



أخبار المركز
SCCA News

January 2020 - Issue 3

The Power of Trust

Transcends All the World's Languages





Edition Summary



The Power of Trust

No matter how many investment indicators may emerge, and how varied they may seem, all of them are linked to a force that allows for confident decision-making. This force, recognized and sought by business and economic leaders throughout the world, is the power of trust.

Wherever investments are in process – from establishment to financing to operations to dispute resolution – the magnetism of trust is the “true north” toward which the compass of money and business points.

14 Experts from 5 Continents

Given the remarkable developments in commercial arbitration in the Kingdom of Saudi Arabia, SCCA has announced the creation of an Advisory Committee consisting of a high-level, elite group of prominent international arbitrators respected throughout the world.



Professor Affaki: International Trust in Saudi Arbitration Created in 5 Years

“A vitally important achievement demonstrating that the Kingdom welcomes foreign direct investment in light of Vision 2030.”

So says Dr. Georges Affaki, an international arbitrator and professor of international law at the University of Paris, when describing the remarkable steps the Kingdom has taken toward empowering local business and enhancing the investment environment through a series of strategic legislative acts and decisions in support of the ADR industry. Dr. Affaki called for continuing on a course of promoting trust and understanding between the judiciary and arbitration in order to ensure the best possible judicial decisions on arbitration.



Advisory Committee*

01  **Mr. Alec Emmerson**
Independent Arbitrator and Mediator, ADR
Management Consultancies
Dubai-based

02  **Judge Dr. Abdulaziz Al Nasser**
Judge at the Court of Appeals in Riyadh
Riyadh-based

03  **Mr. Ben Cowling**
Partner, Clyde & Co
Riyadh-based

04  **Mr. Bernardo M. Cremades Sanz-Pastor**
Founding Partner, Cremades y Asociados
Madrid-based

05  **Ms. Chiann Bao**
Independent Arbitrator and Mediator,
Arbitration Chambers
Hong Kong-based

06  **Ms. Erin Miller Rankin**
Partner, Freshfields Bruckhaus Deringer LLP
Dubai-based

07  **Dr. Fahad Abuhimed**
Managing Partner, Abuhimed Alsheikh Al-
hagbani, in co-operation with Clifford Chance
Riyadh-based

08  **Prof. Franco Ferrari**
Professor of Law, New York University
School of Law
New York-based

09  **Prof. Georges Affaki**
Independent Arbitrator, AFFAKI
Paris-based

10  **Mr. Michael Patchett-Joyce**
Counsel and Independent Arbitrator, Ely Place
Chambers British
London-based

11  **Dr. Mostafa Abdel Ghaffar** Judge
at the Court of Appeals in Cairo
Cairo-based

12  **Mr. Richard Naimark**
Principal, NaimarkDisputeResolution
New York-based

13  **Mr. Timothy Martin**
Managing Director, Northumberland
Chambers
Calgary-based

14  **Mr. Toby Landau QC**
Counsel and Independent Arbitrator,
Essex Court Chambers
Singapore-based

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Dr. Affaki, who was recently appointed as a member of the SCCA Advisory Committee, said SCCA aspires to rise to the highest ranks of institutional arbitration by attracting experts from five continents to work hand in hand with SCCA’s leadership to continue developing its rules and practices.



The Saudi government recently issued a series of laws and executive decisions in support of ADR. What is your reading of this legislation, and how do you anticipate it will impact the commercial arbitration industry in the Kingdom?

I am privileged in having experienced arbitration in the Kingdom both before and after the enactment of the Arbitration Act in 2012. I consider the Act to be a giant leap forward towards transparency and efficiency in arbitration. The change both in the procedural aspects before arbitral tribunals sitting in the Kingdom and in enforcement before the Saudi courts is noticeable.

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I also welcome the recent legislative changes which complement the Act. The legislator should be commended for remaining attentive to the needs of the users and prompt to enact the necessary amendments to ensure optimal efficiency of the law. I recommend that the recent legislative

changes be publicized locally and internationally as broadly as possible through all means of communication.

I can tell you that the vast majority of international arbitrators and specialist counsel who advise investors on their investments in the Kingdom are unaware of the liberalization of Article 10(2) of the Arbitration Act that initially required the approval of the Prime Minister for any State instrumentality to enter into an arbitration agreement. The prospects for sheer economic growth through the Vision 2030 merit this ambition.

In 2019, you spoke about the concept of “the sword and the shield” in describing the relationship between commercial arbitration and the judiciary, and you made some suggestions for developing that relationship. What is your assessment of the relationship between the judiciary and the institutional arbitration industry in the Kingdom and how it has evolved?

Courts must trust arbitral tribunals and reciprocally. This is the linchpin of any safe seat, anywhere. Where needed, courts must lend their imperium to arbitrators to ensure the efficiency of the proceedings and the effectiveness of

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legitimate awards. Conversely, they must refrain from interfering in arbitral proceedings absent public order offenses. I have witnessed a remarkable change over the past few years in the attitude of Saudi judges towards arbitration. From an initial wariness, judges opened to what makes arbitration so attractive to businesses all over the world.

The merit is largely due to the SCCA. Through its regular invitation of judges to open dialogue, a climate of mutual trust ensued. It is visible both in recent arbitration-related court judgments that are aligned with international standards, and in international conferences where Saudi judges share with Saudi and international arbitrators fascinating panels.

It can but benefit a broader opening to arbitration in the various economic sectors in the Kingdom.

You were recently named as a member of SCCA's Advisory Committee, along with 13 other experts from around the world. What are your thoughts about this development, and how can this Committee contribute to strengthening SCCA's national and international standing?

In the competitive world of institutional arbitration, only institutions with the most efficient rules and services can survive. And the standards are constantly changing in line with the changing expectations of the users. The SCCA's decision to empanel an advisory board, populated with most distinguished practitioners from five continents, and entrust it with the task of advising the Center on international arbitration practice is a tribute to the vision, the ambition and the modesty of the Center's leadership.

I feel privileged to be part of that Board and look forward to working with the Center's leadership and staff on their projects.

Advisory Committee will support SCCA in earning litigants' trust in the quality of its rules and the excellence of its services.



Participants at SCCA's International Conference noticed your name among the Conference's many prominent international participants in both its first and second years. From your observations, how would you describe this international event now held for a second straight year?

Both conferences were an amazing success by all accounts. From the very inception, the unqualified endorsement of the Center and of the Kingdom's openness to arbitration echoed by the most senior Ministers in the Government set the tone for the rest. The remarkable turnout and the impeccable organization of the panels, the quality of the panelists (all of them, without exception),

The SCCA conference is distinct from others in that it combines the academic dimension with the precision of successful organization.

the breadth of the media coverage, and the flawless logistical organization of the event made the conference a truly memorable event. Congratulations to all the organizers and the sponsors for a remarkable achievement. I look forward to the Third Conference.



Professor Georges Affaki

- ICSID arbitrator
- International Chamber of Commerce member
- Recently named a French Foreign Trade Advisor by a decree of the French Prime Minister