

## Legal Developments In Arbitration In The MENA Region \*

### Summary

**\* Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

The Washington Arbitration Update (WAU) session focused on legal developments in arbitration within the Middle East and North Africa (MENA) region. The event featured notable speakers, including Randa Adra, Khushboo, Gianna, Mustafa, and Professor Benfica, who discussed the evolving landscape of arbitration in the region, particularly in light of recent economic growth and legislative changes.

Key themes included the increasing prominence of international arbitration in the MENA region, spurred by factors such as significant construction projects and foreign investment. The panel highlighted the recent enactment of various arbitration laws and regulations, especially in the UAE and Qatar, which aim to streamline processes and promote arbitration as a preferred dispute resolution method. The discussion also touched on the impact of technology on arbitration practices, with virtual hearings becoming more common.

The panelists emphasized the need for practitioners to stay informed about jurisdictional nuances and recent court decisions, which can significantly affect arbitration outcomes. They noted that while some countries have made strides in supporting arbitration, others still exhibit tendencies that may hinder its effectiveness. The dialogue concluded with a call for enhanced training for judges and a focus on maintaining arbitration's integrity in the region.

Overall, the session underscored the dynamic nature of arbitration in MENA, encouraging practitioners to remain vigilant and adaptable to the ongoing changes within the legal landscape.

### Authors

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### Topics

MENA, Middle East North Africa Region

### Category

WAU

## Full Transcript

00:00:03

Do everyone. This is a

00:00:04

world arbitration update and this

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is our day 2 of

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world of attrition updates at

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this is the Africa day.

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And with, with the my

00:00:17

kocharian layered, we're really, really

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excited about this was arbitration

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update 2022, which has, you

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know, now and entities in

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the mental region. And and

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we're simply absolutely excited that

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we're all here. I would

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like to thank our sponsors.

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Without we wouldn't be able

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to make it at the

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wall, arbitration update, a sustainable

00:00:48

and ever. So thank you

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all over stunt pictures and

00:00:51

also all the supporting organizations

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which are in our website.

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And I would like to

00:00:58

just take a moment to

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thank a tall is Michael

00:01:00

cherry and Laird who is

00:01:02

a Co-chair of the international

00:01:05

dispute, resolution practice at that

00:01:07

crawl and boring. But also

00:01:08

a professor at Georgetown law

00:01:13

faculty on any shoes outside

00:01:16

investor arbitration public international law

00:01:19

in my in my honor

00:01:22

with with with with me

00:01:23

so I can take it

00:01:26

away and got this will

00:01:27

be a fantastic panel. Well,

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thanks very much. Jose. Antonio,

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B, really looking forward to

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this panel into this day

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and in the, the week-long

00:01:38  
schedule of world arbitration update.

00:01:42  
We have 19 panels this

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week. We had a great

00:01:45  
first day yesterday. Today we

00:01:48  
have five programs in this

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is the second today. The

00:01:52  
title of today's program is

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legal developments in arbitration in

00:01:56  
the Mena region. And Mena,

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it has become over the

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last 15-20 years, very active,

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in international arbitration, of course,

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that's a reflection of the

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incredible growth of the region

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construction, arbitration arbitration involved in

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corporate matters and international arbitration.

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Really is a very Dynamic

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and fascinating place for those

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practicing in the international arbitration

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field. And today we have

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a fantastic. Panel, which really,

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I think reflects that the

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whole philosophy of the world

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arbitration update, which is to

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provide a focus on areas

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of the world where International

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arbitration it is absolutely active

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and and vibrant outside the

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end of the typical centers

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of, you know, the Paris

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is in New York's and

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so forth. We we we

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really take pleasure in highlighting

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the fact that there's some

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fantastic practitioners arbitrators and centres

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which they deserve every highlight

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and we hope that this

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battle will play a part

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of that the objective and

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it's my pleasure then to

00:03:12

introduce my colleague Ms. Randa

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address, who is moderating our

00:03:18

panel today? She'll introduce the

00:03:20

panel and start things off.

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Brenda is a partner of

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mine at the Corolla morning

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in our New York office.

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She is a highly experienced

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arbitration practitioner and litigator in

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New York. She's worked on

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multiple investor-state arbitration as well

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as commercial arbitration. And it's

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I really appreciate you taking

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the time out of your

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busy practice, two to come

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here today and help organize

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this. So fantastic panel. So

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I'm going to pass it

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off to you and I'm

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really looking forward to hearing

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from our our panelists. Thank

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you so much and Randolph.

00:04:02

Thanks so much and thank

00:04:04

you. Jose Antonio, as well.

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I am so honored to

00:04:06

be here today. Good afternoon

00:04:08

or good morning, depending on

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where you all are out

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there. It's such a pleasure

00:04:13

to be here today, with

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everyone got some fascinating legal

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developments in arbitration, in the

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Middle East and North Africa

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region. We're really excited to

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have everyone here with us

00:04:23

and as an begin touching

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upon and his introduction, despite,

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you know, ongoing turbulence in

00:04:30

the Mena and surrounding regions.

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Earlier this year, the World

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Bank estimated that the Region's

00:04:35

economy will grow by 5.2%

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in 2022, and that's the

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fastest growth rate. Since 2015

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uncertainty, from covid-19 Ukraine, inflation,

00:04:47

and other supply chain disruptions

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are all factors that impact

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stakeholders and investors in the

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region. And its with this

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backdrop that we observe that

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arbitration is on the rise

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and many region. In fact,

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there's a notable shift in

00:05:01

Mena towards promoting Supporting arbitration.

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Today we will discuss the

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waves being made in arbitration

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in this region, where the

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tides are turning, and what

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practitioners and other interested stakeholders

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should keep in mind and

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expect moving forward. I am

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honored to introduce this distinguished

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panel of speakers that plan

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to cover all of these

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topics and more with you

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all today. And because our

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time is limited, I'll keep

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this brief and I won't

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share all of the accolades

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and experience of this group,

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but I encourage you all

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to look into their bios,

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which are quite impressive and

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I'll be good with Bruschetta

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Teri. Khushboo, the seniors and

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Company is arbitration Department. She

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is a dual qualified lawyer

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admitted to practice about, Singapore

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and New York. Her practice

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focuses on multi-jurisdictional litigation and

00:05:54  
international arbitration. She's represented both

00:05:57  
companies and state entities in

00:05:59  
a wide array of disputes

00:06:01  
pertaining to the construction. Infrastructure

00:06:03  
energy. Real estate and shipping

00:06:05  
Industries, among others, and under

00:06:08  
the rules of all major

00:06:09  
arbitral institutions Jumping to our

00:06:12  
panelists. Today I'll begin with

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Jana, do Gianna is the

00:06:16  
founder of her firm committed,

00:06:18  
the attorneys at law, a

00:06:19  
boutique law firm in the

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UAE specialize in cross border.

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Dispute, resolution amongst several other

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practice areas, Deanna is a

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UAE license lawyer with the

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right of audience, before all

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UAE courts, including difc courts

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and she is an expert

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in both civil and Sharia

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law in most of us

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a partner instead of chica

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and partners. And the firm's

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International arbitration group. Based in

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Cairo, most of his license

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to practice in Egypt and

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specializes in both commercial and

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investment arbitration and has represented

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clients in a broad range

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of arbitration matters before the

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bleeding arbitral institutions. And last,

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but of course not least,

00:07:00

Professor 80s, Benfica is Professor

00:07:02

of transnational law at Hamad

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bin, Khalifa University, a member

00:07:06

of cut, that foundation. And

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don't have pus and Adjunct

00:07:09

professor of law at Georgetown

00:07:10

University Edmund, a Walsh School

00:07:12  
of Foreign Service. He also

00:07:14  
regularly serves as an arbitrator

00:07:16  
in commercial disputes and is

00:07:18  
a prolific author of hundreds

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of peer-reviewed Articles and twenty

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bucks. And before we begin

00:07:24  
with Chris was presentation, I

00:07:26  
want to encourage all of

00:07:27  
our participants today to, please

00:07:29  
chime in with your questions,

00:07:30  
throughout our discussion. We want

00:07:32  
to hear from all of

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you. We hope this will

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be engaging and dynamic for

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everyone and after each panelist

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presents will do our best

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to answer any questions. We

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receive about their presentation, so

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that we can keep things

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interesting and, and change it

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up a little bit. And

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so with, that will Dive

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Right In. I'll give the

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microphone to khushboo and she

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can kick us off with

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her presentation. Thanks so much,

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Rhonda and good afternoon. Good

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morning to everyone joining in

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today. It's truly the light

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for me to be here

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today to share my perspectives

00:08:02

on application updates in the

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Mena region. What I like

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to do is speak about

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the broad, seems that have

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emerged in the region over

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the last few years and

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it safe to say that

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the region has witnessed some

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discernible changes. Some of these

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developments have truly revolutionize arbitration,

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landscape your division. What others

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have significantly propelled it to.

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It's becoming a problem in

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do today, in the developments

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in the jewelry is arbitration,

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landscape started way back from

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2018. When the federal arbitration

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law was enacted Federal arbitration,

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law was a previous article,

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257, which exposed arbitrators and

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experts in the UAE to

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criminal sanctions. If they fail

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to perform their duties with

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Activity and integrity and Isabella

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brought an ambiguous terms by

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itself. So, obviously, there was

00:09:00

lots of concerned about people

00:09:01

coming in to arbitrate and

00:09:04

what you were supposed to

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be. And his concern was

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obviously Diane minimize. What is

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actually at this point? What

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happened? Since then they've been

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lots of provocation judgments that

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you speak about shortly. But

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last year, was really the

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Milestone, your father's in the

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Huey before September 2023 men.

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Albertson's to Shinto in Dubai.

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So we had d, d

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i v l t, i

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a s m of Yu-Gi-Oh

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coming out system. That's carved

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out here and to buy

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so the d f e

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l t, i f i

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g b between the difc

00:09:43

in Dubai and the outside

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in London. We also had

00:09:48  
to Dubai International arbitration Center

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as well as the Emirates

00:09:51  
Maritime. I'll be so sad

00:09:52  
that which was the start

00:09:54  
of a new week from

00:10:00  
September 2021. That was his

00:10:02  
beak reissued and I know

00:10:03  
Dino speak about this Mo's.

00:10:05  
I won't go into too

00:10:06  
much detail but just a

00:10:07  
little bit of a slave

00:10:08  
of what happened. Did you

00:10:09  
eat? What does decreed call?

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Defeat 34th 2021 GLC is

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well as the maritime operations

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center in the central Consolidated,

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under the existing Dubai, International

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arbitration Centre development to buy

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arbitration Centre. Also issued a

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new advice arbitration rules which

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took effect. Very recently, a

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few months ago from March

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2022 and I thought it

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might be some of the

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Play, the parties had not

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agreed on the seat now.

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Just new rules provide that

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the difc would be the

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initial seat, which would be

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in the way I came

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to the default seat and

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then 5 minutes to determine

00:11:01

the seat eventually. Notwithstanding the

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difc would be this initial

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C&M and they are really

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interesting alternative appointment process of

00:11:09

a solar bird feeder chair

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with patches of field. Nominated

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a chair was provided a

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mechanism. For instance. He's all

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the Cobra traitor. If it's

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the appointment of a, can

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a shortlist of candidates and

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then each party at three

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candidates of its own to-do

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list. I did read them

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in order of preference without

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coughing and the other party

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of the quadratus. So I

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thought this is control over

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the choice of the appointment.

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Yet it's good to import

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that's given from the parties

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to form the kwaba treated

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as the recovery of the

00:11:58

definition of course been somewhat

00:12:01

controversial in the you eat

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because it wasn't clear what

00:12:04

what legal costs actually entails

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and he provided for the

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pot is legal costs within

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the definition of cost that

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has been the cause of

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investing with and the such

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an absence of that she

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highlighted back in 2013. Where

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did you buy coffee that

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she issued a judgment against

00:12:26

the recovery of legal caused

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a legal fees in a

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vehicle registration? Because the previous

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version of the opposing actually

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have anything Just be provided

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on it. So I think

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this is a particularly welcome

00:12:38

development by the arbitration Community

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especially by Loris. Of course,

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the rules also technology so

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I'm not going to go

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into a much more detailed

00:12:48  
by it explicitly. Allow us

00:12:50  
to have you no sense

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than to actually consider holding

00:12:53  
hearings about your communication and

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lost 5 minutes and it

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was electronically. And it also

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provides that all Communications are

00:13:01  
to be made by email

00:13:02  
in accordance with an electronic

00:13:05  
case, management system implemented by

00:13:07  
the sentence. Quizlet the progressive

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nature of Dubai. And after

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a betrayal Center, another interesting

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feature is the trash rules

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for expedited proceedings. It's covering

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it 1 million dimes, and

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he does a way that

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this can be increased or

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decreased in the future, but

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it's a relatively low pressure

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oil compared to say, for

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instance, eitic rules, which is

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coming at USD 3 million.

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So anyway, To sort of

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carve out a manufacturing small

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claims adults with expeditiously. Think

00:13:42

I'm sitting cost in terms

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of judgments and well, generally

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has been really provocation. Judgments,

00:13:52

I can get that two

00:13:54

cases that came out last

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year, which was just two.

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Such a really quick to

00:13:58

eat at one of the

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cases related to Debbie. And

00:14:02

it was an arbitration construction

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arbitration, which involve a number

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of joint parties involved. The

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engineer consultant Nelson, Insurance rolls,

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because there was an accident

00:14:12  
that occurred in the development

00:14:14  
of the others did not

00:14:17  
and what they actually did,

00:14:20  
is it held it? Because

00:14:21  
the defendants would be liable

00:14:23  
for any claim, you're not

00:14:25  
able to provide the case

00:14:26  
between the one defending and

00:14:27  
the other enhance. It just

00:14:29  
have to do something over

00:14:30  
the whole case notwithstanding the

00:14:32  
arbitration agreement. There was another

00:14:35  
Body to buy composition which

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which is very similar along

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the same line that just

00:14:39

mentioned where there was a

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construction in the consultancy agreement

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deconstruction of you didn't contain

00:14:44

the arbitration Clause, while the

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consultancy. And in this case,

00:14:48

the main light bulb that

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you put in to Deacon

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Construction contract with Ben that

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the arbitration clause The codes

00:14:55

again to jurisdiction over the

00:14:57

whole place. Notwithstanding there was

00:14:58

one part of the agreement

00:15:01

that had an arbitration Clause.

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It is possible that differently

00:15:06

is say the liability for

00:15:08

the, the main liability pertain

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to a consulting fee agreement,

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which didn't have the arbitration

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process. But again, it didn't.

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And and this is where

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matters stand from my perspective.

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This is really but where

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the cops me to find

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a logical mean to divide

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into Clinton, to the extent,

00:15:25  
they are able to do.

00:15:26  
Usually would do it for

00:15:27  
my prospective judgment. That have

00:15:31  
been some really, really positive

00:15:33  
to arbitration decision started to

00:15:34  
buy Cards in another recent

00:15:36  
Case, by the Dubai court

00:15:37  
of appeal, tribunal actually had

00:15:39  
decided there was no jurisdiction.

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So it had no jurisdiction

00:15:42  
over Consolidated, arbitration with six

00:15:45  
distinct contracts between Saint. Patty's

00:15:47  
the same project and contain

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the same arbitration clause, And

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it decided that natural selection

00:15:56

to your a consolidator arbitration

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night. It was editing, the

00:16:04

UAE arbitration law that provided

00:16:06

for consolidation, South Dakota to

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Edgeley proactively decided that this

00:16:11

was possible. And again very

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provocation and something to be

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noted before we move on

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from the youth development that's

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worth noting the Huey. So

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this is the first one

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is the opening of the

00:16:23

ICC case management office in

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Abu Dhabi. A couple of

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years ago and the memorandum

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of cooperation that since I'm

00:16:30

between the PCA in The

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Hague and the egm arbitration

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Center in Abu Dhabi. So

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this is obviously is Paving

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the way for greater collaboration

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for arbitration related initiatives. We

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see a lot of very

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interested workshops and conferences be

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organized in Abu Dhabi by

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way of these memorandums and

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corporations. Now I'm going to

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move on to Qatar the

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climate in Qatar has shifted

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considerably and the provocation judgments

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that are being issued by

00:16:57

the court is actually discernible.

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So it's Linda supposed to

00:17:01

cinework in the legislation that

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have been issued as well.

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So the present at arbitration

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law was enacted in 2017

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and since its enactment The

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Limited grounds that the district

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has set aside Awards which

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is an article 33 of

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the card application. Those were

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interested. So be at the

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local Authority cots, the run

00:17:26

in Arabic based on the

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traditional civil law system that

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cuz I lost all the

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steamer to Dawn Donuts at

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UFC. So we have to

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chew a sequel to the

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model and common law and

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the judges in the US

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because of all the time,

00:17:44

no systems. All the BS

00:17:49

because he only has one

00:17:51

National arbitration law of the

00:17:52

Qatar arbitration, dog, or cheetah.

00:18:00

Patricia is different, from the

00:18:03

UAE because of you, we

00:18:04

have the, uh, Federal arbitration

00:18:06

law which applies to Orange

00:18:08

arbitrations that are seated in

00:18:10

Dubai. So we proceed to

00:18:12

buy you, what you do,

00:18:13

we mean the onshore system

00:18:14

and then we have the

00:18:15

difc arbitration. We also have

00:18:22

the egm arbitration regulations that

00:18:24

apply to arbitration seated in

00:18:25

the edpm. So this is

00:18:27

another Financial free zone in

00:18:29

Abu, Dhabi education system and

00:18:34

do you have a tradition

00:18:35

to send me some of

00:18:36

those models on taxes? That's

00:18:45

what nursing is back in

00:18:48

20. 2012, Lexus ES or

00:18:50

ten years ago. Still challenges

00:18:53  
that we face on any

00:18:55  
possible reason that party for

00:18:56  
coming up with you accepted

00:18:58  
by the guitar chords of

00:18:59  
something that's been spoken. A

00:19:01  
lot about is Awards being

00:19:02  
issued in the name of

00:19:03  
the Emir of Qatar so

00:19:05  
many years cuz I actually

00:19:06  
allowed both local and foreign

00:19:08  
auto parts. We set aside

00:19:10  
a public policy grounds, if

00:19:12  
you would not issued in

00:19:13

the name of the Admiral

00:19:13

and I suppose you lost

00:19:18

to do this, At some

00:19:21

point in 2013, this is

00:19:23

that she brought one step

00:19:25

further by the cops wear

00:19:26

because not only refused enforcement

00:19:28

were actually announced a phone,

00:19:30

I see arbitration Awards. The

00:19:32

same reason. And this is

00:19:34

not spending their phone number

00:19:35

to know what can even

00:19:36

be set aside in a

00:19:38

different area codes, but they

00:19:40

did that the first step

00:19:45

of this progression to what

00:19:48

the provocation jurisdiction. Same cuz

00:19:49

I have been acting in

00:19:50

2014. LED to Qatari courts

00:19:53

ruled that for the words

00:19:54

did not need to be

00:19:55

issued in the name of

00:19:56

the camera and then because

00:19:58

arbitration law was enacted in

00:19:59

2017. And that's been really

00:20:01

positive for the water coming

00:20:04

out from because I records.

