



THE AMERICAN UNIVERSITY IN CAIRO
الجامعة الأمريكية بالقاهرة



THE IDR GROUP ®
The American University in Cairo

Joint Conference to be held at

The Oriental Hall at the down-town
campus of the American University in
Cairo

Tuesday 31 March 2009

Investment State Arbitration, Resource Nationalism & Institutional Impartiality: The Challenges for International Dispute Resolution

**On the evening of 30 March 2009 at 7.30 pm a Pre – Conference Reception
Kindly hosted by Hafez at their offices at 5 Ibrahim Naguib Street
Garden City, Cairo.**

By special separate invitation

Conference Programme

31 March 2009

08.30-09.00 Coffee and Registration at the Oriental Hall

09.00-09.15 **Welcome Addresses:**

American University in Cairo: Dr Lisa Anderson, Provost of AUC

IDR Group: Anthony Connerty, Head of the IDR Group

09.15-09.30 **Keynote Speech: Ambassador Dr. Wafik Zaher Kamil**

Ambassador Wafik Kamil is a former Assistant to the Egyptian Minister of Foreign Affairs, a former Minister Plenipotentiary and Deputy Permanent Representative of Egypt to the United Nations in Geneva, and until the recent completion of his term of office was the Secretary General of the Asian-African Legal Consultative Organisation (AALCO).

Over 40 countries, comprising almost all the major States from Asia and Africa, are Members of AALCO, which has been accorded Permanent Observer Status at the United Nations.

Four Regional International Commercial Arbitration Centres have been established under the auspices of AALCO: the first of these was the Cairo Regional Centre for International Commercial Arbitration.

Ambassador Wafik Kamil is one of the founding members of The IDR Group

09.30-10.30 **SESSION 1: The Nature of Resource Nationalism - and the issues raised.**

Chairman: Assistant Professor Amr Shalakany

Amr Shalakany has served as assistant professor of law and director of the LL.M. Program at the American University in Cairo since February 2004. Before joining AUC, Shalakany was the Jeremiah Smith Junior Visiting Assistant Professor at Harvard Law School where he taught Comparative Law and Islamic Law. Shalakany also worked as a securities lawyer with the law firm of Baker & McKenzie in London. He received his Licence en droit and LL.M. degrees from Cairo University Faculty of Law, and his LL.M. and S.J.D. degrees from Harvard Law School. He is admitted to the New York Bar.

Panel:

Anthony Connerty: Overview of Resource Nationalism Issues

Barrister in practice in London. He has appeared in most English Courts as Counsel, and has acted as Advocate and Arbitrator in major international commercial arbitrations under the Rules of the ICC, LCIA, AAA/ICDR, LME and *ad hoc* (including arbitration under the UNCITRAL Rules). He is an accredited Mediator and has acted as Advocate and Mediator in international mediations.

Member of the Arbitration Panel of the Cairo Regional Centre for International Commercial Arbitration.

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Andrew Berkeley: Resource Nationalism - The changing political environment for investment agreements.

International Arbitrator. Has held various senior industrial posts including that of General Counsel of the British National Oil Corporation. Acts as an Expert nominated by the Confederation of British Industry at OECD, Paris, in relation to the negotiation of investment treaties, anti-corruption conventions and guidelines for multi-national enterprises.

IDR Group

Karim Hafez

Karim Hafez is the principal of Hafez, a specialist arbitration practice based in Cairo, and visiting professor of law at the American University in Cairo, where he teaches international dispute settlement and international investment law.

He regularly sits as arbitrator in construction, energy, M&A, and maritime disputes. Instructed by governments as well as by corporations, Karim represents some of the world's largest clients on large-value complex arbitrations spanning the commercial spectrum, with an emphasis on investment, construction, telecoms, energy, M&A, and hospitality disputes.

He has handled arbitrations under most major institutional rules, including ICSID, ICC, LCIA, Lebanese Centre of International Commercial Arbitration, and Cairo Regional Centre for International Commercial Arbitration.

10.30-11.00 Coffee

SESSIONS 2 and 3:

Whether established international dispute resolution bodies have a role to play in resolving disputes between resource – rich countries and consuming countries.

Can these traditional “western” bodies satisfy non-western countries that they will receive a fair and unbiased hearing?

And if not, what are the alternatives?

11.00-12.15

SESSION 2

Chairman: Karim Hafez

Panel:

Arif Hyder Ali: Evaluating the Reality and Perception of Fairness and Imbalance in International Commercial and Investment Arbitration

Arif Hyder Ali is Co-Chair of Crowell & Moring's International Dispute Resolution Practice. He is also an Adjunct Professor of Law at Georgetown University, where he teaches international arbitration, and an Honorary Lecturer at the University of Dundee's Centre for Energy, Mining and Petroleum Law and Policy. His international arbitration experience spans continents and cultures. He has represented parties from more than 30 countries on five continents in international commercial and investment arbitrations involving foreign investment, privatization, thermal, nuclear and hydro

power plants, oil and gas pipeline construction and concession-related matters, mining concessions, tourism projects, project finance and development agreements, patents and trademarks, and information technology. He is also active as an arbitrator in arbitrations around the world.

