



المركز السعودي للتحكيم التجاري
Saudi Center for Commercial Arbitration

Institutional Arbitration
in the Kingdom

A National Vision

VISION رؤية
2030
المملكة العربية السعودية
KINGDOM OF SAUDI ARABIA

Report on the work and activities of the
Saudi Center for Commercial Arbitration
From founding until Rabi Al-Akhar 1440 - December 2018





Guardian of the Two Holy Mosques
KING SALMAN BIN ABDULAZIZ AL SAUD

God save him



His Royal Highness
MOHAMMAD BIN SALMAN BIN ABDULAZIZ AL SAUD

God save him



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Chairman's Message

Praise be to God, Lord of all worlds, and prayers and peace upon Muhammad, our Prophet and the most noble of the messengers, and upon all his family and companions.

Amid the accelerating developments in the world of finance and business, the Kingdom of Saudi Arabia is emerging as one of the most important and economically impactful forces, regionally and globally. With the expansion of commercial operations expand, and the diversification of business sectors and the parties involved, an urgent need has arisen for more comprehensive dispute resolution options. In line with the Kingdom's policy of keeping up with new development, the Council of Ministers issued its decision No. 257 dated April 15, 2014, amended by decision No. 107 dated January 19, 2016, establishing the Saudi Center for Commercial Arbitration as the first institutional arbitration center in the Kingdom and the Kingdom's official representative in the field of arbitration at the domestic and international levels.

The role entrusted to the Saudi Center for Commercial Arbitration is an unquestionably important one, and SCCA has earned great trust as a nonprofit center that is Saudi in identity and global in expertise — home to the foremost expertise in the institutional arbitration industry in the Kingdom of Saudi Arabia. We therefore seek to develop our performance continuously. Let us first please God, and then be able to measure up to the great trust that SCCA enjoys from government agencies,

the private sector, and domestic and international law firms. We do so by observing the highest international standards in the arbitration industry, having enacted our own rules in accordance with the latest and best practices.

The founding period, from 2016 to December 2018, was therefore marked by many successes, which could not have been achieved, even with God's help, without the considerable support that our wise government provided for the arbitration industry in the Kingdom of Saudi Arabia, in addition to the support provided by our brothers on successive Boards of Directors, the role of the SCCA Working Group, and all the actors in the arbitration industry. We are therefore pleased to place this important report in your hands, which reflects a major transformation that SCCA is undergoing to establish and strengthen its local and international standing.

In conclusion, I would like to thank — after God — the Custodian of the Two Holy Mosques, His Highness the Crown Prince, the Ministry of Justice, the Ministry of Commerce and Investment, the Council of Saudi Chambers, and the other government sectors for their support. And let us not forget those who created success, the successive Boards of Directors and our brothers and sisters on the SCCA Working Group.

With the highest regards,
Peace and God's mercy and blessings be upon you.



Yaseen Bin Khalid Khayyat
Board of Directors Chairman



CEO's Message

Praise be to God, Lord of all worlds, and prayers and peace upon Muhammad, our Prophet, who was sent as a mercy to the worlds, and upon his family, companions, and successors. We place in your hands a report on the work of the nation's arbitration center, the Saudi Center for Commercial Arbitration, which integrated the full diversity of the nation in building its success: the government's justice, commercial, and financial institutions came together with the private sector to carry out a global achievement, accomplishing more in a matter of months than many arbitration centers were able to do in years. That achievement is the Saudi Center for Commercial Arbitration. In less than two years, SCCA has realized its successes — successes where the numbers speak for themselves — through a mature regulatory structure, as SCCA has issued its arbitration and mediation rules, guidebooks, and internal bylaws, all in accordance with the latest international best practices. SCCA has built effective relationships with all relevant parties locally and internationally, through cooperation, integration, and the signing of several cooperation agreements with government agencies and institutions, most notably the Ministry of Justice, the courts, and justice facilities, the Ministry of Commerce and Investment, and many other authorities and institutions. This reinforces strong connections with business sectors and major national and foreign companies. Iconic organizations have incorporated into their contracts and agreements our model clause for arbitration under the SCCA management and according to the Center's rules. We have invested in our most important resource, which is the foremost factor in this success, by investing in people. SCCA is proud to attract an elite Saudi staff and a group of foreign experts as employees and advisers. They have made an outstanding impact, contributing dozens of years of experience to this Center's creation and preparedness. For its part, SCCA has undertaken to organize advanced specialized programs in institutional arbitration case management and mediation in both Arabic and English. We have worked in perfect partnership with the American

Arbitration Association on programs that would be well-suited to the nature and requirements of the region, producing practical, applied programs that many experts believe are the first of their kind in the region as a whole. That is why, although SCCA is still young, major judicial and legal figures have raced to attend these programs. Experts in various specializations from Saudi Arabia, the GCC states, and other Arab countries, as well as some foreign experts, have attested that the programs qualitatively contributed to their knowledge in spite of their experience, which for some of them is as much as 30 years. This is in addition to the programs, lectures, workshops, and forums that SCCA organized at several institutions, universities, law firms, professional associations, and chambers of commerce inside and outside the Kingdom, from which at least 500 people have benefited in less than two years. The Center has also played a notable role in spreading awareness via visual, print, electronic, and social media, in an escalated, round-the-clock effort to fulfil SCCA's duty to really become the nation's international arbitration center and its true representative locally and internationally. SCCA has assumed the responsibility of connecting, cooperating, and integrating with specialized international organizations and institutional arbitration centers in a number of countries and with arbitration figures and experts from all corners of the small global village. We are effective and affected in an effort that some experts labeled impossible for a center less than two years old. We have therefore issued this report, which highlights the most important work that SCCA carried out in the founding period from 2016 to December 2018, in order to present the outstanding effort by the entire Working Group during a very short period. We ask God Almighty for approval and redemption.

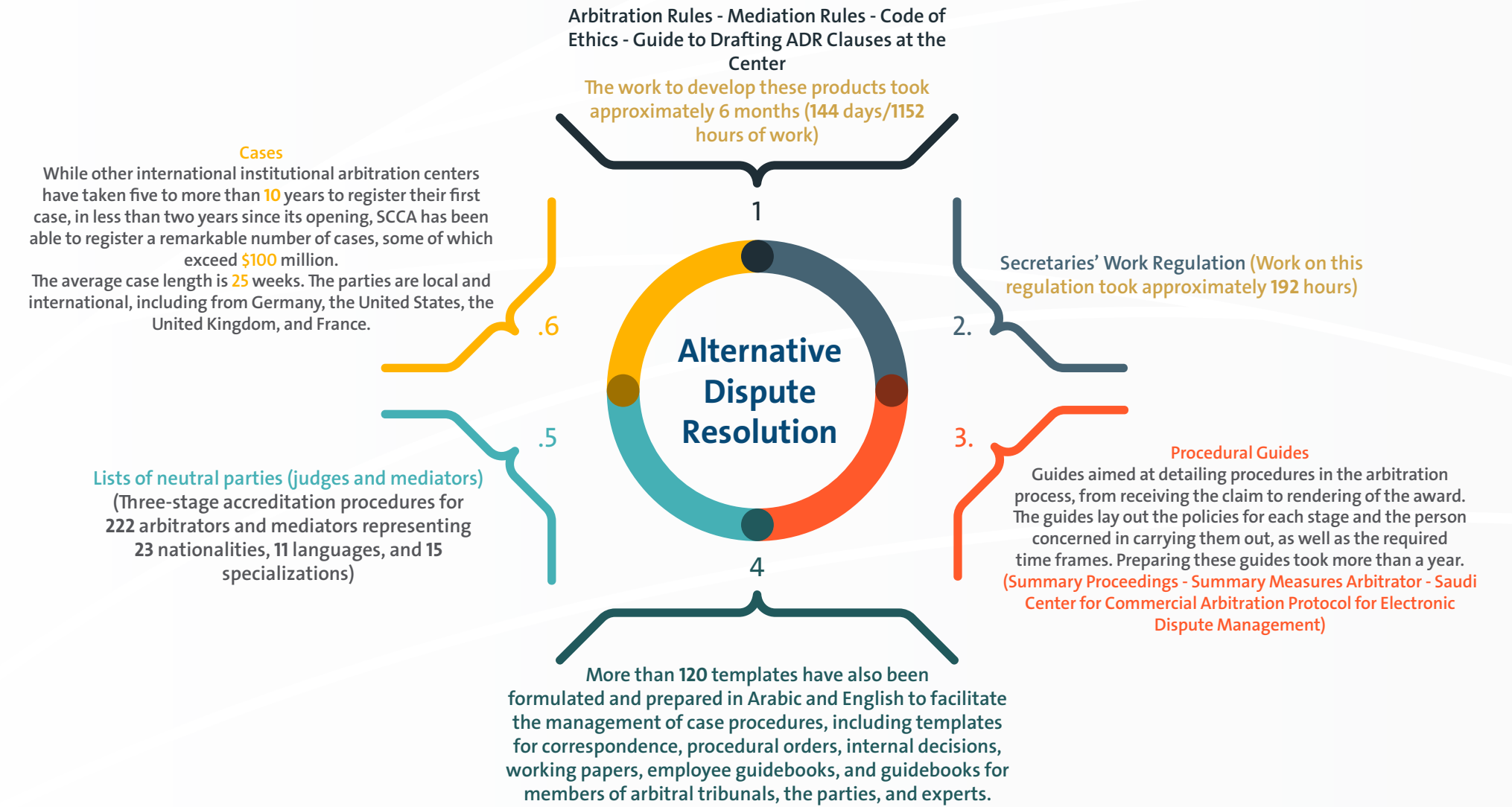
Peace and God's mercy and blessings be upon you.