00:20:05

Did you teach me right

00:20:06

now? It's extremely private research

00:20:08

and it's becoming increasingly difficult

00:20:09

to set aside arbitration Awards

00:20:12

as well as probably not

00:20:13

supposed to reception in all

00:20:15

the cases of and every

00:20:16

time we have a challenge,

00:20:17

it might not have a

00:20:19

good girl. Like ground for

00:20:21

Challenger Court refused to accept

00:20:22

it because as long as

00:20:24

it's an arbitration Clause, the

00:20:25

thing that's the form that

00:20:26

the party should go to.

00:20:29

So this is all that

00:20:32

thing I have to say

00:20:32

for Katara. A movie about

00:20:36

the Casey. I think Casey

00:20:38

is another jurisdiction to look

00:20:39

out for its going to

00:20:40

a considerable shift. Did you

00:20:42

do trees? Definitely becoming cruising

00:20:44

through a through arbitration. There

00:20:47

was something else that watch

00:20:48

League. Released from the SPCA,

00:20:51

which is arbitration body in

00:20:53

Saudi Arabia which of these

00:21:02

applications for dismissed and only

00:21:04

6% were accepted. So that's

00:21:06

a very low number, that

00:21:07

will accept it and I

00:21:09

think if I'm not wrong,

00:21:10

the grounds that these are

00:21:12

applications were accepted love on

00:21:14

public policy grounds or to

00:21:16

do with conventional Travelers. The

00:21:23

Saudi application. Very Progressive and

00:21:27

any other nationality. In 2019,

00:21:37

the Saudi government actually issued

00:21:38

a Royal Decree which all

00:21:41

government entities and state-owned companies,

00:21:43

settle their dispute, which foreign

00:21:45

investors to arbitration and just

00:21:48

be quiet. We explicitly mention

00:21:50

arbitration to the SPCA. As

00:21:52

a first option to resolve

00:21:53

the dispute to foreign investors

00:21:54

to shift was yesterday. Also,

00:21:58

trying to open up doors

00:21:59

while Patricia especially when it

00:22:01

comes to Applications involving a

00:22:03

local party in a foreign

00:22:05

party. Not so elusive, visitation

00:22:08

to other jurisdictions in this

00:22:10

brought Nina, arbitration landscape that,

00:22:13

I wanted to cover that

00:22:19

to release rules application rules

00:22:22

in 2020 and mediation was

00:22:24

in 2021 rules of what

00:22:32

you should shows that there's

00:22:33

some sort of impetus within

00:22:35

the government to push a

00:22:36

patrician. In Iraq. Iraq recently

00:22:40

ratified the New York convention,

00:22:41

2020 to disconnect the people

00:22:45

have spoken about between the

00:22:47

Iraq e-currency, what procedure? Which

00:22:49

gives more comfortable review powers

00:22:51

and the New York convention.

00:22:52

Obviously, doesn't need to see

00:22:55

how the costs will pay

00:22:57

the South when they have

00:22:59

when they're deciding on setting,

00:23:01

aside of opposite of what

00:23:03

case is before the New

00:23:04

York convention in the courts.

00:23:06

So this is all I

00:23:07

have for my broad-spectrum and

00:23:09

so I headed back to

00:23:10

Randall who will take this

00:23:12

forward. Thank you. Thank you

00:23:16

so much for that was

00:23:17

fascinating and I really appreciate

00:23:19

you. Providing us all with

00:23:20

an overview of all of

00:23:22

the changes that have been

00:23:22

going on across univariate countries

00:23:25

within the region. I think

00:23:28

the country perspective is super

00:23:30

is super interesting but there's

00:23:31

also a more industry-related perspective

00:23:35

that that's equally fascinating and

00:23:38

I think it's no secret

00:23:39

that the majority of cases

00:23:41

in the Middle East region,

00:23:43

generally are linked to infrastructure.

00:23:45

Infrastructure-related disputes are often what

00:23:48

we see especially large valued

00:23:52

at very large amounts. Often

00:23:53

times we talked about at

00:23:56

the beginning in the introductions,

00:23:58

both eaten and I but

00:23:59

there is a lot of

00:24:00

change going on and in

00:24:01

the Mena region and in

00:24:02

the global economy, insulation supply

00:24:05

chain, delays escalating material costs

00:24:08

as a result of some

00:24:09

of these changes and as

00:24:11

a result of the the

00:24:12

pandemic, how do these changes

00:24:15

This is directed at all

00:24:16

the panelists, these changes impact

00:24:19

arbitration in the Mena region.

00:24:21

And and where do you

00:24:23

see those changes going? And

00:24:25

I'll do we think that

00:24:26

this will impact the arbitrations

00:24:28

that we're going to see

00:24:29  
in the region in the

00:24:29  
future? Will it not really

00:24:31  
have a big impact on

00:24:32  
the region? Might be interested

00:24:34  
in the group's thoughts and

00:24:35  
perhaps we can start with

00:24:37  
most stuff. I'll just to

00:24:38  
get your initial thoughts and

00:24:39  
then we'll go on. If

00:24:40  
anybody else has anything else

00:24:42  
to add? Thank you, Rhonda.

00:24:56  
Yes, the as you remember,

00:24:59  
working on a, on a

00:25:00

Case together and do all

00:25:01

this related to the construction

00:25:03

agreement, that was executed in

00:25:10

Egypt. And yes, the major

00:25:13

construction projects and then surely

00:25:16

trigger a lot of disputes

00:25:19

in the region needs up,

00:25:21

is now launching Mega construction

00:25:27

everywhere in Egypt with much

00:25:32

every sector and its rest

00:25:34

of the few construction solar

00:25:37

energy, Everett So, speaking about

00:25:43

this infrastructure projects and the

00:25:48

agreements are concluded between the

00:25:51  
government and the government or

00:25:53  
the Egyptian entities and foreign

00:25:56  
investors. This could take me

00:25:58  
to the first point, I

00:25:59  
would like to speak about

00:26:00  
which is at a new

00:26:01  
developments in that in relation

00:26:03  
to the framework of govern

00:26:06  
the arbitration agreements in this

00:26:10  
counter cabinet decree organizing and

00:26:20  
government decree and its amendments.

00:26:26  
Any governmental entity where that

00:26:33  
the government is contributing and

00:26:35

even was a very marginal

00:26:37

percentage of their holding should

00:26:40

Apply for an approval before

00:26:42

entering into any agreement with

00:26:44

a foreign investor and they

00:26:46

should have such a great

00:26:48

man, includes an arbitration agreement

00:26:53

and very recently, this was

00:26:56

only on 13th September 2022.

00:27:00

So this like 14 days

00:27:02

ago an amendment to this

00:27:04

decree has been issued and

00:27:06

this is very important because

00:27:07

the amendment adds a new

00:27:13

provision that could be problematic

00:27:15

for many persons. That could

00:27:17

be also useful for others

00:27:19

at the amendment says that

00:27:22

the governmental entities and the

00:27:24

companies with the government is

00:27:25

contributing with, it was initially

00:27:27

holding, should I apply for

00:27:29

approval before? Terminating any agreements

00:27:33

where the appointment Buster is

00:27:35

is a party with the

00:27:37

government? Such agreement includes protection

00:27:42

agreement, this could be very

00:27:46  
interesting and particular. If we

00:27:49  
will go back to the

00:27:50  
case you were working on

00:27:50  
because it was in relation

00:27:52  
to an agreement that has

00:27:53  
been terminated by the government

00:27:56  
has decided that determination whole

00:28:00  
situation of gain by studying

00:28:07  
the documents of the case

00:28:09  
and everything before such an

00:28:12  
important decision is is made

00:28:15  
in the oceans as you

00:28:18  
remember. This was a huge

00:28:18

reward them damages for the

00:28:22

a group of foreign investors

00:28:24

in this case. So this

00:28:26

could be Progressive and could

00:28:28

be also a scene from

00:28:29

the other side as something

00:28:31

that make everything centralized by

00:28:34

the government, no one can

00:28:36

take any action before applying

00:28:38

for this High formation event.

00:28:40

National arbitration. What's, what's what

00:28:42

that? Witch is dead from

00:28:45

people from different backgrounds. Mostly

00:28:49

Executives was very little contribution

00:28:54

from people with legal background.

00:28:56

This is the first asked

00:29:01

me about, I will also

00:29:02

like to go very quickly

00:29:04

drop another point. If this

00:29:07

is okay, otherwise we can

00:29:08

listen to other. But Crystal

00:29:17

did you want to add

00:29:18

anything on the infrastructure-related question?

00:29:20

Yes, she will. We see

00:29:24

this a lot in practice

00:29:25

because when it comes to

00:29:26

infrastructure and construction project has

00:29:29

been searching that goes up

00:29:30

within the context of relationship

00:29:32

to us, develop asthma consultants.

00:29:34

And then it goes down

00:29:34

the road. All of these

00:29:36

contracts with chains have Patricia

00:29:41

clothes, and still has a

00:29:43

lot is already filed by

00:29:46

related parties for the courts

00:29:48

in litigation sofa and send

00:29:50

the contract has an arbitration

00:29:51

clause in his contract that

00:29:52

we have an ongoing arbitration.

00:29:53

So this related litigation proceedings

00:29:57

because I'm going to send

00:30:05

me, Nancy's and in the

00:30:07

Middle East they usually have

00:30:08

litigation closed as part of

00:30:09

their contracts and you see

00:30:11

lots of challenges on the

00:30:12

basis that would have been

00:30:14

heard by the court. So

00:30:15

it's a way to Ida

00:30:16

suspend the arbitration protected or

00:30:18

something. Just call it even

00:30:32

though there was no end.

00:30:40

Consolidate and divide the claims

00:30:42

and has come on my

00:30:46

on my review. Ready Jim

00:30:48

called. Said that she said,

00:30:50

And I caught this because

00:30:51

it was really interesting, wild-caught

00:30:52

state is widely recognized, that

00:30:54

fact mentation is a price

00:30:55

to be paid to the

00:30:56

policy of enforcing arbitration agreements

00:30:58

from the courts, but I

00:31:02

don't necessarily agree because I

00:31:03

don't think fragmentation is a

00:31:05

price that we need to

00:31:06

pay for being for a

00:31:06

patrician and it but it

00:31:07

shouldn't be what we really

00:31:09

need is a train and

00:31:12

an issues. Do it, and

00:31:14

take a deep breath and

00:31:16

dividing delineate. The issues to

00:31:18

extend a can of course,

00:31:19

because there's always a way

00:31:20

to do the extent possible

00:31:23

to delineate these issues were

00:31:25

going to be that screams

00:31:26

would hundred percent relate to

00:31:27

a man contract screen, especially

00:31:36

with the cost of all

00:31:39

of these are these items

00:31:41

related to the construction industry

00:31:42

and I think we'll be

00:31:44

going forward. It is for

00:31:45

the courts and you just

00:31:46

read to take a proactive

00:31:46

approach. Do to divide the

00:31:51

main contractor seed in the

00:31:53

navigation. The way that sensible

00:31:54

in a way. That doesn't

00:31:55

UPS truck if you are

00:31:57

between the regime that we

00:31:58

currently have are going to

00:31:59

work in division. Absolutely. Yeah,

00:32:02

I think I think it's

00:32:03

fascinating and I think, you

00:32:05

know, that's a perfect segue

00:32:06

to, to Gianna's presentation about

00:32:09

about Dubai and all of

00:32:10

the developments that are going

00:32:11

on in, in the UAE

00:32:13

generally and what she seeing

00:32:15

on the ground over there.

00:32:16

So Jenna, I'll turn the

00:32:17

mic over to you to

00:32:18

share a little bit about

00:32:19

what you're seeing and the

00:32:21

developments Hello everyone. Thank you

00:32:24

for being with us today.

00:32:26

Thank you to the the

00:32:29

word arbitration update. Thank you,

00:32:31

Rhonda. Rhonda, and particularly, for

00:32:34

calling my part, Dubai trends.

00:32:38

When when you come from

00:32:40

Dubai, all you talk about,

00:32:41

is that trendy to buy

00:32:43

that you live in. But

00:32:45

in fact, do I have

00:32:46

been trained in every way

00:32:47

to the extent that we've

00:32:49

seen the abolishment of I

00:32:53

make what I make all

00:32:54

an arbitration Centre to arbitration

00:32:56

centers at 1, in a

00:32:59

city that chooses to be

00:33:00

turned in that chooses to

00:33:02

find a way to evolve

00:33:04

in its own way. Now,

00:33:06

just could not resist talking

00:33:09

about the abolishment of the

00:33:11

to arbitration Center in the

00:33:13

highlight of the whole year

00:33:16

and arbitration to the extent

00:33:18

where the the latest arbitration

00:33:21

conference. Play, Stay by the

00:33:24

door. Was mainly all about

00:33:28

these two sensors being abolished

00:33:29

and the cabinet decision for

00:33:33

that purpose and the rules.

00:33:34

No, I have witnessed person

00:33:38

me the birth and demise

00:33:40

of arbitration Center in 2002.

00:33:44

I join the Chamber of

00:33:45

Commerce. When we had something

00:33:47

called the committee that happened

00:33:59  
in signing arbitration in the

00:34:01  
Mena region. Do I took

00:34:02  
the first step we were

00:34:04  
there when nobody actually is

00:34:06  
supposed to be, I worked

00:34:09  
with the team on setting

00:34:10  
up that, which I'm stole.

00:34:12  
During the last twenty years

00:34:18  
of my practice. I have

00:34:20  
seen that one in my

00:34:24  
opinion. Adopt time. It should

00:34:25  
have been in her finish,

00:34:27  
but then I saw their

00:34:30

neighbors while in 2008, when

00:34:34

I joined the adult point,

00:34:37

I was part of the

00:34:38

team that second time, it

00:34:43

was the happenings of the

00:34:49

first arbitration Center of its

00:34:51

time and it was a

00:34:53

joint venture at that point.

00:34:55

And now I see the

00:34:57

demise of what it was

00:35:00

called later that the Dubai

00:35:03

International institution is like that

00:35:07

for 5 years ago. I

00:35:21

was involved in setting up

00:35:24

the two invitations from Thursday's

00:35:25

to call my kids that

00:35:27

know, the d s p,

00:35:33

i c. I c, i

00:35:33

a n, what does that

00:35:48

mean? Listen to give an

00:35:56

expert opinion too many calls

00:35:58

international arbitration in the region

00:36:00

where I would speak about

00:36:01

jurisdiction without an opinion on

00:36:04

the laws that are in

00:36:05

place for arbitration. The 2008

00:36:12

M6 dashboard. Not sure when

00:36:15  
we, when we get to

00:36:17  
the York convention, then most

00:36:27  
of them forever. But we

00:36:32  
have always been there. I

00:36:34  
would say she has been

00:36:35  
the weather. I mean it

00:36:41  
has its own arbitration, you

00:36:50  
have the courts, know, as

00:36:52  
a default. Where is the

00:37:04  
future? Where Do We believe

00:37:05  
the UAE is going? Is

00:37:07  
it going to minimize arbitration?

00:37:10  
Because of the presidents that

00:37:12

are the ports are still

00:37:14

resisting. The fact that the

00:37:16

arbitration can be the the

00:37:18

ruling the ruler in diction

00:37:27

in the power cord or

00:37:31

we're going to have a

00:37:32

pro arbitration environment whole jurisdiction

00:37:36

that really support our position.

00:37:38

Arbitration is the alternative arbitrations

00:37:42

to money was supposed to

00:37:44

be a trend. But years

00:37:46

ago, when I remember how

00:37:47

it used to be. For

00:37:48

me, the Chamber of Commerce

00:37:49

amazing business men that were

00:37:54

used to sit on this

00:37:55

committee is what you said.

00:37:56

Just got to be a

00:37:57

trend that it would go

00:38:00

away, but just don't, don't

00:38:03

spend a lot of time

00:38:05

and effort on it. What's

00:38:07

going to happen in the

00:38:08

whole region, is adopting arbitration

00:38:12

and trying to grow it

00:38:14

into what could be in

00:38:17

a just and equal to

00:38:21  
in litigation and arbitration. Do

00:38:30  
you think with the Covenant,

00:38:31  
with the online with the

00:38:34  
fast track Rhythm that we

00:38:37  
see now is arbitration way

00:38:41  
in such terms? Would it

00:38:43  
still be a better alternative?

00:38:46  
Are we going to stay

00:38:48  
one day of goats are

00:38:49  
doing well or better? To

00:38:55  
just include litigation for dispute,

00:38:59  
resolution still in the region.

00:39:06  
The trend of the cords,

00:39:08

not to take arbitration in

00:39:12

and just accepted a different.

00:39:15

That way that it deserves

00:39:16

in terms of, you know,

00:39:18

when it comes to judgment,

00:39:19

we may find ourselves in

00:39:22

the region. Just going to

00:39:23

step back and arbitration because

00:39:29

In its own way of

00:39:32

running itself, online ability to

00:39:35

just have a zoom and

00:39:37

get from all over the

00:39:39

world, setting on one that

00:39:44

was not a couple of

00:39:53

weeks ago. Not really, I

00:40:03

don't see us doing it

00:40:03

and that is in Dubai.