Johan Gernandt: Resolving Disputes Between Resource-rich and Consuming Countries: a view from the Arbitration Institute of the Stockholm Chamber of Commerce

Chairman of the Arbitration Institute of the Stockholm Chamber of Commerce and Chairman of the General Council of the Swedish Central Bank. He is a member of the Commission on International Arbitration of the International Chamber of Commerce, and is a panel member of various international arbitral institutions including Beijing, Moscow and Kiev. He has acted as Counsel and Arbitrator in numerous international arbitrations - mainly East-West. Consultant to Vinge, Sweden.
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David Branson: Developments in Latin and South America

Director, ADR Center, International Law Institute, Washington D.C.
Former Vice-Chairman of both the American Bar Association and the International Bar Association, and former partner in various Washington D.C. law firms including White & Case; Kaye, Scholer, Fierman, Hays & Handler; and Wallace King Domike & Branson.
He has represented major multi-national clients in arbitral forums around the world.
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Mohamed Abdel Raouf: The practice of Investment treaty arbitration involving the Egyptian State

Mohamed Abdel Raouf, Ph.D. in International Business law (with the distinction Très Honorable avec les félicitations du jury), Faculty of Law and Economic Sciences, University of Montpellier I, France.
Partner in the Abdel Raouf Law Firm, Cairo, which provides legal services and advice regarding most areas of Egyptian law with special emphasis on business law areas including Investment Agreements, International Business Law and State contracts.

12.15 -1.15 Lunch

1.15 - 2.30 **SESSION 3**

Chairwoman: Samaa Haridi

Samaa Haridi, a graduate of the Sorbonne University, is a counsel in the International Dispute Resolution Group at Crowell & Moring's New York office. Her practice focuses on complex international matters, including commercial and investor-state arbitration proceedings involving banking and securities, joint ventures, international investments, service agreements, construction projects and contracts. Samaa has significant experience representing corporations and financial institutions from the United States, Europe, the Middle East, Latin America and Asia, and has represented parties in arbitrations under the auspices of all the major arbitral institutions. Samaa is a member of the panel of Arbitrators of the Cairo Regional Centre for International Commercial Arbitration and the Dubai International Arbitration

Center. She is admitted to practice before the courts of New York, California, and England & Wales.

Panel:

Philippe Leboulanger: Resource Nationalism: Arbitration, Sovereignty and Compensation

Cabinet Leboulanger & Associés, Paris, France. Maitre Leboulanger is an Attorney called to the Paris Bar, and is a Lawyer at the Court of Appeal of Paris. His specialisations include international business law, litigation and arbitration. He has appeared as Attorney, and has been appointed as Co-Arbitrator, Sole Arbitrator and Chairman of Arbitral Tribunals in numerous international arbitrations.

Member of the Arbitration Panel of the Cairo Regional Centre for International Commercial Arbitration.

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Professor Guido Carducci: ICSID Arbitration

Dr. Guido Carducci is a Law Professor (MC) in Paris. He is a member of the Rome Bar and will shortly be admitted to the Paris Bar. He is an International Arbitrator in institutional and *ad hoc* arbitration proceedings and is an Arbitrator and Conciliator on World Bank ICSID Panels for the Italian government. Dr Carducci is a former Chief of the International Standards Section of UNESCO.

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Reza Mohtashami: Dispute settlement in the context of international petroleum contracts: A path to stability?

Reza Mohtashami is counsel in the international arbitration group at Freshfields Bruckhaus Deringer based in Dubai and Paris. He has practised in a number of jurisdictions, including England, New York and France. He has advised and represented clients in over thirty arbitrations under various rules and specializes in investment treaty arbitration and disputes in the energy and telecoms industries. He is an English solicitor and is admitted before the courts of the DIFC.

Paul B Hannon: Witness Conferencing: an effective tool in international dispute resolution?

Paul Hannon is an International Commercial Arbitrator: he has served as Chairman, sole arbitrator, party appointed arbitrator and advocate in more than forty arbitrations conducted under the rules of the International Chamber of Commerce, the American Arbitration Association (ICDR), the London Court of International Arbitration, the Dubai International Arbitration Centre and in *ad hoc* arbitrations under the UNCITRAL Rules after appointment by the Secretary General of ICSID.

He is a Member and Former Chairman of the Board of Trustees of the American University in Cairo and is Vice President of the Court and member of the Board of Directors of the London Court of International Arbitration.

3.00-4.00

SESSION 4: New Trends in Mediation: a Role for ADR in resolving Resource Nationalism Disputes?

Chairman: Professor Ahmed El Kosheri

Professor Dr. Ahmed El Kosheri is the senior partner of Kosheri, Rashed & Riad Law Firm, Cairo.

