculture, Medical & Hospital and Civil Aviation.

Disputes arising from the Construction Sector ranked in first place with 17% of cases, the same as in 2021, followed by Tourism & Hospitality disputes representing 14.5% of the total number of cases, compared to 5% of cases in 2021, respectively. Banking & Finance and Real Estate Development disputes rose to third place, making up nearly 8.5% of the total number of cases each. These were closely followed by Oil & Gas disputes in third place, representing 7% of the total number of cases. Disputes arising from the Corporate Restructuring (6%), Media & Entertainment (6%), Sports (5%), Medical & Hospital (5%) and Retail (5%) sectors bring up the rest of the top spots.

The parties to disputes included 29 Non-Egyptian parties. Parties from Saudi Arabia ranked at the top of Non-Egyptian parties referring their disputes to the Centre, with 6 parties, followed by parties from the United Arab Emirates, with 4 parties. In third place, African NGOs as well as the British Virgin Islands, Malta and Saint Christopher & Nevis each had two parties referring disputes to the Centre.

[For more information about CRCICA's Caseload and Hearings in 2022, please click here: https://crica.org/news/caseload-2022-number-of-cases-registered-remains-steady/](https://crica.org/news/caseload-2022-number-of-cases-registered-remains-steady/)

## **CRCICA's Board of Trustees Meeting**

On 30 November 2022 and on 14 June 2023, the CRCICA's Board of Trustees (BoT) meeting was held in hybrid format. CRCICA's Director, Dr. Ismail Selim presented the Centre's caseload and audited financial statement of operations for the year ending on 31 December 2021 and 31 December 2022 respectively. Members of the BoT discussed on 14 June 2023 the draft of the new CRCICA Arbitration Rules and submitted more comments on the draft in the following weeks.

## **Quarterly Meeting of the CRCICA's Advisory Committee**

On 28 February and 23 May 2023, the CRCICA's Advisory Committee held two meetings in hybrid format. In the meeting held on 23 May 2023, AC members discussed the feedback of CRCICA's users' on the new CRCICA's Arbitration Rules and its advantages as compared to CRCICA Arbitration Rules 2011.

## CRCICA News

### AfAA Features CRCICA Member of the Week

In December 2022 and September 2023, the African Arbitration Association featured CRCICA as Member of the Week. The AfAA presented a brief overview about CRCICA's history and imminent international and African awards and recognitions. The CRCICA's profile at the AfAA included the recognition of the AfDB's "Assessment Report of Arbitration Centre in Egypt (CRCICA)" issued in 2014 and confirmed in 2022 assuring that the CRCICA remained, ***"one of the best arbitration centres across the African continent", recommended for parties "from both the African continent and elsewhere"***. The Profile also referred to the amendment of the CRCICA's Arbitration Rules, to enter into force in 2023, to meet the needs of users and evolving dispute resolution.

### CRCICA Partners up with Jus Mundi for Exclusive Publication of Selected CRCICA Arbitral Awards

CRCICA and Jus Mundi announced their Partnership Agreement in a press release issued on 7 March 2023. The agreement includes the exclusive publication of selected CRCICA arbitral awards, while ensuring confidentiality of the awards through a process of anonymization.

## **CRCICA Contribution to International Events**

During this year, CRCICA contributed in a number of events, and focused specially on events held in the Afro-Asian region. Examples of the most important events will be presented below.

### **DIS Practice Group Settlement: Approaches to Settlement in Arbitrations in Africa and the Middle East**

The virtual “DIS Practice Group Settlement: Approaches to Settlement in Arbitrations in Africa and the Middle East” was held on 20 September 2023. Organised within the context of the DIS Rules Clinic on Settlement, the event highlighted settlement in arbitrations in the Middle East and Africa within the framework of the rules and practice provided by the CRCICA and Kigali International Arbitration Centre (KIAC), Rwanda. Dr. Ismail Selim, Director, represented CRCICA while Victor Mugabe, Secretary General, represented KIAC.

### **IBA Conference on the Laws of Sports: Fast and Furious or Stable and Reliable? Qatar**

CRCICA sponsored the event held on 13-14 September 2023 as exhibitor, and was also represented by Dr. Dalia Hussein, Deputy Director who spoke on the panel focusing on dispute settlement and shared CRCICA's expertise in sports related disputes.

### **Young AfAA Committee Monthly Webinar Series**

CRCICA was represented by Dr. Selim, Director, at “Young AfAA Committee Monthly Webinar Series: Rules and Producers of Arbitral Institutions in the Middle East & North Africa” held on 13 September 2023. The event was organized by the African Arbitration Association (AfAA) and the Ciarb Qatar Branch. Dr. Selim focused on CRCICA New 2023 Draft Arbitration Rules. AfAA Webinar Series aims at raising awareness of the practices and initiatives in international arbitration /ADR in Africa.

### **China Arbitration Summit, China**

CRCICA's Director contributed a recorded speech on “CRCICA New 2023 Draft Rules” at the China Arbitration Summit: “International Arbitration Riding on the New Wave of Sci-Tech Revolution and Industrial Transformation” held on 6 September 2023. Being the flagship event of the China Arbitration Week, the Summit was co-hosted by China International Economic and Trade Arbitration Commission (CIETAC), United Nations Commission on International Trade Law (UNCITRAL) and All China Lawyers Association (ACLA), and supported by dispute resolution institutions and international organizations worldwide.

### **AIAC Asia ADR Week 2023, Malaysia**

CRCICA was represented by Dr. Ismail Selim, Director, at the “AIAC Asia ADR Week 2023 on: PRISM: The Spectrum of ADR” held on 24-26 August 2023, Kuala Lumpur, Malaysia and organized by the Asian International Arbitration Centre (AIAC). Dr. Selim spoke remotely at Session 2 titled “Cooperation to Resolution: The Great Arbitration Alliance. He shared insights on CRCICA New 2023 Draft Rules including new approaches taken by CRCICA to enhance the speed of the arbitral proceedings, use of technology, and saving cost and time.

### **EAIAC 10th East Africa International Arbitration Conference 2023, Tanzania**

CRCICA was represented by the Director, Dr. Ismail Selim, as a speaker at “EAIAC 10th East Africa International Arbitration Conference 2023: A golden age, celebrating the past and the future of International Arbitration in Africa” held on 23-25 August 2023, Zanzibar, Tanzania. Dr. Selim also

contributed to the training organized alongside the conference. CRCICA was a strategic Partner to the EAIAC 2023 Conference.