00:40:05

Now, the two points that

00:40:08

I would like to highlight

00:40:09

because I have to say

00:40:14

about the hijacked, my, my

00:40:16

part of the issue. But

00:40:17

anyways, with an allegation, a

00:40:27

claim against doing that conduit

00:40:31

jurisdiction roll. Which was highly

00:40:34

criticized. I mean, nobody wanted

00:40:36

to feel that you and

00:40:38

just getting all these judgments

00:40:40

from abroad and throwing them

00:40:41

on. So just because you

00:40:42

have that control that you're

00:40:44

playing money, lawyers, many judges,

00:40:49

many practitioners or just against

00:40:51

it. But now I can

00:40:52

see because we're saying that

00:40:54

the DSG courses of the

00:40:55

default in an arbitration, the

00:41:00

conduit roll will not be

00:41:03

so probably need it to

00:41:05

be you. And because everyone

00:41:08

we just talked to today

00:41:09

instead of just getting you,

00:41:11

no judgments were brought to

00:41:13

use it through. And plus

00:41:17

I can see that things

00:41:19

are going to change for

00:41:20

the judicial committee which is

00:41:22

what what main be the

00:41:24

role of the two to

00:41:26

look into this concept of

00:41:27

judgment that where that were

00:41:30

destroyed by to buy Encore

00:41:31

on show. Dad the GFC

00:41:33

Court's judgment also has has

00:41:51

I'm has actually stated clearly

00:41:53

that we would not be

00:41:55

used as a computer infection,

00:41:57

and that is part of

00:41:59

a vest. That's true. And

00:42:04

I know, I can see

00:42:07

that the Jesse would love

00:42:09

to bring you need to

00:42:09

pay that role anymore. I

00:42:13

can probably say the words

00:42:17

of actually, some, do you

00:42:20

of the Mena region and

00:42:21

one of the publication that

00:42:22

I contributed to lately? Outbreak

00:42:28

of the global pandemic in

00:42:30

2021 and its impact is

00:42:35

yet to be seen as

00:42:38

far as courts are concerned

00:42:39

and what the way with

00:42:41

the third word for these

00:42:44

two competitors in jurisdictions, worldwide,

00:42:48

and it's going to be

00:42:50

quite interesting for all of

00:42:51

us to see what what

00:42:53

we come out of it.

00:42:54

Thank you, sorry. For Bombarding,

00:42:58

you, with a lot of,

00:42:58

a lot of them, you

00:42:59

know, it's all fascinating. And,

00:43:01

like you said, what happened

00:43:03

in in Dubai, just really

00:43:05

took over the news in

00:43:07

the arbitration World, particularly in

00:43:08

the Mena region, but globally.

00:43:09

I mean, it really did.

00:43:10

Send waves across the industry.

00:43:13

That things could just be

00:43:14

upended like that and just

00:43:15

changed without any notice with

00:43:18

people with pending cases or

00:43:19

contracts that didn't account for

00:43:21

these changes. And, you know,

00:43:23

it's it's certainly something that

00:43:24

I think all parties. Now

00:43:26

need to be prepared for

00:43:27

that these types of changes

00:43:28

might happen overnight almost and,

00:43:31

and they have to be

00:43:32

resilient and then figure out

00:43:34

ways to to respond to

00:43:37

react and, and that leads

00:43:39

me to a question that

00:43:39

I, I, I personally wondered

00:43:42

and I know that our

00:43:42

clients and then practitioners and

00:43:44

stakeholders in the region are

00:43:45

interested in, which, is in

00:43:47

light of what happened in

00:43:48

Dubai. How should people working

00:43:51

and Dubai or have who

00:43:52

have in the past few

00:43:53

Dubai as the reliable and

00:43:55

stable? Country in the region,

00:43:57

the one that we can

00:43:59

count on to not have

00:44:01

these types of changes on

00:44:02

a whim. So to speak,

00:44:04

perhaps it wasn't on a

00:44:04

whim but it was a

00:44:05

surprise. How does that going

00:44:08

to impact the perception of

00:44:10

Dubai has an arbitral Hub

00:44:11

in the region? Also, in

00:44:13

light of, you know what

00:44:14

khushboo and you Deanna talked

00:44:15

about with respect to the

00:44:18

shift in, in Court decisions.

00:44:19

Not always appearing to be

00:44:21

the most Pro arbitration. Do

00:44:23

you think there's a chance

00:44:24

that parties will start to

00:44:26

shift away from choosing to

00:44:27

buy? And then I'll let

00:44:29

you start. Yeah, I see

00:44:31

that happening but I'm not

00:44:33

trying to defend, but I

00:44:36

want to say that arbitration

00:44:42

Do I have the host

00:44:44

of an arbitration of the

00:44:46

situation, and is in needing

00:44:48

help for application actually? Just

00:44:55

because they decided that the

00:44:57

multiple arbitration centers will not

00:44:59

serve the city. So the

00:45:04

fact that we've had what

00:45:07

seemed to be less use

00:45:11

of resources and to just

00:45:14

have one of the patients.

00:45:15

Underwent, what could watch a

00:45:17

mansion? And I would mention

00:45:19

it again. Having its own

00:45:20

cord, with the decision of

00:45:24

what is may, be criticized

00:45:26

later. I mean, why would

00:45:31

Jack have a cord that

00:45:32

would decide on the validity

00:45:34

of of certain award or,

00:45:36

you know, of a good

00:45:38

enough to be, but I

00:45:40

believe what happened? And we

00:45:43

all agree. He needs some

00:45:46

time because we need the

00:45:57

judges to have that. Trust

00:45:59

that the arbitrator that are

00:46:01

in place or actually qualified

00:46:04

on people who have been

00:46:05

chosen because of criteria that

00:46:09

are not loose or not

00:46:11

acceptable. That, this, this tribunal

00:46:15

are good enough and the

00:46:17

been doing their job properly.

00:46:19

I don't see any harm

00:46:21

in that the less The

00:46:25

last regulation is better but

00:46:28

a certain regulatory mechanism in

00:46:31

place as a lot of

00:46:36

imagine. And all the negativity,

00:46:42

that's may give you an

00:46:48

opportunity to respond as well.

00:46:50

Giving you practice in the

00:46:51

area, of course, what else

00:46:59

needs to be raining for

00:47:00

the Judiciary? And I am

00:47:02  
speaking from Singapore. Singapore jurisdiction

00:47:07  
in the likes of Paris,

00:47:10  
New York, London is better

00:47:11  
than I can tell. You,

00:47:12  
just didn't come about from

00:47:15  
to go to Singapore, to

00:47:16  
District, got training, proper training,

00:47:18  
the judges, to train an

00:47:19  
arbitration. You pick, judges were

00:47:21  
expert in arbitration against it

00:47:23  
in Iowa. The high court

00:47:25  
to rule on turning the

00:47:26  
sides and decide on this

00:47:27

artist issues. And then we

00:47:28

need to happen. And I

00:47:29

have seen judges come to

00:47:31

Singapore from South Asia. I've

00:47:32

seen Georgia from Qatar and

00:47:34

Singapore for this and that

00:47:36

really needs to happen. I'm

00:47:37

not saying he hasn't done

00:47:39

it. I just think that

00:47:39

she needs to be a

00:47:40

lot more training together with

00:47:43

some regulation to bring it

00:47:45

to where we need to

00:47:46

go. Cuz I think it's

00:47:48

great and we see this

00:47:49

and all the legislation that

00:47:51

knows they've got such a

00:47:52

great vision. They know where

00:47:53

they want to bring their

00:47:54

country. To see the fact

00:47:55

that they have changed the

00:47:56

working days from Monday to

00:47:57

Friday, this year's the office.

00:47:59

They want to make to

00:48:00

buy oduye one of the

00:48:02

Financial Centers in cities in

00:48:04

the world but it just

00:48:06

needs to be some sort

00:48:07

of extra added measure to

00:48:09

bring it down and once

00:48:11

that happens to go there,

00:48:12

but just generally on on

00:48:15

what's been happening with the

00:48:16

create the perception from outlines.

00:48:18

I can tell you the

00:48:19

short-term effect of Wednesday, Cruz

00:48:21

issues. Obviously, it was a

00:48:22

great deal of uncertainty in

00:48:24

science. Come to us see

00:48:25

what they wanted to opt

00:48:25  
out of the air to

00:48:26  
buy application, causes a positive.

00:48:29  
But I think us of

00:48:37  
what he wants which events

00:48:38  
we see part, is he

00:48:40  
climbs now? Whose projects are

00:48:41  
in the regions and they

00:48:42  
want to have a seat

00:48:48  
laws in the region. And

00:48:50  
the perception people have is

00:48:55  
that they want to do

00:48:57  
the thing. They need to

00:48:58  
up for Regional Medical, Center's,

00:48:59

Blues in the projects, best

00:49:01

year for different lawyers, in

00:49:08

different countries in for that.

00:49:10

So did they already comfortable

00:49:11

with our form? To answer

00:49:14

me? Okay. Well, then they

00:49:15

want to choose, I still

00:49:17

want to choose the region.

00:49:18

So I would you what

00:49:18

you lost the love in

00:49:19

your eyes to see through?

00:49:20

They don't have to pick

00:49:21

another Law Firm. They just

00:49:22

want to go with the

00:49:23

same photo. Could be a

00:49:24

different noise in the same

00:49:25

family but it is one

00:49:26

that sort of condition. So

00:49:28

it's not like this is

00:49:30

going to make a long

00:49:31

time. So I could have

00:49:32

any addresses consequences. I don't

00:49:34

think so. I just think

00:49:34

it's a matter of upbringing

00:49:36

to buy. Bring you, you

00:49:38

read it really should be.

00:49:40

Thank you, that's fascinating and

00:49:43

I'm looking at the hour,

00:49:44

so I want to make

00:49:44

sure we cover our other

00:49:46

regions. There's so much to

00:49:48

discuss about what happened in

00:49:49

the UAE and then where

00:49:50

it's going. But let's switch

00:49:52

to North Africa, and and,

00:49:53

and talk a little bit

00:49:54

more about Egypt. I know

00:49:55

what the fuck you already

00:49:56

started to. Tell us a

00:49:57

little bit about some of

00:49:58

the changes that have been

00:50:00

going on in Egypt and

00:50:02

the consolidation that you mentioned

00:50:05

in terms of mortgage little

00:50:06

bit more government control, please,

00:50:09

elaborate a little bit more

00:50:10

on what you're seeing happening

00:50:11

in. Egypt, in the recent

00:50:12

and recent times, I've covered

00:50:17

the part that is related

00:50:18

to the control over the

00:50:22

agreement between government by the

00:50:24

government, or governmental entities and

00:50:27

the companies where the government

00:50:30  
is contributing with any shareholding

00:50:32  
and foreign investors and DD

00:50:36  
DD. You think I said,

00:50:40  
For what the world needs

00:50:45  
to apply for an approval

00:50:46  
before I proceed in with

00:50:48  
them because we're going to

00:50:50  
have time. I would just

00:50:53  
speak about recent developments in

00:50:55  
both the arbitration practice and

00:50:59  
in some, some developments, in

00:51:02  
the Egyptian address Prudence, either

00:51:05  
by the court of cassation

00:51:06

are the, which is the

00:51:10

court has jurisdiction to review

00:51:14

the arbitral awards for a

00:51:16

moment, I guess my moment.

00:51:19

So, and relation to the

00:51:22

practice with what we have

00:51:24

seen recently is growing, use

00:51:27

of technology and communication, Technologies

00:51:33

and applications. Both arbitration and

00:51:41

litigation and arbitration. I remember

00:51:46

when we had some witness

00:51:52

is a physically before. The

00:51:55

tribunal we had, we will

00:51:58

have to make applications and

00:52:01

we're about to go to

00:52:03

convince the tribunal and cross-examination

00:52:06

of witnesses by video conference

00:52:08

or video conference is okay

00:52:11

and fine and the ICC

00:52:13

rules. And by the end

00:52:17

of the day. B was

00:52:18

tribunal approved or accepted our

00:52:22

application in and a couple

00:52:24

of witnesses. I remember, I've

00:52:26

been cross-examined this way. They

00:52:29

had some concerns to be

00:52:30

in Egypt, back to the

00:52:37  
tribunal. So Weather today this

00:52:40  
was something new for us

00:52:43  
to see in 2018 recently

00:52:47  
in 2022, the position in

00:52:52  
Egypt clearly said that cross-examination

00:52:55  
by video conference in Virtual

00:52:59  
hearings are becoming a normative

00:53:04  
and are becoming trending. Now,

00:53:08  
the dogs are trending. This

00:53:11  
are the modern Trends in

00:53:12  
international relations that using virtual

00:53:15  
hearings and using. And using

00:53:18  
a cross-examination by video conference

00:53:22

in. This is very interesting

00:53:26

for me to see this

00:53:28

in the year and song

00:53:29

of the position. And maybe

00:53:33

this is because We are

00:53:35

now having a lot of

00:53:36

Judges who have studied abroad

00:53:40

and who are wandering in

00:53:44

the international station, in the

00:53:47

AR reading, and exchanging with

00:53:49

lawyers and they are receiving

00:53:52

training, some everything in relation

00:53:54

to into my vision. So

00:53:55

we have we have, we

00:53:58

have this now in Egypt,

00:54:00

D, D, D D, D

00:54:01

D. Conservative. When it comes

00:54:08

to water, plants near trans,

00:54:12

International patient, they try to

00:54:13

keep our students and our

00:54:16

system up to speed with

00:54:19

other systems in the region

00:54:20

and international. So take me

00:54:28

to the next point. I

00:54:29

was very quickly speak about

00:54:31

three or four points. Or

00:54:36

principles were the Egyptian Court

00:54:39

of cassation Egyptian food made

00:54:44

or spoke about developments in

00:54:46

the first one is where

00:54:52

the station save clearly and

00:54:55

explicitly that the adults across

00:55:03

arbitration policy for arbitration policy.

00:55:06

Allows a dentist said that

00:55:12

the international arbitration is becoming

00:55:16

the original motor. One of

00:55:18

the principal mode, maybe the

00:55:22

reason of mold for a

00:55:23

sibling commercial disputes and international

00:55:27

commercial disputes. So another development

00:55:33

By The Station, relates to

00:55:37

International rules and guidelines like

00:55:44

the IV. Guidelines of the

00:55:53

record. Clearly refers to close

00:55:57

3.3.5 of the rules and

00:56:00

applied it and then made

00:56:03

its decision on the issue.

00:56:05

Before the tribunal, these are

00:56:07

very quickly was that one

00:56:09

of the Council of one

00:56:13

of the parties, the law

00:56:15

firm of this Council included,

00:56:17

a relative, relative of a

00:56:20

terminal garbage truck tribunal, so

00:56:22

that would apply these fools.

00:56:24

And then it said there

00:56:25

was no conflict of interest

00:56:26

that could cause the The

00:56:31

operative word being. So very

00:56:35

interesting and you also by

00:56:42

the ocean in relation to

00:56:44

the next meditation. The court

00:56:45

said that the parties would

00:56:47

be represented by Foreign lawyers

00:56:48

representing. I noticed you were

00:56:54

presenting with us sitting by

00:56:56

and see you in Egypt,

00:56:57

and you are most license

00:56:58

until cracks in the evening

00:56:59

in Egypt and confirm, this

00:57:04

kind of work. Before I

00:57:07

bet Sub sub unions in

00:57:09

Egypt. This being without disclosing

00:57:12

any issue for them. It's

00:57:14

our word, I'm finally very

00:57:16

quickly and there is a

00:57:19

job in business. Very, very

00:57:21

interesting by the Egyptian economic

00:57:29

I'm going to go now

00:57:30

but rather for you not

00:57:34

in the three members of

00:57:35

the tribunal, the arbitrator was

00:57:38

appointed or eight respondents. One

00:57:44

of them was the main

00:57:46

theater and the Seven other

00:57:49

respondents were sure to use

00:57:51

for the main deck or

00:57:52

the men agreement. And the

00:57:56

tribunal said that the course,

00:57:58

it's all right. We see

00:58:01

that they are, they are

00:58:02

sharing the same interest so

00:58:04

we can appoint one of

00:58:05

them all and this was

00:58:08

a new thing to say,

00:58:10

by the Egyptian Court in

00:58:12

relation to an ad hoc

00:58:13

arbitration. By the way, this

00:58:15

is pretty much of the

00:58:16

main developments, but I can

00:58:19

share in the Egyptian legal

00:58:22

system and if you have

00:58:23

any questions I can gladly

00:58:24

answer, Thank you so much.

00:58:26

But you know, I have

00:58:27

so many questions. First, I

00:58:28

want to say thank you.

00:58:29

I ate looks like I'll

00:58:30

be welcome back in Egypt

00:58:30

after all and I look

00:58:34

forward to that but I

00:58:36

do have I do have

00:58:37

many questions. I think it's

00:58:38

really interesting. You mention some

00:58:40

developments that appear to be

00:58:41

extremely Pro arbitration and and

00:58:44

including, you know, policy in

00:58:45

favor of arbitration. But also

00:58:47

it seems that there's also

00:58:49

some decisions that might cut

00:58:50

against arbitration being favorite especially

00:58:53

in the investor context. And

00:58:55

so I find that that

00:58:56

all that, that juxtaposition of

00:58:58

decisions and sort of a

00:59:00

conflicting movement in the country

00:59:02

to be fascinating. I hopefully

00:59:05

will have more time at

00:59:06

the end. It's discuss some

00:59:08

of those issues and ask

00:59:09

them questions. But I do

00:59:10

want to make sure we

00:59:11

cover our last region which

00:59:13

is hot. And, and cover

00:59:15  
some of the developments there

00:59:16  
and then make sure that

00:59:17  
we we asked some general

00:59:19  
questions and see if anybody

00:59:20  
in the audience. Has any

00:59:21  
questions as well? So I

00:59:23  
will, I will shift gears

00:59:24  
2 Australian accent and I

00:59:27  
am I welcome him to

00:59:28  
share his thoughts on some

00:59:29  
of the developments taking place

00:59:30  
in the greatest development of

00:59:41  
the last year has been

00:59:42  
low number 21 of 2021,

00:59:45  
at the end of December

00:59:47  
2021, where are you? And

00:59:49  
you and youuuu Court was

00:59:51  
established and it was the

00:59:52  
the trade investment tribunal court.

00:59:55  
Now the the name is

00:59:57  
misleading because it's not supposed

00:59:59  
to be an investment. Regular

01:00:00  
such a fury may take

01:00:02  
up investment disputes between for

01:00:04  
investors in the in the

01:00:06  
Qatar state that are not

01:00:07  
subject to b. I t

01:00:08  
c h. I t h.

01:00:09  
She wasn't at the future

01:00:12  
of solution to a part

01:00:19  
from the financial Centre Court

01:00:21  
in. Apart from the ordinary

01:00:23  
courts in Paterson. Is to

01:00:26  
provide investors are effectively investors

01:00:30  
in dispute with other with

01:00:33  
other entities not wrestle against

01:00:35  
the state is a state-run

01:00:38  
state capitalism. So number of

01:00:40  
the streets are going to

01:00:41

be with State Patrol, images

01:00:42

and state capitals do. This

01:00:44

is a significant new mechanism

01:00:48

to bring pixel 2 commercial

01:00:50

trade issues before and you

01:00:51

do for a note before

01:00:52

the night before they learn

01:00:54

their Cavalry Court. We have

01:00:57

a mission about score for

01:00:59

it, for a number of

01:01:00

reasons, and I wasn't able

01:01:00

to find even the Lord

01:01:02

shall have an Arabic. So,

01:01:03

we know that the number

01:01:05  
of Judges who got stabbed

01:01:06  
in the freezer for our

01:01:08  
speakers, but given that many

01:01:09  
of these days, she's going

01:01:10  
to be in English. Because

01:01:12  
the contract may be in

01:01:13  
English, that surprising. No English.

