



المؤتمر الدولي للمركز
السعودي للتحكيم التجاري
SCCA18
International Conference

الرياض 6-7 صفر 1440هـ
Riyadh, 15-16 October 2018

التحكيم المؤسسي: أهميته وتأثيره في التحول الاقتصادي
وتشجيع الاستثمار

The Role of Institutional Arbitration in Economic
Reforms and Investment

تنظيم
Organized by

بالشراكة مع
In partnership with

برعاية كريمة من
Under the auspices of



About SCCA18:

ADR is an essential pillar of all well-functioning legal systems. Consumers and businesses, investors and states - all benefit from the ongoing efforts of various industries, professions and governments to promote the use of and best practices in the ADR industry, locally and internationally. These ongoing and sustained efforts enchain the processes and ensure better quality outcomes. All these initiatives have a positive impact in the creation of a reliable investment environment for both national and foreign investors. Saudi Arabia has exerted significant, multifaceted efforts to develop ADR mechanisms. Cabinet Resolution (No. 257) 2014 establishing the Saudi Center for Commercial Arbitration represented a major positive sign in moving towards international-standard institutional arbitration in the Kingdom.

The Saudi Center for Commercial Arbitration plays a crucial role in the realization of Saudi Vision 2030 and the National Transformation Program (NTP). SCCA provides several efficient ADR mechanism in accordance with the best international best practices in order to develop a better investment environment while also enhancing the rule of law.

The International Conference on Institutional Arbitration (SCCA18) is organized in cooperation with the world's leading international arbitral institutions and strategic partnerships with Saudi Ministries of Justice & Commerce and Investment together with the support of the Council of Saudi Chambers and the private sector.

The Conference presenters and participants are among the leading international and national experts and further exemplify the commitment to developing the arbitration industry in the Kingdom and beyond.

To register please visit:

www.scca18.sadr.org

First Day

Monday October 15, 2018

8:00AM to 9:00AM

Registration

9:00AM to 9:30AM

- Reciting of Holy Quran
- Documentary film about SCCA's establishment and achievements

Opening and Welcome Remarks

- **Mr. Yassin Khayat**, SCCA Board Chairman.

Introductory Remarks

- **Dr. Hamed Mera**, CEO SCCA.

9:30AM to 11:00AM

Session 1 – The Role of Institutional Arbitration in the Realization of KSA 2030 Vision

High-end discussion session with a panel of senior Saudi governmental officials as well as international experts. The session will discuss the recent developments in the field of arbitration in KSA institutional arbitration. The session will also discuss how arbitration would help in creating investment friendly environment, thus supporting the realization of KSA 2030 Vision.

Panelists:

- **HE. Dr. Walid bin Mohammed Al-Samaani, Minister of Justice.**
- **HE. Dr. Majed bin Abdullah AlQasabi, Minister of Commerce & Investment.**
- **HE. Mohammad Bin Abdul Malek Al ash-Shaikh**, Saudi minister of state and a member of the Economical and Development Affairs Council.
- **Engineer Ahmed bin Sulaiman Al-Rajhi**, Chairman of the Council of Saudi Chambers (CSC).
- **Ms. India Johnson**, CEO – ICDR-AAA, USA.

Moderator:

- **Mr. Bakr Al Haboub**, Secretary General of the Saudi Bar Association.

11:00AM to 11:30AM

- Launch of SCCA new services and MOUs and Agreements signing ceremony.
- Honoring former Board members, former CEO and conference sponsors.
- Official opening of conference exhibition.

Official Opening of the Exhibition

11:30AM to 12:00PM

Prayer and Coffee Break

12:00PM to 12:30PM

Session 2 – New Trends in the Practice of ADR Institutions

12:30PM to 2:00PM

Arbitration remains the most trusted dispute resolution mechanism. In order to maintain the business trust in arbitration and to respond to the evolving business needs, arbitration institutions keep developing new services and dispute resolution themes that suite various specific types of disputes, in particular cross-border disputes. Meanwhile, arbitration institutions continue developing new case management techniques that provide for more proactiveness, ensure cost-efficient procedure and quality outcomes. Furthermore, ADR institutions continue to provide neutrals and parties with various soft law items; i.e. guidelines, manuals, form orders... etc. This is also of great importance in ensuring more consistent process, predictable outcomes and bridging differences between legal systems procedural approaches.

