

AALCO/ 56/NAIROBI/2017/ORG3
For Official Use Only

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

**Prepared by:
The AALCO Secretariat
29-C, Rizal Marg,
Diplomatic Enclave, Chanakyapuri
New Delhi- 110021
(INDIA)**

CONTENTS

	<i>Pages</i>
I. INTRODUCTION	1 - 7
a. Background	
b. Activities of the Centres	
II. REPORT ON THE ACTIVITIES OF THE KULUA LUMPUR REGIONAL CENTRE FOR ARBITRATION (KLRCA)	8 - 20
III. REPORT ON THE ACTIVITIES OF THE CAIRO REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION (CRCICA)	21 - 49
IV. REPORT ON THE ACTIVITIES OF THE REGIONAL CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION, LAGOS (RCICAL)	50 - 58
V. REPORT ON THE ACTIVITIES OF THE TEHRAN REGIONAL ARBITRATION CENTRE (TRAC)	59 - 66
VI. DRAFT RESOLUTION ON THE AGENDA ITEM	67 - 68

REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

I. INTRODUCTION

A. Background

1. The Asian-African Legal Consultative Organization (AALCO), during its Thirteenth Annual Session held in Lagos (Nigeria) in 1973, proposed that apart from follow-up of the work of the United Nations Commission on International Trade Law (UNCITRAL) in the field of International Commercial Arbitration, the Organization should also conduct an independent study on some of the more important practical problems relating to the subject from the point of view of the Asian-African region. Accordingly, the Secretariat prepared an outline of the study, which received favorable response from the Member States. The Secretariat thereafter prepared a detailed and comprehensive study and the Trade Law Sub-Committee considered this study during the Fifteenth Annual Session held in Tokyo (Japan) in 1974.
2. At the Tokyo Session, AALCO endorsed the recommendations of its Trade Law Sub-Committee, that efforts should be made by Member States to develop institutional arbitration in the Asian and African regions. Thereafter, the Secretariat, following the mandate of the Tokyo Session, prepared a revised study on the same topic so as to enable the Trade Law Sub-Committee during the Kuala Lumpur Session, to formulate principles or model rules for consideration. At the Kuala Lumpur Session (Malaysia) held in 1976, the Trade Law Sub-Committee requested the Secretariat to undertake a feasibility study for establishing Regional Arbitration Centres in the Asian-African region, to be placed before the Eighteenth Annual Session of AALCO.¹
3. At the Eighteenth Annual Session, held in Baghdad (Iraq) in 1977, discussions were focused on the Secretariat study titled 'Integrated Scheme for Settlement of Disputes in the Economic and Commercial Matters', which envisaged *inter alia*, the establishment of a network of Regional Centres for Arbitration functioning under the auspices of the AALCO in different parts of Asia and Africa so that the flow of arbitration cases to arbitral institutions outside the Asian-African region could be minimized. The Integrated Scheme also represented an effort on the part of the developing countries for the first time to evolve a fair, inexpensive and speedy procedure for settlement of disputes.

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

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 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. And the other Centre was established in Tehran (Islamic Republic of Iran), for which an Agreement was concluded between AALCO and the Government of Islamic Republic of Iran in 1997 and subsequently the President of the Islamic Republic of Iran ratified the Agreement for implementation on 10 June 2003.

7. A Memorandum of Understanding (MoU) between AALCO and the Government of Republic of Kenya was signed on 3 April 2006 during the Forty-Fifth Annual Session of AALCO held in the Headquarters in New Delhi to establish a fifth Centre in Nairobi. The Agreement establishing the Nairobi Regional Centre for Arbitration was signed by the then Secretary-General of AALCO and the Attorney-General of the Republic of Kenya during the Forty-Sixth Annual Session of AALCO held at Cape Town, Republic of South Africa from 2 to 6 July 2007. On 25 January 2013, the Nairobi Centre for International Arbitration Act came into force. The systems and structures of the Centre were established in 2014-2015 by the inaugural Board of Directors and the Centre's Arbitration and Mediation Rules were published in December 2015. On 5 December 2016, The Nairobi Centre for International Arbitration' (NCIA) was inaugurated. The

NCIA is the fifth regional arbitration Centre functioning under the auspices of AALCO and third in Africa after Cairo and Lagos centres.

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

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

9. Subsequently, an agreement was signed between the Government of Malaysia and the then AALCC relating to the Regional Centre for Arbitration in Kuala Lumpur on 29 July 1981.² Thereafter, the Headquarters Agreement for Kuala Lumpur Centre for International Commercial Arbitration was signed on 10 August 1989.³

10. In order to formalize the continued functioning of the KLRCA, with effect from 1 January 1992, an Agreement between AALCO and the Government of Malaysia relating to the Regional Centre for Arbitration in Kuala Lumpur was signed on 14 February 2004.⁴

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

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

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

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

⁴This agreement was by 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.

Name Dispute Resolution Policy (MYDRP), Rules of the MYDRP and RCAKL Supplemental Rules.

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

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

14. The Cairo Centre offers specialized services to settle trade and investment disputes, through arbitration. It also includes Alternative Dispute Resolution (ADR) techniques such as conciliation, mediation and technical expertise. Apart from this, the Centre also offers advice to parties to international commercial and investment contracts regarding drafting these contracts, promote arbitration and other ADR techniques in the Afro-Asian region through the organization of international conferences, seminars, and training programmes for international arbitrators and legal scholars from the Afro-Asian region by the Centre’s Institute for Arbitration and Investment. The Cairo Centre follows the UNCITRAL Arbitration Rules with certain modifications.

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

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

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

17. The Centre is today a beehive of activities providing venues for both domestic and international arbitration in economic and commercial matters in Africa South of the Sahara, particularly, the West African Sub-Region. On 7 February 2006, the then Secretary-General of AALCO, inaugurated the Advisory Committee of the Regional

Centre for International Commercial Arbitration, Lagos. Also present on the occasion were Hon'ble A.G. Karibi-Whyte, CFR (Rtd.), Justice of the Supreme Court of Nigeria, Mrs. Eunice Oddiri, Director of the Centre, Members of the Advisory Board and many other dignitaries.

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

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

19. On 3 May 1997, an Agreement was concluded between the Government of the Islamic Republic of Iran and AALCO for the establishment of a Regional Centre for Arbitration in Tehran. At the AALCO's Forty-Second Annual Session in Seoul (Republic of Korea), the Delegate of Islamic Republic of Iran informed that the Judicial Power has adopted the Agreement and that all the legal procedures applicable in the Islamic Republic of Iran for the ratification of the said Agreement were completed.

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

(v) Nairobi Regional Arbitration Centre, Republic of Kenya

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

22. During the Thirty-Second Annual Session in Kampala (Uganda 1993), the Leader of the Delegation of Tanzania expressed the view that the PTA Centre in Djibouti had not negated the need for a Centre in Nairobi and suggested that the Secretariat should pursue

the possibility and modalities for the establishment of a Centre in Nairobi. Consequently, the then AALCO Secretary-General, H. E. Mr. Frank X. Njenga had approached the Member Governments of Kenya, Uganda and Tanzania with a view to ascertaining the extent of material assistance and back-up support that could be provided by them for the establishment of a Centre in Nairobi which appeared to be an apt location to cater to the needs of the States in the Eastern and Southern parts of the African continent. Accordingly, at the Thirty-Third Annual Session held in Tokyo (Japan, 1994), a proposal was put before the Leaders of Delegations of Member States for the establishment of additional Centres in Tehran and Nairobi.

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

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

25. 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.

26. The Nairobi Centre for International Arbitration was thereafter inaugurated on 5 December 2016. It is hoped that the AALCO's fifth Centre will effectively cater to the needs of East and Southern African region States of Africa.

B. Activities of the Centres

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

28. It is a matter of great satisfaction that, over the years, there has been considerable increase in the number of cases, both international and domestic, referred to AALCO's Regional Arbitration Centres. The types of cases include oil contracts, insurance, intellectual property, construction contracts etc. and involve both public and private sectors. The resolution of commercial disputes by other Alternative Dispute Resolution

(ADR) methods such as Mediation and Conciliation under the Rules of AALCO Centres is another option being favoured by the Parties.

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

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

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

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

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

32. The following part of this Secretariat Report places for consideration the Report of the Directors of the Kuala Lumpur Regional Centre for Arbitration (KLRCA), Cairo Regional Centre for International Commercial Arbitration (CRCICA), Regional Centre for International Commercial Arbitration, Lagos (RCICAL) and Tehran Regional Arbitration Centre (TRAC) highlighting the details of the activities of the Centre in the year 2016 and the foreseen plans for 2017.

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

ABOUT KLRCA

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

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

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

SUMMARY 2016

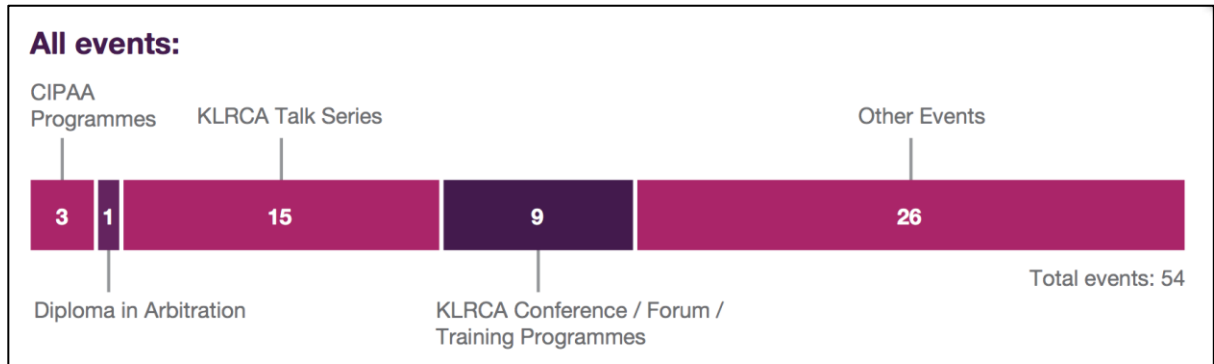
The sustained growth of the KLRCA since 2010 was further strengthened in 2016. Other than its core activity of handling and administering ADR cases, KLRCA is tasked with the mission of promoting and building capacity in the area of ADR. This includes organising reputable and timely events to educate and create awareness amongst the public on the area of alternative dispute settlement.

A grand total of 54 events were held throughout the year. Among them, 15 talks were organised under the KLRCA Talk Series held at the Centre. It is a free forum that is meant to be informative to all those who are interested in arbitration and ADR.

In its continued effort to make the KLRCA a world class ADR hub, KLRCA hosted its first KLRCA International Investment Arbitration Conference which was also the biggest Investment Arbitration Conference in Asia. The year 2016 also saw the first ever KLRCA Certificate Programme in Sports Arbitration with 52 candidates sitting for the 4 day course. In furtherance to this, the KLRCA-SLAM (Sports Law Association of Malaysia – Pro Tem) Sports Law Conference was organised in December 2016.

Other trainings programmes such as the KLRCA-CI Arb Mediation Programme and the KLRCA Summer Academy on International Investment Law and Dispute Settlement were organised as part of the KLRCA's continuous endeavour in capacity building. 2016 also saw many new initiatives take off such as the KLRCA Young Practitioners Group and the Pilot Project in Construction Mediation. Many of these initiatives will be on

going in the year 2017 as the KLRCA continues to brand itself as a worldwide hub for alternative dispute resolution.



STATISTICS & ACTIVITIES

1. ADMINISTRATION OF ALTERNATE DISPUTE RESOLUTION CASES

The administration of arbitration and adjudication cases remains the core function of KLRCA. The alternative dispute resolution cases administered by the KLRCA spans across various specialist sectors and are both international and domestic. The KLRCA named appointing authority under both the Arbitration Act 2005 and Construction Industry Payment and Adjudication Act 2012. The advantages of the KLRCA in terms case administration lies in its cost effectiveness and efficient case management. The turnaround time for appointment of arbitral tribunal is pegged at 48 hours and all appointments of adjudicators is to be completed within 5 working days. The year 2016 saw the continued growth of case administration by the KLRCA.

The statistics of the KLRCA case load as at 31st December 2016 is as follows:

		No. of Cases	Categories	
			Domestic	International
Arbitration	ADM	43	37	6
	APPT	18	17	1
	FT	1	1	0
Domain Name Dispute		12	4	8
Mediation		5	5	0
Adjudication		443	443	0
Total		522	507	15

No.	Area of Disputes	Types of Disputes				Categories	
		Arb	Med	DND	ADJ	Domestic	Int'l
1	Agency/ Franchising/ Dealerships/ Distributions/	0	0	0	0	0	0

2	Aviations & Airports	0	0	0	0	0	0
3	Banking/ Financial Instruments	1	0	0	0	1	0
4	Company (Share & Equities/ Joint Venture/ Partnership/ M&A)	2	0	0	0	2	0
5	Concession Agreement	5	0	0	0	4	1
6	Construction/ Engineering/ Infrastructure/ Architecture & Design/ Quantity Surveying	38	3	0	443	481	3
7	Employment/ Industrial Relations	0	0	0	0	0	0
8	Energy/ Mining/ Oil & Gas/ Power/ Natural Resources	1	0	0	0	1	0
9	Information Technology/ Telecommunications	0	0	0	0	0	0
10	Intellectual Property/ Trademarks/ Copyright/ Patent	0	0	12	0	4	8
11	Insurances/ Re-Insurances	0	0	0	0	0	0
12	Investment/ Commodities/ Treaty	0	0	0	0	0	0
13	Maritime (Admiralty/ Shipping/ Charter Party/ Vessels/ Bill of Lading/ Shipbuilding)	2	0	0	0	0	2
14	Media & Broadcast/ Advertisement/ Arts/ Entertainments	1	0	0	0	1	0
15	Real Estate (Land/ Properties/ Tenancy/ Conveyancing)	0	0	0	0	0	0
16	Services/ Supply of Goods/ Sales & Purchases/ Trading & Marketing	12	2	0	0	13	1
17	Sports	0	0	0	0	0	0
18	Others	0	0	0	0	0	0
	Total	62	5	12	443	507	15

*Arb consists of ADM, APPT and Fast Track, *DND consists of DNDR and ADNDRC

2. KLRCA PANELIST

The KLRCA Panelists comprise on 1404 various experts from all around the world. Out of this number 1079 panelist are arbitrators. From the total panellist 63.7% of the KLRCA panellist are international panellist. In 2016, the KLRCA also empanelled 84 adjudicators from Malaysia and 8 other countries. The updated Panel list is available on the KLRCA's website and made accessible to all users. The statistics of the panellist as of 31st December 2016:

No.	Categories	Total	Domestic	International
-----	------------	-------	----------	---------------

1	Arbitrators	1,079	212	867
2	DNDR	54	20	34
3	Mediators	327	104	223
4	Adjudicators	416	345	71

No.	Countries	Total	Panellists	Adjudicators
1	Malaysia	494	256	238
2	Singapore	151	137	14
3	Indonesia	11	11	0
4	Philippines	3	3	0
5	Thailand	4	4	0
6	Vietnam	2	2	0
7	Cambodia	1	1	0
8	Hong Kong	83	82	1
9	China	40	40	0
10	Japan	8	8	0
11	Korea	13	13	0
12	Taiwan	1	1	0
13	India	20	20	0
14	Pakistan	5	5	0
15	Nigeria	2	2	0
16	Mauritius	2	2	0
17	Maldives	2	2	0
18	Australia	48	46	2
19	United Arab Emirates (UAE)	19	17	2
20	Bahrain	1	1	0
21	Jordan	1	1	0
22	Qatar	2	2	0
23	Kyrgyzstan	3	2	1
24	Uzbekistan	1	1	0
25	Egypt	5	5	0
26	Lebanon	2	2	0
27	Monaco	1	1	0
28	Tunisia	1	1	0
29	Syria	1	1	0
30	United Kingdom (UK)	149	149	0
31	United States of America (USA)	67	67	0
32	New Zealand	7	7	0
33	Switzerland	34	34	0
34	Ireland	4	4	0
35	Austria	11	11	0

36	Finland	4	4	0
37	Germany	29	29	0
38	Canada	10	10	0
39	Sweden	8	8	0
40	France	51	51	0
41	Italy	14	14	0
42	Spain	9	9	0
43	Belgium	14	14	0
44	Poland	3	3	0
45	Bulgaria	1	1	0
46	Russia	11	11	0
47	Ukraine	7	7	0
48	Serbia	2	2	0
49	Czech Republic	4	4	0
50	Greece	1	1	0
51	Romania	1	1	0
52	Hungary	1	1	0
53	Portugal	3	3	0
54	Columbia	1	1	0
55	South Africa	1	1	0
56	Brazil	2	2	0
57	Argentina	1	1	0
58	Bolivia	1	1	0
59	Cyprus	2	2	0
60	Barbados	1	1	0
61	Lithuania	1	1	0
62	Latvia	2	2	0
63	The Netherlands	7	7	0
64	Nepal	1	1	0
65	Chile	1	1	0
66	Jamaica	1	1	0
67	Belarus	2	2	0
68	Botswana	1	1	0
69	Sri Lanka	3	1	2
70	Bangladesh	3	1	2
71	Brunei	1	0	1
	Total	1,404	1141	263

3. CAPACITY BUILDING AND KNOWLEDGE TRANSFER

In its continuous effort in capacity building and disseminating information on ADR, the KLRCA organises various courses and forums on arbitration, adjudication and mediation.