01:01:15  
Speaking jobs, have been appointed

01:01:16  
yet. So that's something to

01:01:19  
be seen how the sport

01:01:20  
actually operate in the future.

01:01:33  
No, that's the real development.

01:01:35  
So that the wrestling presentation

01:01:36

is about things that I

01:01:37

hope will be useful to

01:01:39

our colleagues who might be

01:01:40

thinking of, you know, but

01:01:41

maybe something that made me

01:01:44

drive business forward. So one

01:01:46

of the, one of the,

01:01:48

one of the things being

01:01:49

discussed at a significantly is

01:01:51

the promotion of Islamic finance

01:01:53

application. Now they finance building

01:01:57

the QFC to my knowledge,

01:02:00

nothing significant has taken place

01:02:02

and then something would you

01:02:05

like to cut that with

01:02:05

my dry development? Is there

01:02:08

is a push and Pakistan

01:02:10

to set up a d.

01:02:10

I c Pakistan tribunal lady

01:02:15

to Islamic Finance dispute to

01:02:18

arbitration developing station in Asia

01:02:22

have largely failed for a

01:02:23

number of reasons that we

01:02:24

don't need to go through

01:02:25

at the at the moment.

01:02:27

But this looks like a

01:02:28

promising development and I'm guessing

01:02:29

that the countries in the

01:02:31

region in the Mena region

01:02:31

will see this As a

01:02:33

as a business objective and

01:02:36

we'll try to take the

01:02:38

Habs take back from the

01:02:39

business from Pakistan. If that

01:02:41

kind of development, goes ahead,

01:02:42

it seems to be going.

01:02:44

I'm advising because I said

01:02:46

so it's interesting to see,

01:02:47

you know, what happens? Because

01:02:48

the stomach contents of each

01:02:50

patient businesses in huge, but

01:02:52

it's mostly driven to London

01:02:53

with no weave weave without

01:02:56

your clothes. With me up

01:02:58

with you a little short,

01:02:58

mini English. No and some

01:03:00

elements of a Santa Claus.

01:03:01

Well, and we see the

01:03:02

English courts. Currently are taking

01:03:05

hold of this and they

01:03:06

are finding genius ways of

01:03:07

having stomach be consistent with

01:03:10

the, you know, with burial,

01:03:12

love to be honest. So

01:03:14

what's up with that thing

01:03:14

I said that that's something

01:03:15

to be for people to

01:03:16

follow the second issue. And

01:03:23

renegotiate existing megaspore contract or

01:03:27

new contract given that its

01:03:28

near the big Vision. Father,

01:03:29

on the big Visions is

01:03:30

Vision. Those of you who

01:03:33

are not familiar with that

01:03:34

concept. So countries in the

01:03:37

in, the GCC our document,

01:03:40

which which Vehicle Division and

01:03:43  
they are, they believe the

01:03:44  
policy of economic policy for

01:03:46  
the next decade or two

01:03:47  
decades to set out. And

01:03:49  
so this is taking very

01:03:50  
seriously and old Financial Endeavors

01:03:51  
are based on these National

01:03:53  
vision and so one of

01:03:54  
the units will be at

01:03:55  
our house in the region

01:03:57  
is is the tourism as

01:04:00  
well as a sporting event.

01:04:01  
And so given given the

01:04:04

the the number of disputes

01:04:06

that can be raised from

01:04:08

this next sporting event. The

01:04:10

it's it's I think it

01:04:11

makes business sense for a

01:04:12

country. To bring the diffuser,

01:04:14

take me to cancel Amazon

01:04:15

to bring as many as

01:04:17

it can switch on jurisdiction,

01:04:18

an ongoing discussion with the

01:04:21

problem, is that none of

01:04:22

the empty so far. So

01:04:23

clearly the arbitration can handle

01:04:27

this. So they the Chamber

01:04:29  
of Commerce in at the

01:04:30  
same time that you have,

01:04:32  
she hasn't shown any real

01:04:32  
interest in this issue with

01:04:37  
her know, that should be

01:04:38  
able to make it sporting

01:04:40  
arbitration venue much. In the

01:04:43  
way that it's more than

01:04:44  
in cast to take charge

01:04:46  
of this is cute. But

01:04:47  
to do that, you need

01:04:49  
to renegotiate existing contract and

01:04:52  
at the same time in

01:04:53

polls close in, in future

01:04:57

contracts, and it's worth anything

01:05:01

at the moment. And I

01:05:04

think that the final, which

01:05:05

is What's new, what I'm

01:05:07

thinking more than anybody else,

01:05:09

is the business human rights

01:05:11

at the street settlement Weeno

01:05:13

Weeno Weeno Weeno score score

01:05:15

of the megas. Bring a

01:05:15

battery in Qatar has been

01:05:16

a huge amount of speculation

01:05:18

of a controversy about business

01:05:21

human rights to people working

01:05:22

in this Mega sporting events

01:05:23

and I think it's something

01:05:24

that could be resolved through

01:05:26

arbitration especially on a masculine

01:05:31

that would actually diffused in

01:05:34

the If I could leave

01:05:36

work out, I cannot do

01:05:37

which isn't which is bring

01:05:39

it to affect the legislation

01:05:43

for collectively Brides. So I

01:05:46

think the lack of collecting

01:05:49

labor rights businesses, human rights,

01:05:51

arbitration is a viable alternative

01:05:53

where you have effectively these

01:05:58

rights but you must reputation,

01:05:59

are you going to become

01:06:00

a lawyer if you have

01:06:02

to pay for it and

01:06:03

and the corporations are able

01:06:05

to put someone inside out

01:06:06

in your underwear will not

01:06:08

know but it's likely to

01:06:13

assist in getting those restroom.

01:06:17

I did for me. Thank

01:06:19

you so much for this

01:06:20

or, I mean, it's, it's

01:06:21

fascinating to see while there

01:06:23

hasn't been a lot of

01:06:24

Express change recently and cuts

01:06:27

out of there is also,

01:06:29

you know, what the height

01:06:30

of of change to look

01:06:31

forward to in the future.

01:06:33

Particularly with these make a

01:06:34

sporting events, like you mentioned,

01:06:35

and also something that you

01:06:37

mentioned in her initial presentation

01:06:38

which is that there's been

01:06:40

a lot of decisions coming

01:06:41

down from the courts that

01:06:42

appear to be extremely Pro

01:06:44

arbitration. And so I'll revisit

01:06:46

and it sort of reframe

01:06:48

a question. I I raised

01:06:49

two to both Ian and

01:06:51

khushboo about, you know, the

01:06:52

changes in Dubai and how

01:06:54

that might impact the choice

01:06:56

of Dubai as a, as

01:06:58

a hub for arbitration. Do

01:07:00

you think that some of

01:07:01

these changes and and developments

01:07:03

in a cut diet, including

01:07:04

in both the jurisprudence, as

01:07:06

well as these forward-looking potential

01:07:08

developments that you mention do

01:07:10

you think that might attract

01:07:11

more arbitration to cut. And

01:07:14

that that's something that I

01:07:15

thought is is is located.

01:07:17

Looking for and I'll start

01:07:19

with you Professor but then

01:07:20

I'll open it up the

01:07:21

other panelists that they have

01:07:22

any thoughts. I think that

01:07:26

I got her, the moment

01:07:26

hasn't thought about the idea

01:07:28

of bringing in more business

01:07:29

Endeavors arbitration. And I'm not

01:07:30

saying that because they, they,

01:07:31

they can't, because they both

01:07:34

asleep. Run stopped by the

01:07:35

Lord, with all the things

01:07:36

of the country. But I

01:07:38

think that's the idea in

01:07:40

the QFC. I think, of

01:07:44

course to bring business. And

01:07:45

you have this amazing panel

01:07:47

of Judges, you have to

01:07:47  
go out to do some

01:07:48  
school work, but that it's

01:07:50  
not really making up people

01:07:54  
there. And then she has

01:07:56  
tons of samples. She seems

01:08:01  
a lot more that can

01:08:02  
be done, but I don't

01:08:03  
think there's a focus on

01:08:04  
that at the moment, but

01:08:05  
certainly in the next five

01:08:07  
years, after I woke up,

01:08:08  
I think that's that's why

01:08:09  
I'm going to go to.

01:08:10

Right. Of course, you know

01:08:12

we can't talk about that

01:08:13

without discussing the World Cup

01:08:14

at least once them. I

01:08:16

was trying very hard to

01:08:17

avoid it but it wasn't.

01:08:18

It was bound to come

01:08:19

up. Does anybody else have

01:08:22

any thoughts about that shift?

01:08:23

I don't know. Cuz if

01:08:24

you did you did you

01:08:25

have any thoughts in light

01:08:26

of your, your commentary earlier

01:08:28

about that the changes and

01:08:29  
that the recent decisions would

01:08:30  
have been coming down? Yes,

01:08:32  
you can do a lot

01:08:36  
more. I definitely wouldn't go

01:08:38  
to a place for her

01:08:40  
patricians, but I think the

01:08:42  
applications that are seated in

01:08:43  
the government. Do you have

01:08:47  
to send a message via

01:08:48  
open up this perception that

01:08:50  
the Apple application that? I

01:08:52  
think we see a lot

01:08:53  
of these judgments that are

01:08:55

streaming along, giving the same

01:08:56

sort of message to the

01:08:58

vital organs that has receded,

01:09:01

opposition forces and equipments. And

01:09:02

I think I mentioned some

01:09:04

judgments about how the courts

01:09:07

have a few set aside.

01:09:08

I'm in a world that

01:09:10

was not issued a name

01:09:11

but now it's just doesn't

01:09:12

stop day. I've seen the

01:09:14

judgments of a few set

01:09:16

aside for the lawyer that's

01:09:21

that's no longer reason. Now

01:09:22  
to set aside of what

01:09:23  
you need to do, not

01:09:23  
look Laura's and bought new

01:09:25  
arbitration. I've seen another reason

01:09:27  
judgement extended to third parties

01:09:31  
at the very beginning, just

01:09:34  
as a way to preserve

01:09:34  
the arbitration award and not

01:09:37  
attacked the whole proceedings at

01:09:39  
the place. Or the last

01:09:42  
five years, since the ACT

01:09:45  
was enacted, you can see

01:09:46  
the judiciary's got gotten that

01:09:48  
that message through the system

01:09:50  
to the government. Did not

01:09:51  
meant to attack the application

01:09:53  
process. And that's that's obviously

01:09:55  
very welcome to go in

01:09:58  
the right direction. Yeah, but

01:10:01  
I think that's, I think

01:10:02  
that's exactly right. And I

01:10:03  
asked if I think we're

01:10:04  
seeing that and then over

01:10:05  
the next few years will

01:10:06  
probably see, even more of

01:10:08  
that. So, since we have

01:10:10

a few minutes left before

01:10:10

we all break off into

01:10:12

networking, I would, I would

01:10:15

love just in one in

01:10:17

one sentence if each of

01:10:18

our panelists could share, maybe

01:10:21

one developments in the region

01:10:23

that they think that every

01:10:26

arbitration practitioner should watch out

01:10:28

for, and keep in mind

01:10:29

in the years to come,

01:10:30

and we'll start with you

01:10:32

Gianna, because you're smiling. one

01:10:36

thing for us as petitioners,

01:10:39

the arbitration is to remember,

01:10:41

always that arbitration is the

01:10:45

alternative to the justice system,

01:10:48

which is all about stubborn.

01:10:50

So, every country believes in

01:10:52

the Middle East and North

01:10:54

Africa, that the justice system

01:10:56

is Part of Me, Part

01:10:58

2, by stopping, when an

01:11:00

arbitrator who is God knows

01:11:02

who comes that has the

01:11:03

same. If it's going to

01:11:11

take time and was seen

01:11:12  
in every country in the

01:11:14  
GCC in the Arab world.

01:11:15  
And I don't, I don't

01:11:16  
Africa that have been a

01:11:18  
dumb phone and it'll pick

01:11:23  
up somehow for me for

01:11:27  
any profession in arbitration. Please

01:11:30  
before you take on a

01:11:31  
job because whether you, please

01:11:36  
read about that country. Jurisdiction,

01:11:40  
you we need pictures today.

01:11:45  
That history is actually whatever

01:11:47  
makes you a good lawyer.

01:11:48

That's what you should do

01:11:50

need to pick up Justin

01:11:51

about that country that you're

01:11:53

going to be working with

01:11:55

an arbitration case. It would

01:11:57

help you a lot. And

01:11:58

there's so much has been

01:11:59

happening and I'm glad to

01:12:01

be sharing it with everyone

01:12:02

here. Thank you. Thank you.

01:12:04

Why don't you go to

01:12:06

Professor? I think that despite

01:12:10

the negative connotations in the

01:12:12

west, about the Arabian Gulf,

01:12:13

in the Persian Gulf, my

01:12:16

students. Crazy. Nonetheless, this is

01:12:26

the safest place in the

01:12:27

world to live, and I

01:12:30

think globally and that the

01:12:35

reason for that. So I

01:12:37

think the future is in

01:12:39

is in the Mena region.

01:12:42

Khushboo. I'm so funny. I

01:12:46

was just released within the

01:12:47

spectrum of alternative dispute, resolution

01:12:49

ADR and and I think

01:12:51

the different pieces of e

01:12:52

d, I really need to

01:12:53

go ahead and hand sew

01:12:54

a dress in mediation negotiation.

01:12:56

I'm the ultimate goal is

01:12:58

really to find a commercial

01:12:59

the sensible way to resolve

01:13:01

parties disputed. I think that

01:13:02

it shouldn't just look at

01:13:03

these options and I do

01:13:04

they all should be looked

01:13:05

at holistically before she look

01:13:09

out for me particularly attuned

01:13:11

to Fayette and what will

01:13:14

end with the with Mustafa

01:13:16

thoughts on on the question

01:13:18

of technology and the coming

01:13:26

years more and more, I

01:13:27

guess, as Diana said, they're

01:13:30

in Dubai, they are using

01:13:32

technology. And instead of going

01:13:35

to their courtrooms, I guess

01:13:39

we will do this attract

01:13:42

and international cooperation may be

01:13:43

in the relation between between

01:13:51

the international Awards, and the

01:13:56

court systems, a big issue

01:13:59

that we would, you want.

01:14:04

Absolutely. And I mean, to

01:14:06

the point of Technology we

01:14:07

are having this conference on

01:14:08

Zoom which I think that's

01:14:10

at all. Um, we debated

01:14:11

having it in person, but

01:14:12

ultimately, we're all able to

01:14:14

gather virtually which was certainly

01:14:16

lucky for all of us

01:14:17

given. We're all in different

01:14:18

time zones which made planning

01:14:20

quite a quite a fun.

01:14:23

Endeavor. I'll say, I want

01:14:25  
to thank everyone for joining

01:14:26  
us today. We're at time

01:14:28  
and it was such a

01:14:29  
pleasure learning from all of

01:14:31  
our panelists. Thank you so

01:14:32  
much for your work on

01:14:34  
this on these presentations and

01:14:35  
for sharing your thoughts and

01:14:36  
experiences with all of us.

01:14:37  
And think you two are

01:14:39  
organizers for inviting us. And

01:14:41  
letting us have this very

01:14:42  
interesting and timely discussion. I

01:14:45  
think in terms of next

01:14:47  
steps will move on into

01:14:48  
breakout rooms and then we

01:14:50  
can continue the discussion there

01:14:52  
and get to know one

01:14:52  
another. Thank you, Rhonda. And

01:14:56  
that you are in the

01:14:58  
order that I see you.

01:14:59  
For sure, liars, and Deanna

01:15:03  
Mustafa. And we're, we're making

01:15:08  
the outlook on International arbitration,

01:15:11  
much are closer to, to

01:15:15  
Holman and sharing with the

01:15:17

rest of the world at

01:15:18

the different variants of international

01:15:22

arbitration including Commercial Refrigeration. But

01:15:24

not only that also also

01:15:26

investor-state arbitration and and and

01:15:28

the various setbacks and on

01:15:33

and Rebirth of arbitration centers

01:15:35

in in the region, something

01:15:38

something no one for everyone

01:15:39

at 9 and also the

01:15:40

spot despite that you're making

01:15:42

the point which witch is,

01:15:43

which is a very important

01:15:44

one that it's at an

01:15:46  
exponentially growing region in terms

01:15:49  
of the economic growth and

01:15:53  
and and and also Business

01:15:56  
and and therefore also arbitration

01:15:59  
and education business. Thank you

01:16:04  
very much. I think that

01:16:05  
we we now can we

01:16:06  
move on to possibly what

01:16:08  
might be 2 or or

01:16:11  
11 big thing for most

01:16:14  
of break up from this

01:16:15  
world recording stops? And then

01:16:17  
we can kind of be

01:16:19  
be be more at ease.

01:16:21  
There's no agenda for the

01:16:22  
breakout room. So everything is

01:16:24  
is really really up in

01:16:27  
terms of networking as some

01:16:29  
people really want to meet

01:16:31  
you or ask questions at

01:16:33  
cetera so we'll we'll go

01:16:35  
into that right now again.

01:16:37  
Thank you and hopefully Do

00:00:03  
everyone. This is a world

00:00:05  
arbitration update and this is

00:00:08  
our day 2 of world

00:00:10

of attrition updates at this

00:00:12

is the Africa day. And

00:00:14

with, with the my kocharian

00:00:18

layered, we're really, really excited

00:00:20

about this was arbitration update

00:00:24

2022, which has, you know,

00:00:28

now and entities in the

00:00:31

mental region. And and we're

00:00:35

simply absolutely excited that we're

00:00:37

all here. I would like

00:00:38

to thank our sponsors. Without

00:00:43

we wouldn't be able to

00:00:45

make it at the wall,

00:00:46

arbitration update, a sustainable and

00:00:48

ever. So thank you all

00:00:50

over stunt pictures and also

00:00:51

all the supporting organizations which

00:00:53

are in our website. And

00:00:57

I would like to just

00:00:58

take a moment to thank

00:00:59

a tall is Michael cherry

00:01:00

and Laird who is a

00:01:03

Co-chair of the international dispute,

00:01:06

resolution practice at that crawl

00:01:07

and boring. But also a

00:01:09

professor at Georgetown law faculty

00:01:14

on any shoes outside investor

00:01:17  
arbitration public international law in

00:01:20  
my in my honor with

00:01:22  
with with with me so

00:01:25  
I can take it away

00:01:26  
and got this will be

00:01:27  
a fantastic panel. Well, thanks

00:01:30  
very much. Jose. Antonio, B,

00:01:33  
really looking forward to this

00:01:35  
panel into this day and

00:01:37  
in the, the week-long schedule

00:01:39  
of world arbitration update. We

00:01:42  
have 19 panels this week.