Dr. Hamed bin Hassan Merah
SCCA CEO



Executive Summary

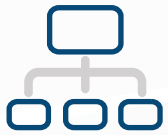




Preparation



Recruiting outstanding talent



Regulatory Structure

1

Regulation

5

Policies

3

Procedural
Guides

3

Codes of
Ethics

1

Set of Rules

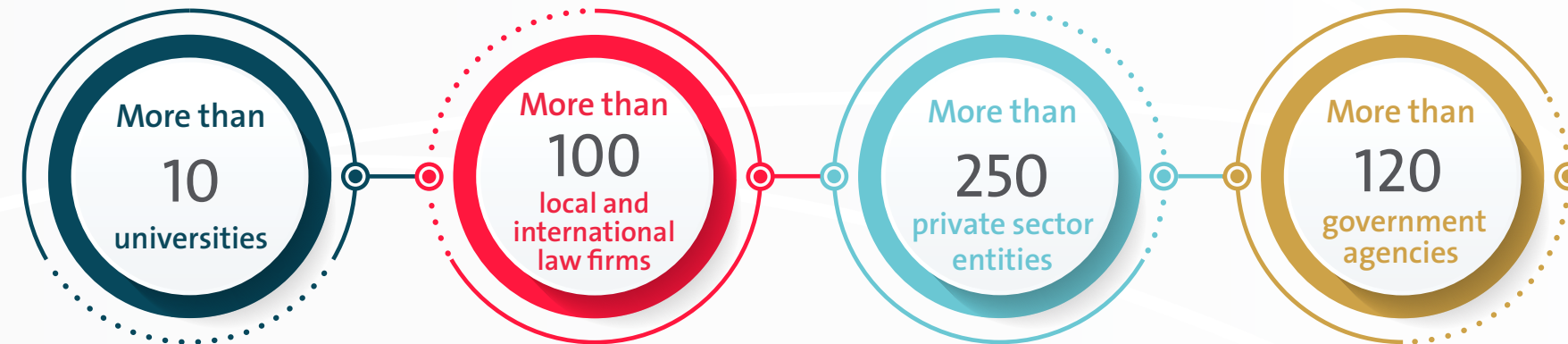


Infrastructure
Infographic of SCCA's
layout

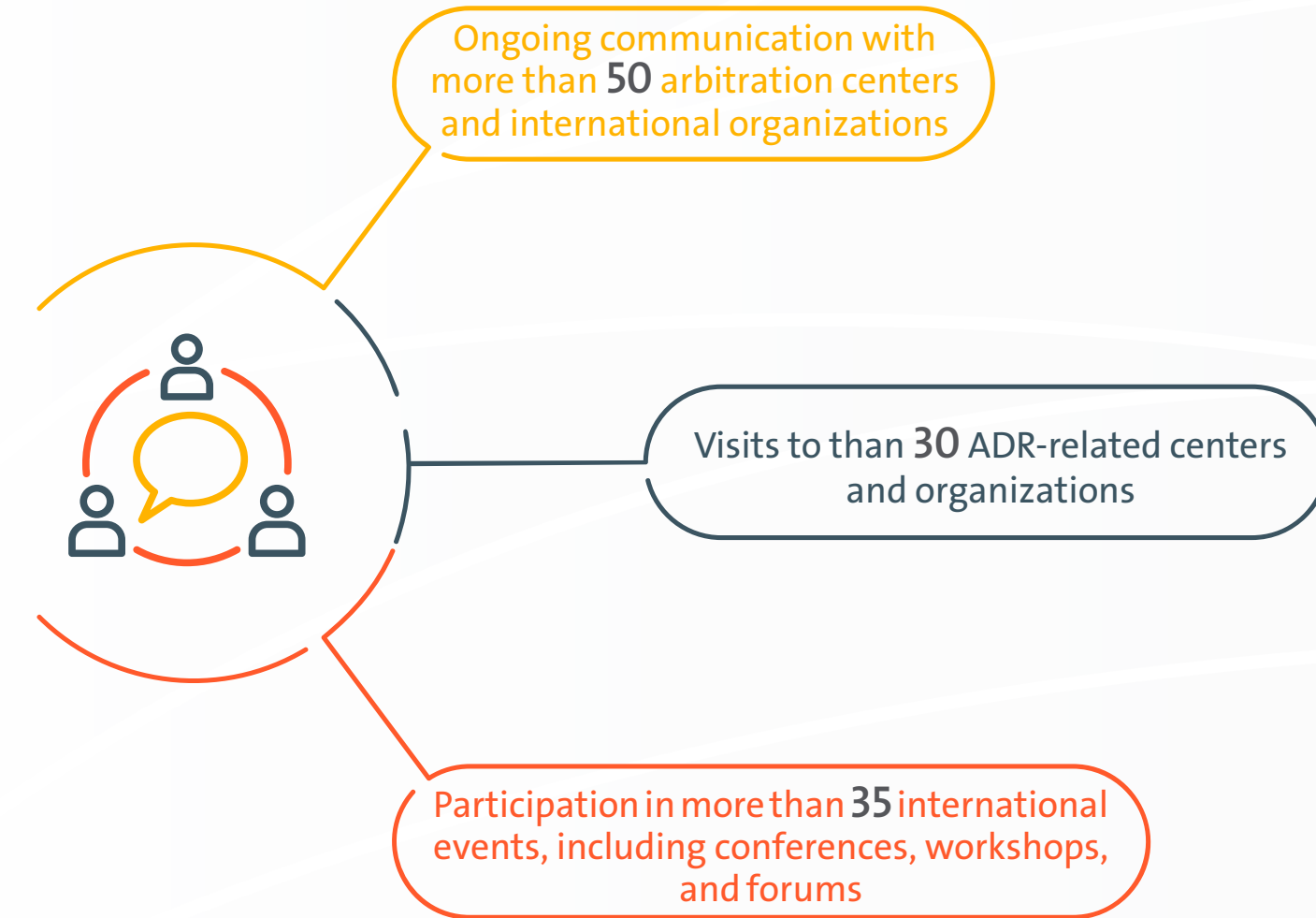


Marketing and Public Relations

Effective partnerships with government agencies, the private sector, and academia



International Communications and Representation





Conferences and Events

Since it first opened, SCCA
has held more than

20

different events, from
which more than

2500

professionals and stakeholders
have benefited

Professional Development

Specialized Programs:
More than

800

participants benefited from unique training programs in arbitration, mediation,
and contract-writing skills

Specialized Programs



SCCA's Board of Directors



The Board's First Term

During the period

From 17 / 09 / 1435
15 / 07 / 2014

To 17 / 09 / 1438
15 / 07 / 2017

the Board included an elite group:

H.E. Majed bin Abdullah Al-Hogail
(now the Minister of Housing)
MemberH.E. Fahd bin Abdullah Al-Qasim
(completing the term)
ChairmanH.E. Dr. Ziad bin Abdulrahman Al-Sudairi
(completing the term)
ChairmanH.E. Mohammed bin Abdullah Al-Jadaan
(now the Minister of Finance)
ChairmanH.E. Salman bin Ayed Al-Amrey
MemberH.E. Sultan bin Ibrahim bin Zahem
MemberH.E. Dr. Zeyad bin Samir Khoshaim
MemberH.E. Ghassan bin Abdulrahman Al-Shibl
MemberHon. Sheikh Yousef bin Hassan Khalawi
MemberH.E. Dr. Nabil bin Abdul Aziz Al-Mansour
MemberHon. Sheikh Dr. Muhamad bin Saud Alosaimi
MemberH.E. Dr. Abdulaziz bin Hamad Al-Fahad
MemberH.E. Dr. Abdullah bin Marei bin Mahfouz
Member