Construction Industry Payment and Adjudication Act (CIPAA) 2012

The KLRCA in its continued effort to raise awareness on CIPAA as well as to train future adjudicators to be part of the KLRCA Panel of Adjudicators, the KLRCA Certificate in Adjudication Programme was conducted twice in 2016. The first session was held on the from 28th May – 1st June 2016 and the second session was held from 3rd December – 7th December 2016. On the 18th of May 2016, the Centre also successfully organised the CIPAA Conference entitled CIPAA Conference 2016: Gaining Strength.

Diploma in International Commercial Arbitration

KLRCA and the Chartered Institute of Arbitrators (CIArb) Malaysia Branch jointly organised the Diploma in International Commercial Arbitration 2016 course. The course held from 9 – 17 January 2016 was attended by more than 30 participants from Malaysia and many parts of the world with a faculty panel made up of distinguished and renowned international arbitrators.

KLRCA Talk Series

The KLRCA Talk Series is a sequence of monthly talks held at the Centre. It is a free forum that is meant to be informative to all those who are interested in arbitration and ADR. Attendees are made up of senior legal practitioners, government agencies, NGO's, academics, judicial officers, students and the general public. Each talk features an ADR specialist who focuses on a specific topic. KLRCA held the following talks in 2016:

1. **Practical Views on Dispute Prevention and Resolution in Major International Project** (Pierre Michel Genton, Paul-A. Gelinat & Ramdas Tikamdas), 16 January 2016
2. **Bid Rigging – Are You at Risk** (Shanthi Kandiah & Dr. Sivasangaran Nadarajah), 20 January 2016
3. **Multiplication of Arbitral Institutions in Asia and the Middle East** (Mark Beer, Tun Zaki Tun Azmi, Datuk Professor Sundra Rajoo & Dato' Mah Weng Kwai), 26 January 2016
4. **Reflections on Construction Disputes in Mega-Projects** (Chow Kok Fong & Datuk Professor Sundra Rajoo), 29 January 2016
5. **Efficient Arbitration: Lessons to Be Learnt from The Civil Law** (Dr. Christopher Boog & Lim Chee Wee), 31 March 2016
6. **Mediating Oil, Gas, Engineering & Construction Disputes** (Dr. Robert Gaitskell, QC & Tan Sri Dato' V C George), 6 April 2016
7. **Conflict of Interest in Arbitration: Recent Developments** (Khawar Qureshi QC & Dato' Arief Emran Arifin), 18 April 2016

8. **The Latest Trends in International Arbitration and Selecting the Right Tribunal for Your Case** (Mark Goodrich & Dato' Anantham Kasinather) 26 May 2016
9. **Critical Issues on International and Domestic Arbitration: Judges' Perspective** (Dato' Mah Weng Kwai, YA Dato' David Wong Dak Wah, YA Dato' Setia Hj Mohd Zawawi Salleh, YA Dato' Umi Kalthum Abdul Majid, YA Justice Vernon Ong Lam Kiat, YA Datuk Dr. Prasad Sandosham Abraham, YA Dato' Mary Lim Thiam Suan, YA Justice Lee Swee Seng & YA Justice Azizul Azmi bin Adnan), 17 June 2016
10. **Maritime Delimitation, Sovereignty Disputes and International Arbitration - A Practitioner's Perspective** (Stephen Fietta & Dr. Ioannis Konstantinidis), 30 June 2016
11. **Arbitration in Asia – The Good, The Bad and The Ugly!** (Peter Godwin & Lam Wai Loon), 23 June 2016
12. **Securing Your Digital Assets** (Jayce Yeo, Yeo Yee Ling & Khoo Guan Huat), 4 August 2016
13. **Developments in UK Family Arbitration** (Judge Cryan, Pamela Scriven QC & Honey Tan Lay Ean), 29 August 2016
14. **An Evening with David. Rivkin: Efficiency in International Arbitration** (David Rivkin, Steven Thiru, & Tan Sri Cecil Abraham), 24 October 2016
15. **Straying from the Facts in a Hot Tub: Expert Evidence and Managing the Expert Witness** (Revantha Sinnetamby & Kevin Prakash), 8 November 2016

KLRCAs Conference / Forum / Training Programmes

KLRCAs also organised impactful conferences, forums and training programmes to advocate and spread the use of ADR.

1. **KLRCAs International Investment Arbitration Conference**, March, Kuala Lumpur
2. **KLRCAs Summer Academy on International Investment Law and Dispute Settlement**, July, Kuala Lumpur
3. **2nd IPBA-KLRCAs Asia-Pac Arbitration Day**, September, Kuala Lumpur
4. **KLRCAs Certificate Programme in Sports Arbitration**, September, Kuala Lumpur

5. **ICC-KLRCA International Arbitration Conference**, October, Kuala Lumpur
6. **KLRCA Mediation Forum**, November, Kuala Lumpur
7. **KLRCA-CIARb Mediation Programme**, November, Kuala Lumpur
8. **ADNDRC (Domain Name Dispute) Conference**, December, Kuala Lumpur
9. **KLRCA-SLAM (Sports Law Association of Malaysia: Pro-Tem) Sports Law Conference**, December, Kuala Lumpur

Other events

KLRCA also co-organised and participated in the following seminars and forums where the Centre delivered presentations and talks to further spread the awareness of ADR amongst the public and Malaysia as having a strong ADR platform for investors and industries to believe in.

1. **Resolving Disputes with Companies from Asia: What is the Best Approach?**, January, San Francisco
2. **Young Arbitrators Forum – International Chamber of Commerce (ICC): Introduction to ICC Arbitration**, February, Petaling Jaya
3. **ASEAN Judge Training**, February, Singapore
4. **2016 Shanghai International Arbitration Forum – Boosting “One Belt One Road”**, March, Shanghai
5. **KLRCA-MIARB Joint Talk**, April, Kuala Lumpur
6. **The 3rd MIARB Annual Review for 2015**, May, Kuala Lumpur
7. **APAG Training Day – Best Practices in International Arbitration**, June, Kuala Lumpur
8. **Annual Summit on Commercial Dispute Resolution in China**, June, London
9. **The 4th FDI Moot – “Asia Pacific Regional Rounds”**, August, Seoul
10. **1st Regional Conference 2016: Bridging the Gaps**, August, Kuala Lumpur
11. **LAWASIA International Moot Competition 2016**, August, Sri Lanka
12. **ASEAN Economic Integration Forum**, September, Kuala Lumpur

13. **International Conference on Challenges in Domestic & International Arbitration**, September, Chennai
14. **International Malaysia Law Conference**, September, Kuala Lumpur
15. **CIETAC China Arbitration Summit**, September, Beijing
16. **Indonesia & SE Asia: 4th Annual International Arbitration Summit**, September, Jakarta
17. **Maritime Law Conference**, October, Kuala Lumpur
18. **SMC Adjudication Conference 2016**, October, Singapore
19. **International Dispute Resolution Master Class**, October, Beijing
20. **National Initiative on Strengthening Arbitration and Enforcement in India**, October, New Delhi
21. **The Asia-Pac Regional Arbitration Group Conference 2016**, October, Bali
22. **2nd International Conference on Arbitration**, October, Doha
23. **Penang Mediation Skills Course**, October, Penang
24. **The 2016 Dispute Resolution in Asia Workshop**, November, Kobe - Japan
25. **Iskandar Malaysia Construction Law Conference**, November, Johor Bahru
26. **Islamic Arbitration Conference**, December, Sharjah

4. OTHER SIGNIFICANT INITIATIVES

KLRCA Young Practitioners Group

The KLRCA Young Practitioners Group was established in 2016 to engage young practitioners or people interested in dispute resolution field (under 40 years old). The official launch of the YPG KLRCA will be held during the First ICC/KLRCA Vis Pre-Moot on 17th March 2017. The group currently counts with over 200 members from 15 jurisdictions. Great expectations are being placed on this new endeavour of the KLRCA that aims to promote ADR worldwide amongst young practitioners.

Arbitration of Sporting Disputes

KLRCA is an official Court of Arbitration for Sport (CAS) Alternative Hearing Centre and conducts its own Certificate Programme in Sport Arbitration. Furthermore, the Olympic Council of Malaysia has for the first time introduced the KLRCA as an independent body that will adjudicate cases arising during the Kuala Lumpur SEA Games in August 2017.

Pilot Project in Construction Mediation

The KLRCA in association with the Society of Construction Law, Malaysia (SCL) and the Chartered Institute of Arbitrators, Malaysia has commenced its Pilot Scheme for construction mediation. This is in furtherance of the Practice Direction No. 4 of 2016 issued by the Chief Justice of Malaysia with effect from 15th July 2016 which provides for institutionalised mediation.

Collaborative efforts with the OBOR project

The KLRCA has liaised with other institutions around the world to prepare for the disputes that may arise from China's OBOR initiative. KLRCA intends to create an arbitration alliance with institutions ranging from Asia to Africa and Europe to welcome and better resolve any and all disputes.

Domain Name Dispute Resolution project

The KLRCA aims to raise awareness about the ways to protect the domain name. The ADNDRC (Domain Name Dispute) was conducted in December 2017 in view of this.

5. MEDIA REPORTING AND RECOGNITION

The accomplishments and efforts in promoting KLRCA have been recognised in both the domestic and international arena. Listed below are the publications that featured KLRCA in regards to its contribution and development in the arbitral fraternity, as well as in construction adjudication:

January 2016

The Star, 18 January – Boost for sub-contractors with greater protection for jobs below RM20mil
Asian Legal Business, 28 Jan – Opportunity beckons

February 2016

Convetus Law, 13 February 2016 – May the odds be ever in your favour: Selecting the most appropriate dispute resolution forum for outbound investments

March 2016

Conventus Law, 20 March 2016 – KLRCA International Investment Arbitration Conference 2016

April 2016

Hellenic Shipping News, 11 April 2016 – International Malaysian Society of Maritime Law sets sail

China Press, 12 April – IMSML said to protect maritime industry

Asia Samachar, 27 April – Rammit Kaur speaks on arbitration at KL law conference

May 2016

Daily Sun, 15 May – BIAC-KLRCA deal on resolving commercial dispute through ADR

Malaysian Digest, 18 May – Claims in Construction Sector Hit RM1.4b

The Borneo Post, 19 May – KLRCA continues to advocate the CIPA Act 2012

The Malay Mail, 19 May – CIPAA Awareness to Change Construction Industry

The Edge Financial Daily, 19 May – Construction Sector Claims Hit RM1.4b

The Edge Financial Daily, 19 May – Construction Catalyses Transformation Agenda

The Malaysian Reserve, 19 May – Claims in Construction Sector Hit RM1.4b

The Star, 19 May – The Options Available for Dispute Resolution

Utusan Malaysia, 19 May – Tuntutan dalam sektor binaan cecah RM1.4bilion

TV3, 20 May – CIPAA 2012 Has Resulted in RM1.4b in the Total Amount of Claims to Date

Focus Malaysia, 21 May – Construction Industry Payment and Adjudication Act Conference

June 2016

Traxx FM, 17 June – The Kuala Lumpur Regional Centre for Arbitration (KLRCA) hosted the launch of the latest book by Justice Datuk Dr. Haji Hamid Sultan Bin Abu Backer, a Judge in the Court of Appeal of Malaysia.

Bernama, 20 June – International Arbitration Demands Addressed in Appeal Court Judge's New Book

iProperty, June – CIPAA 2012: Mitigating Payment Issues Within the Construction Industry

Islamic Finance News, Volume 13 Issue 26, June – World Nations Turn to Islamic Arbitration Services

July 2016

Asian Legal Business, 12 July – We are ready to rise beyond expectations

Global Arbitration News, 23 July – Comparison of the ICC, UNCITRAL, SIAC, KLRCA, VIAC BANI, and other arbitration rules

Clifford Chance, 25 July – Clifford Chance Partners KLRCA for Its Summer Academy Programme on International Investment Law

August 2016

Oriental Daily, 24 August – KLRCA Maybe to Upgrade
Sin Chew Daily, 24 August – KLRCA as Mediation Centre in Domestic Commercial Dispute

September 2016

Sin Chew, 1 September – IMSLS reviews ordinance with Transport Ministry
The Star, 19 September – Malaysia moves to address disputes along Belt and Road
The Diplomat, 20 September – China, Malaysia Mull Dispute Resolution for 'Belt and Road' Countries
CIArb News, 28 September – 1st Regional CIArb Young Members Group 'Bridging the Gaps' Conference 2016

October 2016

New Straits Times, 13 October – Modern alternative has enormous potential
InvestKL, 25 October – Mergers and Acquisitions in Malaysia – Surge in interest from Asia countries

November 2016

The Sun Daily, 24 November – Cases being resolved via mediation on the rise in Malaysia: Tun Zaki
Astro Awani, 25 November – Mediation important in commercial dispute resolution – Zaki

December 2016

The Business Year, 2016 – Leave it to Us
The Arbitration, Mediation & Dispute Board Chambers, 6 December – ArbDB Chambers Collaborates with the KLRCA on the KLRCA Mediation Forum
Taylor's University, 14 December – A Memorandum of Understanding (MoU) was signed between Taylor's Law School and The Kuala Lumpur Regional Centre for Arbitration (KLRCA) recently
Bernama Radio, 25 December - In line with its focus for innovation while meeting regional needs, the Kuala Lumpur Regional Centre for Arbitration (KLRCA) has seen rapid growth in the last six years
National FM, 25 December – Kuala Lumpur Regional Centre for Arbitration (KLRCA) made rapid growth in the last six years
National FM, 25 December – KLRCA has been ranked a safe arbitral seat. KLRCA in launching its Pilot Scheme for construction mediation will be sponsoring 10 mediations referred by the Honourable Courts at no costs to either party.
Berita Daily (Bernama), 26 December – Massive growth of KLRCA

6. CONCLUSION

KLIRCA continues its pursuit to become the preferred arbitration and multi-service global hub for Alternative Dispute Resolution and is grateful for the full support of AALCO, the Malaysian Government and other stakeholders, such as the Judiciary and the Malaysian Bar as well as the local and international arbitral community.

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

Letter from the Director

2016 was a successful and eventful year for CRCICA which had the honor to be visited by H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General of the Asian-African Legal Consultative Organization (AALCO), its parent-institution.

In 2016, CRCICA inaugurated its newly renovated Conference Centre which was very well received and acknowledged by guests to be a unique conferences and training venue in Africa and Middle East. Meanwhile, CRCICA launches its new website, offering a quick and easy access to essential information and features while offering a more comprehensive understanding of the Centre's value proposition and overall users' benefits.

Moreover, CRCICA 2016 caseload reached a new annual record, with 91 new arbitration cases filed during the year, scoring as such 75 % annual increase and confirming the credibility of institutional arbitration under CRCICA's auspices. According to 2016's statistics, parties from the U.A.E. rank on top of the non-Egyptian parties, CRCICA being selected by parties to two purely international contracts, not involving any Egyptian party.

In 2016, CRCICA held the world's sole biennial international conference on "The Role of State Courts in International Arbitration- SHARM EL SHEIKH VI". It was the sixth of a highly successful international series of conferences biennially held 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). It has been said that "the Sharm-El-Sheikh biennial Conference has become quite a landmark in the field of arbitration".