00:01:44  
We had a great first

00:01:45

day yesterday. Today we have

00:01:48

five programs in this is

00:01:49

the second today. The title

00:01:52

of today's program is legal

00:01:53

developments in arbitration in the

00:01:56

Mena region. And Mina, it

00:01:58

has become over the last

00:02:00

15-20 years, very active, in

00:02:03

international arbitration, of course, that's

00:02:05

a reflection of the incredible

00:02:07

growth of the region construction,

00:02:11

arbitration arbitration involved in corporate

00:02:14

matters and international arbitration. Really

00:02:18

is a very Dynamic and

00:02:20

fascinating place for those practicing

00:02:23

in the international arbitration field.

00:02:25

And today we have a

00:02:27

fantastic. Panel, which really, I

00:02:31

think reflects that the whole

00:02:33

philosophy of the world arbitration

00:02:35

update, which is to provide

00:02:37

a focus on areas of

00:02:39

the world where International arbitration

00:02:41

it is absolutely active and

00:02:44

and vibrant outside the end

00:02:47

of the typical centers of,

00:02:48

you know, the Paris is

00:02:49

in New York's and so

00:02:50

forth. We we we really

00:02:53

take pleasure in highlighting the

00:02:54

fact that there's some fantastic

00:02:56

practitioners arbitrators and centres which

00:02:59

they deserve every highlight and

00:03:03

we hope that this battle

00:03:05

will play a part of

00:03:07

that the objective and it's

00:03:10

my pleasure then to introduce

00:03:13

my colleague Ms. Randa address,

00:03:16

who is moderating our panel

00:03:18

today? She'll introduce the panel

00:03:21

and start things off. Brenda

00:03:23

is a partner of mine

00:03:25

at the Corolla morning in

00:03:27

our New York office. She

00:03:29

is a highly experienced arbitration

00:03:32

practitioner and litigator in New

00:03:34

York. She's worked on multiple

00:03:37

investor-state arbitration as well as

00:03:40

commercial arbitration. And it's I

00:03:44

really appreciate you taking the

00:03:46

time out of your busy

00:03:47

practice, two to come here

00:03:49

today and help organize this.

00:03:51

So fantastic panel. So I'm

00:03:53

going to pass it off

00:03:54

to you and I'm really

00:03:56

looking forward to hearing from

00:03:57

our our panelists. Thank you

00:03:58

so much and Randolph. Thanks

00:04:03

so much and thank you.

00:04:04

Jose Antonio, as well. I

00:04:05

am so honored to be

00:04:07

here today. Good afternoon or

00:04:09

good morning, depending on where

00:04:10

you all are out there.

00:04:11

It's such a pleasure to

00:04:13

be here today, with everyone

00:04:14  
got some fascinating legal developments

00:04:16  
in arbitration, in the Middle

00:04:19  
East and North Africa region.

00:04:20  
We're really excited to have

00:04:22  
everyone here with us and

00:04:24  
as an begin touching upon

00:04:25  
and his introduction, despite, you

00:04:28  
know, ongoing turbulence in the

00:04:30  
Mena and surrounding regions. Earlier

00:04:32  
this year, the World Bank

00:04:34  
estimated that the Region's economy

00:04:36  
will grow by 5.2% in

00:04:38  
2022, and that's the fastest

00:04:41

growth rate. Since 2015 uncertainty,

00:04:44

from covid-19 Ukraine, inflation, and

00:04:47

other supply chain disruptions are

00:04:49

all factors that impact stakeholders

00:04:52

and investors in the region.

00:04:53

And its with this backdrop

00:04:55

that we observe that arbitration

00:04:56

is on the rise and

00:04:57

many region. In fact, there's

00:04:59

a notable shift in Mena

00:05:01

towards promoting Supporting arbitration. Today

00:05:04

we will discuss the waves

00:05:06

being made in arbitration in

00:05:08

this region, where the tides

00:05:10  
are turning, and what practitioners

00:05:12  
and other interested stakeholders should

00:05:14  
keep in mind and expect

00:05:15  
moving forward. I am honored

00:05:18  
to introduce this distinguished panel

00:05:20  
of speakers that plan to

00:05:21  
cover all of these topics

00:05:23  
and more with you all

00:05:24  
today. And because our time

00:05:26  
is limited, I'll keep this

00:05:27  
brief and I won't share

00:05:29  
all of the accolades and

00:05:30  
experience of this group, but

00:05:32

I encourage you all to

00:05:33

look into their bios, which

00:05:34

are quite impressive and I'll

00:05:37

be good with Bruschetta Teri.

00:05:39

Khushboo, the seniors and Company

00:05:45

is arbitration Department. She is

00:05:47

a dual qualified lawyer admitted

00:05:49

to practice about, Singapore and

00:05:50

New York. Her practice focuses

00:05:52

on multi-jurisdictional litigation and international

00:05:55

arbitration. She's represented both companies

00:05:58

and state entities in a

00:05:59

wide array of disputes pertaining

00:06:01

to the construction. Infrastructure energy.

00:06:04

Real estate and shipping Industries,

00:06:06

among others, and under the

00:06:08

rules of all major arbitral

00:06:09

institutions Jumping to our panelists.

00:06:13

Today I'll begin with Jana,

00:06:15

do Gianna is the founder

00:06:17

of her firm committed, the

00:06:18

attorneys at law, a boutique

00:06:20

law firm in the UAE

00:06:21

specialize in cross border. Dispute,

00:06:23

resolution amongst several other practice

00:06:25

areas, Deanna is a UAE

00:06:27

license lawyer with the right

00:06:29

of audience, before all UAE

00:06:31

courts, including difc courts and

00:06:34

she is an expert in

00:06:34

both civil and Sharia law

00:06:36

in most of us a

00:06:40

partner instead of chica and

00:06:41

partners. And the firm's International

00:06:43

arbitration group. Based in Cairo,

00:06:45

most of his license to

00:06:47

practice in Egypt and specializes

00:06:49

in both commercial and investment

00:06:50

arbitration and has represented clients

00:06:52

in a broad range of

00:06:53

arbitration matters before the bleeding

00:06:56

arbitral institutions. And last, but

00:06:59

of course not least, Professor

00:07:00

80s, Benfca is Professor of

00:07:02

transnational law at Hamad bin,

00:07:04

Khalifa University, a member of

00:07:06

cut, that foundation. And don't

00:07:08

have pus and Adjunct professor

00:07:10

of law at Georgetown University

00:07:11

Edmund, a Walsh School of

00:07:13

Foreign Service. He also regularly

00:07:15

serves as an arbitrator in

00:07:16

commercial disputes and is a

00:07:18

prolific author of hundreds of

00:07:20

peer-reviewed Articles and twenty bucks.

00:07:22

And before we begin with

00:07:24

Chris was presentation, I want

00:07:26

to encourage all of our

00:07:27

participants today to, please chime

00:07:29

in with your questions, throughout

00:07:30

our discussion. We want to

00:07:32

hear from all of you.

00:07:33

We hope this will be

00:07:34

engaging and dynamic for everyone

00:07:36

and after each panelist presents

00:07:39

will do our best to

00:07:39

answer any questions. We receive

00:07:41

about their presentation, so that

00:07:42

we can keep things interesting

00:07:44

and, and change it up

00:07:46

a little bit. And so

00:07:48

with, that will Dive Right

00:07:49

In. I'll give the microphone

00:07:50

to khushboo and she can

00:07:52

kick us off with her

00:07:52

presentation. Thanks so much, Rhonda

00:07:55

and good afternoon. Good morning

00:07:57

to everyone joining in today.

00:07:58

It's truly the light for

00:08:00

me to be here today

00:08:01

to share my perspectives on

00:08:03

application updates in the Mena

00:08:04

region. What I like to

00:08:07

do is speak about the

00:08:08

broad, seems that have emerged

00:08:09

in the region over the

00:08:10

last few years and it

00:08:12

safe to say that the

00:08:13

region has witnessed some discernible

00:08:15

changes. Some of these developments

00:08:17

have truly revolutionize arbitration, landscape

00:08:20

your division. What others have

00:08:22

significantly propelled it to. It's

00:08:25

becoming a problem in do

00:08:30

today, in the developments in

00:08:32

the jewelry is arbitration, landscape

00:08:35

started way back from 2018.

00:08:37

When the federal arbitration law

00:08:39

was enacted Federal arbitration, law

00:08:43

was a previous article, 257,

00:08:46

which exposed arbitrators and experts

00:08:49

in the UAE to criminal

00:08:51

sanctions. If they fail to

00:08:52

perform their duties with Activity

00:08:55

and integrity and Isabella brought

00:08:57

an ambiguous terms by itself.

00:08:58

So, obviously, there was lots

00:09:00  
of concerned about people coming

00:09:02  
in to arbitrate and what

00:09:05  
you were supposed to be.

00:09:07  
And his concern was obviously

00:09:09  
Diane minimize. What is actually

00:09:12  
at this point? What happened?

00:09:19  
Since then they've been lots

00:09:20  
of provocation judgments that you

00:09:22  
speak about shortly. But last

00:09:24  
year, was really the Milestone,

00:09:25  
your father's in the Huey

00:09:27  
before September 2023 men. Albertson's

00:09:31  
to Shinto in Dubai. So

00:09:32

we had d, d i

00:09:33

v l t, i a

00:09:34

s m of Yu-Gi-Oh coming

00:09:37

out system. That's carved out

00:09:39

here and to buy so

00:09:40

the d f e l

00:09:41

t, i f i g

00:09:42

b between the difc in

00:09:44

Dubai and the outside in

00:09:46

London. We also had to

00:09:48

Dubai International arbitration Center as

00:09:50

well as the Emirates Maritime.

00:09:52

I'll be so sad that

00:09:53

which was the start of

00:09:54

a new week from September

00:10:01

2021. That was his beak

00:10:02

reissued and I know Dino

00:10:04

speak about this Mo's. I

00:10:05

won't go into too much

00:10:06

detail but just a little

00:10:07

bit of a slave of

00:10:08

what happened. Did you eat?

00:10:10

What does decreed call? Defeat

00:10:12

34th 2021 GLC is well

00:10:17

as the maritime operations center

00:10:19

in the central Consolidated, under

00:10:22

the existing Dubai, International arbitration

00:10:23

Centre development to buy arbitration

00:10:36

Centre. Also issued a new

00:10:37

advice arbitration rules which took

00:10:39

effect. Very recently, a few

00:10:40

months ago from March 2022

00:10:42

and I thought it might

00:10:43

be some of the Play,

00:10:47

the parties had not agreed

00:10:50

on the seat now. Just

00:10:51

new rules provide that the

00:10:52

difc would be the initial

00:10:54

seat, which would be in

00:10:55

the way I came to

00:10:56

the default seat and then

00:10:58

5 minutes to determine the

00:11:01

seat eventually. Notwithstanding the difc

00:11:03

would be this initial C&M

00:11:05

and they are really interesting

00:11:07

alternative appointment process of a

00:11:09

solar bird feeder chair with

00:11:11

patches of field. Nominated a

00:11:13

chair was provided a mechanism.

00:11:18

For instance. He's all the

00:11:24

Cobra traitor. If it's the

00:11:25

appointment of a, can a

00:11:27

shortlist of candidates and then

00:11:29

each party at three candidates

00:11:33

of its own to-do list.

00:11:35

I did read them in

00:11:36

order of preference without coughing

00:11:40

and the other party of

00:11:42

the quadratus. So I thought

00:11:43

this is control over the

00:11:47

choice of the appointment. Yet

00:11:49

it's good to import that's

00:11:51

given from the parties to

00:11:53

form the kwaba treated as

00:11:54

the recovery of the definition

00:12:00

of course been somewhat controversial

00:12:02

in the you eat because

00:12:03

it wasn't clear what what

00:12:04

legal costs actually entails and

00:12:10

he provided for the pot

00:12:12

is legal costs within the

00:12:14

definition of cost that has

00:12:17

been the cause of investing

00:12:19

with and the such an

00:12:20

absence of that she highlighted

00:12:21

back in 2013. Where did

00:12:23

you buy coffee that she

00:12:24

issued a judgment against the

00:12:26

recovery of legal caused a

00:12:28

legal fees in a vehicle

00:12:29  
registration? Because the previous version

00:12:31  
of the opposing actually have

00:12:33  
anything Just be provided on

00:12:36  
it. So I think this

00:12:36  
is a particularly welcome development

00:12:38  
by the arbitration Community especially

00:12:41  
by Loris. Of course, the

00:12:43  
rules also technology so I'm

00:12:46  
not going to go into

00:12:47  
a much more detailed by

00:12:49  
it explicitly. Allow us to

00:12:50  
have you no sense than

00:12:51  
to actually consider holding hearings

00:12:54

about your communication and lost

00:12:57

5 minutes and it was

00:12:58

electronically. And it also provides

00:13:00

that all Communications are to

00:13:01

be made by email in

00:13:03

accordance with an electronic case,

00:13:05

management system implemented by the

00:13:07

sentence. Quizlet the progressive nature

00:13:12

of Dubai. And after a

00:13:14

betrayal Center, another interesting feature

00:13:18

is the trash rules for

00:13:19

expedited proceedings. It's covering it

00:13:21

1 million dimes, and he

00:13:23

does a way that this

00:13:24

can be increased or decreased

00:13:25

in the future, but it's

00:13:26

a relatively low pressure oil

00:13:28

compared to say, for instance,

00:13:29

etc rules, which is coming

00:13:31

at USD 3 million. So

00:13:33

anyway, To sort of carve

00:13:36

out a manufacturing small claims

00:13:40

adults with expeditiously. Think I'm

00:13:42

sitting cost in terms of

00:13:47

judgments and well, generally has

00:13:50

been really provocation. Judgments, I

00:13:53

can get that two cases

00:13:54

that came out last year,

00:13:55

which was just two. Such

00:13:57

a really quick to eat

00:13:58

at one of the cases

00:14:00

related to Debbie. And it

00:14:02

was an arbitration construction arbitration,

00:14:05

which involve a number of

00:14:07

join parties involved. The engineer

00:14:09

consultant Nelson, Insurance rolls, because

00:14:11

there was an accident that

00:14:13

occurred in the development of

00:14:15

the others did not and

00:14:18

what they actually did, is

00:14:20

it held it? Because the

00:14:21

defendants would be liable for

00:14:24

any claim, you're not able

00:14:25

to provide the case between

00:14:26

the one defending and the

00:14:28

other enhance. It just have

00:14:30

to do something over the

00:14:30

whole case notwithstanding the arbitration

00:14:33

agreement. There was another Body

00:14:35

to buy composition which which

00:14:37

is very similar along the

00:14:38

same line that just mentioned

00:14:39

where there was a construction

00:14:40

in the consultancy agreement deconstruction

00:14:43  
of you didn't contain the

00:14:45  
arbitration Clause, while the consultancy.

00:14:46  
And in this case, the

00:14:48  
main light bulb that you

00:14:50  
put in to Deacon Construction

00:14:51  
contract with Ben that the

00:14:53  
arbitration clause The codes again

00:14:55  
to jurisdiction over the whole

00:14:57  
place. Notwithstanding there was one

00:14:59  
part of the agreement that

00:15:01  
had an arbitration Clause. It

00:15:03  
is possible that differently is

00:15:06  
say the liability for the,

00:15:08

the main library pertain to

00:15:10

a consulting fee agreement, which

00:15:13

didn't have the arbitration process.

00:15:14

But again, it didn't. And

00:15:16

and this is where matters

00:15:17

stand from my perspective. This

00:15:20

is really but where the

00:15:22

cops me to find a

00:15:22

logical mean to divide into

00:15:24

Clinton, to the extent, they

00:15:25

are able to do. Usually

00:15:27

would do it for my

00:15:27

prospective judgment. That have been

00:15:31

some really, really positive to

00:15:33

arbitration decision started to buy

00:15:34

Cards in another recent Case,

00:15:36

by the Dubai court of

00:15:37

appeal, tribunal actually had decided

00:15:39

there was no jurisdiction. So

00:15:41

it had no jurisdiction over

00:15:43

Consolidated, arbitration with six distinct

00:15:45

contracts between Saint. Patty's the

00:15:48

same project and contain the

00:15:49

same arbitration clause, And it

00:15:55

decided that natural selection to

00:15:57

your a consolidator arbitration night.

00:16:03

It was editing, the UAE

00:16:04

arbitration law that provided for

00:16:06

consolidation, South Dakota to Edgeley

00:16:08

proactively decided that this was

00:16:11

possible. And again very provocation

00:16:14

and something to be noted

00:16:15

before we move on from

00:16:17

the youth development that's worth

00:16:20

noting the Huey. So this

00:16:22

is the first one is

00:16:23

the opening of the ICC

00:16:24

case management office in Abu

00:16:25

Dhabi. A couple of years

00:16:26

ago and the memorandum of

00:16:28

cooperation that since I'm between

00:16:30

the PCA in The Hague

00:16:31

and the egm arbitration Center

00:16:34

in Abu Dhabi. So this

00:16:35

is obviously is Paving the

00:16:36

way for greater collaboration for

00:16:38

arbitration related initiatives. We see

00:16:40

a lot of very interested

00:16:42

workshops and conferences be organized

00:16:44

in Abu Dhabi by way

00:16:45

of these memorandums and corporations.

00:16:48

Now I'm going to move

00:16:49

on to Qatar the climate

00:16:52

in Qatar has shifted considerably

00:16:53

and the provocation judgments that

00:16:56

are being issued by the

00:16:57

court is actually discernible. So

00:17:00

it's Linda supposed to cinebowl

00:17:02

in the legislation that have

00:17:03

been issued as well. So

00:17:04

the present at arbitration law

00:17:05

was enacted in 2017 and

00:17:07

since its enactment The Limited

00:17:12

grounds that the district has

00:17:14

set aside Awards which is

00:17:16

an article 33 of the

00:17:17

card application. Those were interested.

00:17:19

So be at the local

00:17:25

Authority cots, the run in

00:17:26

Arabic based on the traditional

00:17:28

civil law system that cuz

00:17:29

I lost all the steamer

00:17:30

to Dawn Donuts at UFC.