Board of Directors Second Term

During the period

From 17 / 09 / 1438
12 / 07 / 2017

To 17 / 09 / 1441
10 / 05 / 2020

the Board included an elite group:

H.E. Khalid bin Muhammad Abdulkareem
MemberH.E. Khalid bin Abdullatif Al-Saleh
MemberH.E. Yaseen Bin Khalid Khayyat
ChairmanHon. Sheikh Dr. Muhamad bin Saud Alosaimi
MemberH.E. Dr. Ali bin Abdulkareem Al-Suwailem
MemberH.E. Abdullah Bin Hashem Al-Hashem
MemberH.E. Dr. Youssef bin Abdullatif Al-Jabr
MemberHon. Sheikh Yousef bin Hassan Khalawi
MemberH.E. Dr. Nabil bin Abdul Aziz Al-Mansour
Member

History and Origin

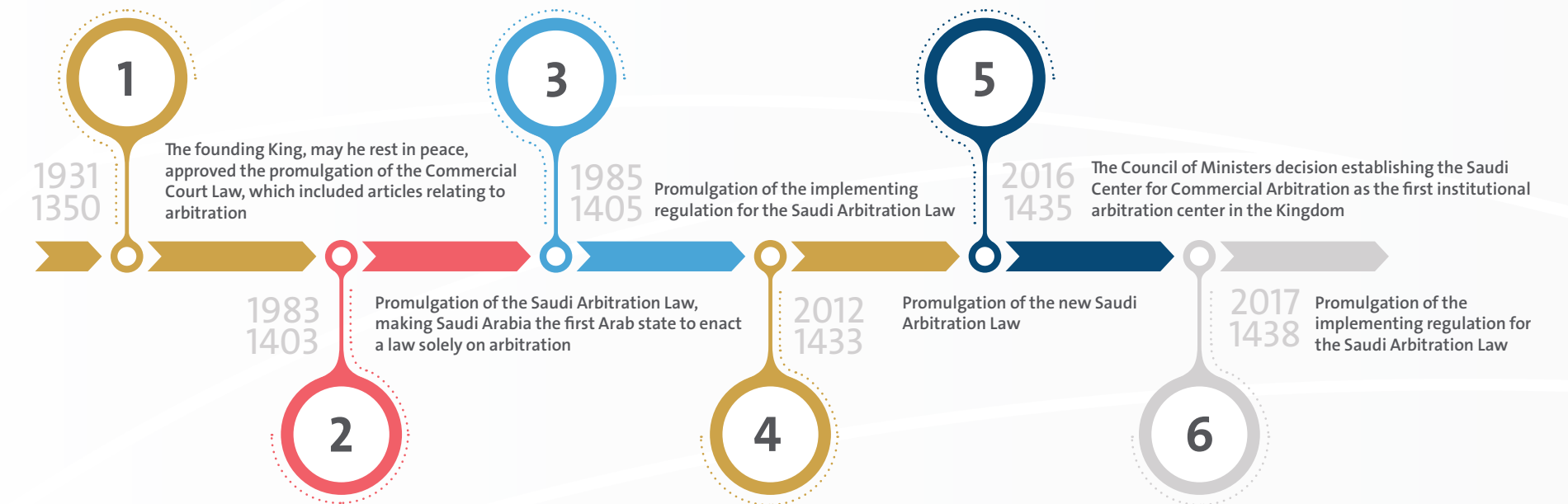




Historical Synopsis

Historical Synopsis

Historical stages in regulating arbitration in the Kingdom:





Origin and functions

The Saudi Center for Commercial Arbitration was established by Council of Ministers Decision No. 257, dated April 15, 2014, amended by decision No. 107 dated January 19, 2016. With a belief in the importance of learning from the best international examples of international dispute resolution centers, and in order to realize the best and most expeditious results to be applied in the Kingdom, SCCA has, since its inception, taken care to establish strategic partnerships to attract the best practitioners and talents in arbitration. Most significantly, this gave rise to a strategic partnership with the International Center for Dispute Resolution within the American Arbitration Association (ICDR-AAA), which has translated into a series of strategic projects, the most notable outcomes of which are:

Training for executive management and meetings with all the executives at ICDR-AAA.



1



American Arbitration Association

Preparation of arbitration and mediation rules

2



Preparation of codes of ethics (for judges, mediators, parties, and staff)

3



On-the-job training for case consultants at AAA's headquarters in New York City.

4



Conducting specialized arbitration and mediation programs to train Saudi personnel.

5



Legislative Structure

Advantages of the Saudi Arbitration Law

The Saudi law is based on the UNCITRAL Model Law on International Commercial Arbitration. It gives the parties broad options for choosing the applicable law, the rules governing the dispute, the place and language of arbitration, and the members of the arbitral tribunal. The law grants immunity to arbitral awards such that no award rendered in accordance with the Saudi Arbitration Law can be challenged through any means other than bringing a nullity claim.

Enforcement of Arbitral Awards in the Kingdom of Saudi Arabia

Arbitral awards are enforced in accordance with simple, prompt, and effective procedures. Under the Saudi Enforcement Law, an arbitrators' award to which an enforcement order is appended is considered a writ of enforcement for which compulsory enforcement is permitted. In addition, the Kingdom is a party to the Convention on the Recognition of Foreign Arbitral Awards (New York City, 1958), which seeks nondiscrimination between foreign and local arbitration decisions. The parties to that convention are obliged to ensure recognition of such awards and that they are generally enforceable.



The Saudi Arbitration Law, based on the UNCITRAL Model Law

The Saudi Arbitration Law

More Options for Parties

- Choosing the applicable law
- Institutional arbitration available
- Choosing the place and language of arbitration

Judicial Support

- Appointing arbitrators
- Ordering temporary and precautionary measures
- Calling witnesses and experts
- Subpoenaing documents
- Requests for judicial assistance

Binding Force of Awards

- No appeal of awards
- Nullity claims limited by number and time for submission

Enforcement of Awards from Saudi Arabia

- Under the Enforcement Law, Saudi arbitral awards are considered writs of execution
- KSA is a member of the 1958 New York Convention

The Saudi Enforcement Law

A Quantum Leap in Arbitral Award Enforcement

- Shifted from the Board of Grievances to special enforcement courts
- Simple, speedy, and effective enforcement procedures
- Writs of execution



The Saudi Center for Commercial Arbitration is committed to providing professional, transparent, and expeditious alternative dispute resolution services derived from Islamic law and in accordance with the best international standards. SCCA contributes to raising awareness of this field to create a safe and attractive environment for local and foreign investment.



The Saudi Center for Commercial Arbitration will be the preferred regional option for alternative dispute resolution by 2030.



Values

Neutrality

Privacy

Transparency

Independence

Responsibility

Vision 2030 and Localizing the Institutional Arbitration Industry in the Kingdom

The initiative aims to expand the availability of dispute resolution services, namely arbitration and mediation, in three main regions of the Kingdom (central, west, and east) to fill the demand for arbitration and mediation in those regions and meet the pressing need for arbitration in proportion to the volume of local and foreign economic investments. This includes creating institutional arbitration rules and procedures, managing arbitration cases, building Saudi capabilities in the field of alternative dispute resolution (ADR), raising awareness and spreading knowledge about ADR, pursuing international partnerships and cooperation in the field of arbitration, and representing the Kingdom locally and internationally in ADR-related events.

Institutional arbitration — a national vision
SCCA seeks to contribute to achieving the strategic plans and objectives in the Kingdom's Vision 2030 and its associated programs.

The initiative to localize the institutional arbitration industry in the Kingdom was launched as one of a number of initiatives within the National Transformation Program and Vision 2030 to ensure that arbitration would be a national priority that must be achieved to guarantee that the Kingdom's justice system is comprehensive and compatible with other government agencies. This initiative will facilitate the conduct of business and encourage national and foreign investment.



Alternative Dispute Resolution

A close-up, blue-tinted photograph of two individuals in white business shirts signing documents. The person on the left is holding a silver pen and writing on a document. The person on the right is holding a black pen and also writing. The background is a blurred office setting with large windows.