### **African Days of Arbitration and Mediation Conference, Côte d'Ivoire**

CRCICA was represented by Dr. Selim, Director, at the “African Days of Arbitration and Mediation Conference on: The settlement of commercial and investment disputes through arbitration and mediation within the framework of OHADA and ZLECAF” held during 27-28 July 2023, Abidjan, Côte d'Ivoire. The Conference was organized by the Organization for the Harmonization of Business Law in Africa (OHADA), in partnership with ERSUMA, APAA and NICArb. Dr. Selim spoke at the seventh session of the event, highlighted the CRCICA's background, services, and activities. The session witnessed the projection of CRCICA's Documentary "Between North and South," outlining the development of arbitration in Africa and Asia. [Please click here to watch the trailer:](#)

<https://www.youtube.com/watch?v=jPna5qtCMWc>

### **Ciarb Kenya Branch 7th International Arbitration Conference and Golf Tournament, Kenya**

CRCICA was represented by Dr. Mohamed Hafez, Associate Director for Legal Affairs and Business Development, at the seventh edition of the International Arbitration Conference on “International Arbitration for the 21st Century: A new Era of Dispute Resolution in Africa” held during 12- 14 July 2023, Kenya. The event was organized by the Ciarb Kenya Branch and entailed a Golf tournament, a Young Members Group Conference, and various networking forums. CRCICA was a Media Partner to that event. Dr. Hafez contributed to the panel session 3 on: Preserving the Merits of Arbitration; Addressing the Risks of Costs, Undue Delays & court intervention, Ethics & Integrity. Dr. Hafez focused on some of the innovative changes in the draft [new CRCICA Arbitration Rules 2023](#) in relation to the Costs of the Arbitration, Ethics and Integrity of Counsels and Arbitrators and Court intervention during arbitral proceedings.

### **United Nations Commission on International Trade Law**

CRCICA was represented by Ms. Rabab Yasseen, Partner Mentha Avocats, Deputy Judge Geneva Civil Courts, Vice Chair of the CRCICA's Advisory Committee, as an observer remotely at the following sessions of the United Nations Commission on International Trade Law (UNCITRAL): hybrid UNCITRAL Working Group III 44<sup>th</sup> Session (Investor-State Dispute Settlement Reform) held on 23-27 January 2023, hybrid 45<sup>th</sup> session of UNCITRAL's Working Group III (WGIII) held in New York (27 – 31 March 2023) and 56<sup>th</sup> session of the UNCITRAL held from 3 to 21 July 2023 and the Colloquium on Climate Change and the Law of International Trade, held on 12 - 13 July 2023. CRCICA was represented remotely by Mr. Xinghao Qi, Consultant for Promotion (East Asia) in the 76<sup>th</sup> session of the UNCITRAL Working Group II (Dispute Settlement) held in Vienna, from 10-14 October 2022.

### **Willem C. Vis International Commercial Arbitration Moot 2023, Austria**

Dr. Ismail Selim, Director, contributed as an arbitrator to the Willem C. Vis International Commercial Arbitration Moot at its 30<sup>th</sup> anniversary held during 31 March - 6 April 2023, Vienna. The Vis Moot was organized by Association for the Organization and Promotions of the Willem C. Vis International Commercial Arbitration Moot and Thirties Anniversary of Willem C. Vis (East) International Commercial Arbitration Moot Hong Kong. During the Moot reception, CRCICA's Documentary, “Between North & South”; screened previously at Sharm El Sheikh, Abu Dhabi and Paris, was screened during an Africa Reception hosted by Pitkowitz & Partners in association with CIMAC.

## **Africa Arbitration Academy Flagship Training Programme, UK**

CRCICA was represented by Dr. Dalia Hussein, Deputy Director, at the “Africa Arbitration Academy Flagship Training Programme” held during 12-30 June 2023 in London, United Kingdom. The session included a play role where participants were invited to study cases and decisions made according to CRCICA's 2011 Arbitration Rules to get introduced to the Centre's rules and decision-making processes.

## **CRCICA at the GAR Middle Eastern and African Arbitration Review 2023**

The GAR Middle Eastern and African Arbitration Review 2023 published an article titled “Remote hearings and the use of technology in arbitration” by Dr. Mohamed Hafez, CRCICA's Associate Director for Legal Affairs and Business Development. The article focused on analysing the inclination of the arbitration community and users towards the use of videoconferencing and the rise of use of technology in remote hearings. The whole publication is available at

<https://globalarbitrationreview.com/review/the-middle-eastern-and-african-arbitration-review/2023>

## **Paris Arbitration Week, France**

CRCICA Documentary « Between North & South » was screened on 29 March 2023 at the Paris Arbitration Week. The screening was followed by a panel discussion attended by representatives from law firms, independent practitioners, and scholars.

## **BCDR's 13th Middle East Vis Pre-Moot, Bahrain**

CRCICA was represented by Dr. Selim at the 13th Middle-East Pre-Vis Moot, organised by the Bahrain Chamber for Dispute Resolution (BCDR), from 23 to 25 February 2023. Dr. Selim and the Abu Dhabi Global Market Courts (ADGM) representative shared a panel discussion on the regional development of ADR. The Panel also included the screening of CRCICA's documentary “Between North & South”; a landmark documentary into the role of alternative means of dispute resolution in the economic development of the Global South.

## **Hamburg Chamber of Commerce: Arbitration in Africa - Opportunities and Risks for German Companies of Arbitration in Africa, Germany**

CRCICA was represented Dr. Ismail Selim at the Conference on “Arbitration in Africa – Opportunities and Risks for German Companies” held on 15 February 2023, Hamburg. Dr. Selim introduced the Centre's role and services, highlighting the role that African institutions can play in enhancing Africa-based practice and resolution of international disputes involving European-based and originating actors.

## **CRCICA/DIS Arbitration Group Roundtable, Germany**

CRCICA was represented by Dr. Selim, Director, at the “CRCICA/DIS Arbitration Group Roundtable” held on 13 February 2023. CRCICA/DIS Arbitration Group, a unique initiative by the Deutsche Institution für Schiedsgerichtsbarkeit (DIS), the main and leading German arbitral institution, chose CRCICA as partner, as the oldest arbitration institution in the MENA Region, with a reach far beyond Egypt. Dr Selim introduced CRCICA's activities and focused on the findings of the newly updated African Development Bank Assessment Report (AfDB) 2022, recognising the Centre's unique experience and quality for settling disputes in the region.

### **UN Climate Change Conference Cop 27**

CRCICA was represented by Dr. Dalia Hussein, Deputy Director, at the 2022 United Nations Climate Change Conference (COP 27) held during 6-20 November 2022, Sharm El-Sheikh. Dr. Hussein moderated the session held on 10 November 2022 co-presented by CRCICA, the General Authority for Investment and Free Zones (GAFI) and UNCTAD on “Promoting Sustainable Investment while Upholding Environmental Protection in Egypt’s Regulatory Framework for Investment and Climate Action”.

### **Dubai Arbitration Week, UAE**

CRCICA was represented by Dr. Mohamed Hafez, Associate Director for Legal Affairs and Business Development, at the Dubai Arbitration Week held during 14 – 18 November 2022. Dr. Hafez spoke at an event titled “Regional Updates in the MENA Region” held on 15 November 2023. He focused on the launch of the CRCICA Dispute Board Rules in August 2021 and how it has been in demand since its launch last year.