00:17:37

So we have to chew

00:17:38

a sequel to the model

00:17:39

and common law and the

00:17:42

judges in the US because

00:17:43

of all the time, no

00:17:44

systems. All the BS because

00:17:49

he only has one National

00:17:51

arbitration law of the Qatar

00:17:52

arbitration, dog, or cheetah. Patricia

00:18:01

is different, from the UAE

00:18:03

because of you, we have

00:18:05

the, uh, Federal arbitration law

00:18:06

which applies to Orange arbitrations

00:18:08

that are seated in Dubai.

00:18:11

So we proceed to buy

00:18:12

you, what you do, we

00:18:13

mean the onshore system and

00:18:14

then we have the difc

00:18:16

arbitration. We also have the

00:18:22

egm arbitration regulations that apply

00:18:24

to arbitration seated in the

00:18:25

edpm. So this is another

00:18:27

Financial free zone in Abu,

00:18:29

Dhabi education system and do

00:18:34

you have a tradition to

00:18:35

send me some of those

00:18:36

models on taxes? That's what

00:18:46

nursing is back in 20.

00:18:49

2012, Lexus ES or ten

00:18:50

years ago. Still challenges that

00:18:53

we face on any possible

00:18:55

reason that party for coming

00:18:57

up with you accepted by

00:18:58

the guitar chords of something

00:19:00

that's been spoken. A lot

00:19:01

about is Awards being issued

00:19:03

in the name of the

00:19:03

Emir of Qatar so many

00:19:05

years cuz I actually allowed

00:19:07

both local and foreign auto

00:19:09

parts. We set aside a

00:19:10

public policy grounds, if you

00:19:12

would not issued in the

00:19:13

name of the Admiral and

00:19:15

I suppose you lost to

00:19:19

do this, At some point

00:19:22

in 2013, this is that

00:19:24

she brought one step further

00:19:25

by the cops wear because

00:19:26

not only refused enforcement were

00:19:28

actually announced a phone, I

00:19:30

see arbitration Awards. The same

00:19:32

reason. And this is not

00:19:34

spending their phone number to

00:19:35

know what can even be

00:19:36

set aside in a different

00:19:39

area codes, but they did

00:19:40

that the first step of

00:19:45

this progression to what the

00:19:48

provocation jurisdiction. Same cuz I

00:19:49

have been acting in 2014.

00:19:52

LED to Qatari courts ruled

00:19:54

that for the words did

00:19:54

not need to be issued

00:19:55

in the name of the

00:19:56

camera and then because arbitration

00:19:59

law was enacted in 2017.

00:20:00

And that's been really positive

00:20:01

for the water coming out

00:20:04

from because I records. Did

00:20:06

you teach me right now?

00:20:06

It's extremely private research and

00:20:08

it's becoming increasingly difficult to

00:20:10

set aside arbitration Awards as

00:20:12

well as probably not supposed

00:20:13

to reception in all the

00:20:15

cases of and every time

00:20:17

we have a challenge, it

00:20:18

might not have a good

00:20:19

girl. Like ground for Challenger

00:20:21

Court refused to accept it

00:20:23

because as long as it's

00:20:24

an arbitration Clause, the thing

00:20:25

that's the form that the

00:20:26

party should go to. So

00:20:30

this is all that thing

00:20:32

I have to say for

00:20:32

Katara. A movie about the

00:20:36

Casey. I think Casey is

00:20:38

another jurisdiction to look out

00:20:39

for its going to a

00:20:40

considerable shift. Did you do

00:20:42

trees? Definitely becoming cruising through

00:20:44

a through arbitration. There was

00:20:47

something else that watch League.

00:20:50

Released from the SPCA, which

00:20:52

is arbitration body in Saudi

00:20:53

Arabia which of these applications

00:21:03

for dismissed and only 6%

00:21:05

were accepted. So that's a

00:21:06

very low number, that will

00:21:07

accept it and I think

00:21:09

if I'm not wrong, the

00:21:10

grounds that these are applications

00:21:12

were accepted love on public

00:21:15

policy grounds or to do

00:21:16

with conventional Travelers. The Saudi

00:21:23

application. Very Progressive and any

00:21:28

other nationality. In 2019, the

00:21:37

Saudi government actually issued a

00:21:38

Royal Decree which all government

00:21:42

entities and state-owned companies, settle

00:21:43

their dispute, which foreign investors

00:21:46

to arbitration and just be

00:21:48

quiet. We explicitly mention arbitration

00:21:50

to the SPCA. As a

00:21:52

first option to resolve the

00:21:53

dispute to foreign investors to

00:21:55

shift was yesterday. Also, trying

00:21:59

to open up doors while

00:22:00

Patricia especially when it comes

00:22:01

to Applications involving a local

00:22:04

party in a foreign party.

00:22:06

Not so elusive, visitation to

00:22:08

other jurisdictions in this brought

00:22:11

Nina, arbitration landscape that, I

00:22:13

wanted to cover that to

00:22:19

release rules application rules in

00:22:22

2020 and mediation was in

00:22:24

2021 rules of what you

00:22:32

should shows that there's some

00:22:34

sort of impetus within the

00:22:35

government to push a patrician.

00:22:38

In Iraq. Iraq recently ratified

00:22:40

the New York convention, 2020

00:22:42

to disconnect the people have

00:22:46

spoken about between the Iraq

00:22:47

e-currency, what procedure? Which gives

00:22:50

more comfortable review powers and

00:22:51

the New York convention. Obviously,

00:22:53

doesn't need to see how

00:22:56

the costs will pay the

00:22:57

South when they have when

00:23:00

they're deciding on setting, aside

00:23:01

of opposite of what case

00:23:03

is before the New York

00:23:04

convention in the courts. So

00:23:07

this is all I have

00:23:07

for my broad-spectrum and so

00:23:09

I headed back to Randall

00:23:11

who will take this forward.

00:23:12

Thank you. Thank you so

00:23:16

much for that was fascinating

00:23:18

and I really appreciate you.

00:23:19

Providing us all with an

00:23:20

overview of all of the

00:23:22

changes that have been going

00:23:23

on across univariate countries within

00:23:26

the region. I think the

00:23:28

country perspective is super is

00:23:30

super interesting but there's also

00:23:32

a more industry-related perspective that

00:23:35

that's equally fascinating and I

00:23:38

think it's no secret that

00:23:40

the majority of cases in

00:23:42

the Middle East region, generally

00:23:43

are linked to infrastructure. Infrastructure-related

00:23:46

disputes are often what we

00:23:48

see especially large valued at

00:23:52

very large amounts. Often times

00:23:54

we talked about at the

00:23:56

beginning in the introductions, both

00:23:58

eaten and I but there

00:23:59

is a lot of change

00:24:00

going on and in the

00:24:01

Mena region and in the

00:24:02

global economy, insulation supply chain,

00:24:05

delays escalating material costs as

00:24:08

a result of some of

00:24:09

these changes and as a

00:24:11

result of the the pandemic,

00:24:12

how do these changes This

00:24:16

is directed at all the

00:24:16

panelists, these changes impact arbitration

00:24:21

in the Mena region. And

00:24:22

and where do you see

00:24:23

those changes going? And I'll

00:24:25

do we think that this

00:24:26

will impact the arbitrations that

00:24:28

we're going to see in

00:24:29

the region in the future?

00:24:30

Will it not really have

00:24:31

a big impact on the

00:24:32

region? Might be interested in

00:24:34  
the group's thoughts and perhaps

00:24:35  
we can start with most

00:24:37  
stuff. I'll just to get

00:24:38  
your initial thoughts and then

00:24:39  
we'll go on. If anybody

00:24:41  
else has anything else to

00:24:42  
add? Thank you, Rhonda. Yes,

00:24:56  
the as you remember, working

00:25:00  
on a, on a Case

00:25:00  
together and do all this

00:25:01  
related to the construction agreement,

00:25:04  
that was executed in Egypt.

00:25:10  
And yes, the major construction

00:25:13

projects and then surely trigger

00:25:18

a lot of disputes in

00:25:20

the region needs up, is

00:25:21

now launching Mega construction everywhere

00:25:28

in Egypt with much every

00:25:33

sector and its rest of

00:25:34

the few construction solar energy,

00:25:38

Everett So, speaking about this

00:25:44

infrastructure projects and the agreements

00:25:48

are concluded between the government

00:25:51

and the government or the

00:25:53

Egyptian entities and foreign investors.

00:25:56

This could take me to

00:25:58

the first point, I would

00:25:59

like to speak about which

00:26:00

is at a new developments

00:26:02

in that in relation to

00:26:03

the framework of govern the

00:26:07

arbitration agreements in this counter

00:26:10

cabinet decree organizing and government

00:26:21

decree and its amendments. Any

00:26:29

governmental entity where that the

00:26:33

government is contributing and even

00:26:36

was a very marginal percentage

00:26:38

of their holding should Apply

00:26:41

for an approval before entering

00:26:42

into any agreement with a

00:26:44

foreign investor and they should

00:26:46

have such a great man,

00:26:48

includes an arbitration agreement and

00:26:54

very recently, this was only

00:26:57

on 13th September 2022. So

00:27:00

this like 14 days ago

00:27:02

an amendment to this decree

00:27:04

has been issued and this

00:27:06

is very important because the

00:27:09

amendment adds a new provision

00:27:14

that could be problematic for

00:27:16

many persons. That could be

00:27:17

also useful for others at

00:27:20

the amendment says that the

00:27:22

governmental entities and the companies

00:27:24

with the government is contributing

00:27:26

with, it was initially holding,

00:27:28

should I apply for approval

00:27:30

before? Terminating any agreements where

00:27:33

the appointment Buster is is

00:27:36

a party with the government?

00:27:40

Such agreement includes protection agreement,

00:27:43

this could be very interesting

00:27:46

and particular. If we will

00:27:49

go back to the case

00:27:50

you were working on because

00:27:51

it was in relation to

00:27:52

an agreement that has been

00:27:53

terminated by the government has

00:27:59

decided that determination whole situation

00:28:05

of gain by studying the

00:28:07

documents of the case and

00:28:09

everything before such an important

00:28:12

decision is is made in

00:28:16

the oceans as you remember.

00:28:18

This was a huge reward

00:28:21

them damages for the a

00:28:23

group of foreign investors in

00:28:24

this case. So this could

00:28:26

be Progressive and could be

00:28:28

also a scene from the

00:28:29

other side as something that

00:28:31

make everything centralized by the

00:28:34

government, no one can take

00:28:36

any action before applying for

00:28:38

this High formation event. National

00:28:40

arbitration. What's, what's what that?

00:28:43

Witch is dead from people

00:28:46

from different backgrounds. Mostly Executives

00:28:50

was very little contribution from

00:28:54

people with legal background. This

00:28:57

is the first asked me

00:29:01

about, I will also like

00:29:03

to go very quickly drop

00:29:05

another point. If this is

00:29:07

okay, otherwise we can listen

00:29:08

to other. But Crystal did

00:29:17

you want to add anything

00:29:18

on the infrastructure-related question? Yes,

00:29:21

she will. We see this

00:29:24

a lot in practice because

00:29:26

when it comes to infrastructure

00:29:27

and construction project has been

00:29:29

searching that goes up within

00:29:31

the context of relationship to

00:29:32

us, develop asthma consultants. And

00:29:34

then it goes down the

00:29:34

road. All of these contracts

00:29:39

with chains have Patricia clothes,

00:29:41

and still has a lot

00:29:44

is already filed by related

00:29:46

parties for the courts in

00:29:48

litigation sofa and send the

00:29:50

contract has an arbitration clause

00:29:51

in his contract that we

00:29:52

have an ongoing arbitration. So

00:29:56

this related litigation proceedings because

00:29:59

I'm going to send me,

00:30:06

Nancy's and in the Middle

00:30:07

East they usually have litigation

00:30:09

closed as part of their

00:30:09

contracts and you see lots

00:30:12

of challenges on the basis

00:30:13

that would have been heard

00:30:15

by the court. So it's

00:30:16

a way to Ida suspend

00:30:17

the arbitration protected or something.

00:30:19

Just call it even though

00:30:33

there was no end. Consolidate

00:30:41

and divide the claims and

00:30:43

has come on my on

00:30:46

my review. Ready Jim called.

00:30:48

Said that she said, And

00:30:50

I caught this because it

00:30:51

was really interesting, wild-caught state

00:30:53

is widely recognized, that fact

00:30:54

mentation is a price to

00:30:55

be paid to the policy

00:30:56

of enforcing arbitration agreements from

00:31:01

the courts, but I don't

00:31:02

necessarily agree because I don't

00:31:04

think fragmentation is a price

00:31:05

that we need to pay

00:31:06

for being for a patrician

00:31:07

and it but it shouldn't

00:31:08

be what we really need

00:31:09

is a train and an

00:31:12

issues. Do it, and take

00:31:15

a deep breath and dividing

00:31:16

delineate. The issues to extend

00:31:18

a can of course, because

00:31:19

there's always a way to

00:31:21

do the extent possible to

00:31:23

delineate these issues were going

00:31:25

to be that screams would

00:31:26

hundred percent relate to a

00:31:27

man contract screen, especially with

00:31:37

the cost of all of

00:31:39

these are these items related

00:31:41

to the construction industry and

00:31:43

I think we'll be going

00:31:44

forward. It is for the

00:31:45

courts and you just read

00:31:46

to take a proactive approach.

00:31:50

Do to divide the main

00:31:52

contractor seed in the navigation.

00:31:53

The way that sensible in

00:31:54

a way. That doesn't UPS

00:31:56

truck if you are between

00:31:57

the regime that we currently

00:31:58

have are going to work

00:31:59

in division. Absolutely. Yeah, I

00:32:03

think I think it's fascinating

00:32:04

and I think, you know,

00:32:05

that's a perfect segue to,

00:32:06

to Gianna's presentation about about

00:32:09

Dubai and all of the

00:32:10

developments that are going on

00:32:11

in, in the UAE generally

00:32:13

and what she seeing on

00:32:15

the ground over there. So

00:32:16

Jenna, I'll turn the mic

00:32:17

over to you to share

00:32:19

a little bit about what

00:32:20

you're seeing and the developments

00:32:22

Hello everyone. Thank you for

00:32:25

being with us today. Thank

00:32:27

you to the the word

00:32:30

arbitration update. Thank you, Rhonda.

00:32:32

Rhonda, and particularly, for calling

00:32:35

my part, Dubai trends. When

00:32:39

when you come from Dubai,

00:32:40

all you talk about, is

00:32:41

that trendy to buy that

00:32:44

you live in. But in

00:32:45

fact, do I have been

00:32:46

trained in every way to

00:32:48

the extent that we've seen

00:32:49

the abolishment of I make

00:32:53

what I make all an

00:32:54

arbitration Centre to arbitration centers

00:32:57

at 1, in a city

00:32:59

that chooses to be turned

00:33:00

in that chooses to find

00:33:03

a way to evolve in

00:33:04

its own way. Now, just

00:33:08

could not resist talking about

00:33:10

the abolishment of the to

00:33:11

arbitration Center in the highlight

00:33:14

of the whole year and

00:33:16

arbitration to the extent where

00:33:18

the the latest arbitration conference.

00:33:22

Play, Stay by the door.

00:33:24

Was mainly all about these

00:33:28

two sensors being abolished and

00:33:30

the cabinet decision for that

00:33:33

purpose and the rules. No,

00:33:36

I have witnessed person me

00:33:38

the birth and demise of

00:33:41

arbitration Center in 2002. I

00:33:44

join the Chamber of Commerce.

00:33:45

When we had something called

00:33:47

the committee that happened in

00:33:59

singing arbitration in the Mena

00:34:01

region. Do I took the

00:34:02

first step we were there

00:34:04

when nobody actually is supposed

00:34:06

to be, I worked with

00:34:09

the team on setting up

00:34:10

that, which I'm stole. During

00:34:15

the last twenty years of

00:34:18

my practice. I have seen

00:34:21

that one in my opinion.

00:34:24

Adopt time. It should have

00:34:26

been in her finish, but

00:34:28

then I saw their neighbors

00:34:30

while in 2008, when I

00:34:34

joined the adult point, I

00:34:37

was part of the team

00:34:38

that second time, it was

00:34:43  
the happenings of the first

00:34:50  
arbitration Center of its time

00:34:52  
and it was a joint

00:34:53  
venture at that point. And

00:34:56  
now I see the demise

00:34:58  
of what it was called

00:35:00  
later that the Dubai International

00:35:03  
institution is like that for

00:35:20  
5 years ago. I was

00:35:22  
involved in setting up the

00:35:24  
two invitations from Thursday's to

00:35:26  
call my kids that know,

00:35:31  
the d s p, i

00:35:33

c. I c, i a

00:35:34

n, what does that mean?

00:35:49

Listen to give an expert

00:35:56

opinion too many calls international

00:35:59

arbitration in the region where

00:36:00

I would speak about jurisdiction

00:36:02

without an opinion on the

00:36:04

laws that are in place

00:36:06

for arbitration. The 2008 M6

00:36:13

dashboard. Not sure when we,

00:36:15

when we get to the

00:36:18

York convention, then most of

00:36:27

them forever. But we have

00:36:32

always been there. I would

00:36:34

say she has been the

00:36:36

weather. I mean it has

00:36:47

its own arbitration, you have

00:36:50

the courts, know, as a

00:36:52

default. Where is the future?

00:37:04

Where Do We believe the

00:37:06

UAE is going? Is it

00:37:07

going to minimize arbitration? Because

00:37:11

of the presidents that are

00:37:12

the ports are still resisting.

00:37:15

The fact that the arbitration

00:37:16

can be the the ruling

00:37:19

the ruler in diction in

00:37:27

the power cord or we're

00:37:31

going to have a pro

00:37:33

arbitration environment whole jurisdiction that

00:37:37

really support our position. Arbitration

00:37:40

is the alternative arbitrations to

00:37:43

money was supposed to be

00:37:45

a trend. But years ago,

00:37:46

when I remember how it

00:37:47

used to be. For me,

00:37:48

the Chamber of Commerce amazing

00:37:51

business men that were used

00:37:54

to sit on this committee

00:37:55

is what you said. Just

00:37:56

got to be a trend

00:37:58

that it would go away,

00:38:00

but just don't, don't spend

00:38:04

a lot of time and

00:38:05

effort on it. What's going

00:38:08

to happen in the whole

00:38:09

region, is adopting arbitration and

00:38:13

trying to grow it into

00:38:14

what could be in a

00:38:17

just and equal to in

00:38:21

litigation and arbitration. Do you

00:38:30

think with the Covenant, with

00:38:32

the online with the fast

00:38:35

track Rhythm that we see

00:38:37

now is arbitration way in

00:38:42

such terms? Would it still

00:38:44

be a better alternative? Are

00:38:47

we going to stay one

00:38:48

day of goats are doing

00:38:49

well or better? To just

00:38:55

include litigation for dispute, resolution

00:38:59

still in the region. The

00:39:07

trend of the cords, not

00:39:08

to take arbitration in and

00:39:13

just accepted a different. That

00:39:15

way that it deserves in

00:39:17

terms of, you know, when

00:39:18

it comes to judgment, we

00:39:20

may find ourselves in the

00:39:22

region. Just going to step

00:39:24

back and arbitration because In

00:39:31

its own way of running

00:39:32

itself, online ability to just

00:39:35

have a zoom and get

00:39:37

from all over the world,

00:39:39

setting on one that was

00:39:44

not a couple of weeks

00:39:54

ago. Not really, I don't

00:40:03

see us doing it and

00:40:04

that is in Dubai. Now,

00:40:06

the two points that I

00:40:08

would like to highlight because

00:40:10

I have to Say about

00:40:14

the hijacked, my, my part

00:40:16

of the issue. But anyways,

00:40:17

with an allegation, a claim

00:40:27

against doing that conduit jurisdiction

00:40:32

roll. Which was highly criticized.