One of the highlights of the year was organizing and hosting ICSID's first ever conference in the region entitled "Key Issues in International Investment Arbitration", which was attended by representatives of 23 countries.

All through the past year, CRCICA had been actively coordinating with other International Arbitral Institutions such as the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the International Council for Commercial Arbitration (ICCA) and the London Court of International Arbitration (LCIA). Cooperation with non-arbitral federations included among others the International Federation of Consulting Engineers (FIDIC).

One of the 2016 landmarks was entering into a unique educational partnership with the American Bar Association, Rule of Law Initiative, to provide Continuing Legal

Education in Egypt. Out of trust in CRCICA's expertise and institutional capacity, for the first time, ABA ROLI transmitted one of its overseas educational projects to a regional institution to jointly develop and administer educational programs for Egyptian Lawyers. Confirming its role in the development of arbitration in Africa, CRCICA is among the contributors to the book entitled: "The Transformation of Arbitration in Africa: The Role of Arbitral Institutions", published in August 2016 by Kluwer Law International. A special chapter on CRCICA, published under Part II of the book dedicated to Regional Arbitral Institutions in Africa, was drafted by CRCICA former Director Dr. Mohamed Abdel Raouf.

In 2016, new eminent legal experts were appointed as members of CRCICA's Board of Trustees and Advisory Committee respectively for a four-year term. Finally, the former CRCICA Director Mohamed Abdel Raouf, a man of integrity, ended an unrivaled four-year-term on 31 December 2016. By virtue of a unanimous decision of the Board of Trustees, I have been nominated as Director of the CRCICA as of 1st January 2017 for a four-year term.

In addition to sustaining CRCICA's reputation and achievements in Egypt, and the Afro-Asian Region and worldwide, one of my primary objectives is to support arbitration in Africa, and strengthen cooperation and coordination with other African arbitration institutions.

This exciting cooperation will start with two conferences to be held in April 2017: CRCICA is hosting the third SOAS conference on Arbitration in Africa as well as a conference organised by the African International Legal Awareness and the University of Geneva.

Much awaited, the release of the French version of the Centre's arbitration Rules during the first quarter of 2017 is an important goal to influence positively cooperation with all stakeholders in the African continent and beyond.

Also, in 2017, a section on arbitration in Africa will be added to the CRCICA-sponsored Journal of Arab Arbitration", a biannual publication of the Arab Union of International Arbitration (AUIA).

In 2017, guidelines will be included in CRCICA Arbitration Rules; likewise, a database for the purpose of CRCICA's awards will be created.

Finally, CRCICA will play a major role in the coming years, in promoting and ensuring diversity in arbitration through encouraging young arbitrators and especially women by reviving the CRCICA Youth Forum.

I look very much forward to boosting intra-Afro-Asian cooperation all through the way of achieving the above plans.

Dr. Ismail Selim

CRCICA CASELOAD IN 2016: NEW ANNUAL RECORD FOR THE SECOND TIME IN FOUR YEARS

The total number of arbitration cases filed before CRCICA until 31 December 2016 reached 1161 cases. In 2016, 91 new arbitration cases were filed, scoring as such 75% annual increase compared to the 54 cases initiated in 2015. 2016 witnessed a new record for the number of cases registered under the auspices of CRCICA in a single year (**91 cases**). The previous record, reached in 2012 (**78 cases**), has therefore been broken.

16 out of the 91 new cases were filed in the first quarter of 2016, while **23** cases were filed in the second quarter of 2016. The third quarter of 2016 witnessed the filing of **30** new arbitration cases, while **22** new cases were filed in the last quarter of 2016.

The 22 new cases filed in the fourth quarter of 2016 involved disputes relating to construction, media and entertainment, hotel management, services, settlement agreements, telecommunications, agency agreements, distribution agreements, franchise agreement, license agreement and merger and acquisitions.

According to the statistics of 2016, construction disputes rank on top of the disputed contracts referred to the Centre **23 Cases** followed by disputes arising out of services contracts **20 cases** and media and entertainment **10 cases**. Cases arising out of both hotel management and lease agreements filed in 2016 amounted to **5 cases each**, while the number of cases arising out of settlement agreements amounted to **4 cases**. Disputes arising out of sale and purchase of shares, supply contracts and telecommunications amounted to **3 cases each**, while disputes arising out of agency agreements, international sale of goods and real estate amounted to **2 cases each**. The remaining **9 cases** filed in 2016 related to charter party agreement, partnership agreement, distribution agreement, franchise agreement, intellectual property rights, joint venture agreement, license agreement, merger and acquisitions, and tourism agreement **1 case each**.

The rich variety of the types of disputed contracts referred to CRCICA in 2016 clearly illustrates the importance of arbitration as a means of dispute settlement and confirms the credibility of institutional arbitration under CRCICA's auspices.

In the fourth quarter of 2016, arbitration proceedings involved parties from different countries including Egypt, Saudi Arabia, Lebanon, France, Spain and the U.S.A.

According to the statistics of 2016, parties from the U.A.E. rank on top of the non-Egyptian parties referring their disputes to the Centre, followed by parties from Jordan, Lebanon, Libya, Saudi Arabia, the Cayman Islands, Italy, Germany, Spain, Cyprus, France, India, the U.K. and the U.S.A.

CRCICA is pleased to see that in 2016, its Arbitration Rules have been selected by parties to two purely international contracts (not involving any Egyptian party) concluded between parties from Saudi Arabia, Jordan and Libya.

The fourth quarter of 2016 witnessed the appointment of arbitrators coming from Egypt, Jordan, Iraq, the U.K., Switzerland and France.

According to the statistics of 2016, arbitrators sitting in CRCICA cases came from Egypt, France, the U.K., Jordan, Iraq, Lebanon, Switzerland, Germany and the U.S.A.

It is also worth mentioning that the fourth quarter of 2016 witnessed the filling of a mediation case concerning a contract for shipment of goods between two Egyptian companies.

AALCO Secretary-General's Visit to CRCICA

On 14 November 2016, H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General of the Asian-African Legal Consultative Organization (AALCO), CRCICA parent-institution, paid a visit to the Centre and held a meeting with Dr. Mohamed Abdel Raouf, the then Director along with H.E. Dr. Nabil Elaraby, the Chairman of CRCICA's Board of Trustees. During his official visit to Cairo, Egypt. H.E. Prof. Dr. Gastorn appreciated CRCICA latest renovation of its hearing and conference facilities and was consulted on the appointment of the new Director of the CRCICA.

CRCICA Board of Trustees: New Members

On the occasion of renewing the term of the members of CRCICA Board of Trustees (BOT), which expired on 30 April 2016, four new members were appointed at the BOT for a four-year term starting May 1st, 2016 until April 30th, 2020.

The four new members are:

Professor Alain PELLET (France), Emeritus Professor, University Paris Ouest Nanterre-La Défense and Former Member and Former Chairperson, International Law Commission of the United Nations.

Professor Hani Sarie ELDIN (Egypt), Professor of Commercial and Maritime Law at Cairo University and former Chairman of the Egyptian Capital Market Authority.

Judge Xue Hanqin (China), Member of the International Court of Justice (ICJ) since 29 June 2010; re-elected as from 6 February 2012.

Dr. Ziad Bahaa-ELDIN (Egypt), Economist and Attorney at law, former Deputy Prime Minister of Egypt and former Chairman of the Egyptian General Authority for Investment and Free Zones (2004-2007).

CRCICA is proud to have such eminent experts as members of its Board and trusts that they will enhance CRCICA's role in the development of institutional arbitration in the region and beyond.

CRCICA Board of Trustees: Annual Meetings

On November 19, 2016, CRCICA Board of Trustees (BOT) held its annual meeting in Sharm El Sheikh, Egypt. The meeting was presided by his Excellency Dr. Nabil Elaraby and attended by: Judge Mohamed Amin EL MAHDY (Vice-Chairman - Egypt), Prof. Dr. Hamza HADDAD (Vice-Chairman – Jordan), Prince Dr. Bandar Ben Salman AL SAUD (Saudi Arabia), Dr. Ziad A. AL-SUDAIRY (Saudi Arabia), Prof. Bernardo M. CREMADES (Spain), Prof. Dr. Ahmed S. EL KOSHERI (Egypt), Mr. Philippe LEBOULANGER (France), Prof. Dr. Fouad A. RIAD (Egypt) and Prof. Dr. Hani SARIE-ELDIN (Egypt).

The BOT unanimously re-elected Dr. Elaraby as its Chairman and both Judge Amin El Mahdy (Egypt) and Prof. Hamzah Haddad (Jordan) as the two Vice-Chairmen for a new four-year term until April 30th, 2020, in accordance with Article 2 of the By-laws of the BOT.

During the meeting, Dr. Mohamed Abdel Raouf presented CRCICA's activities and caseload in 2015-2016 as well as its financial statement of operations for the year ending on 31 December 2015 as audited by the external auditor. The salient features of CRCICA new website were also presented.

The BOT unanimously hailed the works and achievements of the Centre over the past year. The BOT also discussed the Centre's prospective entry into a cooperation agreement with two notable arbitration institutions. Pursuant to Article (4/a) of the BOT By-laws, the BOT also unanimously appointed Dr. Ismail SELIM, member of the CRCICA's Advisory Committee, as Director of the Centre to succeed Dr. Mohamed ABDEL RAOUF for a four-year term starting January 1st, 2017 and expiring on December 31st, 2020.

It is worth noting that Dr. Mohamed ABDEL RAOUF was the Director of the Centre since 2012 after being its Acting Director in 2011 and Deputy Director from 2008 to 2011. Upon the expiry of his term, Dr. ABDEL RAOUF is returning to his private practice to act as counsel and arbitrator in addition to being an Associate Professor at Université Paris 1 Panthéon-Sorbonne.

Dr. Ismail Selim's Biographical Notes

Academic Career: Dr Selim graduated from Cairo University in 1997 with an LL.B., where he also obtained an LL.M in International Business Law from the Institut du Droit des Affaires Internationales (I.D.A.I) in 1999. He then moved to France and earned his Master's degree in Public Administration (MPA) from the National School of Administration (E.N.A), in 2001. He also earned a Certificate in International Commercial Arbitration from the School of International Arbitration, Queen Mary University of London in 2005. In 2007, he did an internship at the ICC Court of International Arbitration. In 2009, Dr. Selim earned his PhD with highest honours (mention “**Très Honorable avec les Félicitations du Jury à l'Unanimité.**”) from

Burgundy University (Dijon - France). The title of the Thesis is “L’ordre public international in *favorem arbitrandum*” Etude de droit Comparé. The Thesis was published by Edition Universitaire Européenne.

Professional Career: Dr Selim started off his carrier as an associate at Shalakany Law Office. Further, he integrated the Egyptian judicial system where he started off as a Public Prosecutor in the Office of the Prosecutor General of Egypt, then a civil Judge, until he joined Zulficar & Partners Law Firm in 2009, as a leading member of its Arbitration Group and where he was promoted to Partner in 2013. Further, in May 2015, Dr Selim joined Nour and Selim in association with Al Tamimi and Company as Partner and Head of Dispute Resolution, Cairo. In parallel to his former judicial career, Dr Selim was seconded to the Cairo Regional Centre for International Commercial Arbitration from 2003 until 2007 where he acted as Legal Advisor. Further, Dr Selim became a member of CRCICA Advisory Committee as of 1st May 2016. Moreover, Dr Selim teaches Private International Law at the IDAI in Cairo (Sorbonne University) since 2011 and has taught Arbitration Law and Private International Law in several Universities in Egypt. He has been constantly appointed as Presiding arbitrator, Sole Arbitrator and Co-Arbitrator and has acted as a Counsel in more than forty ad hoc and institutional cases under various rules such as CRCICA, Swiss Rules, UNCITRAL and the ICC Rules and in diverse fields including telecommunications, electricity, oil and gas, hospitality, construction, banking, shareholders disputes, advertisement, international sale of goods and media and entertainment. Dr Selim has acted as Counsel in several post-arbitral litigation proceedings before Cairo Court of Appeal. In 2007, he accomplished an internship program at the ICC Court of International Arbitration in France, has published several articles in learned Egyptian and International journals and was a speaker in several national and international conferences, especially in the field of arbitration and investment. Dr Selim speaks Arabic, French, and English fluently as well as basic Chinese.”

New Experts Join CRCICA Advisory Committee

CRCICA is pleased to announce that as of May 1st, 2016, three eminent experts have been nominated as members of its Advisory Committee for a four-year term expiring on April 30th, 2020.

The three new members are:

- **Ms Samaa Haridi**
- **Dr. Mohamed Gomaa**
- **Dr. Ismail Selim**

Months later Dr. Selim was appointed the Director of the Centre as detailed above. Biographies and others details pertaining to the new AC members are available. at http://www.crcica.org.eg/org_advisorycommittee.html

The Centre seizes this opportunity to express its gratitude to the outgoing members Prof. Dr. Hossam Issa and Judge Adel Kora whose term as AC members has expired. Pursuant to the AC By-laws, the functions of the AC include By-Laws Advisory Committee of CRCICA (English version)

The Official Inauguration of CRCICA Conference Centre

On the occasion of holding CRCICA/SCC Investment Arbitration Conference, CRCICA inaugurated its newly renovated Conference Centre on 31 March 2016. The inaugural address was delivered by Dr. Nabil Elaraby, Chairman of CRCICA Board of Trustees. Annexed to CRCICA main Offices, the Conference Centre stretches over a total of 420 m2 and is composed of one main conference room, three breakout rooms, one reading room, one lounge and a refreshment area.

Named after Dr. Esmat Abdel Meguid, the Former Secretary-General of the League of Arab States and the Honorary Chairman of CRCICA Board of Trustees who exerted valuable contributions during the establishment of CRCICA, the main conference room capacitates 151 seats, a 5-seat podium plus one-stand alone podium. The room is equipped with high-tech equipment for the smooth functioning of events; this includes 3 built-in screen 75” with immersive viewing experience and 3 lingual simultaneous translation equipment, 2 high-definition remotely operated Ceiling Mount cameras recording automatically and video conference features.

The Room is privileged with a terrace overview of the historical Aquarium Grotto Garden and a side Nile View. Each of the 3 break out rooms has a round table with a capacity of 10 seats based on the standard training practices and logistical needs. The renovated annex was very well received and acknowledged by guests to be a unique conferences and training venue in Africa and Middle East

CRCICA Launches its New Website

CRCICA announced the launch of its newly revamped website. This redesigned site offers quick and easy access to essential information and features while offering a more comprehensive understanding of the Centre's value proposition and overall users' benefits. The website also offers updated information on arbitration, mediation, news, events and press releases, training courses, conferences, and membership.

The new website has a clean uncluttered design, improved functionality and enhanced rich content focused on the Centre's mission to provide cost effective international commercial arbitration in Asia and Africa services. The new website goes live and is located at the same address: www.crcica.org.

"We are excited about our new website launch and the robust information it provides for customers, investors, partners and media to better understand our services. We believe that this new website will allow our visitors to have a very informative experience as we continue to grow and increase our market presence."

Distinguished Lawyers: A Continuing Legal Education Series

Presented by: ABA ROLI and CRCICA

CRCICA and ABA ROLI (American Bar Association Rule of Law Initiative) started a partnership in 2009 to provide continuing legal education for the Egyptian Legal Community with the support of the USAID. The Program was a great achievement and succeeded to provide basic legal skills for a wide range of junior lawyers and fresh graduates. In September 2016, the funded program closed after being identified as one of the most successful CLE programs in Egypt.

Proudly, as of this date, CRCICA was chosen to administer and develop the program in close collaboration with ABA ROLI. The program in its new phase is being supported by the elites of the Egyptian Legal Community represented in its' Advisory Board. The newly structured program was launched in November 2016 by a training entitled Your Guide to Mastering Client Relationships ... the Customers' Perspective. In 2017 and beyond, this program will provide different trainings to help lawyers improve their legal skills and acquire new ones.

The thematic scope of future trainings is all-encompassing to improve Egyptian lawyers' legal skills in various fields of practice. All stakeholders are welcomed to fill in a needs assessment survey to help CRCICA and ABA ROLI assess market needs and plan a fully responsive program.

