Saudi Center for Commercial Arbitration: SCCA19 International Conference

The Evolution of Arbitration in the Middle East and North Africa: “Realities and Perspectives”

Hilton Hotel, Riyadh
Kingdom of Saudi Arabia 14-15 October 2019

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SCCA 19 Program

First Day - 14 October 2019

08:00 AM 09:00 AM
Registration

09:00 AM 09:25 AM
Reciting of Holy Quran

Opening and Welcome Remarks
- Mr. Yassin Khayat, Chairman of Board of Directors, SCCA
- Dr. Hamed Merah, CEO, SCCA
- Dr. Nabeel Al Mansour, General Counsel, Saudi Aramco

09:25 AM 10:25 AM
Session 1: Arbitration – A Vital Part of Saudi Arabia’s Vision 2030

The session will discuss the recent developments in the field of institutional arbitration in KSA. The session will also discuss how arbitration would help in creating investment friendly environment, thus supporting the realization of KSA 2030 Vision.

Speakers:
1. H.E. Dr. Walid bin Mohammed Al-Samaani
   Minister of Justice
2. H.E. Dr. Majed bin Abdullah AlQasabi
   Minister of Commerce & Investment
3. H.E. Mr. Mohamed bin Abdullh Al-Jadaan
   Minister of Finance
4. H.E. Dr. Ahmed Abdulkarim Alkholifey
   Governor, Saudi Arabian Monetary Authority
5. Ms. Anna Joubin-Bret
   Secretary, UNCITRAL

Moderator:
Dr. Hamed Merah
CEO, SCCA

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Dr. Hamed Merah
CEO, SCCA
World-renowned arbitrator, commentator and thought leader, Toby Landau, QC will deliver his latest Keynote Address, providing an insightful and candid evaluation of practice and prospects for commercial and investor-state arbitration in the MENA region, assessed against recent developments and approaches worldwide.

Moderator:
Dr. Mostafa Abdel Ghaffar, Special Counsel, SCCA
Pale, male, and stale are still too prevalent characteristics of the practice of international arbitration, thus perceived as blocking changes and preventing new entrants. Diversity enhances the perceived legitimacy of the dispute resolution system and the quality of the process and outcomes by encouraging greater efficiency as well as facilitating new perspectives on the dynamics of a dispute. Moreover, an international arbitration system that embraces differences between legal cultures and bridges the gaps of Islamic, civil and common law is likely to be in a better position to serve users’ needs and to handle cross-border disputes.

The session will discuss the current practices regarding cultural, gender and other roots of diversity. The session will also explore the emerging markets for youth, female and other ethnical and cultural groups as arbitrators and the impact of these trends on the process.
The emerging use of technology had its impact on most of human activities and businesses over the past twenty years. The Arbitration industry has also witnessed a greater use of technology in various aspects of the process from the nature of substantive claims to the modalities of submitting evidences and document production to the adoption of a cost-efficient comprehensive ODR system. The use of Artificial Intelligence, Blockchain and other technological innovations raise the question whether there is a need for special tailored rules that suit the nature of disputes in this context.

The objective of this session is to explore the most recently adopted techniques and developments related to the impact of technology on advocacy or institutional services in international arbitration. It will also address how to maximize their positive impact on the process while minimizing risks associated with the use of these technologies while avoiding disruptive innovations.

**Speakers:**
1. **Ms. Ank Santens**
   Partner in White & Case LLP’s International Arbitration Group
   The Use of New Technology to Enhance Advocacy and Efficiency in the Proceedings

2. **Prof. Thomas Clay**
   Attorney at Law and Arbitrator, Clay Arbitration
   Online Arbitration

3. **Mr. Cedric C. Chao**
   Arbitrator, Mediator and Attorney at Law, Chao ADR, PC
   Arbitrating Technology and IP Disputes

4. **Mr. Sami Tannous**
   Partner, Freshfields Bruckhaus Deringer, LLP
   Cybersecurity in International Arbitration

**Moderator:**
Mr. Christian P. Alberti
Chief of ADR, SCCA
The last two decades witnessed significant growth of Islamic Financial Institutions even beyond the Muslim world. In the past few years, the Islamic finance industry started to embrace arbitration as a mean to resolve disputes. Yet, the wide spectrum of innovative financial products requires a better understanding of the arbitration process to respond to their needs.

This session will explore the current practice of arbitration in the Islamic Financial Industry, whether it is related to the procedural aspects of the process or to the application of the substantive law. It will also address whether there is a need for Islamic Finance arbitration rules.