Alternative Dispute Resolution



Arbitration Rules

The Board of Directors decided to adopt the UNCITRAL model rules as a basis for creating SCCA's arbitration rules, relying on the fact that the UNCITRAL rules have earned a great deal of trust and international recognition, while giving consideration to adopting the latest innovations and modern techniques for case management as implemented by the leading global institutions.

A team of Saudi Center for Commercial Arbitration employees and consultants from ICDR-AAA was constituted to formulate arbitration rules for the Saudi Center for Commercial Arbitration.

The Working Group examined several sets of rules from other regional and international centers, in addition to the Saudi Arbitration Law and established judicial principles.

The team prepared a draft of the arbitration rules as a clear, systematic framework governing the conduct of arbitration proceedings, from filing a claim to rendering of an enforceable award.

The draft arbitration rules were presented and discussed in a number of meetings with lawyers and practitioners, then in two workshops for SCCA's Board of Directors. The team amended the draft arbitration rules in light of those meetings and workshops, and then the Board of Directors approved the rules.

Alternative Dispute Resolution



Mediation Rules

The Board of Directors decided to adopt the ICDR-AAA mediation rules as a basis for creating the mediation rules for the Saudi Center for Commercial Arbitration, due to the success in practice and flexibility and ease of application that the ICDR-AAA rules have achieved.

A team of Saudi Center for Commercial Arbitration employees and consultants from ICDR-AAA was constituted to formulate mediation rules for the Saudi Center for Commercial Arbitration.

The drafting group produced draft mediation rules that were presented and discussed in a number of meetings with lawyers, then in two workshops for SCCA's Board of Directors. The group amended the draft mediation rules in light of those meetings and workshops, and then the Board of Directors approved the rules.

Alternative Dispute Resolution



Codes of Ethics

The Saudi Center for Commercial Arbitration prepared an integrated system of ethics standards that govern the conduct of actors in dispute resolution proceedings, defining standards of ethical conduct for arbitrators based on standards adopted by ICDR-AAA and adding to those standards based on certain other regional and international experiences.

These standards include the mode of behavior that arbitrators should follow to ensure the integrity and fairness of the arbitration proceedings, avoiding anything that could give the impression that the arbitrator is biased in favor of one party or against another, and disclosing any facts that could affect the arbitrator's impartiality or independence.

The Code of Ethics for Parties and Their Representatives explains to the parties and their representatives the mode of behavior incumbent upon them when participating in SCCA's dispute resolution procedures. The parties and their representatives must sign a pledge to observe these standards.

The Code of Ethics for Mediators was designed to serve as a guide to the basic ethical rules for mediators who administer mediation procedures in accordance with the Saudi Center for Commercial Arbitration mediation rules. These standards aim to achieve three objectives:

- ◉ Guiding the conduct of mediators
- ◉ Ensuring that the parties are aware of the standards
- ◉ Strengthening public confidence in mediation as a means of dispute resolution

The standards were prepared and adopted by a drafting group of SCCA staff and consultants from ICDR-AAA constituted to formulate these standards. The group completed a draft, which SCCA's Board of Directors approved after it was submitted for general discussion among practitioners and specialists.

SCCA adopted an internal Code of Ethics for the members of its Board of Directors and for its staff, which was prepared by the drafting group formed by SCCA and its international partner, then approved by its Board of Directors to ensure disciplined conduct by all parties affecting alternative dispute resolution.

Alternative Dispute Resolution



Secretaries' Work Regulation

The work regulation for secretaries working on arbitral tribunals formed under SCCA's aegis was prepared based on certain international experiences within a number of arbitration institutions, with the aim of defining the scope of secretaries' duties and obligations and the limits of their role in assisting the arbitral tribunal, as well as ensuring their commitment to the highest ethical standards necessary for performing their work. The drafting of this regulation followed the same model as for SCCA's other working documents, through cooperation with ICDR-AAA.



Procedural Guides

Procedural guides were written for all states of case management with the Saudi Center for Commercial Arbitration, from SCCA receiving the case to rendering of the final award. These guides include a statement explaining the purpose of the guides, the relevant references that were relied upon in their preparation, definitions, and the procedural policies of each stage. The guides also include the procedures to be followed at each stage, the time frame for each procedure, and the person involved in carrying out the procedure.



Guide to Drafting Dispute Resolution Clauses

This guide has been prepared to include a set of guidelines that should be observed when drafting clauses for dispute resolution, whether by arbitration, mediation, or both, so as to ensure correct wording and enhance the positive impact on management of the dispute. This guide was prepared by a drafting group comprising representatives of SCCA and ICDR-AAA.

More than 120 templates have also been formulated and prepared in Arabic and English to facilitate the management of case procedures, including templates for correspondence, procedural orders, internal decisions, working papers, employee guidebooks, and guidebooks for members of arbitral tribunals, the parties, and experts.

Alternative Dispute Resolution

A. Summary Proceedings

The Summary Proceedings Supplement, which came into effect on October 15, 2018, contains speedy, simple, and low-cost procedures. Summary proceedings apply to any case where the total value at issue does not exceed SAR 4,000,000, exclusive of the costs of arbitration, provided that the arbitration agreement was concluded after October 15, 2018, with the goal of providing the greatest possible efficiency. The parties can agree to rule out summary proceedings or to apply them even in higher-value cases.

Summary proceedings involve providing parties with a comprehensive mechanism for registering their claims, a process for appointing an arbitrator quickly, and the possibility of adjudication on the claim without hearings, based only on the parties' documents and briefs, within shorter time frames.

B. Summary Measures Arbitrator

The Saudi Center for Commercial Arbitration rules allow any party wishing to obtain a temporary summary measure that cannot wait until the arbitral tribunal is formed to request the appointment of a summary measures arbitrator to consider the party's petition. The Summary Measures Arbitrator Supplement, which came into effect on October 15, 2018, contains a comprehensive description of summary measures arbitrator proceedings, from submission of the request to issuance of the award or decision, and specifies clear and effective time frames.



New Products and Services

Alternative Dispute Resolution

C. The Saudi Center for Commercial Arbitration Protocol for Electronic Dispute Management



New Products and Services

This is a protocol for managing arbitration claims online, from receipt of the case to rendering of the final award. The provisions of this protocol are applicable if the parties make an agreement to that effect, provided that the value of the claim does not exceed SAR 200,000. Briefs and documents are exchanged through an electronic portal, and if a hearing is necessary, it is held via Cisco Webex remote communication technology, without the need to attend in person. The award must be rendered within 30 days of the arbitrator's appointment.

The documents referenced in the above items were prepared by SCCA's drafting group in cooperation with ICDR-AAA advisers. They were also submitted for discussion with a number of local experts and practitioners and reviewed by an international consultant, Mr. Andrea Carlevaris, the former secretary general of the ICC International Court of Arbitration.

Alternative Dispute Resolution



Lists of neutral parties (judges and mediators)

The goal of SCCA's list of arbitrators and mediators is to build a good base of highly qualified institutional arbitration professionals with experience in the Kingdom and abroad. This enables SCCA to seek their assistance and appoint them in the cases it manages to ensure that procedures and outputs are well managed. The list is an attraction and added value for users of SCCA's services.

SCCA has adopted procedures for requesting registration by applying through the website. An in-house review is conducted to verify that the candidate meets the requirements of qualifications or experience in the field of institutional arbitration. The SCCA Board of Directors then approves candidates for the list.

The criteria and requirements for registering on the SCCA list of arbitrators and mediators were adopted after an examination of the criteria and requirements observed in a number of the leading global arbitration institutions, and after consultation with ICDR-AAA. The SCCA Board of Directors then approved the criteria and requirements.

222 Number of arbitrators and mediators

More than **23** nationalities

16 Arbitrators on SCCA's list of arbitrators have dual nationalities



More than **15** specializations

More than **11** languages spoken

- Oil and gas
- Energy
- Islamic banking
- Construction
- Intellectual property
- Communications and information technology
- Investment
- Real estate

- Securities
- Capital markets
- Mergers and acquisitions
- Infrastructure
- Insurance
- Competition and monopoly
- Tort liability

- Arabic Language
- English Language
- Chinese Language
- The Portuguese language
- Korean language
- the Russian language

- Greek language
- Dutch language
- Spanish language
- Hebrew language
- Italian Language

Alternative Dispute Resolution

Number of cases
registered at SCCA

Based on a comparative international study, several institutional arbitration centers around the world took from 5 years to more than 10 years to register their first case. The Saudi Center for Commercial Arbitration, on the other hand, was able to register a good number of cases in approximately 18 months following its official opening, some of which are worth more than \$100 million. This is a unique achievement, especially as the parties to the cases not exclusively local but include foreign parties from several countries.