EVENTS UPDATE:

First In-take of the Course on: The Contract and the Rules of Responsibility and Evidence (equivalent to CIArb Module 1: Law of Obligations and Evidence), 17-20 January 2016

CRCICA was approved as a Recognized Course Provider authorized to provide the training courses qualifying for the membership of the Chartered Institute of Arbitrators (CIArb). By virtue of this one of the kind stance in the whole Arab region, CRCICA is entitled to hold both CIArb modules; Module I: Law of obligations and Civil Evidence which prepares candidates having no legal background to participate at Module 2: Law of Arbitration. Candidates are then entitled to apply for the CIArb membership.

The first CRCICA version of Module I was held on 17-20 January 2016 under the customized thematic approach "The Contract and the Rules of Responsibility and Evidence". This tailored program stroke a unique balance between local and regional practices and jurisdictions and international law and practices. The curriculum included: (I) General Introduction to Law- Sources of Obligations- Making of Contracts- Terms of Contracts; (II) Privity of contract- Interpretation of contract- performance- remedies for breach- Termination; (III)Tort and Evidence Law.

The program addressed the general introduction to law, explained the meaning of the legal rule and the hierarchy of norms, and focused on contract law and Evidence law from a civil law perspective, and in comparison with the main concepts of common law. The program also addressed tort law, as well as elements of liability for tort and for breach of contract. The conditions of the liability in both cases are similar and treated by famous scholars in the same chapters, the sole difference being the element of the fault. Evidence as applied before courts and arbitral tribunals under Egyptian Law was also addressed.

31 Participants, who were mostly contract managers and engineers, were guided through Power Point presentations, writings of famous scholars in the field, court decisions and practical examples, through the process of making, performing and terminating contracts. Participants' assessment consisted of two sections; the first one posed two questions and a mock case in Evidence Law and tort law. The second section consisted of two complicated mock cases which included issues related to contractual terms, interpretation and performance of contracts, breach of contractual obligations and remedies thereto and limitation on liability and its conditions. The assessment aimed at showing the level of understanding of the candidates and their ability to present and express their views in law of obligations, evidence and tort law as well as to apply the knowledge they acquired to analyze facts and legal issues and to suggest the best solutions for them.

Conference on: International Investment Arbitration Involving Arab Parties: Issues & Challenges, 31 March 2016

On 31 March 2016, the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) and CRCICA organized their second joint investment arbitration conference entitled: "International Investment Arbitration Involving Arab Parties: Issues and Challenges".

The Conference focal theme provokes various interesting topics and the agenda tactfully tackled all recent texts and trends; issues and concerns, perspectives and expectations in international investment arbitration with special reference to arbitrations involving Arab parties. This includes most recent legal investment texts (laws, bilateral and multilateral investment treaties), in the Arab World and around the globe, that affect investment Arbitration or are likely to have role in its coming future. The example of the current Transatlantic Trade Investment Partnership (TTIP), was examined to explore how would it provide a model for future negotiations on the investment policies between EU and the Arab World.

The last working session, a momentous practice-based session, questions the current international practices and mechanisms of the investor-state dispute settlement by Arbitration in an attempt to define shortcomings and propose possible remedies for the betterment of the ISDS. Within this context, and for the first time ever, special attention was given to the particular problems and concerns of the Arab Investor as claimants in investment arbitration as well as the role of the Arab Arbitrator in this concern.

Many distinguished speakers addressed the conference topic from local, regional and international perspectives. The Egyptian and Arab speakers discussed regional investment laws, treaties and dispute settlement mechanisms, while the SCC speakers focused on international trends in investor-state arbitration.

The conference engaged a large audience drawn from both the business and legal communities from Egypt, Libya, Jordan, Syria, Qatar, Sudan, Burkina Faso, Guinea, Mauritania, France, Sweden, Switzerland and USA.

It sparked lively debate about investment policy in the Arab world and investment arbitration involving Arab parties – a debate that will no doubt continue at future CRCICA events.

The Fifth Annual Training Course on "Comparative Commercial Arbitration, Theory and Practice" (CCATP), equivalent to CIArb Module 2: Law of International Arbitration leading to the Membership of the Chartered Institute of Arbitrators, 20-25 March 2016, Cairo-Egypt

CRCICA and CIArb Cairo launched the training course: “Comparative Commercial Arbitration: Theory and Practice” (CCATP) in 2011, as the first comparative arbitration program in the Arab World with a simultaneous bilateral tutorial methodology that combines Civil Law and Common Law systems. The program covers the main arbitration stages being the arbitration agreement, the arbitral tribunal, the arbitral proceedings and finally the arbitral award. It provides the ideal platform to underpin and support the development of professional experience in arbitration.

In 2016, in response to potential participants’ needs, the program was condensed over 6 successive days, after being delivered in the past in four separate modules, each lasted for 3/4 days.

Reference texts comprised an unprecedented collection of documents including comparative state court decisions of the European (British, French and Swiss), American and Arab (Egyptian, Saudi, Sudanese, Tunisian, Emirati, Iraqi and Syrian) jurisdictions; a unique collection of arbitration arbitral principles extracted from awards of many international arbitration institutions including CRCICA; national laws, model and institutional arbitration rules, international agreements and court judgments, the IBA Guidelines on Conflict of Interest in International Arbitration, the IBA Rules on the Taking of Evidence in International Arbitration, the IBA Guidelines for Drafting International Arbitration Clauses, analytical articles as well as expert commentaries.

The last day of the program was fully devoted to participants’ assessment through a number of mock cases carefully prepared as based on CRCICA accumulative experience over more than 35 years in the administration of arbitration cases. The assessment day is divided into three exams, each composing of a number of questions and mock cases out of which participants have to define the legal problems and provide their legal opinion based on the course. Participants were also required to draft some procedural decisions and a complete arbitral award.

The course, in its new form, was a real success and was very well received as a unique comparative arbitration course qualifying practitioners to partake in international arbitrations under any jurisdictions.

The Challenges of the Egyptian Construction Industry and the Role of FIDIC, 16 April 2016

CRCICA hosted the first business conference of the International Federation of Consulting Engineers (FIDIC) held under the title “The Challenges of the Egyptian Construction Industry and the Role of FIDIC” on 16 April 2016, at Dr. Esmat Abdel Meguid Auditorium, CRCICA Conference Centre.

The conference was held in cooperation with the Egyptian Society of Consultative Engineers (ESCON), the Egyptian Engineers Syndicate (EES), the Contractual and Legal Aspects in Construction Program (CLAC) and the Society of Construction Law (SCL).

In a balanced structure, expert speakers discussed the challenges of the Egyptian construction industry out of local and international perspectives and evaluate how international construction contracts of wide use as FIDIC contracts are, can help reconcile the needs of local employers and foreign companies implementing major projects in Egypt and whether and to which extent joint efforts are needed for better performance. Beside a pool of Egyptian speakers, experts from Switzerland, Sweden, United Kingdom, Romania represented the FIDIC. Also, speakers from Romania and Jordan presented their countries’ experiences in the application of the FIDIC contracts. The agenda tackled the role of FIDIC in addressing the changes and Challenges in the Egyptian Construction Industry and examined the application of FIDIC Procurement Procedures in major projects. The session entitled “Understanding FIDIC: A Middle Eastern Approach” was a civil-law driven session that discussed the application of FIDIC Contracts in Egypt and other Arab Middle Eastern Countries and the most common amendment to FIDICs’ particular conditions in the Middle East. In an interestingly interactive format, the last working session featured an expert panel discussion on **FIDIC Contracts – The Right Tool for Construction Industry in Egypt?** Discussions approached the application of the FIDIC contracts in Egypt out of the perspectives of the employer, the contractor and the consultant. Stakeholders’ views were balanced up by FIDIC’s own reflections and the whole panel discussion was orchestrated by an expert legal moderation. The audience was kept engaged, and the discussions were lively and very interesting.

Attended by 100 specialists from 8 countries, the conference was hailed as a huge success for highlighting many key issues, and stirring up lots of constructive debate on FIDIC contracts and their application in Egypt. While the majority of attendees represented the Egyptian construction industry, other participants came from Australia, Bahrain, Canada, Jordan, KSA, Russia and Sudan.

The business conference was followed by a round-table discussion between FIDIC's representatives and a number of Egyptian consultant engineers. Under the title

“Consulting Engineering Industry in Egypt and the Role of FIDIC: Developments, Concerns, What’s for the future?”, discussions addressed the practical issues related to the use of FIDIC contracts in Egypt and explored the ways of bettering national understanding of their core concepts through the key role of consultant engineers.

(Photo Gallery: <http://cricica.org.eg/gallery/index.php/The-Challenges-of-the-Egyptian-Construction-Industry-and-the-Role-of-FIDIC-16-April-2016>)

1) FIDIC WORKSHOP: Hands-on Experience on using FIDIC Contracts, 17 April 2016

Moderated by Mrs. Aisha Nadar, Consultant at Advokatfirman Runeland AB, and Member, FIDIC Updates Task Group 1999 Suite, the workshop featured five training sessions: Which Contract to Choose and why; drafting and negotiating particular conditions; operation of FIDIC contracts; claims and dispute avoidance and resolution.

Trainees practised two interactive exercises, the first of which took the form of a procurement problem, setting out the contours of the project and having the students identify which forms they would use and why. The second exercise tackled claims, their categorization and the allocation of costs.

The workshop was very well received in the Egyptian marketplace and was attended by more than 50 trainees being lawyers, consulting engineers, developers, judges, contract managers representing a variety of top businesses...etc. It was quite interesting that participants come from Algeria, Bahrain, Egypt, KSA and Sudan.

(Photo Gallery: <http://cricica.org.eg/newsletters/nl022016/nl022016a003t.html>)

Cairo New York Convention Road Show, 21 May 2016

On 21 May 2016, the Cairo Regional Centre for International Commercial Arbitration (CRCICA), in cooperation with the International Council for Commercial Arbitration (ICCA) and the National Centre for Judicial Studies organized the Cairo New York Convention (NYC) Roadshow at CRCICA Conference Centre in Cairo-Egypt.

The event was attended by 56 Egyptian judges from the following courts: The Court of Cassation, the Cairo Court of Appeal, the Southern Cairo First Instance Court, the Giza First Instance Court, the Cairo Economic Court, in addition to members of the public prosecution at the Court of Cassation.

The discussions were led by the following seven experts: Prof. Dr. Ahmed S. El Kosheri (Founding Partner, Kosheri, Rashed and Riad, Cairo-Egypt and Advisory Member of ICCA); Prof. Dr. Borham Attallah (Civil Law Professor, Faculty of Law, Alexandria University); Judge Dominique Hascher (French *Cour de Cassation* and ICCA Governing Board member), Judge Bohan Amrallah (former President of the Cairo Court of Appeal), Judge Nabil Omran (Vice-President of the Court of Cassation), Judge Ismail Al-Ziady (Cairo Court of Appeal) in addition to the then CRCICA Director and ICCA Governing Board member, Dr. Mohamed Abdel Raouf.

The program of the one day event included three lectures covering the following topics: 1) An overview of the NYC, its objectives, means of interpretation and salient comparative judicial application; 2) the importance of the NYC as a means of assuring legal security; and 3) the role of the national judge in the international arbitration process from the perspectives of both the practitioners and the judges.

The lectures were followed by panel-led discussions covering: 1) Article I to IV of the NYC relating to its scope of application, the arbitration agreement, the enforcement procedures and the requirements to be satisfied by the parties seeking to recognize/enforce foreign arbitral awards; 2) Article V of the NYC relating to the grounds for refusing the enforcement of foreign arbitral awards; 3) Article VII of the NYC with special emphasis on the relationship between the NYC and the Riyadh Convention of 1983 covering *inter alia* the enforcement of Arab arbitral awards in Arab states; and 4) the enforcement of foreign arbitral awards set aside at the seat of arbitration.

The texts of the NYC, the Egyptian Arbitration Act, the relevant provisions of the Egyptian law on civil procedures as well as the Arabic version of the ICCA's Guide to the Interpretation of the 1958 New York Convention were made available to the participants in addition to five relevant judgments rendered by the Egyptian Court of Cassation and the Cairo Court of Appeal as well as three doctrinal articles regarding the application of the NYC.

The Roadshow was a great success and has led to very interesting discussions especially with respect to the discretion of the national judges in enforcing arbitral awards while one or more of the causes of refusing enforcement exist, the importance of having a harmonized application of the provisions of the NYC in accordance with the standards and principles of interpretation of international law, the public policy defence under the NYC as well as the analysis of the position of the French courts regarding the enforcement of arbitral awards that have been set aside at the seat.

Details pertaining to ICCA's judicial virtual forum and the New York Arbitration Convention website were brought to the attention of all participants who showed their interest in learning more about international arbitration in general and the enforcement of foreign arbitral awards in particular.

CRCICA seizes this opportunity to thank Judge Nabil Omran for his tremendous efforts exerted in order to successfully conduct the Cairo NYC Roadshow. CRCICA also wishes to acknowledge the genuine cooperation of Judge Borhan Amrallah and Judge Omar Hafiz as well as the latter's colleagues at the National Centre for Judicial Studies. (Photo gallery: <http://crcica.org.eg/gallery/index.php/New-York-Convention-Roadshow-21-may-2016>)

Arbitration under the ICSID Convention: Navigating An ICSID Arbitration from Start to Finish, 27 September 2016

On 27-28 September 2016, CRCICA hosted the first ever course and conference of the International Centre for Settlement of Investment Disputes (ICSID) to be held in the region in celebration of its 50th anniversary. The introductory course on Arbitration under the ICSID Convention: Navigating An ICSID Arbitration from Start to Finish was meant to train regional practitioners, and whoever is interested, to effectively and properly participate at ICSID dispute settlement procedures through each stage of an arbitration, and discuss recent developments in international investment arbitration, current trends in the ICSID caseload, dispute prevention and other practical considerations.

The course was attended by governmental counsels, in-house advisors, private lawyers, arbitrators and law students. It was taught by Meg Kinnear, the ICSID Secretary General, and ICSID Legal Counsels.

Key Issues in International Investment Arbitration ICSID/CRCICA, 28 September 2016

The Conference “Key Issues in International Investment Arbitration highlighted the most important and most controversial investment arbitration-related issues and clarified some confusing concepts in the multi-sided relation between host states and foreign investors as precisely reflected in ICSID Caseload. The program included topics on the definition of the investor and the elimination of related ambiguity likely to invoke the denial of benefits condition. Also, expropriation, its definitions and damages, was explored intensively. "How Transparent Could Investment Arbitration Be?" was one of the Conference’s core questions. In exploring answers, the role of states and Amicus Curiae in enhancing transparency of investment dispute resolution was thoroughly discussed.

The focus of the final session was “The Review of Investment Arbitration Awards: A Retro/Pro-spective Analysis”, in the course of which the appeal of arbitral awards proposal was discussed in a thoroughly analytic context. The keynote speech delivered by H.E. Awn Al Khasawnah, eliminated conceptual unfamiliarity related to the overlap of Public International Law and international investment law which sometimes causes confusion in the course of investment dispute resolution.

This exceptionally rich agenda was tackled by 20 expert and speakers from Arab and European Countries as well as the United States of America. The outreach of the Cairo ICSID events scored 23 countries in attendance being Algeria, Belgium, Cyprus, Egypt, France, German, Iraq, Jordan, Kenya, Lebanon, Libya, Morocco, Nigeria, Russia, South Africa, Sudan, Switzerland, Tunisia, Turkey, UAE, UK, USA and Yemen.

(Photo Gallery: <http://cricica.org.eg/gallery/index.php/CRCICA-ICSID-27-28-SEP-2016>)

Expert Witness in International Commercial Arbitration, 24 October 2016

The Cairo Branch of the Chartered Institute of Arbitrators and the CRCICA co-organized the First Course on “Expert Witness in International Commercial Arbitration” on 24 October 2016, Cairo, Egypt.

The Course was jointly delivered by **Mrs. Aisha Nadar**, Member of FIDIC Executive Committee (EC) and Senior Consultant, Construction Contracts and Dispute Resolution, Advokatfirman Runeland AB Stockholm, Sweden and **Mr. Per Runeland**, Senior Counsel, Advokat Setterwalls, Stockholm, Sweden. It presented a combination of lecture, Q & A and interactive exercises. The masterpiece of the course was a mock cross-examination in which one tutor cross-examined the other in a highly demonstrative manner to present the several different approaches to cross examination, including head-on and collateral attack.