Senior world class arbitrators as well as ADR leaders will participate in the session in order to discuss best practices and generate new thoughts that would assist in approaching challenges facing the industry and maintaining institutional arbitration as the best response to the evolving business, investment and commercial needs.

Chairman:

- **Mr. Eric P. Tuchmann**, Senior Vice President, General Counsel and Corporate Secretary, AAA-ICDR, USA.

Speakers:

- **Mr. Andrea Carlevaris**, Former ICC Secretary General, France.
- **Mr. Zeyad Khoshaim**, Founder of Khoshaim & Associates Law firm, KSA.
- **Dr. Mostafa Abdelghaffar**, International Arbitrator & Head of ADR at Saudi Center for Commercial Arbitration.
- **Mr. José Angelo Estrella Faria**, Senior Legal Officer and Head of Technical Assistance Section, UNCITRAL.

2:00PM to 3:00PM

Network Lunch

3:00PM to 4:30PM

Session 3 - The Role of the Judiciary in Supporting Arbitration and its Impact
Arbitration sympathetic judicial system and clear arbitration legal framework are the most important factors of the success the arbitration industry. The relation of partnership and collaboration between the judiciary and arbitration is a key element in creating a friendly arbitration environment. This session will discuss a comparative approach of the legal framework and best practices related to the judicial support to the arbitration process. This support is translated in empowering arbitral tribunals to request judicial assistance in taking of evidence by means of documents subpoena, witnesses subpoena or letters rogatory. The judicial support is also required in the enforcement of arbitral awards and orders to ensure that the role of the judiciary will be limited to the respect of due process and public policy without reexamining the merits of the case. The session will contain an exchange of best practices in different jurisdiction with contributions from international experts and judges.

Moderator:

- **Dr. Waleed Al Tuwaijri**. Professor of Arbitration, Dispute Resolution & Commercial Law at the Higher Judicial Institute, Riyadh.

Speakers:

- **H.R.H. Prof. Dr. Abdulaziz bin Sattam Al Saud**, a special Consultant to the Custodian of the Two Holy Mosques King Salman bin Abdulziz Al Saud, Lecturer at the Higher Judicial Institute.
- **HE. Dr. Hamad Abdullah Al Khudairi**, Assistant Minister of Justice for Enforcement and Seizure, Riyadh.
- **Prof. Dr. Georges Affaki**, Arbitrator at international arbitral institutions including: International Centre for Settlement of Investment Disputes (ICSID), International Chamber of Commerce (ICC), Permanent Court of Arbitration (PCA), International Centre for Dispute Resolution (ICDR), London Court of International Arbitration (LCIA) and Singapore International Arbitration Centre (SIAC).
- **Dr. Hassan Arab**, International Arbitrator, Partner and Co-Head of Litigation at Al Tamimi & Company – UAE.
- **Dr. Hassan Radhi**, Founder and Senior Partner, Hassan Radhi & Associates, Bahrain. A member of various international arbitration centers such as International Chamber of Commerce (ICC) and London Court of International Arbitration (LCIA).

End of the First Day

Second Day

Monday October 15, 2018

9:30AM to 11:00AM

Session 4 – Institutional Arbitration and the Settlement of Investor-State Dispute

The treatment of foreign investment has become the most controversial issue in global governance. Providing investors with a rapid and cost-efficient dispute settlement mechanism is essential in promoting investment flows. At the center of the debate lies the mechanism of investor-state dispute settlement (ISDS). Many concerns have been raised about the efficiency of ISDS in achieving its goals in protecting the investor, promoting economic governance and sustainable development and enhancing the rule of law. Growing researches have been conducted about improving ISDS and creating sound and reliable alternatives including; state-to-state dispute settlement, the use of domestic legal court systems by creating a standing investment court, the use of political risk insurance systems and the use arbitration institutions in resolving contractual claims associated with treaty based claims.

The session is going to explore various tools and alternatives that are better situated to achieve the objectives of providing for a sound and reliable settlement of disputes arising out of foreign investments. Senior experts in the field are going to present their ideas and lead the discussion in this session.

Chairman:

- **H.H. Prince Dr. Bandar bin Salman bin Muhammed Al Saud**, member of ICC International Court, Honorary President of the GCC Commercial Arbitration Center.

Speakers:

- **Mr. Louis Christophe Delanoy**, French lawyer and arbitrator, Bredin Prat Law Firm.

- **Mr. Michael Patchett Joyce**, barrister with Outer Temple, arbitrator and mediator, based in London, and the UAE.