**Speakers:**

1. **Dr. Abdessattar Khouildi**
   - International Arbitrator and Trainer, Legal and Sharia Counsel
   - Former General Secretary of the International Islamic Centre for Reconciliation & Arbitration - Dubai
   - The Most Important Features of Standard 32 of Sharia Standards

2. **Dr. Walid Hegazy**
   - Managing Partner, Hegazy Law Firm
   - Application of Substantive Law Without Prejudice to Sharia

3. **Sheikh Bilal Khan**
   - Partner & Global Head of Islamic Finance at McCarthy Denning
   - Use of Experts in Islamic Financial Disputes

4. **Dr. Yousef Alyaqout**
   - Professor of Civil Procedure Law and Arbitration, University of Kuwait.
   - The Need for Islamic Finance Arbitration Rules

**Moderator:**

**Mr. Abdul Aziz Al Duhaim**
- Assistant Deputy Minister of Commerce for Laws and Regulations
Session 6: Damages in International Arbitration

Damages in international arbitration are of crucial importance and have significant impact on the process. However, they are often the most difficult aspect of the process and can be difficult to understand or to explain. In making their legal findings and rendering an award on compensation, arbitral tribunals very often rely on expert witnesses to understand the highly technical and complex theories and calculations on which the conclusions in a damages report are based on.

This session will address best practices related to the assessment of damages in international arbitration and its impact on the process, whether related to the document production, witness examination or possible bifurcation.

Speakers:

1. Ms. Sophie Lamb  
   Partner & Global Co-Chair of the International Arbitration Practice, Latham & Watkins, LLP  
   Best Practices in Relation to Damages Evidence Experts

2. Mr. Craig Miles  
   Partner, International Arbitration and Litigation, King & Spalding  
   Impact of Quantum on the Process; Bifurcation and/or Trifurcation

3. Dr. Eng. Nabil Abbas  
   Arbitrator, Chairman, Nabil Abbas Architects-Consultants  
   Multi-Faced Dimensions of Quantum in Construction Disputes

4. Mr. Björn Gehle  
   Independent Arbitrator  
   Application of Punitive Damages in Arbitration

Moderator:
Dr. Mohamed Abdel Raouf  
Arbitrator and Attorney at Law, Partner and Chairman of Arbitration Group, Abdel Raouf Law Firm
Session 7: Increasing Access to International Arbitration

Arbitration is often perceived as being inaccessible for some users due to cost considerations. Recent judicial decisions concluded that arbitration clauses in certain types of contracts to be non-operational if parties cannot afford paying the costs associated with the arbitration process. Various initiatives and techniques have been introduced to increase access to arbitration in a cost-effective manner such as the adoption of expedited procedures and specialized rules tailored for specific industries.

This session will discuss techniques and approaches that could make arbitration more cost-efficient and affordable, including collective or class arbitration, specialized arbitration rules and third-party funding.

 Speakers:

1. Judge Dr. Abdul Aziz Al Nasser  
   Judge, Court of Appeal  
   Role of the Judiciary in Making Saudi Arabia a Safe Seat for Arbitration

2. Mr. Bernardo Cremades  
   Founding Partner, B. Cremades y Associados Law Firm  
   Role of Third-Party Funding in Increasing Access to International Arbitration

3. Mr. Martin Valasek  
   Partner, Norton Rose Fulbright Canada LLP  
   Role of Class/Collective Arbitration in Increasing Access to International Arbitration.

4. Mr. Anthony Abrahams  
   Director General, CIArb  
   The Role of Arbitration Institutions in Conducting Cost-Efficient Arbitration Process

Moderator:

Mr. Timothy Colvin  
Counsel, General Corporate and Commercial, Saudi Aramco

Networking Lunch
This debate will address whether the notions of efficiency and enforceability of awards as well as flexibility and fairness are at odds. The debaters will discuss how to reduce the impact of due process paranoia towards a more efficient, consistent and fair international arbitration system.

**Debaters:**

1. Cedric C. Chao  
   Arbitrator, Mediator and Attorney at Law, Chao ADR, PC

2. Prof. Philippe Leboulanger  
   Founding Partner, Leboulanger et Associés

**Moderator:**  
Prof. Georges Affaki  
Independent Arbitrator, Attorney at Law and Professor at University of Paris II

- Closing Remarks
- Conference Concludes