Sharm El Sheikh VI: The Role of State Courts in International Arbitration 19-20 November 2016, Hyatt Regency Hotel, Sharm El Sheikh, Egypt

The Cairo Regional Centre for International Commercial Arbitration (CRCICA) held the World’s Sole Biennial International Conference on “The Role of State Courts in International Arbitration- SHARM EL SHEIKH VI” on 19-20 November 2016 at Hyatt Regency Hotel, Sharm El Sheikh, Egypt.

SHARM ELSHEIKH 2016 was the sixth 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 grows to be branded as the only worldwide forum on the varied connection between the judiciary and arbitration. It has been known to have established a permanent venue for practitioners from all over the world for the exchange of expert views on the diverse relationship between state courts and arbitration in a cross-cultural context. As it starts its second decade, according to Mr. Renaud SORIEUL, Secretary, UNCITRAL, “*the Sharm-El-Sheikh biennial Conference has become quite a landmark in the field of arbitration*”.

SHARM ELSHEIKH 2016 was unprecedentedly sponsored by 15 firms and institutions led by ZULFICAR and PARTNERS having GOLD SPONSORED the Conference for fourth consecutive times. The Conference’s only silver sponsor was IBRACHY and PARTNERS. The Bronze sponsors were Kosheri, Rashed & Riad Legal Consultants & Attorneys at Law, Matouk Bassiouny Attorneys at Law, Youssef and Partners Attorneys, Shehata Attorneys at Law. Proudly, supporting Organizations were a mixture of law firms and regional arbitration institutions: Helmy, Hamza & Partners member firm of Baker & McKenzie International, Nassar Law Firm, Nour & Selim in association with Al Tamimi & Co, Badran Law Office, the GCC Commercial Arbitration Centre, the Qatar

International Center for Conciliation and Arbitration and the Bahrain Chamber for Dispute Resolution (BCDR). Media partners were GAR, the I-ArbAfrica, the Law Magazine.

2016 SHARM ELSHEIKH agenda was a unique blend of topics. In addition to addressing the latest developments related to the role of state courts in international arbitration on both Arab and international levels, hot topics and trends in the practice of international arbitration were tackled, including the abuse of due process in international arbitration, issue conflict between judges and arbitrators and the role of emergency arbitrators. Beside standard thematic approach, the relation between state courts and arbitration was also handled in an innovative fashion extending focus to various related explorations including state courts' use of soft law instruments, the power of the judiciary to assist tribunals in taking evidence. The Conference gave floor to one of the essential controversies in the field exploring diverse views regarding the judicial review of institutional decisions. It was not less controversial to discuss the judicial review of arbitral awards in the last session. The vigorous diversity between arguments and counter arguments was extremely thought-enriching. The conference's report provides more details.

The conference was attended by 180 participants from 24 countries, namely, Austria, Bahrain, Egypt, France, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Nigeria, Palestine, Qatar, Romania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Syria, Tunisia, United Arab Emirates, United Kingdom and Yemen.

(Photo Gallery:

<https://drive.google.com/drive/folders/0B9H6TSyVYVBVR3UzT1N1dzhKMGc?usp=sharing>)

The Equal Representation in Arbitration Pledge event, 19 November 2016

On 19 November, CRCICA and the Stockholm Institute of Arbitration (SCC) organized the Equal Representation in Arbitration (ERA) Pledge Breakfast, which discussed views and actions to address the gender imbalance in arbitrator appointments. Moderated by Ms. Annette Magnusson, SCC Secretary General, the Event was attended by female practitioners from Egypt, Sudan, Sweden, Switzerland – Iraq, United Kingdom – Nigeria, United States of America, Dr. Mohamed Abdel Raouf, the then CRCICA Director and Prof. Nassib G. Ziadé, Chief Executive Officer Bahrain Chamber for Dispute Resolution (BCDR).

The Distinguished Lawyers Program: “Your Guide to Mastering Client Relationships ... the Customers’ Perspective”, 30 November 2016

The CRCICA and the ABA ROLI jointly organized a career development training entitled “*Your Guide to Mastering Client Relationships ... the Customers’ Perspective*”. Delivered by Mr. Ayman Essam, Director of Legal & External Affairs, Vodafone Egypt, the training marked the first event in a sustainable CRCICA/ABA ROLI Continuing Legal Education Scheme.

This training was designed to help lawyers of law firms to know their clients, embrace their needs, fulfill their expectations and thus ensure client loyalty and improve billing and collections process. The instructor used interactive methods of presentation and thought-provoking quizzes. After the presentation, there was a Q & A session followed by a legal memo “reconstruction” exercise.

The scope of the training included ways to bridge the gap between law firms and clients; lawyers’ “soft skills”; behavioral performance of law firms to meet clients’ emotional needs; the importance of improving industry understanding; best practices for billing; improving service quality: lessons and practice from an insider’s view; client retention strategies and the importance and methods to measure clients’ satisfaction. The training ended by a case Study and practical exercise.

CRCICA hosts CIArb Cairo Wednesday One Seminars

1) 13 January 2016: Shari’a as Electio Juris

The first 2016 Wednesday One Seminar entitled “Shari’a as Electio Juris” was delivered by Mr. Mohamed Madkour, Partner & Head of Dispute Resolution, Ibrachy & Partners Law office. The lecture explained the history of Islamic finance and analyzed the expression “Islamic law”. The speech refuted the existence of an effective method to apply Islamic law in contracts and in dispute resolution. One of the main reasons, as perceived by the lecturer, is the existence of different schools of fiqh and the existence of conflicts between Islamic law requirements and existing international arbitration rules. Mr. Madkour argued that the existing state laws are sufficient to guarantee the applicability of Islamic law. The innovating argumentative approach, of the lecture, triggers various questions and created lively discussions.

2) 14 February 2016: The Legal and Regulatory Framework of the Suez Canal Economic Zone (SCEZ)

In the second Wednesday One Seminar of the year, Dr. Ahmed Darwish, the Chairman of the Suez Canal Economic Zone Authority highlighted the salient features and governing regulations of the Suez Canal Economic Zone (SCEZ). The most distinctive regulatory feature is that the authority has full discretion over the zone, streamlining investment decisions. The Seminar witnessed a lively exchange of ideas and concerns between the

Chief of the Authority and members of the Egyptian Legal community regarding various related issues such as the establishment of companies within the Zone, possible investment opportunities and the settlement of disputes.

3) 6 April 2016: Petroleum Concession Agreements in Egypt

The April Wednesday One Seminar entitled “**Petroleum Concession Agreements in Egypt**” was delivered by Mr. Mohamed Abdel Latif, Lawyer and Arbitrator. The lecturer analyzed the legal and organizational frameworks of concession agreements in Egypt and examined the relation between parties thereto in all stages of operation. Special attention was given to the settlement of disputes likely to arise out of concession agreements.

The scholastic style of the lecture triggered significant questions and led to fruitful discussions. The seminar was attended by representatives of petroleum companies, oil and gas governmental authorities and private lawyers.

4) 18 May 2016: Setting Aside of Arbitral Awards under Egyptian Law

The first of two May Seminars was delivered by Dr. Naglaa Nassar, Principal, Nassar Law Office under the title “**Setting Aside of Arbitral Awards under Egyptian Law**”. The speech highlighted the salient features of setting aside arbitral awards under the Egyptian Law and analyzed the most common practical issues arising out of the application of the law.

Attendees were a mixture of judges, private lawyers who interacted all together in a lively fashion.

5) 23 May 2016: FIDIC and Egyptian Law: What You Must Know?

The second May Seminar focused on “**FIDIC and Egyptian Law: What You Must Know?**” and was delivered by Mr. Scott Lambert, Regional Head – Construction & Infrastructure- Al Tamimi & Co. The seminar examined how the Egyptian Law interacts with the written terms of the FIDIC’s general conditions (focusing on the 1999 Red Book) and explained that what is written may not legally mean what it says. Special focus was given to time bars, limited damages, limitation of liability, variations, suspension and termination. Also, the speaker considered some of the common amendments to the clauses and some practical contract administration tips. In conclusion, Mr. Lambert communicated an important message that balancing common law contracts under civil law can be tricky and that users should know their projects to correctly decide which model FIDIC standard contract to use.

Attendees represented the Egyptian construction community and got engaged in lively discussions

6) Mediation as an Amicable Dispute Resolution Technique, 12 October 2016.

On 12 October 2016, Dr. Khaled El Shalakany, Senior Managing Partner of El Shalakany Law Firm, delivered a lecture on “Mediation as an Amicable Dispute Resolution Technique”. The speech shed light on the advantages of using mediation to settle disputes

and the role of the Egyptian ADR Association to promote the culture of mediation in Egypt. Attendees, drawn from various professional backgrounds, triggered lively discussions to explore more about the use of mediation in given sectors.

7) Challenging the Court of Appeal Decisions related to the Setting Aside of Arbitral Awards: Is it Possible? 21 December 2016

On 21 December 2016, Coun. Mahmoud Fahmy delivered a lecture entitled “*Challenging the Court of Appeal Decisions related to the Setting Aside of Arbitral Awards: Is it Possible?*”. In a methodological approach, Coun. Fahmy explored all three juristic opinions rendered in answering this important question. He ended up endorsing the stance of banning the challenge of the Court of Appeal Decisions related to the setting-aside of arbitral awards. To end up the juristic controversy in this concern, the lecturer suggested a legislative revision of article 54 of the Egyptian Arbitration Law no 27/1994.

Coun. Fahmy is Former Vice-President of the Council of State; Former Chairman of the Capital Market & Investment Authorities; Attorney at Law & Legal Advisor.

8) Hosted Events: Lecture at National Centre for Judicial Studies and Visit of African Delegation, 15 May 2016

On 15 May 2016, Dr. Mohamed Abdel Raouf delivered a lecture in English to 20 delegates from several African states on the pre-award arbitral proceedings. The lecture was given within the context of a training program specially tailored for the African delegates by the National Centre for Judicial Studies (NCJS), the training department of the Egyptian Ministry of Justice.

Upon the request of the delegates, the lecture was followed by a visit to CRCICA headquarters where they were familiarized with concrete aspects of the arbitral proceedings.

9) CRCICA Hosts IDAI Second Arbitration Moot, 5 June 2016

Created in November 2004 by the students of the *Institut de Droit des Affaires Internationales* (IDAI), Université Paris 1 Panthéon-Sorbonne, the *Club d'arbitrage et de plaidoirie de l'IDAI* aims at training selected students of the IDAI to acquire the necessary advocacy skills that would enable them to participate in local; regional and international moot courts including the reputable annual Willem C. Vis International Commercial Arbitration Moot.

Within this context, the second Internal Moot held by the *Club d'arbitrage et de plaidoirie de l'IDAI* was hosted by CRCICA on 5 June 2016 where four groups of students pleaded their cases before two arbitral tribunals composed of a blend of six experienced specialists and graduates.

It is worth mentioning that the first Internal Moot held by the *Club d'arbitrage et de plaidoirie de l'IDAI* was hosted by CRCICA on 26 May 2015 where five groups of

students pleaded their cases before six arbitral tribunals composed of a blend of eleven experienced specialists and graduates.

10) CRCICA hosts one of the lectures of the FIFA/CIES Diploma in Sport Management, 25 July 2016

On 25 July 2016, CRCICA hosted 20 participants in the FIFA/CIES (International Centre for Sports Studies) Diploma in Sport Management conducted under the auspices of the Cairo University.

The lecture was delivered by Mr. Nasr Azzam, lecturer on Sports Law and Mr. Ahmed Mahfouz, Legal Counsel of the Egyptian Handball Federation who explained the procedures of settling sports-related disputes by arbitration before the Court of Arbitration for Sport (CAS), the role of mediation in settling such disputes as well as the salient features of the draft new Egyptian law on sports.

Dr. Mohamed Abdel Raouf welcomed the participants who visited CRCICA's Hearing and Conference Centers and made a presentation about CRCICA, its role in settling sports-related disputes as well as the salient features of the agreement concluded in July 2012 between the International Court of Arbitration for Sport (ICAS) and CRCICA entitling the latter to host the first Alternative Hearing Centre (AHC) for the Court of Arbitration for Sport (CAS) in Africa.

Regional and International Contributions

11) CRCICA Hosts Pre-moot for IDAI students participating in the 13th Vis East Moot in Hong Kong and the 23rd Willem C. Vis International Commercial Arbitration Moot in Vienna

On 2 April 2016, CRCICA hosted the pre-moot events preparing the nine IDAI students participating in both the 13th Vis East Moot in Hong Kong and the 23rd Willem C. Vis International Commercial Arbitration Moot in Vienna.

The IDAI team composed of four students participating in the Hong Kong Moot in March 2016 was sponsored by Shalakany Law Office, while the IDAI team composed of five students participating in the Vienna Moot was sponsored by Kosheri, Rashed & Riad Law Office.

12) ICCA Annual Governing Board Meeting, Mauritius, 8 May 2016

In his capacity as an elected member of the ICCA Governing Board, Dr. Mohamed Adel Raouf attended the annual ICCA Governing Board meeting held on 8 May 2016 in Mauritius on the occasion of the ICCA Mauritius 2016 Congress.

Discussions focused on ICCA's ongoing projects and future events. It is noteworthy that ICCA has been recently running various important projects such as the ICCA New York Convention Roadshows, Issue Conflicts in International Arbitration, Third-Party

Funding, and drafting Sourcebook for Organizing International Arbitrations. During the meeting, the Governing Board members voted for Edinburgh, Scotland to host the 2020 ICCA Congress from 10 to 13 May 2020. It is worth mentioning that the next ICCA Congress is taking place in Sydney from 15 to 18 April 2018.

13) ICCA Mauritius 2016, Mauritius, 8-11 May 2016

The 2016 ICCA Congress took place in Mauritius from 8 to 11 May 2016 for the first time in Africa. The Congress theme was “International Arbitration and the Rule of Law: Contribution and Conformity”. In addition to being a member of the program committee that has prepared the program of the Congress, Dr. Abdel Raouf moderated a panel on day 3 of the Congress discussing “What Are Appropriate Remedies for Findings of Illegality in Investment Arbitration?” The Panelists were Jean E. Kalicki (United States; Independent Arbitrator), Constantine Partasides QC (United Kingdom; Three Crowns) and Nassib G. Ziadé (Lebanon/Chile; Bahrain Chamber for Dispute Resolution). The panel led to a sophisticated debate between Constantine Partasides and Nassib Ziadé about the legal consequences of contracts found to have been procured by corruption, in which, as noted by Jan Paulsson, each speaker went beyond simplistic answers and caused members of the audience to question their own understanding of the incentives created by alternative solutions. The remarks exchanged during the panel prompted insightful interventions from the floor, particularly from African participants.

It should be noted that two distinguished members of CRCICA Board of Trustees, Dr. Mohamed El Baradei and Judge Abdulqawi Yusuf delivered Keynote speeches and addresses on “International Arbitration: The Big Picture” and “The Contribution of Arbitration to the Rule of Law-The African Experience”, respectively. For further details about the ICCA Mauritius 2016 Congress: http://www.arbitration-icca.org/conferences-and-congresses/ICCA_2016_Congress_Mauritius.html

14) First Consultative Workshop on Cooperation Among African Arbitral Initiatives, Mauritius, 11 May 2016

Upon the initiative of ICCA, which established ICCA’s Working Group on African Arbitral Practice on 8 May 2016, the first Consultative Workshop on Cooperation Among African Arbitral Initiatives was held on 11 May 2016 in Mauritius on the occasion of the first ICCA Congress to be held in Africa.

The Workshop was hosted by ICCA in cooperation with the Permanent Court of Arbitration (PCA) and the United Nations Commission on International Trade Law (UNCITRAL). It was designed for African arbitration specialists and entities engaged in international dispute resolution practice in Africa, with the aim of consulting on potential avenues of cooperation among the various arbitral initiatives and possibly forging a coordinated way forward.

The Workshop was attended by almost 40 experts from Africa and beyond who shared information and raised awareness about (1) the work of both established and newer

arbitral institutes, and (2) ongoing capacity-building initiatives in the field of international arbitration in Africa; and exchanged views on potential areas of coordination and cooperation going forward. The then CRCICA Director attended the Workshop and chaired one of its sessions overviewing the activities of Africa-based arbitral institutions.

The participants to the Workshop adopted resolutions emphasizing the need for concerted work to: provide greater access to information about arbitration and the legislative framework available in Africa; to support the provision of technical assistance, awareness-raising and capacity-building activities to governments in order to assist them in their task of strengthening the legislative and judicial frameworks in the field of arbitration and other means of dispute resolution; and to enhance cooperation among international and regional organizations, arbitral institutes, academic institutions and professional associations throughout the African continent in that respect.