- **Mr. Jan Paulsson**, a founding partner of Three Crowns LLP. A scholar and practitioner in international arbitration.

- **Mr. Paul Friedland**, Partner, Head of International Arbitration Practice Group, White & Case LLP.

11:00AM to 11:15AM

Coffee Break

11:15AM to 12:45PM

Session 5: Dispute Resolution in the International Oil & Gas Business

This session deals with the most significant disputed areas in the international oil & gas business and the specific features of this kind of disputes which contributed to the development of the Lex Petrolea. The session will highlight how ADR institutions are best situated in resolving this type of disputes and how they should work to respond to the specific needs of this business. Speakers will provide in-depth analysis their experience in handling this type of cases, many of which occurred in the Middle East.

This session will also discuss the best practices applied in some practical issues related to oil and gas disputes, in particular infrastructure and construction disputes arising out of oil and gas businesses and the problem of valuation or quantum of damages and compensation standards applied in oil & gas disputes in large, complex energy transactions.

Chairman:

- **Mr. Jean-Andre Diaz**, International Arbitrator and Former GC for TOTAL.

Speakers:

- **Dr. Saud Al Ammari**, Lawyer and international mediator, former president of the legal department at ARAMCO, legal consultant at the Saudi embassy in London.

- **Mr. Victor P. Leginsky**, Chartered Arbitrator, a committee member of the International Court of Arbitration (ICC) – Canada, co-regional director of the Association of International Petroleum Negotiators (AIPN) and former Chair of the Manufactured Home Park Dispute Resolution Committee, Canada.

- **Mr. Timothy Martin**, President of the Association of International Petroleum Negotiators (AIPN).

- **Mr. Craig Tevendale**, Head of the International Arbitration group in London, Herbert Smith Freehills, UK.

12:45PM to 1:45PM

-**Prayer**

-**Network Lunch**

1:45PM to 3:00PM

Session 6: Family-Run Business Disputes

Family-Run business is among influencing factors in Saudi economy and business environment. Fully or partially-owned family businesses face internal or external factors affecting their businesses and disputes which may result in dissolution of their business.

This session will discuss the importance of arbitration in family businesses and its crucial role in resolving arising conflicts ensuring its stability and continuity.

Chairman:

- **Dr. Saud bin Abdulziz Al Mishari**, General Secretary of Council of Saudi Chambers.

Speakers:

- **Dr. Alaa Naji. Managing Partner**, Naji Law Firm, Riyadh.

- **Mr. Mark Appel**, International Arbitrator, Mediator and Trainer - ArbDB Chambers.

- **Sheikh Yousef Khalawi**, CEO of Family Businesses Service Center, Investment and International Relations Consultant, SCCA Board Member, Jeddah.

- **Mr. James MacPherson**, International ADR Expert, Special Consultant at SCCA, Riyadh.

3:15PM to 4:30PM

Session 7: Arbitration in Construction and Contractors Disputes

The use of arbitration to resolve construction disputes in international projects has increased significantly over the last decade especially in the Middle East. Complex, high value engineering, procurement and construction contracts and projects inevitably give rise to a range of complex or technical disputes which are best addressed and resolved only in arbitration.

The discussion in this session will be led by experienced practitioners in the field where they will exchange their experience in dealing with some practical issues including the liability for front-end engineering design (FEED) errors and subsequent design changes, the performance guarantees in construction agreement, the liability of subcontractor and the issue of quantum and assessment of damages.

Chairman:

- **Prof. Dr. Mohamed Abdel Wahab**, Chair of Private International law and Professor of International Arbitration at Cairo University; Vice President of the ICC International Court of Arbitration and member of London Court of International Arbitration (LCIA).

Speakers:

- **Mr. Ben Cowling**, Lawyer and Partner at Clyde & Co. Int' Law Firm.
- **Ms. Aisha Nader**, member of The Standing Committee of the ICC International Centre for Expertise (Paris), and a member of the Stockholm Chamber of Commerce Committee.
- **Mr. Adrian Cole**, Partner at King & Spalding, Abu Dhabi, UAE.
- **Mr. Mark Baker**, Global Co-Head of International Arbitration, Norton Rose Fulbright Law Firm, Texas, US.
- **Mr. Sundaresh Menon**, Chief Justice of Singapore and a former Attorney-General, Singapore.

4:30PM to 5:00PM

End of Conference

If you require any further information, please contact SCCA

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