### **AfAA 3<sup>rd</sup> Annual Conference, Ghana**

CRCICA was represented by Dr Dalia Hussein, Deputy Director as a speaker at the AfAA 3rd Annual Conference “Africanisation of International Dispute Resolution”, held on 3-5 November 2022, Accra. Dr. Hussein focused on the Impact of COVID on Dispute Resolution.

## **CRCICA Events Update**

### **Domestic Sports Disputes Agreement: Reality and Expectations**

On 11 September 2023, the CRCICA organized a conference on “Domestic Sports Disputes Agreement: Reality and Expectations”. The conference was held under the auspices of the Egyptian Ministry of Youth and Sports and hosted by the CRCICA. The conference outlined the role of the CRCICA in the settlement of sports disputes being the first in Africa an Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS), based in Switzerland, under the Agreement concluded by the CRCICA and the CAS in July 2012.

### **OECD-CRCICA Regional Seminar on Preventing and Avoiding Investor-State Disputes**

On the 11-12 July 2023, CRCICA organized jointly with the Organization for Economic Co-operation and Development (OECD) the regional seminar on “Preventing and Avoiding Investor-State Disputes”. The event focused on preventing and avoiding investment disputes, identifying conflicts likely to escalate into formal investment disputes and what can states do to avoid these disputes, and the benefits of having recourse to ADRs. Speakers included top representatives from the OECD, UNCITRAL, ICC Commission on Arbitration and ADR, Trade Law Bureau, Government of Canada, Egyptian General Authority of Investment (GAFI), Egyptian State Lawsuits Authority, and Egyptian Ministry of Finance.

### **First and Second Webinar on Mediation as an Efficient and Effective Alternative for the Resolution of Disputes**

On 15 May 2023, CRCICA organized the first webinar on mediation titled: “Mediation as an Efficient and Effective Alternative for the Resolution of Disputes”. The event presented an overview of different types and styles of mediation, selection and role of the mediator, and the mediation phases. The second webinar, held on 12 June 2023, was titled: “The Specifics of Mediation in Construction Disputes”. The event approached the special nature of construction disputes and how mediation can be an effectively responsive method for such needs. [To watch the webinar, please click here:](#)

<https://www.youtube.com/watch?v=q5pcr3upyIU>

### **GAFI/IDSC/CRCICA Symposium on Mediation and Amicable Settlement of Investment Disputes in Egypt**

On 7 March 2023, the General Authority for Investment and Free Zone (GAFI) in Egypt, and its Investors' Disputes Settlement Centre (IDSC), and CRCICA held, as part of their common endeavour to promote alternative means of resolving investors' disputes, a Symposium on “Mediation and Amicable Settlement of Investment Disputes” in Egypt. The event aimed at enhancing the role of mediation and amicable settlement of investment disputes.

### **DRBF MENA Regional Conference and Workshop**

On 14-15 November 2022, the CRCICA hosted and supported the Dispute Resolution Board Foundation (DRBF) MENA Regional Conference and Workshop. The DRBF Workshop, held on 14 November 2022, was designed for candidates interested in serving on DBs and implementing DBs for the first time. The Programme of the DRBF Conference, held on 15 November 2022, included topics relating to the application of the DB Rules, its best practices and dispute avoidance. Experienced DRBF speakers presented the advantages of DB Rules, CRCICA's DB Rules, FIDIC and other international

DB Rules, and their application in the region, the importance of expertise in the project works, and independence and impartiality for successful DBs.

## **CRCICA Trainings and Educational Cooperation**

### **CRCICA-Ain Shams Advanced Professional Diploma in International Commercial Arbitration**

CRCICA-Ain Shams Advanced Professional Diploma in International Commercial Arbitration was launched in September 2023. The Advanced Diploma, delivered by experienced scholars, is the second stage of the CRCICA-Ain Shams Professional Diploma in International Commercial Arbitration conducted in 2021 and 2022. Candidates who passed the first stages are eligible to join the Advanced Professional Diploma.

### **Training Course on Comparative Commercial Arbitration: Theory and Practice (CCATP)**

CRCICA organized jointly with the Ciarb Egypt Branch a new round of the Training Course on Comparative Commercial Arbitration: Theory and Practice (CCATP) during 30 April – 6 May 2023. The CCATP course is equivalent to the Ciarb Module (I) on International Arbitration and qualifies successful candidates to apply for the membership of the Ciarb.

The course programme covered the most important issues in international arbitration and ADR: overview of ADR mechanisms, arbitration agreements, arbitral tribunals, arbitral proceedings, arbitral awards and post-awards remedies. The course was attended by 45 candidates from Algeria, Austria, Egypt, France, Jordan, Saudi Arabia, and Tunisia.

### **Training Course on: Arbitration in Engineering Contracts**

On 18-22 June 2022, the International Specialized Lawyers (ISL), co-organized with the Greater Amman Municipality, CRCICA and the International Federation of Arbitration Institutions (IFCAI) a “training course on: Arbitration in Engineering Contracts”, Jordan. The training aimed to give an overview on the engineering contracts and the settlement of their disputes by arbitration, mediation and dispute resolution boards. Alongside the course, the ISL, CRCICA, IFCAI and Greater Amman Municipality co-organized a seminar on 17 June 2023 titled “Institutional International Arbitration: The CRCICA and Prominent Worldwide Arbitral Institutions”.

### **4<sup>th</sup> AlexU-CRCICA Vis Pre-Moot and Arbitration Conference IV**

In March 2023, CRCICA co-organised the annual AlexU-CRCICA Vis Pre-Moot and Arbitration Conference for the fourth year in a row in cooperation with Alexandria University and under the umbrella of the AlexandriaU-CRCICA Arbitration Initiative. The fourth edition of the Event took place at the Bibliotheca Alexandrina in Alexandria after two years at CRCICA's premises.

### **Training Programme on Contract Management in Partnership with GIZ**

CRCICA organized three rounds of the Training Programme on "Contract Management Training Program" held in partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), under the auspices of the Ministry of Housing, Utilities, and Urban Communities. The first rounds were conducted respectively on 28 September 2022, 9 November 2022, and 21 December 2022.