The means by which the above areas of agreement will be implemented are as follows: The creation of an umbrella organization to further the development and promotion of African arbitral practice and African arbitral seats; ICCA's Working Group on African Arbitral Practice is requested to facilitate the creation of this umbrella organization and establish its founding charter and working practices; and a second Consultative Workshop will take place on Monday 3 April 2017 in Cairo, Egypt on the occasion of the Third SOAS Conference planned in Cairo for 3-5 April 2017 and hosted by CRCICA.

15) CRCICA Speaks at the UNCTAD's High-Level International Investment Agreements Conference, 19 July 2016, Nairobi, Kenya

Dr. Mohamed Abdel Raouf was invited by the UNCTAD to speak at the High-Level International Investment Agreements (IIA) Conference held on 19 July 2016 in Nairobi, Kenya in conjunction with the fourteenth UNCTAD ministerial meeting (UNCTAD 14), which attracted the participation of 194 UN member states at the highest level.

The 2016 IIA Conference brought together more than 40 stakeholders in the international investment and development community from around the globe, including arbitral institutions like CRCICA and ICSID. It advanced the debate on the future direction of the IIA regime. Speakers and participants discussed key IIA reform issues, bringing in national, regional and interregional perspectives and drawing lessons from the first steps towards IIA reform that are underway in many parts of the world.

According to the UNCTAD, the participants helped the investment and development community chart the way forward for the second phase of IIA reform. Each of the statements made during the Conference is crucial in this regard.

16) LCIA Arab Users' Council Symposium on Gas Pricing Related Disputes, Cairo, 10 October 2016

Supported by the CRCICA, the LCIA Arab Users' Council held a Symposium on “Gas Pricing Related Disputes” in Cairo on 10 October 2016. The event started by an informative discussion looking at recent developments in the sector’s contracts and disputes while a second session explored wide-ranging implications for evaluation, pricing and damages. A final debate considered the sector’s many emerging issues. A write up of this symposium entitled “*Arbitration preferred method of dispute settlement – Conclusions from LCIA’s debate at Oil and Gas Sector Symposium in Cairo*” is available on the LCIA website.

17) The inauguration of the Nairobi Arbitration Centre, 4-6 December 2016

From 4 to 6 of December 2016, Dr. Ismail Selim, the Director of the CRCICA attended the Nairobi Centre for International Arbitration (NCIA) Inaugural Conference in Nairobi, Kenya.

In the talks, leading arbitration practitioners from inside Africa and the outside, such as the U.K., New Zealand, Malaysia, etc., discussed current issues in the arbitration field. Examples are ‘Investing in Africa: Ease of Doing Business Initiatives & Enforcement of Contracts’, ‘Dispute Resolution in Africa’ and ‘Role of External and In-House Counsel in International Arbitration’. The Conference was also attended by H.E. Prof. Dr. Kennedy Gastorn, the Secretary-General of AALCO. Dr. Selim participated in the debates, and invited the participants to attend the Conference on “The Role of African States & Governments in the Development of Arbitration in Africa.” to be organized by the SOAS University of London and CRCICA on 3-5 April 2017 in Cairo - Egypt.

On the sideline of the inaugural conference, a cocktail reception was sponsored by Oraro & Company Advocates, a Kenyan Law Firm. Dr. Selim attended the cocktail where thoughts and experiences about the features and future of arbitration in Africa were exchanged.

IFC/CRCICA Mediation Partnership (2009-2016): Objectives and Achievements

December 2016 marked the closure of Egypt’s only international mediation development project. Launched in 2009, the project was a venture of the International Finance Corporation (IFC), an affiliate of the World Bank, to promote Egypt’s capacity as a regional centre of excellence for mediation training and to operationalize the practice of mediation as an effective alternative method of resolving disputes in Egypt.

Within this context, the IFC entered into a cooperation agreement with CRCICA as early as the launch of the project to achieve its’ planned goals and to support CRCICA in positioning itself as one of Egypt’s and the Region’s leading commercial mediation services providers.

In general, the project was a multi-activity initiative that targeted building mediation institutional capacity in Egypt, providing training and curriculum development, developing mediation skills manuals and raising national mediation awareness.

Assessment Overview: Realized Objectives out of CRCICA Perspective

In close cooperation with CRCICA, the World Bank 8-year venture succeeded in establishing the culture of mediation in Egypt and institutionalizing its practices beyond the temporal scope of the project. A summarized overview of its achievements follows:

D) Building a Sustainable Mediation Institutional Capacity

The Project launched a set of viable tools to ensure the sustainability of efficient mediation practices in Egypt through the institutional capacity of CRCICA and other esteemed project partners. In particular, CRCICA sustainability diagram is triangular with the New Mediation Rules on the base and the key elements of human resources (trainers/mediators and personnel) on the sides. More details follow:

a. Sustainable Institutional Capacity: CRCICA Mediation Rules

The most significant achievement of the Project was the issuance of CRCICA New Mediation Rules (2013). Over two years of continuous work, CRCICA and the Centre for Effective Disputes Resolution (CEDR), supported by an expert working group, focused on developing new mediation rules that respond to users' expectations in the light of latest mediation practices worldwide.

□ CRCICA Mediation Rules: *Salient Features*

o Flexible Mediation Process

According to the Rules, the mediation process is a very flexible one allowing the mediator to conduct it "in such a manner he or she deems appropriate, taking into account the circumstances of the case, the wishes of the parties and the need for a speedy settlement of the dispute" (Article 8.3).

o Mediation Quality Standards

The right choice of mediator is an important success pillar of the whole mediation process. The CRCICA Rules provide guidance and advice in this concern by referring to the Centre's Panel of Accredited Mediators from amongst which the mediator should be appointed in case the parties have not agreed on a mediator. CRCICA has a list of almost 80 accredited mediators; all are well-reputed professionals in the field. About one third of this Panel received their accreditation from CEDR as one of the most distinguished mediation organizations all over the world.

o A Multi-tiered Process Clause

Added to the simple mediation clause, the Drafters of the Rules tactfully succeeded to place the mediation option in a flexible context with various alternatives and without banning other dispute settlement techniques such as negotiation and arbitration. The multi-tiered process clause annexed to the Rules comes up with a comprehensive regulatory framework to best manage this complex process.

- o Possibility to Confirm the Agreement in an Arbitral Award.

Pursuant to New CRCICA Mediation Rules, the parties to a mediation process may consider adding an option in their mediation agreement of appointing the mediator as an arbitrator, to confirm the settlement agreement in an arbitral award for it to acquire the enforceability of an arbitral award.

- CRCICA Mediation Rules: *International recognition*

The Rules were very well received and were assessed as having provided reliable procedural grounds for the practice of mediation in Egypt and the region. According to **Mr. James South**, CEDR Director, "*the new CRCICA Mediation Rules are high quality and consistent with developments of international mediation practice. They also show CRCICA's commitment to developing mediation services in Egypt and the wider region.*" **Mr. Michael Schneider**, International Arbitrator and member of CRCICA BOT, finds "*the Rules are well considered and provide a useful frame for mediation and possible other ADR Services.*"

- CRCICA Mediation Rules: *In Practice*

It has been only few months after the issuance of the Rules that they echo direct resonance on CRCICA practices. Since 2013 onwards, there has started to be direct contractual mediation reference to CRCICA Mediation Rules.

As an example of CRCICA mediation, in a case with US \$ 2,000,000 in dispute, a settlement agreement was concluded with only US\$ 250,000.

- b. Sustainable Institutional Capacity: *CRCICA Accredited Mediators*

The Project qualifies twenty-seven mediators of diverse business profiles to practice the technique according to the best mediation skills worldwide through a 9-day mediation training offered by the Center for Effective Dispute Resolution (CEDR) in May 2011.

- c. Sustainable Institutional Capacity: *CRCICA Personnel Training*

The Project offered CRCICA Personnel advanced training on mediation marketing techniques and the administration of mediation courses.

- d. Sustainable Institutional Capacity: *Mediation Education Tools*

The Project facilitated the accreditation of a pool of CRCICA trainers who are consequently qualified to practice regionally and have already delivered with CEDR commercial mediation trainings in Lebanon, Morocco and Qatar.

IFC licensed CRCICA to use and create derivative works from all mediation training materials of the IFC in both English and Arabic languages. These materials include mediation training toolkit, train the trainer documents, mediator skills training course management manual, handbook for mediator skills, training materials and slides.

II) Raising Awareness and Disseminating Knowledge

The IFC, in intensive cooperation with CRCICA and the Investors' Disputes Settlement Centre (IDSC) of the General Egyptian Authority for Investment (GAFI) and, at an earlier stage with the Egyptian Ministry of Justice (MOJ) organized a number of mediation events that meant to raise awareness and enhance the understanding of the various aspects of mediation generally as well as in given business sectors.

Under the project, CRCICA launched **the Mediation Breakfast Continuing Series of Seminars**, which provided each month a new topic of mediation. The monthly feature of this series was a highly significant factor in creating the culture of mediation in the business and legal community of Egypt. In many cases, the seminars also provide practical training on the technique.

To disseminate knowledge, the project produced a number of mediation publications including a CRCICA Mediation Flyer and an IFC/CRCICA/IDSC promotional brochure that includes a complete introduction to mediation and a comparison among litigation, arbitration and mediation.

18) III) Connecting Stakeholders in Egypt and the MENA Region

One of the foundational milestones of the project is the partnership it established among the three bodies recognized as the prime mediation promoters and providers in Egypt, with the CRCICA enjoying regional role. Other partners were the Investors' Disputes Settlement Centre of the General Egyptian Authority for Investment (GAFI) and the Egyptian Ministry of Justice (MOJ).

Also, a community of mediation professionals was created and throughout the 8 years of the project developed a passion to promote the use of mediation that extends beyond the project.

On the regional level, the project established the MENA Regional Mediation Forum (MREMF) to enhance cross-border cooperation in the use of mediation. Founding members of the Forum are the CRCICA (EGYPT), the Investors' Dispute Settlement Center, General Authority for Investment (GAFI) (EGYPT); Euro-Mediterranean Center of Mediation and Arbitration (CEMA), (MOROCCO); Lebanese Mediation Center (LMC) of the Chamber of Commerce, Industry and Agriculture of Beirut and Mount-Lebanon (CCIAB), (LEBANON); and Tripoli Bar Association, Tripoli (LEBANON).

19) IV) Thanks and Acknowledgments

On the closure of the project, CRCICA would like to extend sincerest thanks and appreciation to Ms. Fatma Ibrahim, Ex-Senior Private Sector Specialist Trade & Competitiveness, IFC. Ms. Ibrahim's masterful entrepreneurship, devotion, positivity and sense of creative duty were clues to the success of this important venture.

Gratitude also goes to the eminent pool of international experts who contributed to this project Mr. James South and other esteemed CEDR professionals (England), Prof. Najda Alexander, Eng. Aisha Nadar (Stockholm), Judge Louise (CANADA) and Mr. Bill Marsh (England).

Special thanks are due to CRCICA Accredited Mediator and Trainers, members of the Expert Working Group who worked closed with CRCICA and CEDR to develop a needs-responsive Mediation Rules, members of the Mediation Construction Mediation Working Group (CMWG) and every single speaker who participated pro bono in establishing the successful mediation breakfast initiative.

Cooperation Agreements:

20) CRCICA signs an agreement with National Association of Construction Engineering Consultants (Russia)

On the sidelines of the Conference on "The Challenges of the Egyptian Construction Industry and the Role of FIDIC" held on 16 April 2016, CRCICA signed a new cooperation agreement with the National Association of Construction Engineering Consultants (NACEC) (Russia).

By dint of this agreement, CRCICA and NACEC will function bilaterally with a range of activities including organization of events and exchange of information, with the aim of developing business relations between CRCICA and NACEC partners and collaborators. The significance of this agreement lies in its being the first business-specific agreement as it focuses mainly on cooperation in consulting engineering-related activities.

21) Renewal of the Cooperation Agreement between CRCICA and the International Centre for Settlement of International Disputes (ICSID)

In December 2016, the CRCICA and the International Centre for Settlement of International Disputes (ICSID) signed a cooperation agreement in renewal of the old one signed in 1980. The agreement focuses on hosting all or any part of a proceeding of one party at the seat of the other and the dissimulation of arbitration-related knowledge. In addition to this, the Parties agree to co-operate in disseminating knowledge about arbitration, conciliation, and other alternative methods of dispute resolution, and to exchange information and publications in these fields.

Publications:

22) The Journal of Arab Arbitration – Volume 2 (third edition)

In May 2016, CRCICA re-issued the third edition of the 2nd Volume of the Journal of Arab Arbitration (January 2000). The re-print has been annotated with updates on new legal texts.

It includes a variety of interesting topics related to Islamic Law (Sharia), the agreements of the World Trade Organization with a focus on the Dispute Settlement Understanding, globalization and Arab arbitration and the International Covenant on Economic, Social and Cultural Rights.

It is notable that the Journal is a CRCICA-sponsored Publication of the Arab Union of International Arbitration (AUIA) issued semi-annually to circulate updated articles, judicial awards and arbitral precedents mainly in Arabic with some incidents of English texts.

23) The Journal of Arab Arbitration – Volume 26

CRCICA is issuing the 26th Volume of the Journal of Arab Arbitration which is a CRCICA-sponsored Publication of the Arab Union of International Arbitration (AUIA). The Journal is issued semi-annually and is used to include updated articles, judicial awards and arbitral precedents.

24) Contributions to International Publications

CRCICA is among the contributors to the Book titled: The Transformation of Arbitration in Africa: The Role of Arbitral Institutions, published on 23 August 2016 by Kluwer Law International and edited by Dr Emilia Onyema, Senior Lecturer in International Commercial Law, School of Law, SOAS, University of London.

The special chapter on CRCICA, published under Part II of the Book dedicated to Regional Arbitral Institutions in Africa, was drafted by both Mohamed Abdel Raouf, The then CRCICA Director and Dalia Hussein, Legal Advisor covering inter alia the history of the Centre, its establishment, its main organs and the most important provisions in its Arbitration Rules. It highlights the Centre's efforts to enhance neutrality and transparency of the arbitration process through publication of Practice Notes, Practices on Challenge of Arbitrators, and the main legal principles contained in arbitral awards rendered under its auspices, as well as the affordability and predictability of the arbitration costs. The Chapter also discusses the Centre's vision towards developing diversity in the arbitral appointments and means to train and deepen the exposure of African arbitrators and counsel in order to introduce them to the larger world of international arbitration. It concludes with a note on the importance of cooperation between arbitral institutions.

25) CRCICA Publishes Arbitral Awards (Volume VII)

The CRCICA published the Seventh Volume of its ARBITRAL AWARDS prepared in Arabic by Dr. Mohi-Eldin Alam Eldin, CRCICA's Senior Legal Advisor. The Volume includes 11 awards on different types of cases. By the issuance of volume seven of CRCICA Arbitral Awards, the number of published awards reached 124 awards.

Quite aware of the relative shortage of Arabic literature on arbitral awards, CRCICA will keep up with publishing its own awards in Arabic and English on regular basis, without, of course, disclosing the identities or nationalities of the concerned parties.

26) Call for Papers: Journal of Arab Arbitration: 28th Volume

CRCICA seeks submissions, in Arabic or English, for volume 28 of the Journal of Arab Arbitration published on behalf of the Arab Union of International Arbitration.

Submitted articles: (1) should not exceed 10,000 words, (2) should be based on original research and careful analysis, (3) must include proper referencing to primary or secondary sources, (4) should include a 150-word abstract and (5) should not have been published elsewhere in any language or be under consideration for publication elsewhere.

If you are interested, please submit your articles for consideration to info@crcica.org, no later than 15 April 2017.

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

The President of the 56th Session of Asian-African Legal Consultative Organization (AALCO)

The Secretary General of AALCO, Prof. (Dr) Kennedy Godfrey Gaston,

Excellencies, Distinguished Delegates, Ladies and Gentlemen,

The Regional centre for Arbitration is pleased to present to the 56th Session of the Asian-African Legal Consultative Organization, a report of its activities for the period May 2016 – February 2017.