25
weeks
Average time
to adjudicate a
case at SCCA

The average time to
adjudicate a case at
ICDR-AAA is 6 months to
1 year Types of cases:

30%
banking
cases

38%
construction
cases

8%
capital
market cases

16%
contract
disputes

8%
contract dis
supply cases
putes

14
Cases registered
with SCCA since
its founding

The parties are local and
international, including
from:

Germany

The United States

The United Kingdom

France

Alternative Dispute Resolution

SCCA's role
in obtaining
UNCITRAL
approval of
the Saudi
Arbitration
Law

In an important national accomplishment achieved by the Saudi Center for Commercial Arbitration, based on its function of representing the Kingdom locally and internationally, SCCA participated in several events, meetings, and working groups in cooperation with the United Nations Commission on International Trade Law (UNCITRAL). With UNCITRAL, SCCA studied the obstacles preventing the inclusion of the Saudi Arbitration Law on the list of laws based on the UNCITRAL Model Law. Through several clarifications, memoranda, and consultation with UNCITRAL to explain the differences between the Saudi law and the UNCITRAL model law, and the justifications and contexts for those differences, which did not overstep the normal bounds of international legislative practice, UNCITRAL concluded that the Saudi Arbitration Law should be listed among the laws based on the UNCITRAL Model Law. This paved the way for making the Kingdom an attractive venue for international arbitration.

UNCITRAL
UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW

Preparation





Preparation

The Saudi Center for Commercial Arbitration is fully prepared to administer alternative dispute resolution. That preparedness includes solid regulatory, professional, and human resources foundations that enable it to attract various types and sizes of local and international cases and administer them with mature, wholly professional institutional management in accordance with the highest international standards. Examples of SCCA's preparedness:

Regulatory Structure:

SCCA issued its rules, codes of ethics, and guides in accordance with the highest standards and in partnership with the most venerable international institution, ICDR-AAA, in addition to relying on the latest practices in preparing and adopting a number of internal policies and procedures to enhance SCCA's professionalism, governance, and institutionalization.

1

Set of Rules

3

Codes of
Ethics

3

Procedural
Guides

5

Policies

1

Regulation

Preparation

Infrastructure

The Saudi Center for Commercial Arbitration headquarters is equipped with the best facilities and the latest service technologies for managing cases in accordance with the highest international standards for arbitration centers. Several of the features include:

- Administrative offices
- Several deluxe halls with various capacities for holding meetings and hearings
- An interpreters' booth with the necessary technology
- The latest communication and audio-visual meeting technologies
- Breakout meeting rooms
- Interactive whiteboards
- Support services for parties, including logistic, clerical, and other services
- Audiovisual recording equipment in several of the SCCA halls

Recruiting outstanding talent

When SCCA was first established, its management worked to form a special working group of staff and consultants, including both Saudi citizens and international personnel, to bring together specialized knowledge, experience, and competence. SCCA succeeded in forming a group with more than 70 years of combined experience in institutional arbitration, mediation, and other supporting disciplines. The group's members were notable for their national and global experiences and expertise.

More than

18

countries

8

specializations

90

years of
combined
experience

Marketing and Public Relations



Since its establishment, the Saudi Center for Commercial Arbitration has sought to strengthen and deepen existing relationships and build bridges of communication with all relevant entities in the government, the private sector, academia, the professions, law firms, professional associations, and other areas, in order to provide the best alternative dispute resolution services and deliver those services to recipients through institutional management in accordance with the highest international standards and a deeper understanding of the local environment. These entities include:

Marketing and Public Relations

Relations with Government Agencies

In approximately 24 months, the Saudi Center for Commercial Arbitration established many constructive relationships, conducting a large number of meetings and workshops, signing cooperation agreements, and implementing joint programs and events with more than 120 agencies including ministries, authorities, institutions, and government companies, as well as several professional associations, quasi-judicial commissions, and development and coordinating committees, such as:



Ministry of Justice



Ministry of Justice



Public Investment Fund



Saudi Arabian Monetary Authority



Saudi Arabian Monetary Authority



Ministry of Commerce and Investment



Ministry of Economy and Planning



Royal Industrial Commission for Jubail



Secretariat of the Committees for Resolution of Securities Disputes



Saudi Authority for Intellectual Property



Ministry of Labor and Social Development



Ministry of Labor and Social Development



Public Pension Agency



Government Services Privatization Program



General Authority for Competition



Ministry of Housing



Saudi Bar Association



Council of Ministers Bureau of Experts



Saudi Council of Engineers



Real Estate General Authority



Ministry of Finance



Justice Training Center



Justice Training Center



Saudi Contractors Authority

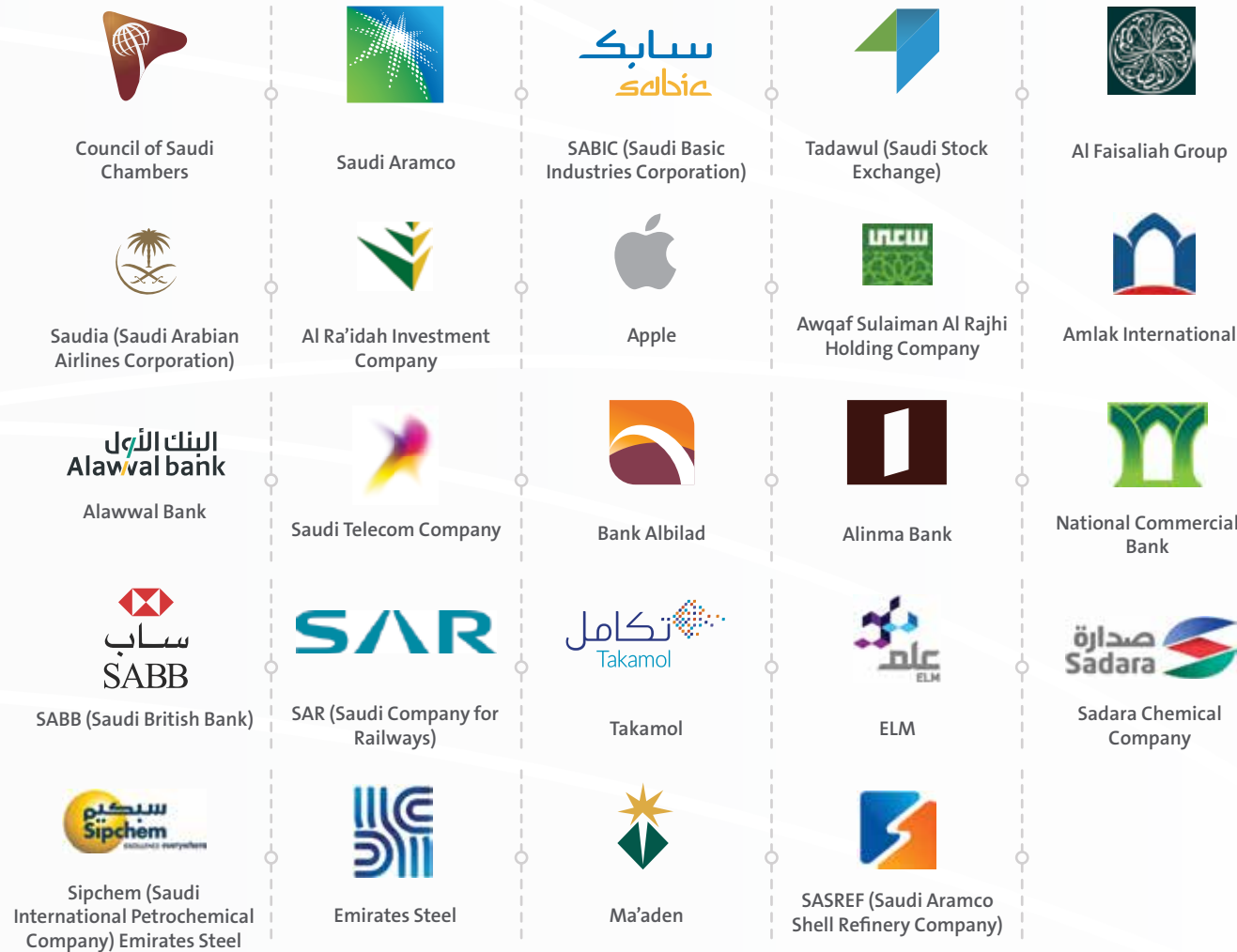


Council of Cooperative Health Insurance

Marketing and Public Relations

Relations with the Private Sector

Because benefiting from the services of the Saudi Center for Commercial Arbitration is of essential importance to the private sector, SCCA has worked to establish active communication with more than 250 private sector entities in the fields of banking, construction, oil, industry, telecommunications, information technology, logistics, real estate, and arms and defense, in addition to several chambers of commerce and relevant business councils and committees, including:



These efforts culminated in incorporating SCCA's model arbitration clause in the contracts of some of these organizations.