## **CRCICA's Activities in Cooperation with the Ciarb Egypt Branch**

CRCICA is hosting and closely cooperating with the Ciarb Egypt Branch. From September 2022 until September 2023, Ciarb Egypt Branch co-organized with and hosted by the CRCICA a range of events delivered by experienced speakers approaching a variety of legal and construction topics including; "Legal Challenges Arising from Dispute Boards" (26 September 2023), "Construction Claims under the International AACE Conference 2023" (19 July 2023), "The Jurisdiction of the Arbitral Tribunal in light of modern judicial applications in Egypt and the Gulf states"(6 Sep 2023), "Public policy Considerations and its Impact on Setting Aside Arbitral Awards: A Comparative Analysis of Public Policy Considerations under English, French and Egyptian Laws" (10 May 2023), "Negotiation Diplomacy: The Key Pillar of International Relations" (14 June 2023), "Insurance Claims in Construction Projects" (25 June 2023), "International Arbitration and International Judiciary" (5 October 2022), "The Extension of Arbitration Agreements to Non-Signatories" (21 December 2022), " the Challenges of the Application of the Egyptian Act No 182/2018 Regulating the Contracts Concluded by Public Entities" (3 July 2022), "CRCICA Dispute Board Rules" (3-4 September 2022), "The Role of the State Council's Judiciary in Supervising Arbitration Awards Related to State Contracts" (7 September 2022), and "Loss of Productivity Claims in Construction" (26 September 2022).

[For watching the recording of some Branch events, please click here](#)

<https://www.youtube.com/channel/UCxMOenZ-RNKexbz0PMjXrrA>

**III. Report on the activities of the Nairobi Centre for International Arbitration (NCIA)  
(2022-2023)**

## NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION ACTIVITY REPORT

### I. ADR TRAINING



*40 Hour Mediation Training held on 13<sup>th</sup> -17<sup>th</sup> March 2023 at Prideinn Paradise Beach Resort Mombasa*

#### 1. Training in Arbitration and Mediation

Over the past year, in adherence to the Training Calendar, the Centre held seventeen (17) training courses in mediation and arbitration. The courses attracted four hundred and twenty-nine (429) participants, all from diverse sectors of the economy and professions. Notably, the legal profession has contributed to many participants. This could probably infer to the shift in the appreciation of ADR mechanisms by professionals in legal services. The attendees have advanced in the pathways provided by the

Centre, showing great zeal and interest in pacesetting the practice of ADR in the country. It is expected that these trainees will be great ambassadors for the Centre and the entrenchment of ADR in our legal system going forward.



*Registrar/CEO opening the 40 Hour Mediation Training in Mombasa, March 2023*

The trainings held were as follows:

- a) Module 1 Arbitration (Law of Obligations) Training held between 25<sup>th</sup> January and 29<sup>th</sup> March 2022;
- b) Introduction to Mediation Training held on 25<sup>th</sup> February 2022;
- c) Certified Professional Mediation Training held on 4<sup>th</sup> – 10<sup>th</sup> May 2022;
- d) Certified Professional Mediation Training held on 13<sup>th</sup> – 17<sup>th</sup> June 2022 (*for staff of the Kenya Ports Authority*);
- e) Module 2 Arbitration (Law, Practice & Procedure) Training held on 26<sup>th</sup> July – 20<sup>th</sup> September 2022;
- f) Introduction to Arbitration Training held on 5<sup>th</sup> September 2022;
- g) Module 3 Mediation (Mediation Theory & Practice) Training held on 27<sup>th</sup> September – 29<sup>th</sup> November 2022;

- h) Certified Professional Mediation Training held on 14<sup>th</sup> – 18<sup>th</sup> November 2022;
- i) Introduction to Arbitration Training for Trainee Advocates at the Kenya School of Law on 5<sup>th</sup> – 8<sup>th</sup> December 2022;
- j) Module 3 Arbitration (Decision Making & Award Writing) on 24<sup>th</sup> January – 28<sup>th</sup> March 2023;
- k) Introduction to Mediation Training on 21<sup>st</sup> February 2023;
- l) Certified Professional Mediation Training held on 13<sup>th</sup> – 17<sup>th</sup> March 2023;
- m) International Commercial & Investments Arbitration (*in collaboration with the International Senior Lawyers Programme & White & Case LLP*) for Counsel at the Office of the Attorney General & Department of Justice on 27<sup>th</sup> – 31<sup>st</sup> March 2023;
- n) Introduction to Arbitration Training on 25<sup>th</sup> April 2023;
- o) Module 1 Arbitration (Law of Obligations) Training on 15<sup>th</sup> – 17<sup>th</sup> May 2023;
- p) Module 2 Arbitration (Law, Practice & Procedure) Training on 7<sup>th</sup> – 9<sup>th</sup> August 2023;
- q) Module 2 Mediation (Law of Obligations) Training on 21<sup>st</sup> – 23<sup>rd</sup> August 2023.

## **2. Building Inclusivity in Training and the partnership with the Kenya Institute of Special Education (KISE)**



KISE

The Centre is constantly seeking to leverage on partnerships with other Organizations in the resolution of disputes and delivery of curricula, locally and internationally. It is on this backdrop that the Centre sought to make the programmes more inclusive, in terms of accommodating participants with special needs. This informed the negotiations between the Centre and the Kenya Institute of Special Education (KISE). Upon conclusion, the Centre will receive the support of the Institute in training and the administration of disputes, for people with special needs.

### **3. Implementation of the curriculum on International Trade and Investments Arbitration and Capacity Building for Counsels in the Office of the Attorney General and Department of Justice**



*Group photo; State Counsel with trainers from White & Case LLP together with the Registrar/CEO*

In the same period, the Centre entered a Memorandum of Understanding (MoU) with the International Senior Lawyers Project (ISLP), a not-for profit organization domiciled in the United States of America. The partnership sought to enrich the curriculum on International Trade and Investments Arbitration and Lawyering Skills in ADR; and

capacity building in arbitration at the Office of the Attorney General and Department of Justice.



*Trainers from White & Case LLP & the Registrar/CEO*

It is on the basis of this MoU that the Centre, in collaboration with ISLP, organized a five-day arbitration training for thirty-seven (37) State Counsel from the Office of the Attorney General and Department of Justice on 27<sup>th</sup> – 31<sup>st</sup> of March 2023.



*Registrar/CEO & White & Case LLP Trainers*

#### **4. The Dispute Management Plan in the Public Sector**

To fast-track the implementation of the Dispute Management Plan in Government Ministries, Departments and Agencies, the Centre engaged the Kenya Ports Authority (KPA) in the preparation of its Mediation Policy.

#### **5. The Collaboration with State Corporations Advisory Committee in induction of Boards of State Corporations**

The Centre successfully engaged the State Corporations Advisory Committee a government agency in Kenya responsible for State Corporations policy on the inclusion of an Alternative Dispute Resolution component in the induction of new appointees to Boards of State Corporations.

#### **6. Training of Staff in the Legislative arm of the Government**

The Centre is exploring partnerships in training with the Centre for Parliamentary Studies (CPST) with the objective of collaborations in training staff of the Parliamentary Service Commission, staff in the service of County Assemblies, Members of Parliament, and County Assemblies. This will not only promote the Centre's visibility across all organs of the Government but also contribute to the sustainable existence of the Centre as a Centre of Excellence in ADR in the region.

