

Report on ICCA 2016 Congress Roadshow Cairo, June 14, 2015

The Roadshow was held in Cairo on 14 June 2015 at Sofitel el-Gezira Hotel. The event attracted 100 participants from across the entire arbitration community in Egypt (lawyers, law professors, judges at the Egyptian Courts of Cassation and Appeal, the Egyptian Ministry of Justice and Counselors from the Egyptian State Lawsuits Authority) and included delegates from Bahrain, Jordan, Morocco, Sudan, Syria, Tunisia and Guinea.

The program of the Roadshow was divided into three sessions in addition to the inaugural speeches.



His Excellency Mr. Vish Cheetoo, the *Chargé d'affaires* of the Republic of Mauritius in Cairo delivered a welcome speech including details about the Republic of Mauritius and the 2008 Mauritius International Arbitration Act.

Counselor Amin El Mahdi, former Minister of Parliamentary Affairs and Transitional Justice in Egypt, delivered the opening speech, which exposed the definition of the rule of law that includes legal certainty and fairness of the legal process. He highlighted the role of the international arbitration community in making arbitration an instrument of the rule of law by *inter alia* adopting rules on transparency and *amicus curiae* in investor-state arbitrations and by fighting corruption.



In the **first session** titled “**International Arbitration and the Rule of Law**”, Dr. Mohamed Abdel Raouf, Director of CRCICA and Vice-President of ICCA, indicated that the emergence of arbitration centers in Africa has contributed to the rule of law by diversifying the available arbitral fora (by making institutional arbitration more accessible, affordable and familiar to African users), in addition to promoting best arbitral practices (through efficient administration of arbitration proceedings, cooperation between arbitral institutions and sometimes innovating new concepts and provisions).

Mr. Farouk El Hosseney, Legal Counsel, Permanent Court of Arbitration (“PCA”), gave a brief introduction to the PCA, its presence in Mauritius and its Secretary-General’s role under the 2008 Mauritius International Arbitration Act. He exposed some PCA investment cases where the notion of the rule of law was at stake, such as the *Yukos* and *Bilcon of Delaware* cases. He also discussed Lord Bingham’s “Eight Principles of the Rule of Law.”





The **second session** on “**International Arbitration in Africa**” was opened by Mr. Duncan Bagshaw, Registrar, LCIA-MIAC, who explained the key indicators of the development of international arbitration in Africa. Some divergences, however, exist between the provisions of the laws of different African jurisdictions, even where inspired by the Model Law, and in their application. He concluded by asking a question on whether a future harmonization of laws and the creation of a body of Africa-specific jurisprudence are possible.

Mr. Sami Houerbi, Lawyer and Director ICC Arbitration and ADR, Tunis-Dubai, addressed the strengths, weaknesses and threats to arbitration in North Africa. Among the strengths, figured the increasingly positive approach of the judiciary towards arbitration and the development of North African law firms. The most important weaknesses were the little involvement of North African arbitrators in international arbitration where no African parties are involved, the reluctance to agree on arbitration seats in North Africa, and the weak role played by the majority of the African arbitral institutions. The main threats he identified were the political situation and the economic recession.

In his speech, Dr. Mohamed Abdel Wahab, Professor at Cairo University and founding partner Zulficar and Partners, focused on the level of economic growth in Africa and the percentage of FDI it receives (3.7% of the global inflows). He highlighted the great number of BITs signed by many African states. However, risks related to corruption, lack of legal certainty, policy reversals, poor infrastructure, macro-economic volatility are hindering the economic growth and foreign

investments. He concluded that in addition to the existing legal cultures, a third arbitration culture is now being created.



In the **third session** dedicated to “**ICCA and the ICCA Congress 2016**”, Dr. Mohamed Abdel Raouf presented the history of ICCA, its events, publications and projects. Together with Ahmed Hussein, Registrar of the BCDR, they officially launched the Arabic version of *ICCA’s Guide for the Interpretation of the 1958 New York Convention*.

Duncan Bagshaw closed the Roadshow by highlighting some details pertaining to the 2016 ICCA Congress in Mauritius and invited the attendees to participate in the first ICCA Congress to be held in Africa.