Marketing and Public Relations

Relations with Law Firms:

SCCA has active and solid relationships with more than 100 of the leading international and local law firms in the Kingdom and abroad and has met more than 700 veteran partners, consultants, and lawyers. These relationships included various visits and introductory meetings, along with extensive panel discussions and workshops.

Relations with Universities and Academic Organizations:

SCCA conducted a number of visits, lectures, forums, and workshops in partnership with universities, colleges, and academic organizations. SCCA also worked with young people to raise awareness of alternative dispute resolution and the importance of institutional management for ADR. SCCA met with more than 1,000 students in the Kingdom and abroad, at various stages and using various types of active and direct communication. In 2019, SCCA also aims to expand its partnerships with universities in the Kingdom to provide expert advice on developing ADR-related curricula and to introduce the international fellowship programs in arbitration and the international youth arbitration competitions that SCCA recently launched.





Marketing and Public Relations

Active Partnerships:

The Saudi Center for Commercial Arbitration sought to develop active partnerships and foster fruitful cooperation with various government agencies, as well as and specialized and influential local and international organizations. SCCA held frequent meetings and extensive workshops and signed several memoranda of understanding, embodying genuine partnerships that directly benefit the development of the institutional arbitration industry in the Kingdom and raise awareness of that industry. These partnerships also facilitate the provision of ADR services to beneficiaries and enhance outreach to most of the target groups. These partnerships include:

Objectives:



- Supporting the ADR industry in the Kingdom of Saudi Arabia
- Participating in raising the judiciary's status and visibility locally and internationally
- Strengthening confidence in contract enforcement
- Mitigating courts' case flows
- Enhancing justice services and institutional excellence
- Making use of the SCCA's expertise and contribution to promoting ADR



Current results:



Pilot project for referring cases where conciliation and mediation is possible from the commercial courts to SCCA (under implementation)

Marketing and Public Relations

Objectives:



- Participating in supporting institutional arbitration in the Kingdom
- Supporting an attractive environment for local and foreign investment
- Raising awareness of ADR
- Enabling effective access to groups benefiting from SCCA services
- Contributing to raising the Kingdom's standing in international reports
- Supporting SCCA as an official representative for the Kingdom in arbitration locally and internationally



Current results:



- Inclusion of SCCA's model arbitration clause in a number of the Ministry's contract templates

Objectives:



- Supporting the creation of a positive environment for local and foreign investors
- Introducing SCCA to various segments of the domestic and foreign business sector
- Raising the Kingdom's standing in international investment reports
- Cooperating with SCCA as one of streams of investment reform in the Kingdom



Current results:

- SCCA's membership on the Investment Policy Development Committee
- SCCA's participation in regular meetings with more than 100 foreign investors from Europe and the United States
- GIA support for SCCA and its services through local and international communications and marketing campaigns
- Coordination of television interviews to publicize arbitration



Marketing and Public Relations

Other Active Partnerships:



- Coordination regarding the amicable settlement of labor disputes and resolution through mediation



- An understanding related to the resolution of real estate disputes in general, and SCCA's participation in the advisory group for establishing the Real Estate Dispute Resolution Center



- Enabling effective access for segments of the Saudi-British business sector and related associations and organizations, and strengthening outreach to the target groups through holding meetings, workshops, and panel discussions



- Cooperation to provide ADR in the economic cities linked to the Authority's work and to create operational representative offices for the Center in those cities



- Addressing difficulties in enhancing awareness and knowledge of the Association's and SCCA's programs, and analysis of the problems that members of the two organizations might encounter in accessing their services and programs



- Strengthening a culture of publicizing institutional arbitration to interested businessmen through holding workshops and panel discussions with stakeholders in the field

International Communications and Representation



Professional Fellowship

In fulfilment of the Council of Ministers decision establishing the Saudi Center for Commercial Arbitration as the official representative for arbitration in the Kingdom of Saudi Arabia on the local and international levels, SCCA represented the Kingdom in several international and local meetings, conferences, and forums, most importantly representing the Kingdom at meetings of the United Nations Commission on International Trade Law (UNCITRAL) for the last four years. SCCA also made several international working trips to various continents, including Europe, North America, and East Asia, through which it established and strengthened relationships and frameworks for active cooperation with various globally influential entities. SCCA also provided local representation by fostering contacts with commercial attachés in foreign diplomatic missions in the Kingdom.

Active communication and cooperation with relevant international entities:

Arbitration centers attain success and distinction by maintaining good, operational relationships with other notable international arbitration centers and relevant entities, organizations, associations, commissions, and programs. They develop these relationships to benefit the alternative dispute resolution industry, and they apply the ADR industry's international standards with the utmost professionalism. The Saudi Center for Commercial Arbitration has endeavored since its establishment to follow this course. SCCA has met with more than 50 international centers, organizations, associations, commissions, and programs to study and set up means of active cooperation. SCCA also established active relationships with several commercial attachés in foreign diplomatic missions in the Kingdom, with an impact on building bridges and strengthening channels of communication between the Kingdom and foreign investors. Below is a partial list:



Roadshows:

The Saudi Center for Commercial Arbitration visited several countries involved in the alternative dispute resolution industry, such as the United States of America, the United Kingdom, Austria, the United Arab Emirates, the Kingdom of Bahrain, and others. SCCA met with more than 30 ADR-related centers, organizations, and programs by holding introductory meetings, workshops, and panel discussions. In these activities, SCCA represented the Kingdom and sought to highlight the major qualitative leap the Kingdom is experiencing in the evolution of ADR generally and institutional arbitration in particular. SCCA undertook its basic role as one of the elements supporting foreign investment in the Kingdom, in addition to building relationships and holding discussions to explore the prospects for cooperation in developing procedures, strengthening advanced professional programs, and signing memoranda of understanding to enable the accomplishment of initiatives that were discussed. The entities that SCCA visited include:

**United States of America**

- United Nations Commission on International Trade Law (UNCITRAL)
- International Centre for the Settlement of Investment Disputes (ICSID) at the World Bank
- International Centre for Dispute Resolution at the American Arbitration Association (ICDR-AAA — SCCA's strategic partner)
- JAMS International
- International Institute for Conflict Prevention

and Resolution (CPR)

- Commercial Law Development Program (CLDP) at the U.S. Department of Commerce
- American Bar Association (ABA)
- Financial Industry Regulatory Authority (FINRA)
- National U.S.-Arab Chamber of Commerce (NUSACC)
- Several international law firms in Washington and New York

**United Kingdom**

- International Dispute Resolution Centre (IDRC)
- Centre for Effective Dispute Resolution (CEDR)
- JAMS International
- Chartered Institute of Arbitrators (CIArb)
- Queen Mary University of London
- Arab-British Chamber of Commerce (A-BCC)
- Several international law firms in London

**United Arab Emirates**

- Dubai International Financial Centre Courts
- London Court of International Arbitration at Dubai International Financial Centre (LCIA-DIFC)
- Dubai International Arbitration Centre
- International Chamber of Commerce branch in the United Arab Emirates (ICC-UAE)
- Association of International Petroleum Negotiators (AIPN)
- Several international law firms in Dubai

Conferences and Events



المؤتمر الدولي للمركز
السعودي للتحكيم التجاري
SCCA18
International Conference

Participation in International Conferences and Events

The Saudi Center for Commercial Arbitration works continuously to be the Kingdom's international representative in the field of arbitration, highlighting developments and achievements in the alternative dispute resolution industry in the Kingdom. SCCA also works to create and deepen active international relationships and ties with influential entities and figures in the international arbitration and mediation industry. SCCA was an active participant as a speaker and attendee at more than 35 diverse events, workshops, forums, symposia, and panel discussions, such as:



Conferences and Events

As part of SCCA's efforts to raise awareness of ADR and promote the culture of institutional arbitration and international best practices in that regard, SCCA has, in the short period since it opened, held more than 20 different events benefiting more than 2500 specialists and stakeholders. These events included general forums, intensive workshops, and specialized training programs. SCCA also organized an international conference, the first of its kind in the Kingdom, in which a pioneering international partnership was launched to offer an international fellowship program in arbitration for the first time in the Kingdom of Saudi Arabia, in cooperation with the Chartered Institute of Arbitrators from the United Kingdom.