ABOUT THE CENTRE

The Regional Centre for International Commercial Arbitration, Lagos, Nigeria (“The Centre”) was established in 1989 under the auspices of the Asian-African Legal Consultative Organization (AALCO)

The Centre is the third regional centre set up under the auspices of AALCO. It was aimed at providing institutional support services towards the conduct particularly of international arbitration proceedings in a neutral manner and at a location independent of disputing parties within the region and indeed beyond. The Centre also accommodates domestic arbitral proceedings.

Nigeria as a member-country of AALCO, requested to host the Centre which request was granted in 1989. However, the Centre did not take off until 1999 when the Headquarters Agreement was signed between AALCO and Federal Government of Nigeria (as Host Government).

Nigeria subsequently domesticated the Headquarter’s Agreement through “The Regional Centre for International Commercial Arbitration (**Decree No. 39 of 1999**) now **Act. CAP R.5 LFN 2004**, which lends statutory force to the establishment and operations of the Centre in Nigeria.

The Centre is a non-profit, non-governmental arbitral institution and is lead by a Director under the supervision of the Secretary-General of AALCO. It derives its International status sequel to the Headquarters Agreement in accordance with international law and Protocols with its independence and neutrality guaranteed therein. It also enjoys diplomatic immunities and privileges to aid its functions.

Also worthy of mention is that the Federal Government of Nigeria has since 2003 adopted the Centre’s Model Arbitration Clause in all contracts involving the Host Government, State Governments as well as private companies are also doing the same.

Some sections of the Act however have been proposed for review so as to truly reflect the Centre’s status as originally intended in the letters therein.

FUNCTIONS OF THE CENTRE

The functions of the Centre include;

- a. To promote International Arbitration within the region;
- b. To coordinate activities and render assistance to existing Arbitration institution in the region;
- c. To render assistance to ad hoc arbitrations, especially in cases where they are taking place in accordance with UNCITRAL Rules;
- d. To assist in the enforcement of Arbitral awards;
- e. To Conduct International Arbitration under the auspices and Arbitration Rules of the Centre;
- f. Enforcement of Arbitral awards

SPECIAL FEATURES OF THE CENTRE

Special features of the Centre, which make it advantageous for parties to arbitrate under its auspices and Arbitration Rules, include the following:

- i. It is a recognized International arbitral Centre;
- ii. It is Independent and Neutral;
- iii. Diplomatic Privileges and Immunities protect the premises, documents and materials of the Centre;
- iv. Awards made under the Centre's auspices are confidential;
- v. It is a non-profit making organization, deriving its sustenance through grants, gifts and administrative fees on administered arbitrations;
- vi. Costs are kept to a minimum in accordance with the non-profit status of the Centre;
- vii. Conformance with the nature of International Trade and Investment requirements for rapid resolution of disputes;
- viii. International recognition and enforcement of the Centre's arbitral awards;

The presence of the Centre and its status as the flagship of arbitral institutions within the region has influenced growth and development of many other arbitral institutions evidenced by the latter adapting its model laws, rules and arbitration procedures.

DIRECTOR'S PROFILE

DIRECTOR OF CENTRE: HON. WILFRED D. IKATARI

HON. WILFRED DAN IKATARI is an applied Economist, Barrister and Solicitor of the Supreme Court of Nigeria, Administrator and Arbitrator. He holds a degree in Agricultural Economics and Extension, a degree in Law, Barrister-at-Law Certificate, a Diploma in International Commercial Arbitration and Certificate in International

Investment Treaties and Investor-State Arbitration of the International Law Institute of Georgetown University, Washington DC, USA.

He was a trained teacher of pure and social sciences before he was called to the Nigerian Bar as a legal practitioner. He went into full time legal practice with focus on Criminal, Oil & Gas, Commercial, Property, Investment and Security matters.

Hon Ikatari was appointed Honourable Member (Judge) of the Investment and Securities Tribunal of Nigeria where he sat as Presiding Chairman (Judge) of panels of Honourable Members (Judges) on various investment and securities market related matters throughout the federation of Nigeria.

In recognition of his exploits while still serving as Presiding Chairman of panels at the Tribunal, he was appointed the first substantive Director of the Regional Centre, Lagos in July, 2014.

He has been involved in several local and international seminars, workshops and conferences in various capacities such as Resource Person, Moderator, Panelist, Discussant, Coordinator and Participant.

He is a member of the Nigerian Bar Association (NBA), International Bar Association (IBA), Institute of Directors (IOD) and Chartered Institute of Arbitrators (CI Arb. UK), amongst other professional bodies.

ADVISORY COMMITTEE

The Centre's Advisory Committee was inaugurated in Lagos on 8th February, 2006 by the then Secretary-General of AALCO, H.E. Ambassador Dr. Wafik Z. Kamil. Members are made up of eminent jurists and Legal experts from around the world under the distinguished chairmanship of Hon Justice Adolphus Karibi-Whyte, a retired Justice of the Supreme Court of Nigeria and former Judge of the International Criminal Court. Other members include:

- Judge Bola Ajibola, SAN, KBE - a former Judge of the International Court of Justice, Hague and former Nigerian High Commissioner to the UK.
- Alhaji Abdullahi Ibrahim, SAN- Former Attorney-General/Minister of Justice
- Senator Godwin Kanu Agabi, SAN- Former Attorney-General/Minister of Justice of Nigeria
- T.J. Onomigbo Okpoko, SAN- Former President of the Nigerian Bar Association and Life Bencher
- Senator Onyeabo Obi- Former Federal legislator
- Honourable Musa Elayo- Former Minister of State for Justice of Nigeria
- Chief (Mrs.) Marlies Allan- Swiss Envoy
- Mrs. Eunice R. Oddiri- Former Director of the Centre in Lagos, Nigeria and retired Director, Federal Ministry of Justice
- Anthony Canham- former President, Chartered Institute of Arbitrators (CI Arb.

UK)

- Anthony Connerty- UK based ADR Expert
- Nana Dr. S.K.B Ashante- Foremost Ghanaian ADR Practitioner
- Rowland Amoussou-Guenou- Foremost Beninese ADR Practitioner
- Dato P.G. LIM- Former Director of the Kuala-Lumpur Centre in Malaysia

Bearing in mind that the advisory committee members have all selflessly served the interest of the Centre from inception, sometimes using their personal resources and coupled with the fact that some have retired from active practice due to age and of course the unfortunate demise of one (Dato P.G. Lim), the Centre has commenced the process of reconstituting the committee within the nearest possible time.

STAFFING

Staff strength for the period under review is 23. However in view of the modification of staff policy guidelines currently being undertaken, there are likely to be adjustments aimed at attaining the requisite staff numerical strength and quality for efficient discharge of Centre's roles and responsibilities.

CASE LOAD

The Centre recorded eight (8) additional new cases of significance in the period under review. These additional cases are currently pending before the Centre. The subject matter of these cases ranges from Construction, Marine/Towage, Lease, Telecom Engineering, Brokerage to Web Based Training Contract.

BRIEF SUMMARY OF CASE LOAD

Construction:

- (a) Parties entered into road construction contract in 2011. The Claimant's claim concerned the purported termination of, or the termination and repudiation of the said Contract. The Claimant is asking the Tribunal to determine that the purported Notice of Intention to Terminate dated 31st July, 2013 is unconscionable and invalid not being a proper Notice in accordance with the agreement.
- (b) The defendant awarded a contract for control of devastating gully erosion to the Claimant. The Claimant in his claim avers that the defendant delayed in executing its own part of the agreement and this resulted in serious setbacks. They are now asking the Tribunal for a declaration that the defendant is liable for breach of contract.

- (c) The Respondent entered an agreement with the Claimant to carry out works on the construction of External Electrical Works upon certain specification and time duration. The Respondent without notice or reason went ahead to award a portion of the said contract to a third party. The Claimant is asking the Tribunal for an Order of Interlocutory Injunction restraining the Respondent and the said third party from further breach of the Contract by execution of same and damages for loss of profit.

Brokerage:

Claimant is the owner of the data software and that the Respondent is the exclusive agent for the storage, marketing, licensing and delivery of the data. The Respondent is obligated under the contract to pay to the Claimant its share of the net profits from the sale and licensing of the data software as and when due in accordance with the agreement. A dispute has ensued over delayed/payment modalities in breach of agreement.

Lease:

The lease agreement was for a period certain; the respondent defaulted upon the agreed terms of contract. The Claimant is seeking a declaration that it is entitled to the replacement of the irreparable damages suffered.

Web Based Training:

This matter was first initiated in 2013. At the Award stage the Presiding Arbitrator had a dissenting opinion from the majority decision. The Claimant dissatisfied with the Final Award, went to court seeking to set aside the Award made by majority of the Tribunal. The Court upheld the dissenting opinion of the Presiding Arbitrator and ordered for certain claims of the Claimant to be remitted back to the Centre for reconsideration and retrial.

The Centre appointed a Sole Arbitrator to preside over this matter which is still in its preliminary stage.

Telecom Engineering:

The Claimant entered into an agreement with the Respondent to carry out construction of telecommunication cell sites and other telecom implementation and integration work for telecom operators in Nigeria with whom the Respondent serves as vendors. The Claimant avers that the Respondent is withholding payment for work done for some of the telecom companies in Nigeria for almost four (4) years using unacceptable reasons against the standard of engineering and telecom practice in accordance with the contract signed with them.

The Notice of Arbitration filed by the Claimant mentions three (3) separate contracts upon which dispute has arisen between the Claimant and the Respondent. Each contract has its own separate arbitral institution and rules to govern the arbitration. The Respondent has requested the Claimant to determine the precise sum claimed arising from the contract that entitles the Centre to assume administrative control over the arbitration, wherefore, the Respondent declines to submit to the Centre.

Marine/Towage:

The Respondent is charged with the responsibility for marine services within its compulsory Pilotage Districts, and may carry out these responsibilities through any other person authorized by it in that behalf. The Claimant presented itself as having the requisite experience and track record of performance in Towage services and was accordingly selected after due process to provide Towage services.

Now, a dispute has ensued and the matter referenced to the Centre by the Claimant. The Respondent has responded stating that a petition has been submitted regarding this matter and they are requesting the matter to be put on hold pending the outcome of the petition.

PARTICIPATION IN ARBITRAL EVENTS

THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW WORKING GROUP II (ARBITRATION AND CONCILIATION)

The Director of Centre led a delegation from the Centre to the Sixty-Fifth session of the UNCITRAL Working Group II, was held at the Vienna International Conference Centre, from 12th to 23rd September, 2016.

The highlight on the agenda is the preparation of an instrument on the enforcement of international commercial settlement agreement resulting from conciliation.

At its Forty-Seventh session, the commission had before it a proposal for future work in relation to the question of enforceability of settlement agreements resulting from international commercial conciliation.

Under the terms of reference laid down by the commission at its Forty-Ninth session, the working group is expected to continue its consideration of the topic of enforcement of settlement agreement.

The Director and his delegation also attended and participated in the Sixty-Sixth session of the UNCITRAL Working Group held at the United Nations Headquarters, New York from 6th to 10th February, 2017.

The focus continued on the preparation of an instrument on enforcement of international commercial settlement agreement resulting from conciliation.

PANEL OF ARBITRATORS

The Centre maintains a register of arbitrators made up of seasoned Alternative Dispute Resolution (ADR) specialist and professionals in various fields such as construction/ engineering, maritime, media, law, sports, telecommunications, real estate, oil & gas, aviation, finance to mention a few. They are drawn from countries all over the world and can be appointed for disputes with international focus. It also maintains a register of suitably qualified domestic Arbitrators and another register for Mediators and Conciliators.

However, the Centre's register remains open for registration of qualified Arbitrators and consequently invites interested practitioners to forward both soft and hard copies of their application, attaching their Résumé and recent passport-sized photographs to the address below:

The Director
Regional Centre for International
Commercial Arbitration
2A, Ozumba Mbadiwe Street,
Victoria Island- Lagos, Nigeria
Email: info@rcicalagos.org
Website: www.rcicalagos.org

The Résumé should include practical experiences in ADR proceedings as well as any other relevant publication(s) as the Regional Centre places much emphasis on practical exposure in international arbitration for members of its panel.

RENOVATION / REMODELING OF CENTRES ADMINISTRATIVE HEADQUARTERS

Another major activity of the Centre for the period under review is the renovation/ remodeling of the Centres administrative secretariat located at 2A, Ozumba Mbadiwe Street, Victoria Island, Lagos. The project is being funded by the Federal Government of Nigeria and it is expected, on completion, to transform the property which has been abandoned and in a state of disrepair for over sixteen years into an ultramodern administrative office complex of international standard having premium facilities such as:

- 1 Very large hearing room to accommodate 30 persons
- 1 large hearing room to accommodate 20 persons
- 2 medium hearing rooms to accommodate 15 persons
- 2 hearing rooms to accommodate 12 persons
- 2 Mediation Rooms
- 4 Retiring Rooms/ Arbitrators' lounge
- Large Conference Room with 300 seating capacity
- Seminar Room with 100 seating capacity

- 2000 seating capacity banquet hall
- Dining facilities
- Vast car park space
- Specialized library
- Video conference/ recording Studio facility

RELOCATION OF CENTRE

The Centre had hitherto operated from its temporary office at 6th Floor, Union Marble House, Falomo, Ikoyi which is a high-rise multi-tenanted building. It became expedient to vacate the premises because of the un-cooperating behavior of the landlord coupled with lack of space for parking and signage. The Centre endured these inconveniences for a number of years and finally relocated to its permanent office headquarters located at 2A, Ozumba Mbadiwe Street, Victoria Island on Monday 2nd January, 2017, while the renovation/ remodeling continues. The property in question was graciously granted the Centre by the Host Government pursuant to ARTICLE V 2 of the Headquarters Agreement.

Advantages of the present location over the former rented office are:

- It is more spacious
- It is in a more serene environment
- It has more offices
- It provides opportunity for further developments
- Perhaps more importantly, it is devoid of interference.

The Center seizes this opportunity to formally notify AALCO, all sister centres under AALCO, distinguished delegates, esteemed allies and indeed the general public of its new location/ contact at:

Regional Centre for International
Commercial Arbitration
2A, Ozumba Mbadiwe Street,
Victoria Island- Lagos, Nigeria
Email: info@rcicalagos.org
Website: www.rcicalagos.org

ALL ARBITRATION INSTITUTION IN AFRICA CONFERENCE- LAGOS 22-24 JUNE 2016

This conference was first held in Addis Ababa, Ethiopia in 2015 while the second was held in Lagos from 22nd – 24th June, 2016 at the Lagos

The theme of the conference was focused on the role of Judges and courts in arbitration process. The Role of Arbitration Institutions in Africa was also discussed. According to the convenor- Dr. Emilia Onyema, the project was informed by the dearth in Africa of viable empirical research in that field to inform decisions, revision of laws and

knowledge and practice and practice sharing as well as increasing viability of arbitration practitioners/ arbitration in domestic, intra-Africa and international dispute resolution market.

Director of Centre, Hon. Wilfred Ikatari, attended the Addis Ababa conference in 2015 as a panelist and was equally on hand at the Lagos session as Speaker/Panelist on Reports from Arbitration Institutions and actions from Addis Ababa 2015. Hon Ikatari reported *inta-alia* that the Lagos Centre was established to generally promote, coordinate and assist all stakeholders within the region with an aim to successfully initiate, prosecute and conclude arbitration proceedings. He expressed discontent at apathy of some lawyers towards arbitration based on some misconstrued notion that arbitration is anti-conventional courts and would only succeed in reducing if not completely removing the briefs from lawyers. He further enlightened that the presence of the Centre in Lagos is by no means to compete with any other arbitration institution but rather to assist and coordinate the growth and development of other arbitration institutions, increase awareness and use of UNCITRAL rules in the administration of arbitration and thereby enhance investment and boost economic activities in the region.

The role of the courts and Judges in promoting arbitration cannot be overemphasized because as key stakeholders in the arbitration process, their decisions tend to influence perception of users and advisors on how conducive the legal environment is towards arbitration. It is therefore important that they maintain a supportive and positive supervisory role when the needs arise.

COOPERATION, COLLABORATION AND PARTNERSHIP WITH OTHER SPECIALIZED ORGANISATIONS

The Centre maintains a very cordial working relationship with many other professional, Legal / Arbitral bodies in the course of its operations and core mandate.