## **7. The Centre's Role in Continuous Professional Development of various professional bodies**

The Centre was included as a facilitator in Continuous Professional Development (CPD) Programmes for the Kenya Institute of Supplies Management (KISM). This engagement was poised to promote the adoption of the Centre's dispute resolution clause and increase the number of disputes administered under the auspices of the Centre. The Kenya School of Law (KSL) and the Institute of Certified Public Secretaries (Kenya) have also expressed interest in partnering with the Centre to offer CPD programmes to the membership of the Law Society of Kenya (LSK) and the Institute, respectively.

It is this cooperation with LSK that has formed the basis of the Centre's cooperation in the formulation of topics for the CPD Calendar for their membership. This will not only increase awareness of the subject of ADR but also get the much-needed buy-in of ADR in the legal profession.

## **8. Development of Diversity in the Training Faculty**

With the expected increase in the frequency of training, the Centre is now seeking to expand the training faculty. This is meant to build a diverse and enriched faculty, considering the equal diverse nature of disputes. There is also an expected roll-out of tailor-made courses in salient areas of practice such as construction, sports, and intellectual property. These are meant to address emerging areas of practice both locally and internationally.

## **9. Accreditation of the Centre's Programmes**

In conclusion the Centre sought accreditation of the ADR Training Programme with the National Industrial Training Authority (NITA). This is poised to not only market the programmes locally and internationally, but also ultimately make the Centre an institution of excellence in developing the country's human resources.

## **II. AWARENESS ACTIVITIES**

## **NCIA Management pays a Courtesy Call to Kenya's Newly Appointed Solicitor General.**

The management team of the Nairobi Centre for International Arbitration held a meeting with Kenya's newly appointed Solicitor General of Kenya, Hon. Shadrack Mose. The team was led by the Centre's CEO/Registrar/CEO Mr. Lawrence Ngugi. The team updated the Solicitor General on the Centre's activities, partnerships, and resources available that enable it to execute the mandate. The Solicitor General acknowledged the important role the Center continues to play in the provision of ADR services and emphasized the importance of scaling up its activities to attract referrals from other jurisdictions within the region and beyond. He expressed his unwavering commitment to continue supporting the Centre's to ensure its continued success.



NCIA Management team poses for a photo with Kenya's newly appointed Solicitor General Hon Shadrack Mose (Third Left).

To appraise the Solicitor General of its activities, the management team presented him with a copy of the Centre's Strategic Plan, which outlines the future goals, direction, and objectives of the Center for the period 2022-2027. Additionally, they shared the latest edition of the Centre's ADR Journal, providing valuable insights into the field of international arbitration.

The meeting served as a platform for both parties to exchange their vision and strategies for advancing the Centre's prominence within the international arbitration arena. The engagement highlighted the dedication and collaborative spirit of all involved, with a shared focus on enhancing the Centre's reputation and expanding its reach.

The Centre remains steadfast in its pursuit of excellence and continuous growth through its ongoing efforts to foster partnerships, grow its sources of resources through resource mobilization, and implementation innovative practices using cutting edge technology. The Centre will continue to play a pivotal role in promoting ADR both within the region and internationally in collaboration with the office of the Solicitor General and other ADR stakeholders.

### **NCIA and Kenya National Chamber of Commerce and Industry Partner to Promote Alternative Dispute Resolution Mechanisms**

In an effort to raise awareness of the benefit of using Alternative Dispute Resolution (ADR) mechanisms to resolve commercial disputes, the Centre recently partnered with the Kenya National Chamber of Commerce and Industry (KNCCI) to organize a breakfast meeting in Nairobi to sensitize Small and Medium Enterprises (SME's) on the recourse available through ADR mechanisms to settle disputes. The meeting provided participants with the opportunity to understand the potential benefits of using ADR mechanisms as an efficient and cost-effective commercial dispute resolution mechanism.



NCIA Registrar Mr. Muiruri Ngugi making his presentation during the meeting.

The Center Registrar/CEO Mr. Muiruri Ngugi, explained to participants the mandate of the Center and outlined the services it offers, including case administration and training in arbitration and mediation. He expressed NCIA's commitment to collaborate with the Kenya Chamber National Chamber of Commerce and Industry and its members in promoting ADR mechanisms to foster a culture of efficient and effective commercial dispute resolution mechanisms.

Patrick Nyangweso, the CEO of the Kenya Chamber of Commerce, and Industry Chief Executive Officer emphasized the significance role played by ADR in facilitating efficient and harmonious business operations and expressed gratitude to the participants for attending the meeting. He highlighted the importance of exploring alternative methods for dispute resolution and noted that the Chamber will continue to play its role in promoting ADR to assist small and medium-sized enterprises (SMEs) to resolve disputes when they arise.

### **NCIA Launches Its 2<sup>nd</sup> ADR Journal**

The Centre on 6th December 2022 launched its second ADR Journal and its corporate newsletter at the Sarova Panafric Hotel. In her remarks, Board Director Aisha Abdallah informed invited guests that the Journal was part of the Centre's contribution to ADR knowledge and research, noting that the first issue was launched in February 2021. She observed that the NCIA Corporate newsletter was the first to be issued and it will provide regular updates to stakeholders on the activities of the Centre every 6 months.



Authors display copies of the Journal during the launch

The launch provided the contributing authors the opportunity to provide highlights of their papers through a journal review moderated by Mr. Brian Muindi who is also a member of the NCIA Journal Editorial Board.

### **NCIA, KEPSA, and ICC-Kenya partner to raise awareness on Alternative Dispute Resolution Mechanisms**

The Centre in partnership with the Kenya Private Sector Alliance (KEPSA) and the International Chamber of Commerce-Kenya (ICC Kenya) held a private sector engagement breakfast meeting on deepening Alternative Dispute Resolution (ADR) on 29th November 2022 at the Sarova Panafric Hotel in Nairobi. The forum provided a platform for the private sector to understand the various mechanisms of ADR available and how they can access them through the Centre. KEPSA is the apex body of the private sector in Kenya whose goal is to drive economic development through improvement of the business environment by addressing cross-cutting business issues, driving investment, and addressing social- economic issues with partners.



Participants listen attentively to the Registrar as he makes his presentation.

In his remarks, the NCIA Registrar/CEO Mr. Muiruri Ngugi noted that the recently signed MOU between NCIA and KEPSA provided a framework that seeks to govern the cooperation by promoting sensitization of Mediation as a reliable alternative dispute resolution mechanism and the establishment of a Mediation Centre where private mediations could be conducted. He also highlighted the need to initiate a conversation with the courts on how to ensure that decisions arrived at by the mechanism could be enforced within a reasonable time.

Ms. Catharine Musakali, KEPSA Director in charge of Leadership and Governance noted that the MoU between KEPSA and NCIA was informed by a resolution during the 2nd KEPSA-Chief Justice Roundtable held in March 2022 where KEPSA undertook to explore Mediation Accreditation Committee's (MAC) proposal to partner with KEPSA to set up systems to have disputes settled by qualified mediators and only brought to court for adoption. She added that KEPSA also resolved to keep advocating for the uptake of ADR to settle commercial disputes and rid the courts of the backlog of cases.