The Saudi Center for Commercial Arbitration's International Conference — SCCA18:

Sponsored by the Ministry of Justice and the Ministry of Commerce and Investment, in partnership with the International Centre for Dispute Resolution at the American Association (ICDR-AAA), and supported by the Council of Saudi Chambers and the private sector, the Saudi Center for Commercial Arbitration organized its first international conference with the tagline "Institutional Arbitration: Its Importance and Impact for Economic Transformation and Investment." SCCA hosted more than 52 local and international speakers from more than 15 countries, including six ministers and several top officials and decision makers from Saudi Arabia and around the world, including the Gulf Cooperation Council states, other Arab countries, the United States of America, Australia, Italy, France, Germany, the United Kingdom, Brazil, Singapore, South Korea, and more. The conference addressed seven major themes at the heart of investment and encouraging capital flows: the role of institutional arbitration in the Kingdom's Vision 2030, new trends in the practices of ADR institutions, the role and impact of the judiciary in supporting arbitration, institutional arbitration in dispute resolution between investors and a country, resolving disputes in the international oil and gas sector, dispute resolution in family companies, and arbitration in construction and contracting disputes.

The international conference also included several accompanying activities, such as closed workshops for appeals and enforcement judges to discuss application and enforcement procedures for

local and foreign arbitral awards, as well as an intensive training program for female attorneys on negotiation and mediation skills. SCCA also organized an open seminar titled "The Cutting Edge of International Arbitration," in partnership with the Chartered Institute of Arbitrators. An elite group of international experts participated in these activities, which were held in partnership with specialized international organizations. The conference unfolded with careful attention to covering all the desired objectives and diverse groups, as well as benefiting from the available expertise and local and international communication and cooperation via the conference.



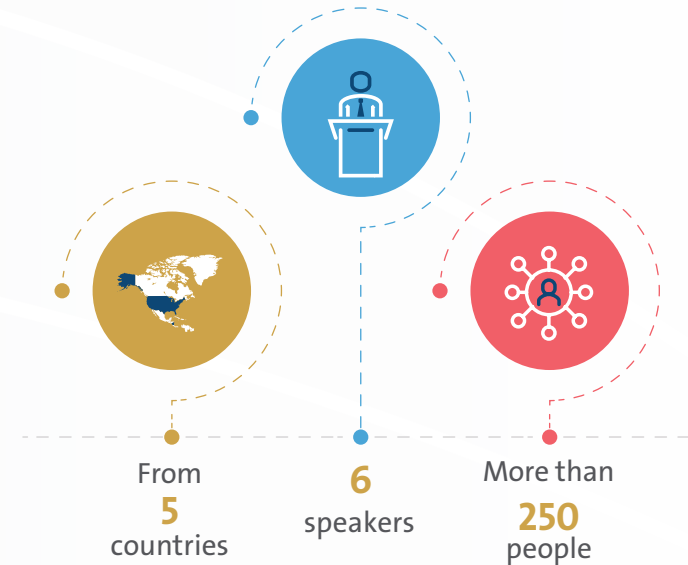
Forums



Institutional Arbitration — Reality and Expectations (2016 Forum)

SCCA held its first event on the sidelines of its inauguration celebration, presenting the reality of institutional arbitration in the Kingdom of Saudi Arabia and the hopes linked to the arbitration industry. The forum presented regional and international experiments and a study of the opportunities and challenges in the Saudi market. There were six speakers from various entities and countries, and more than 2,500 people attended. The forum's objective was to present the experiences of international and local arbitration institutions related to case management procedures for arbitration, and to discuss best practices and the mechanisms adopted by institutional arbitration in response to evolving needs in order to manage cases effectively and limit the time and cost required.

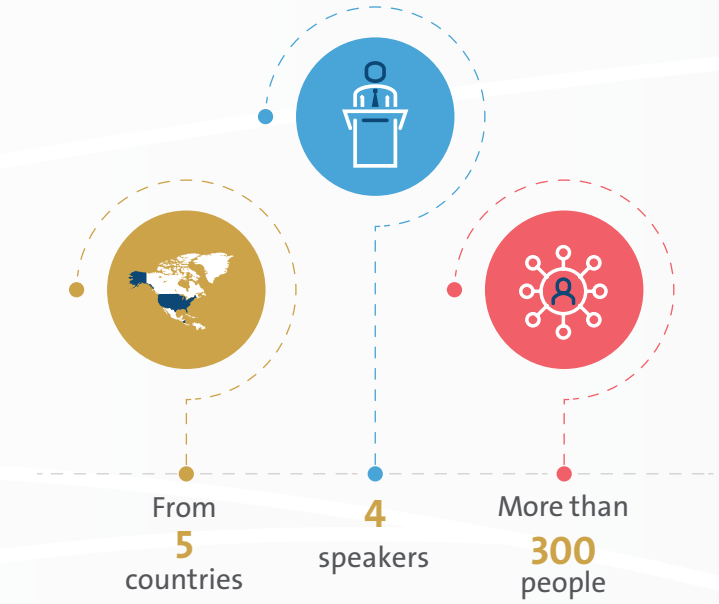
There was also discussion of ways to develop the ADR services offered to the business sector and how to draft ADR clauses. The forum also sought to present experiences in enforcing arbitral awards and the role that institutional arbitration can play in improving the quality and enforceability of awards. It also addressed experiences in legal training and education in order to learn from those experiences in capacity-building for actors in the field of arbitration.



Institutional Arbitration Forum (2017)

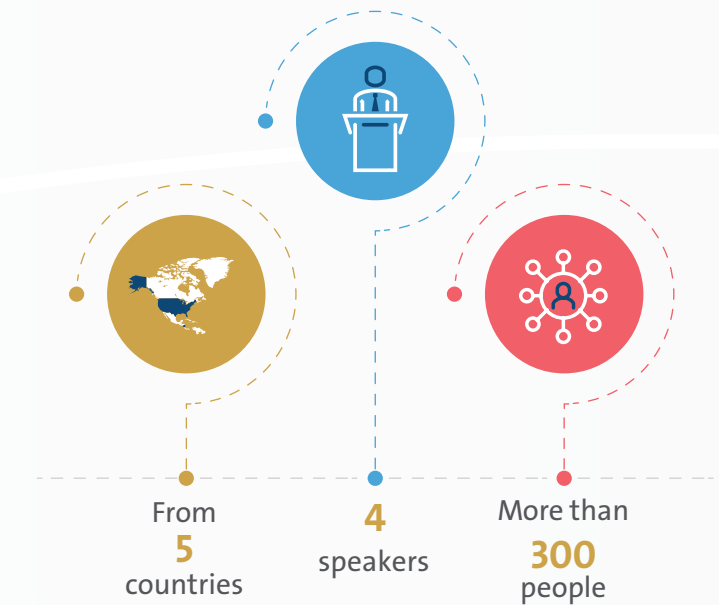
Features, Practice, and Opportunities:

The Saudi Center for Commercial Arbitration held the forum “Institutional Arbitration: Features, Practice, and Opportunities,” with an elite group of speakers including the attorney Yaseen Khayyat, chairman of the SCCA Board of Directors; Majed Al-Rasheed, the then-CEO; Dr. Georges Affaki, professor of international law and dispute resolution and an attorney at the Court of Appeal in Paris; Richard Naimark, former vice president of the International Centre for Dispute Resolution at the American Arbitration Association; and Dr. Mostafa Abdel Ghaffar, a judge and the head of alternative dispute resolution at SCCA. More than 300 lawyers, jurists, experts, and university personnel attended the forum, which presented international practices in institutional arbitration and their adoption by SCCA, and there was discussion and an open session for attendees to ask questions.