Such organizations include The Nigerian Bar Association (NBA), The Nigerian Shippers Council (NSC), The Nigerian Export Promotions Council (NEPC), School Of African Studies (SOAS) University of London, World Intellectual Property Organization (WIPO), United Nations Commission on International Trades Law (UNCITRAL), International Council for Commercial Arbitration (ICCA), International Centre for Settlement of Investment Disputes (ICSID), The China Law Society (CLS), to mention a few.

CONCLUSION

The Centre has had a number of meetings with its host, The Federal Government of Nigeria which are all aimed at achieving maximum result in the operation of the Centre. At the moment, renovation/ remodeling of the administrative office is on the front burner but being slowed down due to paucity of funds. A few other activities were scheduled for the period under review but could not be executed for the same reason. The collaboration with other organizations has been of immense benefits however the Centre wishes to do more in areas of international training, seminars and conferences. The Centre sincerely appreciates its host for all the supports over the years but like “Oliver Twist”, would like to “ask for more”.

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

A. Introduction

This Report, comprising of TRAC's 2016 Activities and 2017 Prospective, hereinafter the "Report", is respectfully submitted to the Fifty-Sixth Annual Session of the Asian- African Legal Consultative Organization (AALCO).

B. 2016 Activities

The year 2016 was a very active year for TRAC, as it continued its regional and international contributions to the development of international arbitration. In one hand, there was a considerable increase in the number of both international and domestic arbitration cases, and in the other hand, a number of international conferences, seminars and training courses were organized by TRAC. In addition, TRAC actively enlarged its networks and pursued the conclusion of Cooperation Agreements with some reputable arbitration institutions. TRAC also, afforded to renovate its building.

TRAC's major activities during 2016 are summarized as follows:

1. Providing institutional services for administering arbitration cases;
2. Organizing different conferences in collaboration with other arbitral institutions:
 - TRAC & DIS Joint Event in Cologne;
 - Seminar of AALCO's Regional Arbitration Centres in Tehran;
 - TRAC & SCAI conference in Tehran;
 - TRAC & SCC Joint Seminar in Tehran; and
 - TRAC & ISTAC Joint Conference in Paris;
3. Organizing the first Iranian Commercial Arbitration Moot Court (jointly with Arbitration Centre of Iran Chamber);
4. Revision of TRAC Rules of Arbitration;
5. Participation in national and international Conferences and seminars:
 - Baltic Arbitration Days in Riga; and
 - Inaugural Nairobi International Arbitration Conference (NCIA) in Nairobi.
6. Internships for graduate students;
7. Appointment of new Arbitrators;
8. Sponsoring Iranian teams in the Annual Willem C. Vis Arbitration Moot;
and

9. Enlarging TRAC's network throughout the world.

1. Providing institutional services for administering arbitration cases

In 2016, TRAC's arbitration clause has been inserted in various types of international and domestic contracts involving both public and private sectors. TRAC further continued to offer its institutional support as a neutral, independent and international organization for the conduct of domestic and international arbitration proceeding.

As the result of TRAC's promotional activities, in 2016, there has been a considerable increase in the number of both international and domestic arbitration cases. TRAC administrated effectively its pending cases.

2. Organizing conferences in collaboration with other arbitral institutions

2.1. TRAC & DIS Joint Event

On March 15, 2016, the German Institution of Arbitration (DIS) and the Tehran Regional Arbitration Centre (TRAC) organized a joint event, titled as "Arbitration and Iran" in Cologne (Germany).

The purpose of this seminar was to discuss the current and future prospects of German-Iranian economic relations, the legal and economic framework for doing business in Iran and the presentation of the services as well as activities of the TRAC.

The speakers were Ms. Adineh Abghari (Senior Legal Counsel of TRAC), Tillmann Rudolf Braun (Federal Ministry for Economic Affairs and Energy) and Bijan Khajehpour (Managing and Founding Partner of Atieh International). This event was warmly welcomed by participants from across Europe .

Seminar of AALCO's Regional Arbitration Centres

On April 27, 2016, the Tehran Regional Arbitration Centre (TRAC) organized a seminar for introducing AALCO's Regional Arbitration Centres. This was a great opportunity to get familiar with the structure and function of different regional arbitration centres established and active under the auspices of AALCO, namely the Tehran Regional Arbitration Centre, the Kuala Lumpur Regional Centre for Arbitration, the Lagos Regional Centre for International Commercial Arbitration and the Nairobi Centre for International Arbitration.

Professor Dr. Rahmat Mohamad (Former Secretary-General of Asian-African Legal Consultative Organization) was the keynote speaker of this event and provided the participants with an insightful history of regional arbitration centres established under auspices of the AALCO, as well as the role that these centres can play in resolving the disputes between parties from AALCO contracting states.

Dr. Oveis Rezvanian (Director of TRAC) and Mr. Laurence Muiruri Ngugi (Registrar/CEO of Nairobi Regional Arbitration Centre) were the next speakers who introduced and presented the structure and function of their respective arbitration centres.

The panel, moderated by Ms. Adineh Abghari (Senior Legal Counsel of TRAC), was followed by a question and answers session and was warmly welcomed by lawyers, students and business users.

2.2. TRAC & SCAI conference: “TRAC Rules of Arbitration in comparison to Swiss Rules of Arbitration”

On April 27, 2016, a seminar was organized by Swiss Chambers’ Arbitration Institution with the support of the Tehran Regional Arbitration Centre (TRAC) at the Iran Chamber of Commerce. This event was a unique occasion to learn and discuss about the comparative advantages of the international arbitration in Iran and in Switzerland.

The seminar was composed of one opening remarks and two panels. In the first panel, the rules of two arbitration institutions (the Swiss Chambers Arbitration Institution and the Tehran Regional Arbitration Centre) were presented and the subject of the second panel was a comparative vision of the international arbitration in Switzerland and in Iran.

The speakers were Guillo Haas (Swiss Ambassador in Iran), Vincent Subilia (Deputy Head of the Geneva Chamber of Commerce), Dr. Homayoon Arfazadeh (Partner of Python & Peter Law firm), Caroline Ming (Executive Director & General Counsel of SCAI), Dr. Moshkan Mashkour (Partner of Sanglaj International Consultants), Dr. Martin Bukhardt (Partner of Lenz & Staehlin Law Firm), Dr. Oveis Rezvanian (Director of TRAC), Frank Sporenbert (Partner of Tavernier Tschanz Law Firm), Dr. Mohsen Mohebbi (Head of CILA), Jamal Seifi (Judge at the Iran-United States Claims Tribunal), Christoph Mueller (Professor at the University of Neuchâtel) and Dr. Sébastien Besson (Partner of Lévy Kaufmann-Kohler Law Firm).

2.3. TRAC & SCC Joint Seminar

On November 9, 2016, TRAC and the Institute of the Stockholm Chamber of Commerce (SCC) hosted a joint seminar "Alignment of International Arbitration with International Business" in Tehran.

The purpose of this seminar was to bring together lawyers, scholars and advocates of international arbitration to discuss about some of the most recent trends in international dispute resolution.

The seminar began with an opening ceremony by Dr. Oveis Rezvanian (Director of TRAC) and Ms. Annette Magnusson (Secretary General of SCC). The subject of the first panel was the efficient dispute resolution for better business. Moderated by Mr. Ulf Franke (SCC Honorary Chairman), in this panel, Mr. Mojtaba Kazazi (Member of TRAC Arbitration Board) and Ms. Maria Nisell (Senior counsel of Magnusson Law) talked

about some of important features in international arbitration i.e. arbitral forum shopping, appointment of the arbitrators, seat of arbitration and applicable law.

Second panel was moderated by Ms. Adineh Abghari (Senior Legal Counsel of TRAC) and, in this panel, Ms. Laya Joneidi (Professor of Law at Tehran University) and Mr. Fredrik Andersson (Partner of Manheimer Swartling) addressed some innovation in arbitration including fast-track arbitration and emergency arbitrator.

The seminar was warmly welcomed by lawyers, graduated students and business users.

2.4. TRAC & ISTAC Joint Conference

On December 12, 2016, TRAC and the Istanbul Arbitration Centre (ISTAC) hosted a joint conference in Paris in cooperation with Derains&Gharavi Law Firm.

Iran and Turkey, two regional giants with fastest growing economies and great historical heritages, each host today an arbitral institution (TRAC & ISTAC) that offers legal and cultural safeguards for cost effective means of international dispute resolution.

TRAC and ISTAC have decided to engage in joint efforts by way of yearly conferences in Paris, Istanbul, and Teheran, to introduce their rules and operations, to set out their distinguishing features, and to explain why the public and private operators of the two countries will increasingly propose both of these two institutions to foreign parties as alternatives to other regional and international institutions for the resolution of international disputes.

The first conference was held in Paris on December 12, 2016 and warmly welcomed by practitioners and arbitrators from different law firms. This conference was composed of an opening speech by Dr. Hamid Gharavi and two panels. In the first panel moderated by H.E. Judge Awn Al-khasawneh, the history, ground rules and objectives of TRAC and ISTAC were presented by Dr. Oveis Rezvanian (Director of TRAC) and Professor Ziya Akinci (President of ISTAC). The subject of second panel was the governmental support and legislative and judicial safeguards in Iran and Turkey. Dr. Mohsen Mohebi (Head of Center for International Legal Affairs of the Islamic Republic of Iran) and Mr. Mulat Alici (Head of BIT and Foreign Investment, Ministry of Economy of the Republic of Turkey) were two speakers of this panel moderated by Professor Pierre Mayer.

3. Organizing the first Iranian Commercial Arbitration Moot Court

TRAC is pleased to announce that, in 2016, the first Iranian Commercial Arbitration Moot Court has been jointly organized by TRAC and the Arbitration Centre of Iran Chamber of Commerce, Industries, Mines and Agriculture (ACIC).

The goal of this Moot Court is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train professional lawyers in international level in Iran.

This competition was warmly welcomed by law students as well as junior attorneys. 32 teams (composed of two to six members) registered for this first moot court. The question was released in January 2016 and the oral hearings were taken place in May 2016 in Tehran.

3.1. Revision of TRAC Rules of Arbitration

Adopted and published in 2005, the TRAC Rules of Arbitration are essentially based on the UNCITRAL Rules of Arbitration which are well known to the practitioners and, as a widely used set of procedural norms, would be capable of offering a higher comfort to the parties. However, certain aspects of the UNCITRAL Rules of Arbitration have been modified in order to take into consideration the institutional character of the arbitration cases conducted under the Rules.

Considering the revised version of 2010 UNCITRAL Rules as well as contemporary developments in the field of international arbitration, TRAC commenced the process of reviewing and updating the TRAC Rules. The Rules revision is aimed at better serving the needs of businesses, financial institutions and governments that choose TRAC as the arbitration forum.

In order to ensure the highest quality for newly drafted rules, TRAC established a Committee composed of well-known international and local practitioners and academics, who will review and discuss different aspects of the rules. TRAC plans to release a draft of new TRAC Rules for public consultation in mid-2017.

4. Participation in national and international Conferences and seminars

In 2016, TRAC's Director and members participated actively in different conferences and seminars as follow:

- Baltic Arbitration Days in Riga; and
- Inaugural Nairobi International Arbitration Conference (NCIA) in Nairobi.

4.1. Baltic Arbitration Days in Riga

The 5th DIS Baltic Arbitration Days took place on June 2-3, 2016 in Riga, Latvia. In this conference, the international experts delivered lectures, country reports and participated in discussion panels on specific issues in relation to the two main conference topics: (1) Relation between States courts and Arbitration Courts, and (2) Enforcement of Arbitration Awards.

This conference was warmly welcomed by the participants who had a unique opportunity to learn about current trends in Central and Eastern Europe, Germany, Scandinavia, the Baltic States, as well as Iran, China and the United Arab Emirate.

Ms. Adineh Abghari, Senior Legal Counsel of TRAC, was one of the speakers of the 5th DIS Baltic Arbitration Days. After presenting an overview of the arbitration in Iran, she delivered a lecture on the relation between State courts and arbitration courts in Iran.

4.2. Inaugural Nairobi International Arbitration Conference (NCIA)

On December 4 to 6, 2016, the Nairobi Centre for International Arbitration (NCIA) held the first Inaugural Nairobi International Arbitration Conference in Nairobi, Kenya. This conference, dubbed as “Investing in Africa: A New Frontier in Dispute Resolution”, provided a platform to dialogue and root for delocalization of international commercial arbitration.

The Conference focused the trajectory of investment discourse to building recognition of the role of Arbitral Institutes and the safe seat for arbitration. It also brought together private sector, investors, Ministers’ for Trade and Industry, Justice and Attorneys’ General; Regional and sub-regional Organ Representatives; renowned international arbitration experts, regional and local arbitration service providers to network and contribute to the future of global commercial and investment arbitration.

Dr. Oveis Rezvanian, Director of TRAC, was among the speakers of this conference and gave a speech on the topic of “on Choice of Tribunal and Party Representatives; delocalization or venue-isation of Arbitration (The Crisis of confidence and expertise)”. In this conference, Dr. Rezvanian also had an opportunity to meet and exchange views with H.E. Prof. Dr. Kennedy Gastorn, Secretary-General of AALCO, as well as the Directors of other AALCO regional arbitration centres.

5. Internships for graduate students

In 2016, TRAC offered several internship opportunities to young professionals. Under supervision of one legal counsel, interns were assigned projects and tasks that are relevant to International Arbitration and they had the opportunity to put into practice and further development their theoretical knowledge.

6. Appointment of new Arbitrators

TRAC panel of arbitrators comprises various experts from all around the world and this list has been expanded during last year. In 2016, TRAC was pleased to receive the applications of many outstanding arbitrators. A number of these applicants were added to the TRAC’s list of arbitrators and some others are still under consideration.

The updated list of arbitrators is available on TRAC’s website (www.trac.ir) and accessible to users.

7. Sponsoring the Iranian team in the Annual Willem C. Vis Arbitration Moot

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

8. Enlarging TRAC's network

As an initiative to a growing business relationship, TRAC aims to elaborate its collaboration with other arbitration centers and reputable law firms specialized in the field of international arbitration all over the world.

For this purpose, in 2016, TRAC organized different meetings at two levels as follow for promoting TRAC's activities, exchanging the ideas and envisaging possible collaboration:

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

C. 2017 Prospective

TRAC aims to continue offering its institutional support as a neutral, independent and international organization for the conduct of domestic and international arbitration proceedings. In pursuing this objective, 2017 prospective plan of TRAC is as follows:

1. Exploring new areas after lifting the sanctions

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

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

2. Organizing training courses, workshops and seminars

In the accomplishment of its educational duty, TRAC envisages to organize different workshops, seminars and training forums in the field of international arbitration. In order to reach this aim, TRAC will be considering the possibility of collaborating with other national and international reputable academic centers for maximizing the quality of its training activities.

3. Reinforcing the cooperation with arbitral institutions and academic centers

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

For this purpose, conclusion of Memorandum of Understanding with a number of organizations is under review.

D. Concluding words

This was a brief rundown of TRAC activities for the period covered. In 2016, TRAC continued to offer its institutional support as a neutral, independent and international organization for the conduct of domestic and international arbitration proceeding and, it has gained a valuable recognition in the field of international arbitration in the region. TRAC looks forward to enlarge its activities in 2017 and is grateful to the support of AALCO and Iranian government for achieving its goals.

Annex

**SECRETARIAT'S DRAFT
AALCO/RES/DFT/56/ORG 3
5 MAY 2017**

REPORT ON AALCO'S REGIONAL CENTRES FOR ARBITRATION

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

Considering the Report on AALCO's Regional Centres for Arbitration contained in Document No. AALCO/56/NAIROBI/2017/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 Member States towards enhancing the role of the Regional Arbitration Centres,

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

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

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

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

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

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

1. **Requests** the Member States to continue their support to the Regional Arbitration Centres and use the AALCO's Regional Arbitration Centres for resolving their disputes and in particular to consider in their contracts, the inclusion of the Arbitration Clause of AALCO's Regional Arbitration Centres;
2. **Urges** the Regional Arbitration Centres to consider to the extent possible, among themselves, the formation of a common system both administratively

and financially between the Centres and common standards for the qualification of arbitrators;

3. **Directs** the Arbitration Centres to meet at every AALCO Annual Sessions to enable an exchange of ideas and to report the outcome to the Organization; and
4. **Decides** to place this item on the provisional agenda of the Fifty-Seventh Annual Session.