### **NCIA Launches 2022-2027 Strategic Plan.**

The Centre launched its 2022-2027 strategic plan on 16th November 2022 at the Villarosa Kempinski Hotel in Nairobi. The launch was a key milestone as the Centre

recast its long-term goals to reposition itself to take up leadership in the field of Alternative Dispute Resolution (ADR) in the region.



**NCIA Chairperson Ms. Jackie Oyuyo(Right), Deputy Solicitor General Ms. Njeri Wachira and Principal Judge Justice Eric Ogola cut the cake to mark the occasion.**

Speaking during the event, NCIA Registrar/CEO Mr. Lawrence Muiruri noted that the Centre would be seeking to adopt innovative strategies and technologies as it fosters collaboration at all levels. The Centre is mandated to promote, facilitate, and encourage the conduct of International commercial arbitration as well as deepening the adoption of alternative dispute resolution mechanisms in Kenya and across the region” he noted while making his remarks. He added that the Centre will pursue strategic themes to increase access to affordable ADR services and ensure that the Centre is recognized as a leader in international arbitration while enhancing institutional visibility, digital enabled arbitration, and ADR service transformation to optimize capacity for growth and sustainability.

This strategic plan sets out a coherent, systematic, and sustainable road map in which to anchor the Centre's programmes and operational initiatives for the year 2022- 2027 period. The proposed activities in the plan will provide effective guidance to the Centre's operations as well as facilitate efficient operations through optimization of resources to support stakeholders at all levels.” he added. The Registrar/CEO further reiterated that

the plan's implementation will provide the actual process through which the Centre's strategic goals will be realized through the different implementing departments within the Centre and translate the strategic goals into reality.

In her remarks, the NCIA chairperson Jacqueline Oyuyo noted that the strategic plan would focus on various key results that will enable the Centre to realize its vision, mission, and mandate. I am confident that the strategic plan will yield improved performance in the overall service delivery of the Centre to its stakeholders and subsequently become a world class alternative dispute resolution organization that is recognized and valued by the ADR community both locally and globally.

She pointed out that with increased trade in the national, regional, and international markets, alternative dispute resolution mechanisms will play a vital role in ensuring a conducive environment for business and creating confidence among investors since the strategic plan takes advantage of opportunities presented across the globe to foster dispute resolution.

### **NCIA participates in the 3<sup>rd</sup> Annual African Arbitration Association (AfAA) Conference in Accra, Ghana**

NCIA participated in the 3<sup>rd</sup> Annual African Arbitration Association Conference that was held from **3<sup>rd</sup> to 5<sup>th</sup> November 2022** in Accra, Ghana.

The 3<sup>rd</sup> AfAA Annual Conference programme was designed to identify the various approaches African States needed to adopt to create a fertile ground for the advancement of different forms of dispute resolution mechanisms. The programme themed ***“Africanization of International Dispute Resolution”*** brought together eminent practitioners in private international law, investment law, ADR practitioners, local professional bodies and domestic and international arbitration who explored various emerging topical issues.

During the conference, the NCIA Registrar/CEO spoke on ***“Creating fertile ground for the advancement of different forms of dispute resolution mechanisms”*** with a particular emphasis on **Advancement of Adjudication and Mediation in Africa**. The

Centre further benefited from discussions on various emerging topics that were geared towards addressing the 'Africanization of Alternative Dispute Resolution'.

The Centre, having been nominated in the category of 'Arbitral Institution of the Year', scooped the **Arbitral Institutions of the Year Award, 2022**. The Arbitral Institution of the Year award is awarded to an arbitral institution that is adjudged to have been the stand-out arbitral institution headquartered in Africa having regard to its work and organization. The award also considers the initiatives and improvements undertaken, user experience, demonstrated achievements in environmental, social and governance metrics and any other relevant factor which has distinguished that institution in the context of ADR in Africa and beyond.

The AfAA Awards 2022 sought to highlight the achievements of African jurisdictions, arbitration practitioners, and Institutions and their significant contributions to the development of arbitration in Africa, thus driving the effort to make Africa a preferred destination for business and arbitration activities. The award is an indication of the Centre's progress in enhancing its image and visibility of its services to other African Countries.

### **NCIA Takes the Chairmanship of the China Africa Joint Arbitration Centre (CAJAC) for the period 2022/2023**

In July 2022, NCIA was elected the Chair for CAJAC after completion of the term of the Shenzhen Centre for International Arbitration. (SCIA)

During the year in which NCIA held the Chairmanship of CAJAC, the following were achieved:

a) The CAJAC Website proposal.

Members agreed to have a CAJAC website. The fees for the development of the website would be apportioned and paid equally among the CAJAC centres.

b) CAJAC shared panel of Arbitrators and Mediators.

Members resolved to have a shared panel of Arbitrators and Mediators in which a standard Certificate would be issued to the panelists. The term of the panel membership shall be three years.

c) Sharing of Annual Calendar of Events.

It was agreed that a shared calendar of events would be posted on the website once it is commissioned.

d) Repository for CAJAC related documents.

It was agreed that there would be a central digital repository of official records for CAJAC Guiding Committee and other organs of CAJAC to be hosted by CAJAC Shanghai.

### **NCIA Partners With Jus Mundi**

NCIA entered into a Partnership Agreement with Jus Mundi which was launched publicly on 12<sup>th</sup> April 2023. Jus Mundi is a French entity whose mission is to empower the global legal community in strengthening the international rule of law by improving access to legal information worldwide. Through this partnership, the Parties intend to build a long-term relationship for the publication of information on international arbitration and related materials.

### **NCIA Signs a Memorandum of Understanding with the Energy Disputes Arbitration Centre (Turkey).**

The Centre signed an MOU with the Energy Disputes Arbitration Centre on 8<sup>th</sup> November 2022. EDAC is a sectoral based arbitration Centre which was established with the aim of resolving disputes in Central Asia, Europe, Balkans, Middle East and Africa regarding Energy and Infrastructure law.

The Parties aim to collaborate in the peaceful settlement of international commercial disputes and to mutually benefit from their combined expertise and resources.

### **Case Counsel from NCIA is selected to Participate in the Africa Arbitration Academy's Flagship Training Programme Held in London**

One of the Case Counsel from NCIA won a flagship training opportunity held from 12<sup>th</sup> to 30<sup>th</sup> June 2023 on a full scholarship held in London. During the training program, she had the privilege of participating as a trainee amongst a diverse group of aspiring arbitration professionals from across Africa.