Institutional Arbitration Forum (2017)

In December 2017, SCCA organized the program “Capital Markets Dispute Resolution,” generously sponsored by the Council of Saudi Chambers and featuring Kenneth Andrichik, senior vice president of the Financial Industry Regulatory Authority (FINRA), and James MacPherson, an international ADR expert and SCCA Special Counsel & Project Leader, as well as Dr. Mostafa Abdel Ghaffar, SCCA's head of ADR. More than 300 investors, jurists, and researchers interested in ADR and the capital markets attended the event. During the program, there was a presentation of the role of ADR (arbitration and mediation) in developing regulatory frameworks for issues related to capital markets. The program also reviewed the role of ADR in promoting and securing greater credibility for contracts and the obligation to enforce them, while highlighting the experience of the American regulatory body FINRA.



Professional Fellowship



Within the framework of the continuous efforts by the Saudi Center for Commercial Arbitration to build capacities among neutral parties, SCCA concluded a strategic agreement with the Chartered Institute of Arbitrators (CIArb) in London, which has built an international reputation over the course of more than 100 years through its long-standing and sound programs for training arbitrators in more than 37 countries around the world. CIArb's worldwide membership of more than 16,000 members represents a broad cross-section of jurists, professionals, and academics. Through this agreement, fellowship-track programs with CIArb will be available locally in the Kingdom for the first time in CIArb's history, and in Arabic, also a first for CIArb. The programs will be implemented by trainers accredited by CIArb in accordance with the standards relevant to the program's implementation method and model.

The fellowship track will be available in Arabic and English with regard to both content and testing. The program will address various legal cultures and systems, and SCCA, together with CIArb, will work to adapt the program to reflect the legal culture in the Kingdom and the region, while maintaining the core elements and structure of the original program. The fellowship-track program consists of progressive stages of programs that include a mix of self-study and in-person instruction.

In addition to the advanced academic level of these programs, those who complete them will be able to obtain some level of membership in CIArb, which is widely accepted in leading arbitration institutions around the world.



Introductory Meetings

As part of the continuous effort to strengthen communications for the sake of deeper and more comprehensive access to segments of the commercial and legal sectors, and to introduce them to its own objectives and institutional services, the Saudi Center for Commercial Arbitration held several meetings with more than 500 local and international entities and institutions, including major multinational corporations and institutions, as well as small- and mid-sized organizations. They included extensive bilateral meetings and meetings organized by supporting Saudi entities, such as the General Investment Authority and the Council of Saudi Chambers, as well as notable international entities such as the National U.S.-Arab Chamber of Commerce and ISFIN. In addition, there were other meetings with the legal departments of influential law firms, relevant commissions, and other organizations.

Workshops and Panel Discussions

The Saudi Center for Commercial Arbitration endeavored to hold several workshops and diverse panel discussions within its competencies, seeking to provide information on most of the topics important to the business and legal sectors. These included:

1. A workshop to discuss SCCA's procedural documents
2. A panel discussion titled "Arbitration Cases: Case Studies"
3. A closed workshop with enforcement judges and the Board of Grievances on enforcing foreign awards
4. A workshop with mediators on SCCA's list about a future mediation project
5. A panel discussion with the Islamic Banking Commission in the Saudi Arabian Monetary Authority
6. An advanced workshop on drafting contracts in Arabic and English
7. A closed workshop in partnership with the Ministry of Justice for enforcement and appeals judges
8. A workshop related to SCCA's new products, with neutral parties from SCCA's list



Specialized Programs

A. Advanced curricula in arbitration case management (Riyadh — Jeddah — Dammam).
This program is organized through a collaboration between the Saudi Center for Commercial Arbitration and the International Centre for Dispute Resolution at the American Arbitration Association (ICDR-AAA). This program has developed to provide the experienced arbitrators who participate with an integrated guide, based on the best practices for managing arbitration proceedings, to the main aspects of arbitration case management. During six interactive sessions over two days, the program covers steps starting with preparations for the preliminary hearing and moving through evidentiary hearings, rendering awards, and how to handle any obstacles that may hinder arbitration proceedings.



B. Mediation in Commercial Disputes — Riyadh
An intensive three-day program for mediators, lawyers, and other professionals interested in mediation to develop their skills in mediation as one means of alternative dispute resolution. The program aims to provide participants with basic knowledge related to mediation and its fundamental skills. The training in this program is conducted by a select group of experts in the field of dispute resolution, including trainers certified by SCCA and ICDR-AAA. Completing the program, therefore, gives participants the necessary training to work in mediation. The program includes dialogue, interactive training, and mock mediation sessions, featuring evaluation and constructive guidance from a group of experienced mediators. Through such exercises, the participants not only gain vital knowledge about mediation from a theoretical standpoint but also learn the associated practices and techniques and how to develop skills that are indispensable for working as an active mediator.

The program was held four times at SCCA's headquarters in Riyadh by the end of 2018, with more than 98 participants benefiting, including lawyers, investors, arbitrators, legal advisers, academics, and others interested in becoming commercial mediation professionals. The participants came from several regions of the Kingdom and were affiliated with more than 70 entities in the government sector, companies, and local and international law firms. The program contributed to introducing the culture of mediation and highlighting international mediation practices through practitioners with more than 30 years of experience in the field.

Specialized Programs

C. Intensive programs for women:
As part of its efforts to train a cadre of women specializing in alternative dispute resolution, SCCA held a number of workshops and intensive programs for women, addressing negotiation and mediation skills. The most recent dealt with arbitration and mediation skills and was presented by a select group of international female trainers from the United States, Germany, Bahrain, and Egypt, in partnership with the Commercial Law Development Program (CLDP) at the U.S. Department of Commerce and the United Nations Commission on International Trade Law (UNCITRAL). More than 887 women attended, including jurists, lawyers, academics, and legal advisers, coming from the government sector, companies, and local and international law firms.

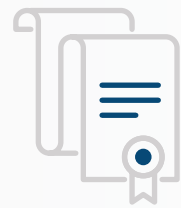


D. Contract drafting skills program:
In partnership with CLDP, SCCA hosted Mr. Kenneth Adams, the leading international expert in legal contract drafting and its technical aspects. SCCA held two specialized programs on drafting skills for commercial contracts, which were marked by the attendance of more than 630 legal personnel and academics. These participants discussed the drafting of various commercial and service contracts, written in various languages and crossing cultural boundaries, with a view to promoting and developing quality contract drafting, which leads to proper implementation of those contracts.

E. Student internship program for the first international conference of the Saudi Center for Commercial Arbitration:
Seeking to create opportunities for students and furnish them with practical knowledge and skills for the labor market, SCCA organized an internship program in conjunction with SCCA's first international conference. The program targeted a group of university students and recent graduates and lasted four months, during which they dove into a unique experience in media, digital media, public relations, event management, training, and other fields.



International Youth Arbitration Competition



In light of SCCA's role representing the Kingdom locally and internationally in the field of arbitration, and out of a desire to represent the Kingdom in the international commercial arbitration competition, attended annually by more than 300 teams of university students from more than 80 countries, including teams from Harvard, Oxford, and the Sorbonne. The competition is sponsored by the American Arbitration Association (AAA) and the United Nations Commission on International Trade Law (UNCITRAL). SCCA launched several youth initiatives in arbitration out of its belief in its role in training young people in the best skills and practices in alternative dispute resolution. These initiatives include:

A. Youth Arbitration Arabic Moot (YAAM):

An annual Arabic version of arbitration mooted to develop the capacities of law students at all stages to understand modern developments in the field of international commercial law and train them to work with arbitration, one of the most well-known means of resolving commercial disputes worldwide. The competition is divided into two basic phases. The first is written, including writing legal briefs in Arabic or English for the plaintiff and the defendant in a case that the organizing committee sends each team. The teams compete to qualify for the second stage, which includes oral arguments and highlights this competition's importance in making real contribution to enhancing the legal skills that law students need to argue before international arbitral tribunals, giving them a full picture of the nature of arbitration and its proceedings, and encouraging them to study international trade law and commercial arbitration and arbitration law due to its international significance as a means of ADR. This program, implemented in partnership with the Commercial Law Development Program (CLDP) at the U.S. Department of Commerce, will be the first ever in Arabic.



International Youth Arbitration Competition



B. Adopting and training national teams for international competition: SCCA is beginning to train Saudi teams in English to represent the Kingdom in the next iteration of the international commercial arbitration competition, which will constitute a qualitative shift in the Arab and Saudi presence at the competition.

C. Efforts to establish a competition based on SCCA rules: Supporting the adoption of SCCA's arbitration and mediation rules as the official arbitration rules of the international commercial arbitration competition. This would contribute to fostering awareness of the arbitration environment in the Kingdom, its readiness, and its integration with the justice environment in accordance with international best practices.







المركز السعودي للتحكيم التجاري
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