He was a Member of Council of State, 1952 - 1958 and Legal Advisor for the Ministry of Finance and Oil, Kuwait 1969 - 1970. Founding General Counselor, Arab Fund for Economic & Social Development in Kuwait, 1973 - 1974. Of Counsel, Baker & Mackenzie, Chicago, Illinois, 1975. Secretary General, Islamic Development Bank, Jeddah, Saudi Arabia, 1977 - 1978.

He was an Ad hoc Judge in the International Court of Justice in The Hague (1992 to 2003), and serves on the ICSID Panel of Conciliators and of Arbitrators.

Founding Member of the IDR Group

Panel:

Dr. Khaled El Shalakany

Dr Khaled El Shalakany is an engineer and lawyer specializing in construction and IP litigation and arbitration. He is the managing partner of Shalakany Law Office, and is the President of the Egyptian ADR Association.

Jason A. Fry

Jason Fry is the Secretary General of the ICC International Court of Arbitration and Director of ICC Dispute Resolution Services (ADR, Expertise, Dispute Boards, DOCDEX).

He was previously a Partner in the International Arbitration Group of Clifford Chance, Paris. He is a Solicitor of the Supreme Court of England and Wales and a Barrister and Solicitor of the High Court of New Zealand.

4.00-4.30

Closing Addresses

Cairo Regional Centre for International Commercial Arbitration:

Dr Nabil Elaraby

Director, Cairo Regional Centre for International Commercial Arbitration.

Among the past and present distinguished posts held by Dr Elaraby are:

Judge, International Court of Justice (2001-2006).

Member of the Governing Council of UNIDROIT, International Institute for the Unification of Private Law (2003-2008).

Commissioner at the United Nations Compensation Commission in Geneva (1999-2001).

Member of the Permanent Court of Arbitration, The Hague, The Netherlands (2005-present).

Member of the ICSID Panel of Arbitrators (2006-present)

Judge, Judicial Tribunal of the Organization of Arab Petroleum Exporting Countries (1990- present).

IDR Group: Anthony Connerty

**The Conference will be followed by a reception kindly sponsored by
Crowell & Moring**

Conference Sponsors:

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Supporting Organisations:

Cairo Regional Centre for International Commercial Arbitration
Institute of Advanced Legal Studies, London
International Law Institute, Washington D.C.
International Chamber of Commerce, Paris
TDM and OGEL

About the Organisers:

The American University in Cairo was founded in 1919 by Americans devoted to education and community service in the Middle East. Today, AUC is the region's premier English-language university — an essential contributor to the social, political and cultural life of the Arab world. It also serves as a crossroads for the world's cultures: a vital, vibrant forum for reasoned argument, spirited debate and global understanding.

It is a vital bridge between the cultures of East and West, linking Egypt and the region to the world through scholarly research, study-abroad programs and partnerships with academic and research institutions.

AUC is an independent, nonprofit, apolitical, non-sectarian and equal-opportunity institution, fully accredited in Egypt and the United States. AUC's academic program is rooted in liberal education and focused practice. The university's rigorous core curriculum offers an intensive investigation of fundamental questions in every major discipline.

President Barak Obama sent a message of congratulation to AUC on the opening of its new campus: *"I am honored to affirm the commitment of the American people as your partner and friend in this endeavor. I do so with the belief that our work together is vital and necessary. As Americans and Egyptians representing many different backgrounds, philosophies and faiths, we can and should enjoy a productive and close relationship. We can and should work toward common goals and interests. Together, we can and should work for peace, better educational opportunities for our children, and more opportunities for all."*

www.Aucegypt.edu

THE IDR GROUP® is a small group of international dispute resolution specialists launched in April 2008 at a Reception in the Houses of Parliament, London. The guest speaker was the U.K. Attorney General. The membership of the Group is made up of arbitrators, lawyers and other professionals from a number of countries around the world. The experience of the Group reaches into the State level of international dispute resolution — various members have sat as Judges and Arbitrators in the International Court of Justice and the Permanent Court of Arbitration in The Hague, and in the International Tribunal for the Law of the Sea in Hamburg. Members also act as advocates and arbitrators worldwide in international arbitrations conducted under the Rules of the major international

commercial arbitral institutions.

The Group has staged conferences on international dispute resolution in London in conjunction with the Institute of Advanced Legal Studies (October 2008) and in Ankara with the Union of Turkish Bars and the Ankara Bar (January 2009).

The head of the Group is Anthony Connerty.

www.idrgroup.org

Registration Form

Investment State Arbitration, Resource Nationalism & Institutional Impartiality: The Challenges for International Dispute Resolution

Please complete and email to:

anthonyconnerty@lambchambers.co.uk

NAME:

OCCUPATION:

ORGANISATION:

ADDRESS:

EMAIL:

TELEPHONE:

REGISTRATION FEES: Full Conference Rate: 250 USD [or 1400 EGP] per person;
Academic Rate: 75 USD [or 400 EGP]

(Includes Pre- Conference Reception on 30 March and the Conference Reception on 31 March)

Please Note: THE CONFERENCE FEE IS PAYABLE IN CASH ON REGISTRATION AT THE CONFERENCE