**IV. Report on the activities of the AALCO Hong Kong Regional Arbitration (AALCO-HKRAC) (2022-23)**

## **AALCO Hong Kong Regional Arbitration Centre Progress Report (2022 /2023)**

### **I. Overview of the works of the Centre since formal establishment on 24 May 2022**

The recent establishment of the AALCO Hong Kong Regional Arbitration Centre in the Hong Kong Special Administrative Region marks the history of the first arbitration institution under the AALCO Dispute Settlement System operating in North Asia. We are proud to be part of the AALCO family and deeply grateful to AALCO members for strong vote of confidence to Hong Kong and our Centre, as well as to, Dr Kamalinne Pinitpuvadol, Secretary General of AALCO, for his profound vision and empowering guidance to our Centre.

With the gracious thanks to and support from the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region and the Department of Justice of the Hong Kong Special Administrative Region, AALCO Hong Kong Regional Arbitration Centre has achieved significant progress since establishment and conducted a series of promotional activities. We have reached out to a large number of legal practitioners and potential users of our services in the region, actively promoted our centre's arbitration and dispute resolution services, gained recognition from professionals and industries, and laid a solid foundation for the long-term and high-quality rapid development of the centre.

#### **(a) The establishment of AALCO Hong Kong Regional Arbitration Centre has enriched the diversity of Hong Kong arbitration institutions and is of great significance.**

Only seven arbitration institutions are recognized as qualified arbitration institutions under the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region.

AALCO Hong Kong Regional Arbitration Centre is the only one qualified and established under international laws with international organisation status, providing parties with truly "nationality neutral" arbitration institutions and services, making it more suitable for handling cross-border and international commercial disputes, especially disputes involving a sovereign country or regional government.

#### **(b) The establishment of the centre has promoted the wider application of legal technology and online dispute resolution.**

AALCO Hong Kong Regional Arbitration Centre is committed to promoting the application of legal technology. Benefiting from the long-term policy of the Hong Kong Special Administrative Region Government's Department of Justice and of the Central People's Government of host country, the People's Republic of China, to promote Hong Kong as an international hub for arbitration and legal technology, we have successfully launched our online dispute resolution platform, adopting various advanced legal technologies with the assistance of eBRAM International Online Dispute Resolution Centre. The use of ODR and LawTech has enabled us to provide premium arbitration services to a wide range of users in different places in the Asian and African region and beyond in a cost-and-time effective manner and facilitated more medium-sized enterprises that cannot afford the high costs of traditional arbitration services to get access to justice by using our services.

**(c) The AALCO-HKRAC arbitration rules and model clause are highly welcomed by the professionals and the industry and have been recommended by more and more law firms and potential users.**

The AALCO Hong Kong Regional Arbitration Rules fully respect and reflect the principle of party autonomy, and the arbitration clauses of this centre are also quickly adopted by the parties in cross-border transaction contracts. The feedback we have received suggests that an increasing number of contracts involving elements of Mainland China and Hong Kong S.A.R. are adopting our arbitration clause.

**(d) ALCCO Hong Kong Regional Arbitration Centre is committed to the training and capacity building of the younger generation of arbitrators and arbitration lawyers and achieving good progress.**

In May 2023, the AALCO-HKRAC signed a cooperation agreement with the School of Law of the City University of Hong Kong. AALCO will provide its ODR platform for educational purposes to enhance students' legal practical abilities.

**(e) Promotion of activities in different places in the North Asia Region**

Thanks to financial support from the Hong Kong SAR government, the AALCO Hong Kong Regional Arbitration Centre has successfully carried out various kinds of activities in the region. The centre has organized and attended different arbitration and legal international conferences in 11 major Asian and African cities, namely, Hong Kong SAR, Kuala Lumpur, Bangkok, Beijing, Shanghai, Hangzhou, Shenzhen, Guangzhou, Dongguan, Urumqi, and Sharm El Sheikh of Republic of Egypt, conducted various forms of publicity and promotion activities, and paid visits to major law firms and in-

house enterprises in the region. We have worked closely with chambers of commerce and delivered speeches at many international conferences.

**(i) Hong Kong SAR**

Hong Kong is a leading international legal hub in the world, having an advanced arbitration legal framework and a large pool of arbitration talents. As the only jurisdiction in China that implements a common law system, Hong Kong functions as the international hub for legal and arbitration services under the nation's Greater Bay Area Plan and the "Belt and Road Initiative". Therefore, Hong Kong is also an ideal arbitration venue for cross-border disputes involving a party from Mainland China or involving Chinese elements.

AALCO Hong Kong Regional Arbitration Centre has actively participated in and supported major legal and arbitration events organized by many professional bodies and industrial organisations within and outside the region in Hong Kong. These organizations include the Law Society of Hong Kong, the Hong Kong Bar Association, the Chartered Institute of Arbitrator - East Asia Branch, the Asian Academy of International Law, the School of Law of the City University of Hong Kong, Thomson Reuters's Asian Legal Business, and the Hong Kong Representative Office of the Hague Conference on Private International Law (HCCH).

In May 2025, AALCO Hong Kong Regional Arbitration Centre successfully celebrated its anniversary and signed Memorandums of Understanding for Corporations with 13 legal professional organizations, industry associations, arbitration institutions, etc. These cooperating institutions are:

1. Asian Academy of International Law ([www.aail.org](http://www.aail.org))
2. Asian International Arbitration Centre ([www.aiac.world](http://www.aiac.world))
3. eBRAM International Online Arbitration and Mediation Centre ([www.eBRAM.org](http://www.eBRAM.org))
4. The Hong Kong Bar Association([www.hkba.org](http://www.hkba.org))
5. The Law Society of Hong Kong ([www.hklawsoc.org.hk](http://www.hklawsoc.org.hk))
6. China's Association of Trade in Services ([www.catis.org](http://www.catis.org))
7. Benchmark Chambers International & Benchmark International Mediation Centre ([www.bcisz.org](http://www.bcisz.org))
8. China International Economic and Trade Arbitration Commission Hong Kong Arbitration Centre ([www.cietachk.org.cn](http://www.cietachk.org.cn))
9. Hainan International Arbitration Court ([www.hnac.org.cn](http://www.hnac.org.cn))

10. South China International Arbitration Centre (HK) ([www.scia.org.hk](http://www.scia.org.hk))
11. The School of Law of the City University of Hong Kong([www.cityu.edu.hk/slwl/](http://www.cityu.edu.hk/slwl/))
12. International Dispute Resolution & Risk Management Institute ([www.idrrmi.org](http://www.idrrmi.org))
13. Hong Kong Institute of Arbitrator ([www.hkiarb.org.hk](http://www.hkiarb.org.hk))

Starting from June 2023, AALCO Hong Kong Regional Arbitration Centre has begun to hold a monthly "Fireside Chat" event, where Mr Nick Chan, Director of the AALCO Hong Kong Regional Arbitration Centre, appears as the host and invites renowned experts, scholars, and industry insiders to share insights, in a relaxed way, on salient issues on dispute resolution in Hong Kong and the unique advantages of the services of AALCO Hong Kong Regional Arbitration Centre. Up to October 2023, we have conducted three rounds of "Fireside Chat" with Ms Teresa Cheng, former Secretary for Justice of the Hong Kong SAR, Mr. Mojalefa Mogono, Consul General of the Republic of South Africa in Hong Kong, and Professor Christopher To, independent arbitrator. The "Fireside Chat" events have received extensive support from the legal and business community in Hong Kong and become a unique forum for professionals such as lawyers, arbitrators, and business leaders to exchange information in Hong Kong.