00:40:35

I mean, nobody wanted to

00:40:37

feel that you and just

00:40:38

getting all these judgments from

00:40:40

abroad and throwing them on.

00:40:41

So just because you have

00:40:43

that control that you're playing

00:40:44

money, lawyers, many judges, many

00:40:49

practitioners or just against it.

00:40:51

But now I can see

00:40:53

because we're saying that the

00:40:54

DSG courses of the default

00:40:56

in an arbitration, the conduit

00:41:01

roll will not be so

00:41:03

probably need it to be

00:41:05

you. And because everyone we

00:41:08

just talked to today instead

00:41:10

of just getting you, no

00:41:12

judgments were brought to use

00:41:13

it through. And plus I

00:41:17

can see that things are

00:41:19

going to change for the

00:41:20

judicial committee which is what

00:41:22

what main be the role

00:41:24

of the two to look

00:41:26

into this concept of judgment

00:41:29

that where that were destroyed

00:41:30

by to buy Encore on

00:41:31

show. Dad the GFC Court's

00:41:34

judgment also has has I'm

00:41:52

has actually stated clearly that

00:41:54

we would not be used

00:41:56

as a computer infection, and

00:41:58  
that is part of a

00:41:59  
vest. That's true. And I

00:42:06  
know, I can see that

00:42:07  
the Jesse would love to

00:42:09  
bring you need to pay

00:42:09  
that role anymore. I can

00:42:14  
probably say the words of

00:42:18  
actually, some, do you of

00:42:20  
the Mena region and one

00:42:22  
of the publication that I

00:42:23  
contributed to lately? Outbreak of

00:42:28  
the global pandemic in 2021

00:42:31  
and its impact is yet

00:42:35

to be seen as far

00:42:38

as courts are concerned and

00:42:40

what the way with the

00:42:42

third word for these two

00:42:44

competitors in jurisdictions, worldwide, and

00:42:49

it's going to be quite

00:42:50

interesting for all of us

00:42:51

to see what what we

00:42:53

come out of it. Thank

00:42:55

you, sorry. For Bombarding, you,

00:42:58

with a lot of, a

00:42:58

lot of them, you know,

00:43:00

it's all fascinating. And, like

00:43:02

you said, what happened in

00:43:03

in Dubai, just really took

00:43:05

over the news in the

00:43:07

arbitration World, particularly in the

00:43:08

Mena region, but globally. I

00:43:09

mean, it really did. Send

00:43:11

waves across the industry. That

00:43:13

things could just be upended

00:43:14

like that and just changed

00:43:16

without any notice with people

00:43:18

with pending cases or contracts

00:43:20

that didn't account for these

00:43:21

changes. And, you know, it's

00:43:23

it's certainly something that I

00:43:24

think all parties. Now need

00:43:26

to be prepared for that

00:43:27

these types of changes might

00:43:29

happen overnight almost and, and

00:43:31

they have to be resilient

00:43:32

and then figure out ways

00:43:35

to to respond to react

00:43:37

and, and that leads me

00:43:39

to a question that I,

00:43:40

I, I personally wondered and

00:43:42

I know that our clients

00:43:43

and then practitioners and stakeholders

00:43:45

in the region are interested

00:43:46

in, which, is in light

00:43:47

of what happened in Dubai.

00:43:48

How should people working and

00:43:51

Dubai or have who have

00:43:52

in the past few Dubai

00:43:53

as the reliable and stable?

00:43:56

Country in the region, the

00:43:58

one that we can count

00:43:59

on to not have these

00:44:01

types of changes on a

00:44:02

whim. So to speak, perhaps

00:44:04

it wasn't on a whim

00:44:05

but it was a surprise.

00:44:05

How does that going to

00:44:08

impact the perception of Dubai

00:44:10

has an arbitral Hub in

00:44:12

the region? Also, in light

00:44:13

of, you know what khushboo

00:44:14

and you Deanna talked about

00:44:15

with respect to the shift

00:44:18

in, in Court decisions. Not

00:44:20

always appearing to be the

00:44:21

most Pro arbitration. Do you

00:44:23

think there's a chance that

00:44:25

parties will start to shift

00:44:26

away from choosing to buy?

00:44:28

And then I'll let you

00:44:29

start. Yeah, I see that

00:44:31

happening but I'm not trying

00:44:33

to defend, but I want

00:44:36

to say that arbitration Do

00:44:43

I have the host of

00:44:45

an arbitration of the situation,

00:44:47

and is in needing help

00:44:49

for application actually? Just because

00:44:56

they decided that the multiple

00:44:58

arbitration centers will not serve

00:45:00

the city. So the fact

00:45:04

that we've had what seemed

00:45:08

to be less use of

00:45:11

resources and to just have

00:45:14

one of the patients. Underwent,

00:45:16

what could watch a mansion?

00:45:18

And I would mention it

00:45:19

again. Having its own cord,

00:45:21

with the decision of what

00:45:25

is may, be criticized later.

00:45:27

I mean, why would Jack

00:45:31

have a cord that would

00:45:32

decide on the validity of

00:45:34

of certain award or, you

00:45:37

know, of a good enough

00:45:38

to be, but I believe

00:45:41

what happened? And we all

00:45:43

agree. He needs some time

00:45:46

because we need the judges

00:45:57

to have that. Trust that

00:46:00

the arbitrator that are in

00:46:01

place or actually qualified on

00:46:04

people who have been chosen

00:46:05

because of criteria that are

00:46:09

not loose or not acceptable.

00:46:12

That, this, this tribunal are

00:46:16

good enough and the bean

00:46:17

doing their job properly. I

00:46:20

don't see any harm in

00:46:21

that the less The last

00:46:25

regulation is better but a

00:46:28

certain regulatory mechanism in place

00:46:31

as a lot of imagine.

00:46:37

And all the negativity, that's

00:46:43

may give you an opportunity

00:46:48

to respond as well. Giving

00:46:50

you practice in the area,

00:46:51

of course, what else needs

00:46:59

to be raining for the

00:47:01

Judiciary? And I am speaking

00:47:03

from Singapore. Singapore jurisdiction in

00:47:07

the likes of Paris, New

00:47:10

York, London is better than

00:47:11

I can tell. You, just

00:47:14

didn't come about from to

00:47:15

go to Singapore, to District,

00:47:16

got training, proper training, the

00:47:18

judges, to train an arbitration.

00:47:20

You pick, judges were expert

00:47:21

in arbitration against it in

00:47:23

Iowa. The high court to

00:47:25

rule on turning the sides

00:47:26

and decide on this artist

00:47:27

issues. And then we need

00:47:28

to happen. And I have

00:47:29

seen judges come to Singapore

00:47:31

from South Asia. I've seen

00:47:32

Georgia from Qatar and Singapore

00:47:35

for this and that really

00:47:37

needs to happen. I'm not

00:47:37

saying he hasn't done it.

00:47:39

I just think that she

00:47:40

needs to be a lot

00:47:40

more training together with some

00:47:43

regulation to bring it to

00:47:45

where we need to go.

00:47:46

Cuz I think it's great

00:47:48

and we see this and

00:47:49

all the legislation that knows

00:47:51

they've got such a great

00:47:52

vision. They know where they

00:47:53

want to bring their country.

00:47:55

To see the fact that

00:47:55

they have changed the working

00:47:57

days from Monday to Friday,

00:47:58

this year's the office. They

00:47:59

want to make to buy

00:48:00

oduye one of the Financial

00:48:03

Centers in cities in the

00:48:04

world but it just needs

00:48:06

to be some sort of

00:48:07

extra added measure to bring

00:48:09

it down and once that

00:48:11

happens to go there, but

00:48:13

just generally on on what's

00:48:15

been happening with the create

00:48:16

the perception from outlines. I

00:48:18

can tell you the short-term

00:48:19

effect of Wednesday, Cruz issues.

00:48:21

Obviously, it was a great

00:48:23

deal of uncertainty in science.

00:48:24

Come to us see what

00:48:25

they wanted to opt out

00:48:26

of the air to buy

00:48:26

application, causes a positive. But

00:48:30

I think us of what

00:48:37

he wants which events we

00:48:39

see part, is he climbs

00:48:40

now? Whose projects are in

00:48:42

the regions and they want

00:48:43

to have a seat laws

00:48:49

in the region. And the

00:48:53

perception people have is that

00:48:55

they want to do the

00:48:57

thing. They need to up

00:48:58

for Regional Medical, Center's, Blues

00:49:00

in the projects, best year

00:49:01

for different lawyers, in different

00:49:09

countries in for that. So

00:49:10

did they already comfortable with

00:49:12

our form? To answer me?

00:49:14

Okay. Well, then they want

00:49:15

to choose, I still want

00:49:17

to choose the region. So

00:49:18

I would you what you

00:49:19

lost the love in your

00:49:19

eyes to see through? They

00:49:20

don't have to pick another

00:49:21

Law Firm. They just want

00:49:23

to go with the same

00:49:23

photo. Could be a different

00:49:25

noise in the same family

00:49:25

but it is one that

00:49:26

sort of condition. So it's

00:49:29

not like this is going

00:49:30

to make a long time.

00:49:31

So I could have any

00:49:32

addresses consequences. I don't think

00:49:34

so. I just think it's

00:49:35

a matter of upbringing to

00:49:37

buy. Bring you, you read

00:49:38

it really should be. Thank

00:49:41

you, that's fascinating and I'm

00:49:43

looking at the hour, so

00:49:44

I want to make sure

00:49:45

we cover our other regions.

00:49:46

There's so much to discuss

00:49:48

about what happened in the

00:49:49

UAE and then where it's

00:49:50

going. But let's switch to

00:49:52

North Africa, and and, and

00:49:53

talk a little bit more

00:49:54

about Egypt. I know what

00:49:56

the fuck you already started

00:49:57

to. Tell us a little

00:49:58

bit about some of the

00:49:58

changes that have been going

00:50:01

on in Egypt and the

00:50:03

consolidation that you mentioned in

00:50:05

terms of mortgage little bit

00:50:07

more government control, please, elaborate

00:50:09

a little bit more on

00:50:10

what you're seeing happening in.

00:50:11

Egypt, in the recent and

00:50:13

recent times, I've covered the

00:50:17

part that is related to

00:50:18

the control over the agreement

00:50:22

between government by the government,

00:50:26

or governmental entities and the

00:50:28

companies where the government is

00:50:30

contributing with any shareholding and

00:50:32

foreign investors and DD DD.

00:50:36

You think I said, For

00:50:41

what the world needs to

00:50:45

apply for an approval before

00:50:46

I proceed in with them

00:50:48

because we're going to have

00:50:51

time. I would just speak

00:50:54

about recent developments in both

00:50:56

the arbitration practice and in

00:50:59

some, some developments, in the

00:51:02

Egyptian address Prudence, either by

00:51:05

the court of cassation are

00:51:07

the, which is the court

00:51:10

has jurisdiction to review the

00:51:15

arbitral awards for a moment,

00:51:17

I guess my moment. So,

00:51:21

and relation to the practice

00:51:23

with what we have seen

00:51:24

recently is growing, use of

00:51:27

technology and communication, Technologies and

00:51:34

applications. Both arbitration and litigation

00:51:41

and arbitration. I remember when

00:51:50

we had some witness is

00:51:52

a physically before. The tribunal

00:51:55

we had, we will have

00:51:58

to make applications and we're

00:52:02

about to go to convince

00:52:03

the tribunal and cross-examination of

00:52:06

witnesses by video conference or

00:52:09

video conference is okay and

00:52:11

fine and the ICC rules.

00:52:13

And by the end of

00:52:17

the day. B was tribunal

00:52:18

approved or accepted our application

00:52:23

in and a couple of

00:52:24

witnesses. I remember, I've been

00:52:26

cross-examined this way. They had

00:52:29

some concerns to be in

00:52:30

Egypt, back to the tribunal.

00:52:37

So Weather today this was

00:52:41

something new for us to

00:52:45

see in 2018 recently in

00:52:48

2022, the position in Egypt

00:52:52

clearly said that cross-examination by

00:52:56

video conference in Virtual hearings

00:53:00

are becoming a normative and

00:53:04

are becoming trending. Now, the

00:53:09

dogs are trending. This are

00:53:11

the modern Trends in international

00:53:13

relations that using virtual hearings

00:53:15

and using. And using a

00:53:18

cross-examination by video conference in.

00:53:23

This is very interesting for

00:53:26

me to see this in

00:53:28

the year and song of

00:53:29

the position. And maybe this

00:53:33

is because We are now

00:53:35

having a lot of Judges

00:53:37

who have studied abroad and

00:53:41

who are wandering in the

00:53:44

international station, in the AR

00:53:47

reading, and exchanging with lawyers

00:53:50

and they are receiving training,

00:53:52

some everything in relation to

00:53:54

into my vision. So we

00:53:56

have we have, we have

00:53:58

this now in Egypt, D,

00:54:01

D, D D, D D.

00:54:06

Conservative. When it comes to

00:54:08

water, plants near trans, International

00:54:12

patient, they try to keep

00:54:14

our students and our system

00:54:17

up to speed with other

00:54:19

systems in the region and

00:54:20

international. So take me to

00:54:28

the next point. I was

00:54:29

very quickly speak about three

00:54:32

or four points. Or principles

00:54:37

were the Egyptian Court of

00:54:39

cassation Egyptian food made or

00:54:44

spoke about developments in the

00:54:46

first one is where the

00:54:53

station save clearly and explicitly

00:54:55

that the adults across arbitration

00:55:03

policy for arbitration policy. Allows

00:55:09

a dentist said that the

00:55:13

international arbitration is becoming the

00:55:16

original motor. One of the

00:55:18

principal mode, maybe the reason

00:55:22

of mold for a sibling

00:55:24

commercial disputes and international commercial

00:55:27

disputes. So another development By

00:55:33

The Station, relates to International

00:55:41

rules and guidelines like the

00:55:44

IV. Guidelines of the record.

00:55:54

Clearly refers to close 3.3.5

00:55:58  
of the rules and applied

00:56:00  
it and then made its

00:56:04  
decision on the issue. Before

00:56:06  
the tribunal, these are very

00:56:08  
quickly was that one of

00:56:10  
the Council of one of

00:56:13  
the parties, the law firm

00:56:15  
of this Council included, a

00:56:17  
relative, relative of a terminal

00:56:21  
garbage truck tribunal, so that

00:56:22  
would apply these fools. And

00:56:24  
then it said there was

00:56:25  
no conflict of interest that

00:56:26

could cause the The operative

00:56:31

word being. So very interesting

00:56:36

and you also by the

00:56:42

ocean in relation to the

00:56:44

next meditation. The court said

00:56:45

that the parties would be

00:56:47

represented by Foreign lawyers representing.

00:56:51

I noticed you were presenting

00:56:55

with us sitting by and

00:56:56

see you in Egypt, and

00:56:57

you are most license until

00:56:59

cracks in the evening in

00:56:59

Egypt and confirm, this kind

00:57:05

of work. Before I bet

00:57:07

Sub sub unions in Egypt.

00:57:10

This being without disclosing any

00:57:12

issue for them. It's our

00:57:14

word, I'm finally very quickly

00:57:16

and there is a job

00:57:19

in business. Very, very interesting

00:57:22

by the Egyptian economic I'm

00:57:29

going to go now but

00:57:30

rather for you not in

00:57:34

the three members of the

00:57:35

tribunal, the arbitrator was appointed

00:57:39

or eight respondents. One of

00:57:45

them was the main theater

00:57:47

and the Seven other respondents

00:57:49

were sure to use for

00:57:51

the main deck or the

00:57:52

men agreement. And the tribunal

00:57:57

said that the course, it's

00:57:58

all right. We see that

00:58:01

they are, they are sharing

00:58:02

the same interest so we

00:58:04

can appoint one of them

00:58:06

all and this was a

00:58:09

new thing to say, by

00:58:10

the Egyptian Court in relation

00:58:13

to an ad hoc arbitration.

00:58:14

By the way, this is

00:58:15

pretty much of the main

00:58:17

developments, but I can share

00:58:20

in the Egyptian legal system

00:58:22

and if you have any

00:58:23

questions I can gladly answer,

00:58:25

Thank you so much. But

00:58:26

you know, I have so

00:58:27

many questions. First, I want

00:58:28

to say thank you. I

00:58:29

ate looks like I'll be

00:58:30

welcome back in Egypt after

00:58:31

all and I look forward

00:58:35

to that but I do

00:58:36

have I do have many

00:58:37

questions. I think it's really

00:58:39

interesting. You mention some developments

00:58:41

that appear to be extremely

00:58:42

Pro arbitration and and including,

00:58:44

you know, policy in favor

00:58:45

of arbitration. But also it

00:58:48

seems that there's also some

00:58:49

decisions that might cut against

00:58:51

arbitration being favorite especially in

00:58:53

the investor context. And so

00:58:55

I find that that all

00:58:56

that, that juxtaposition of decisions

00:58:59

and sort of a conflicting

00:59:01

movement in the country to

00:59:03

be fascinating. I hopefully will

00:59:06

have more time at the

00:59:07

end. It's discuss some of

00:59:08

those issues and ask them

00:59:09

questions. But I do want

00:59:10

to make sure we cover

00:59:11

our last region which is

00:59:13

hot. And, and cover some

00:59:15

of the developments there and

00:59:16

then make sure that we

00:59:18

we asked some general questions

00:59:19

and see if anybody in

00:59:20

the audience. Has any questions

00:59:21

as well? So I will,

00:59:24

I will shift gears 2

00:59:25

Australian accent and I am

00:59:27

I welcome him to share

00:59:28

his thoughts on some of

00:59:29

the developments taking place in

00:59:30

the greatest development of the

00:59:41

last year has been low

00:59:43

number 21 of 2021, at

00:59:45

the end of December 2021,

00:59:48

where are you? And you

00:59:50

and youuuu Court was established

00:59:51

and it was the the

00:59:53

trade investment tribunal court. Now

00:59:56

the the name is misleading

00:59:58

because it's not supposed to

00:59:59

be an investment. Regular such

01:00:00

a fury may take up

01:00:02

investment disputes between for investors

01:00:05

in the in the Qatar

01:00:06

state that are not subject

01:00:08

to b. I t c

01:00:08

h. I t h. She

01:00:10

wasn't at the future of

01:00:16

solution to a part from

01:00:19

the financial Centre Court in.

01:00:21

Apart from the ordinary courts

01:00:24

in Paterson. Is to provide

01:00:27

investors are effectively investors in

01:00:31

dispute with other with other

01:00:33

entities not wrestle against the

01:00:35

state is a state-run state

01:00:39

capitalism. So number of the

01:00:40

streets are going to be

01:00:41

with State Patrol, images and

01:00:43

state capitals do. This is

01:00:44

a significant new mechanism to

01:00:49

bring pixel 2 commercial trade

01:00:50

issues before and you do

01:00:51

for a note before the

01:00:53

night before they learn their

01:00:55

Cavalry Court. We have a

01:00:57

mission about score for it,

01:00:59

for a number of reasons,

01:01:00

and I wasn't able to

01:01:01

find even the Lord shall

01:01:02

have an Arabic. So, we

01:01:03

know that the number of

01:01:05

Judges who got stabbed in

01:01:06

the freezer for our speakers,

01:01:08

but given that many of

01:01:10

these days, she's going to

01:01:10

be in English. Because the

01:01:12

contract may be in English,

01:01:13

that surprising. No English. Speaking

01:01:15

jobs, have been appointed yet.

01:01:17

So that's something to be

01:01:19

seen how the sport actually

01:01:20

operate in the future. No,

01:01:33

that's the real development. So

01:01:35

that the wrestling presentation is

01:01:36

about things that I hope

01:01:38

will be useful to our

01:01:39

colleagues who might be thinking

01:01:40

of, you know, but maybe

01:01:42  
something that made me drive

01:01:45  
business forward. So one of

01:01:46  
the, one of the, one

01:01:48  
of the things being discussed

01:01:49  
at a significantly is the

01:01:51  
promotion of Islamic finance application.

01:01:53  
Now they finance building the

01:01:57  
QFC to my knowledge, nothing

01:02:01  
significant has taken place and

01:02:03  
then something would you like

01:02:05  
to cut that with my

01:02:06  
dry development? Is there is

01:02:08  
a push and Pakistan to

01:02:10  
set up a d. I

01:02:11  
c Pakistan tribunal lady to

01:02:15  
Islamic Finance dispute to arbitration

01:02:18  
developing station in Asia have

01:02:22  
largely failed for a number

01:02:24  
of reasons that we don't

01:02:25  
need to go through at

01:02:26  
the at the moment. But

01:02:27  
this looks like a promising

01:02:28  
development and I'm guessing that

01:02:30  
the countries in the region

01:02:31  
in the Mena region will

01:02:32  
see this As a as

01:02:34

a business objective and we'll

01:02:36

try to take the Habs

01:02:38

take back from the business

01:02:40

from Pakistan. If that kind

01:02:41

of development, goes ahead, it

01:02:43

seems to be going. I'm

01:02:44

advising because I said so

01:02:47

it's interesting to see, you

01:02:48

know, what happens? Because the

01:02:49

stomach contents of each patient

01:02:51

businesses in huge, but it's

01:02:52

mostly driven to London with

01:02:54

no weave weave without your

01:02:56

clothes. With me up with

01:02:58

you a little short, mini

01:02:59

English. No and some elements

01:03:00

of a Santa Claus. Well,

01:03:01

and we see the English

01:03:02

courts. Currently are taking hold

01:03:05

of this and they are

01:03:06

finding genius ways of having

01:03:08

stomach be consistent with the,

01:03:10

you know, with burial, love

01:03:12

to be honest. So what's

01:03:14

up with that thing I

01:03:14

said that that's something to

01:03:15

be for people to follow

01:03:17

the second issue. And renegotiate

01:03:24

existing megaspore contract or new

01:03:27

contract given that its near

01:03:28

the big Vision. Father, on

01:03:30

the big Visions is Vision.

01:03:32

Those of you who are

01:03:33

not familiar with that concept.

01:03:35

So countries in the in,

01:03:38

the GCC our document, which

01:03:41

which Vehicle Division and they

01:03:43

are, they believe the policy

01:03:44

of economic policy for the

01:03:46

next decade or two decades

01:03:48

to set out. And so

01:03:49

this is taking very seriously

01:03:50

and old Financial Endeavors are

01:03:52

based on these National vision

01:03:53

and so one of the

01:03:54

units will be at our

01:03:55

house in the region is

01:03:57

is the tourism as well

01:04:00

as a sporting event. And

01:04:02

so given given the the

01:04:04

the number of disputes that

01:04:06

can be raised from this

01:04:08

next sporting event. The it's

01:04:10

it's I think it makes

01:04:11

business sense for a country.

01:04:13

To bring the diffuser, take

01:04:14

me to cancel Amazon to

01:04:16

bring as many as it

01:04:17

can switch on jurisdiction, an

01:04:18

ongoing discussion with the problem,

01:04:21

is that none of the

01:04:22

empty so far. So clearly

01:04:24

the arbitration can handle this.

01:04:27

So they the Chamber of

01:04:29

Commerce in at the same

01:04:31

time that you have, she

01:04:32

hasn't shown any real interest

01:04:33

in this issue with her

01:04:38

know, that should be able

01:04:39

to make it sporting arbitration

01:04:41

venue much. In the way

01:04:43

that it's more than in

01:04:44

cast to take charge of

01:04:46

this is cute. But to

01:04:47

do that, you need to

01:04:49

renegotiate existing contract and at

01:04:52

the same time in polls

01:04:53

close in, in future contracts,

01:04:57

and it's worth anything at

01:05:02

the moment. And I think

01:05:04

that the final, which is

01:05:07

What's new, what I'm thinking

01:05:08

more than anybody else, is

01:05:09

the business human rights at

01:05:11

the street settlement Weeno Weeno

01:05:13

Weeno Weeno score score of

01:05:15

the megas. Bring a battery

01:05:15

in Qatar has been a

01:05:16

huge amount of speculation of

01:05:18

a controversy about business human

01:05:21

rights to people working in

01:05:22

this Mega sporting events and

01:05:24

I think it's something that

01:05:25

could be resolved through arbitration

01:05:29  
especially on a masculine that

01:05:31  
would actually diffused in the

01:05:36  
If I could leave work

01:05:37  
out, I cannot do which

01:05:38  
isn't which is bring it

01:05:39  
to affect the legislation for

01:05:44  
collectively Brides. So I think

01:05:46  
the lack of collecting labor

01:05:49  
rights businesses, human rights, arbitration

01:05:52  
is a viable alternative where

01:05:53  
you have effectively these rights

01:05:58  
but you must reputation, are

01:06:00  
you going to become a

01:06:00

lawyer if you have to

01:06:02

pay for it and and

01:06:03

the corporations are able to

01:06:05

put someone inside out in

01:06:06

your underwear will not know

01:06:08

but it's likely to assist

01:06:13

in getting those restroom. I

01:06:18

did for me. Thank you

01:06:20

so much for this or,

01:06:20

I mean, it's, it's fascinating

01:06:22

to see while there hasn't

01:06:24

been a lot of Express

01:06:25

change recently and cuts out

01:06:27

of there is also, you

01:06:29

know, what the height of

01:06:30

of change to look forward

01:06:32

to in the future. Particularly

01:06:33

with these make a sporting

01:06:34

events, like you mentioned, and

01:06:35

also something that you mentioned

01:06:37

in her initial presentation which

01:06:39

is that there's been a

01:06:40

lot of decisions coming down

01:06:42

from the courts that appear

01:06:43

to be extremely Pro arbitration.

01:06:45

And so I'll revisit and

01:06:47

it sort of reframe a

01:06:48

question. I I raised two

01:06:50

to both Ian and khushboo

01:06:52

about, you know, the changes

01:06:53

in Dubai and how that

01:06:54

might impact the choice of

01:06:57

Dubai as a, as a

01:06:58

hub for arbitration. Do you

01:07:00

think that some of these

01:07:01

changes and and developments in

01:07:03

a cut diet, including in

01:07:04

both the jurisprudence, as well

01:07:06

as these forward-looking potential developments

01:07:08

that you mention do you

01:07:10

think that might attract more

01:07:12

arbitration to cut. And that

01:07:14

that's something that I thought

01:07:15

is is is located. Looking

01:07:18

for and I'll start with

01:07:19

you Professor but then I'll

01:07:20

open it up the other

01:07:21

panelists that they have any

01:07:22

thoughts. I think that I

01:07:26

got her, the moment hasn't

01:07:27

thought about the idea of

01:07:28

bringing in more business Endeavors

01:07:29

arbitration. And I'm not saying

01:07:30

that because they, they, they

01:07:31

can't, because they both asleep.

01:07:34

Run stopped by the Lord,

01:07:35

with all the things of

01:07:36

the country. But I think

01:07:39

that's the idea in the

01:07:40

QFC. I think, of course

01:07:44

to bring business. And you

01:07:45

have this amazing panel of

01:07:47

Judges, you have to go

01:07:47

out to do some school

01:07:48

work, but that it's not

01:07:50

really making up people there.

01:07:54

And then she has tons

01:07:56  
of samples. She seems a

01:08:02  
lot more that can be

01:08:02  
done, but I don't think

01:08:03  
there's a focus on that

01:08:04  
at the moment, but certainly

01:08:06  
in the next five years,

01:08:07  
after I woke up, I

01:08:08  
think that's that's why I'm

01:08:09  
going to go to. Right.

01:08:11  
Of course, you know we

01:08:12  
can't talk about that without

01:08:13  
discussing the World Cup at

01:08:15  
least once them. I was

01:08:16

trying very hard to avoid

01:08:17

it but it wasn't. It

01:08:18

was bound to come up.

01:08:19

Does anybody else have any

01:08:22

thoughts about that shift? I

01:08:24

don't know. Cuz if you

01:08:24

did you did you have

01:08:25

any thoughts in light of

01:08:26

your, your commentary earlier about

01:08:28

that the changes and that

01:08:29

the recent decisions would have

01:08:30

been coming down? Yes, you

01:08:32

can do a lot more.

01:08:36

I definitely wouldn't go to

01:08:39

a place for her patricians,

01:08:41

but I think the applications

01:08:42

that are seated in the

01:08:45

government. Do you have to

01:08:47

send a message via open

01:08:49

up this perception that the

01:08:51

Apple application that? I think

01:08:52

we see a lot of

01:08:53

these judgments that are streaming

01:08:55

along, giving the same sort

01:08:56

of message to the vital

01:08:58

organs that has receded, opposition

01:09:01

forces and equipments. And I

01:09:03

think I mentioned some judgments

01:09:05

about how the courts have

01:09:07

a few set aside. I'm

01:09:09

in a world that was

01:09:10

not issued a name but

01:09:12

now it's just doesn't stop

01:09:13

day. I've seen the judgments

01:09:15

of a few set aside

01:09:16

for the lawyer that's that's

01:09:21

no longer reason. Now to

01:09:22

set aside of what you

01:09:23

need to do, not look

01:09:24

Laura's and bought new arbitration.

01:09:25

I've seen another reason judgement

01:09:28

extended to third parties at

01:09:31

the very beginning, just as

01:09:34

a way to preserve the

01:09:35

arbitration award and not attacked

01:09:37

the whole proceedings at the

01:09:39

place. Or the last five

01:09:42

years, since the ACT was

01:09:45

enacted, you can see the

01:09:47

judiciary's got gotten that that

01:09:48

message through the system to

01:09:51

the government. Did not meant

01:09:52

to attack the application process.

01:09:53

And that's that's obviously very

01:09:55

welcome to go in the

01:09:58

right direction. Yeah, but I

01:10:01

think that's, I think that's

01:10:02

exactly right. And I asked

01:10:03

if I think we're seeing

01:10:04

that and then over the

01:10:05

next few years will probably

01:10:07

see, even more of that.

01:10:08

So, since we have a

01:10:10

few minutes left before we

01:10:11

all break off into networking,

01:10:13

I would, I would love

01:10:15

just in one in one

01:10:17  
sentence if each of our

01:10:18  
panelists could share, maybe one

01:10:21  
developments in the region that

01:10:24  
they think that every arbitration

01:10:27  
practitioner should watch out for,

01:10:29  
and keep in mind in

01:10:30  
the years to come, and

01:10:31  
we'll start with you Gianna,

01:10:32  
because you're smiling. one thing

01:10:36  
for us as petitioners, the

01:10:39  
arbitration is to remember, always

01:10:41  
that arbitration is the alternative

01:10:46  
to the justice system, which

01:10:48

is all about stubborn. So,

01:10:51

every country believes in the

01:10:53

Middle East and North Africa,

01:10:54

that the justice system is

01:10:56

Part of Me, Part 2,

01:10:58

by stopping, when an arbitrator

01:11:00

who is God knows who

01:11:02

comes that has the same.

01:11:04

If it's going to take

01:11:11

time and was seen in

01:11:12

every country in the GCC

01:11:14

in the Arab world. And

01:11:15

I don't, I don't Africa

01:11:17

that have been a dumb

01:11:19

phone and it'll pick up

01:11:23

somehow for me for any

01:11:28

profession in arbitration. Please before

01:11:30

you take on a job

01:11:31

because whether you, please read

01:11:37

about that country. Jurisdiction, you

01:11:41

we need pictures today. That

01:11:45

history is actually whatever makes

01:11:47

you a good lawyer. That's

01:11:49

what you should do need

01:11:50

to pick up Justin about

01:11:52

that country that you're going

01:11:53

to be working with an

01:11:55  
arbitration case. It would help

01:11:57  
you a lot. And there's

01:11:58  
so much has been happening

01:11:59  
and I'm glad to be

01:12:01  
sharing it with everyone here.

01:12:02  
Thank you. Thank you. Why

01:12:06  
don't you go to Professor?

01:12:09  
I think that despite the

01:12:10  
negative connotations in the west,

01:12:12  
about the Arabian Gulf, in

01:12:14  
the Persian Gulf, my students.

01:12:16  
Crazy. Nonetheless, this is the

01:12:26  
safest place in the world

01:12:27  
to live, and I think

01:12:31  
globally and that the reason

01:12:36  
for that. So I think

01:12:37  
the future is in is

01:12:39  
in the Mena region. Khushboo.

01:12:45  
I'm so funny. I was

01:12:46  
just released within the spectrum

01:12:48  
of alternative dispute, resolution ADR

01:12:50  
and and I think the

01:12:51  
different pieces of e d,

01:12:52  
I really need to go

01:12:53  
ahead and hand sew a

01:12:55  
dress in mediation negotiation. I'm

01:12:57

the ultimate goal is really

01:12:58

to find a commercial the

01:13:00

sensible way to resolve parties

01:13:01

disputed. I think that it

01:13:02

shouldn't just look at these

01:13:03

options and I do they

01:13:05

all should be looked at

01:13:05

holistically before she look out

01:13:10

for me particularly attuned to

01:13:13

Fayette and what will end

01:13:14

with the with Mustafa thoughts

01:13:17

on on the question of

01:13:23

technology and the coming years

01:13:26

more and more, I guess,

01:13:28

as Diana said, they're in

01:13:30

Dubai, they are using technology.

01:13:32

And instead of going to

01:13:36

their courtrooms, I guess we

01:13:40

will do this attract and

01:13:42

international cooperation may be in

01:13:44

the relation between between the

01:13:51

international Awards, and the court

01:13:56

systems, a big issue that

01:14:01

we would, you want. Absolutely.

01:14:05

And I mean, to the

01:14:06

point of Technology we are

01:14:07

having this conference on Zoom

01:14:09

which I think that's at

01:14:10

all. Um, we debated having

01:14:11

it in person, but ultimately,

01:14:13

we're all able to gather

01:14:14

virtually which was certainly lucky

01:14:16

for all of us given.

01:14:18

We're all in different time

01:14:19

zones which made planning quite

01:14:22

a quite a fun. Endeavor.

01:14:23

I'll say, I want to

01:14:25

thank everyone for joining us

01:14:26

today. We're at time and

01:14:29

it was such a pleasure

01:14:30

learning from all of our

01:14:31

panelists. Thank you so much

01:14:33

for your work on this

01:14:34

on these presentations and for

01:14:35

sharing your thoughts and experiences

01:14:36

with all of us. And

01:14:38

think you two are organizers

01:14:40

for inviting us. And letting

01:14:41

us have this very interesting

01:14:42

and timely discussion. I think

01:14:46

in terms of next steps

01:14:47

will move on into breakout

01:14:49

rooms and then we can

01:14:50

continue the discussion there and

01:14:52

get to know one another.

01:14:54

Thank you, Rhonda. And that

01:14:57

you are in the order

01:14:58

that I see you. For

01:15:00

sure, liars, and Deanna Mustafa.

01:15:04

And we're, we're making the

01:15:08

outlook on International arbitration, much

01:15:12

are closer to, to Holman

01:15:16

and sharing with the rest

01:15:17

of the world at the

01:15:18

different variants of international arbitration

01:15:22

including Commercial Refrigeration. But not

01:15:24

only that also also investor-state

01:15:26

arbitration and and and the

01:15:28

various setbacks and on and

01:15:33

Rebirth of arbitration centers in

01:15:35

in the region, something something

01:15:38

no one for everyone at

01:15:39

9 and also the spot

01:15:41

despite that you're making the

01:15:42

point which witch is, which

01:15:43

is a very important one

01:15:45

that it's at an exponentially

01:15:47

growing region in terms of

01:15:49

the economic growth and and

01:15:53

and and also Business and

01:15:56

and therefore also arbitration and

01:15:59

education business. Thank you very

01:16:04

much. I think that we

01:16:05

we now can we move

01:16:06

on to possibly what might

01:16:08

be 2 or or 11

01:16:12

big thing for most of

01:16:15

break up from this world

01:16:16

recording stops? And then we

01:16:17

can kind of be be

01:16:20

be more at ease. There's

01:16:21

no agenda for the breakout

01:16:23

room. So everything is is

01:16:24

really really up in terms

01:16:27  
of networking as some people

01:16:30  
really want to meet you

01:16:31  
or ask questions at cetera

01:16:33  
so we'll we'll go into

01:16:35  
that right now again. Thank

01:16:37  
you and hopefully