In August 2023, AALCO Hong Kong Regional Arbitration Centre received a delegation from the China-AALCO Exchange and Research Programme, and successfully organized training sessions and an enjoyable exchange dinner for representatives from 44 member states of AALCO.

In September 2023, Hong Kong welcomed the 130th anniversary celebration of the Hague Conference on Private International Law (HCCH) and its 2023 Asia Pacific Week. Mr John Lee Ka-chiu GBM SBS PDSM PMSM, Chief Executive of the Special Administrative Region Government, Ms Hua Chunying, Assistant Minister of Foreign Affairs of the People's Republic of China and other leaders attended the event in person and delivered keynote speeches for the event. On behalf of AALCO-HKRAC, our Deputy Director delivered a speech on the "HCCH Principles for Conflict of Laws in International Contracts and Arbitration Practice" and had extensive exchanges with Dr Christophe Bernasconi, Secretary General of HCCH and many renowned international law experts and scholars, both domestically and internationally, establishing good connections with each other.

Our centre has received many delegation visits to Hong Kong, including senior officers of the National Development and Reform Commission of the

People's Republic of China, Judges from the Supreme People's Court of the People's Republic of China, the Director of the Asian International Arbitration Centre, the Secretary General of the Tashkent International Arbitration Centre, the Chief Justice of the Brunei Supreme Court, the Deputy Director and Secretary General of the China Maritime Arbitration Commission, partners of multiple major law firms, Corporate executives, international law scholars, renowned independent arbitrators and mediators, etc.

## **(ii) Beijing**

Beijing is the capital and an important city in the Mainland China arbitration market, as leading arbitration commissions, the legal department of many state-owned and multinational enterprises, and major arbitration law firms are all located in Beijing.

In July 2023, Mr Dennis CAI, Deputy Director of our centre, visited the China International Economic and Trade Arbitration Commission (CIETAC) and was received by Mr Wang Chengjie, Deputy Director and Secretary General of CIETAC. They had a pleasant exchange and laid a good foundation for future cooperation.

We also visited some industrial organisations to explore future collaboration, and the legal departments and major arbitration law firms of multiple enterprises to introduce the dispute resolution service of AALCO Hong Kong Regional Arbitration Centre.

In September 2023, the Deputy Director of the Centre attended the 2023 China International Fair for Trade in Service (CIFTIS) held by the China Association for Trade in Services and China Arbitration Week held by CIETAC.

## **(iii) East China (Shanghai, Hangzhou)**

Shanghai has a large number of export-oriented enterprises, which have a strong demand for international arbitration services. In June 2023, our centre collaborated with Thomson Reuters' Asia Legal Journal (ALB) to hold a special forum on the services of the AALCO Hong Kong Regional Arbitration Centre at its 2023 ALB In-house Legal Summit Shanghai held at the Jing'an Shangri La Hotel. The deputy director of this centre is responsible for hosting relevant forums and delivered a presentation on drafting practice of arbitration clauses to more than 200 in-house legal counsel, deepening their understanding of the AALCO Dispute Settlement Mechanism.

## **(iv) South China (Guangzhou, Shenzhen, Dongguan)**

In April and May 2023, we also attended multiple events organized by the

Guangdong Lawyers Association in Guangzhou, Shenzhen, and Dongguan of South China, and visited local arbitration body and lawyers' associations.

**(v) Northwest China (Urumqi)**

Urumqi is an important commercial hub connecting China and Central Asia. We attended the "Infrastructure and Major Engineering Legal Affairs Summit Forum" and delivered keynote speeches. The event marks our centre's first successful delivery of arbitration promotional activity in an arbitration in the northwest region of China. The event attracted over 300 representatives, mainly lawyers, corporate executives, and scholars from Xinjiang province.

**(vi) Overseas (Sharm El Sheik, Bangkok, Kuala Lumpur)**

Our centre also attaches great importance to participating in major international arbitration and legal services conferences held overseas, including the Second AALCO Annual Arbitration Forum held in Sharm el-Sheikh, Republic of Egypt in December 2022, the international promotion event led by the Department of Justice of the Hong Kong Special Administrative Region Government in March 2023, titled "Dispute Resolution - Mutual Creation - Hong Kong Legal Services Sharing Development Opportunities."

In August 2023, the Director and Deputy Director of the Centre actively participated in the Asia International Arbitration Centre's ADR Week held in Kuala Lumpur, Malaysia, showcasing the strong alliance of the AALCO regional arbitration centres and reinforcing the connections with practitioners in the regions.

**(f) The 3rd AALCO Annual Arbitration Forum (Hong Kong, 5 - 6 December 2023)**

With the generous support of the Department of Justice of the Hong Kong SAR, we are incredibly excited to announce that the 3rd AALCO Annual Arbitration Forum will take place in Hong Kong on 5-6 December 2023.

**AALCO Hong Kong Regional Arbitration is actively pushing forward the project to ensure the smooth delivery of the event in Hong. We expect that the event will attract a large number of delegates from member states and legal professionals from the regions to join us in Hong Kong. Details and updates of the event are available on our website at [www.aalcohkrac.org](http://www.aalcohkrac.org).**

## **II. Summary**

After more than a year of development of the AALCO Hong Kong Regional

Arbitration Centre, we believe that we have successfully established an excellent foundation, including the launch of our online dispute platform, the publication of our arbitration rules and model arbitration clauses, and winning the status as a qualified arbitration institution under the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and Hong Kong.

In addition, with the timely and successful delivery of promotional activities in different places in the region, we have positively impacted the legal and business communities in Hong Kong, Mainland China, and overseas, significantly enhanced the visibility of our dispute resolution services and promoted the unique advantages of the AALCO Dispute Settlement Mechanism to our target audience in the region.

Nick Chan, MH, JP

Dated: 10 October 2023

**VI. Draft resolution on the agenda item**

**SECRETARIAT'S DRAFT  
AALCO/RES/DFT/ORG 3**

**DRAFT RESOLUTION ON THE AGENDA ITEM**

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

*The Asian-African Legal Consultative Organization at its Sixty-First Session,*

**Considering** the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/61/BALI/2023/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, the Arab Republic of Egypt, the Federal Republic of Nigeria, the Islamic Republic of Iran, the Republic of Kenya and the People's Republic of China 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 such Arbitration Clauses;

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 Sixty-Second Annual Session.