

Relaunch of the Franco-Arab Arbitration System by the "Franco-Arab Conciliation, Arbitration and Expertise Center"

Set out on the 29th of November by the Secretary General Dr Saleh AL TAYAR before the Board of Directors, the boosting plan of activities of the Franco Arab Chamber of Commerce stresses on the necessity to revive the Franco-Arab Arbitration System existing since 1975.

Since the announcement of this plan, turned towards the supply of concrete services to companies, all the efforts undertaken are particularly focused on the update of the actual Rules and the creation of a Conciliation, Arbitration and Expertise Center under the chairmanship of Professor Jean de Grandcourt, President of the Arbitration Board.

The Rules have been deeply revised and modernised, the scale of charges revised and injection of new blood among the sustaining personalities has been operated. The Rules entered into effect on 1st of January 2005, except for the current procedures that are still governed by the initial regulations.

A list of conciliators, arbitrators and experts among the Conciliation and Arbitration Centre on the French-Arab Chamber of Commerce, is being established, in parallel, a huge program is being studied in order to set out at close intervals, information seminars concerning the legal, economic and financial fields as well as arbitrators training in France and the Arab countries.

We are here above, stating succinctly to our readers the general guide lines that are the driving force in the new Regulations.

Motives of a specific Franco-Arab Arbitration System

The expansion of commercial relationship between economic operators from different countries and geographical regions, allowed the set up of different kind of procedures that offer the advantage of rapidity in the resolution of disputes and avoid the bias presumption incurred by national jurisdiction, when their citizens interests are opposed to foreign interests.

If some operators do not manifest any hostility towards the principal existing systems, for some others, the specificities related to some countries or regions must be taken into consideration as to allow the application of koranic juridical order, as well and pursuance to a strict equilibrium of general principles and customs of international trade, to whom some European operators are attached.

The proposed existing System endeavours to answer to these ambitions.

The characteristics of the Franco-Arab Arbitration System

The Franco-Arab Arbitration System's main purpose is to offer to all, natural or juridical person, French, European, Arab or any person as far as it concerns its relationship, direct or indirect, with the Arab countries the possibility to implement the Conciliation, Arbitration and Expertise procedures in accordance with the **Rules**, each time controversies appear in their professional relationship, notably in the trading field, either by adding appropriate Conciliation, Arbitration and/or Expertise Clauses, or even subsequently at the conclusion of such contracts.

The aim of the system is to bring within every user who wishes to, **the most appropriate techniques in accordance with the most recent developments of these technical resolutions of disputes and offer guarantees** to both parties that

value the specificity of relationships between nationals of these two intellectuals groups, based on the set up of Rules assuring them **a best approach, a better control of the Conciliation, Arbitration and Expertise procedures**, depending on the case, and this is done by organs operating on the basis of a **strict parity**, whose members are chosen according to **their competence, their impartiality and their independence, taking into account the characteristics of each one**, hoping that all these elements will contribute to offer to the users the best chances for a **voluntary execution of expected decisions**.

It is important to point out to potentials users that in order to reduce at the most the arbitration costs, a **simplified procedure, different from the usual arbitration procedures**, has been set up in order to allow the rapid resolutions of simple disputes, or disputes whose total amounts involved are low, on condition that the potential alteration of the simplified to ordinary procedure, if the case constituent elements make this transformation necessary.

It has also appeared appropriate to confirm the set up of a contractual Expertise procedure, which has been invented by the Franco-Arab Chamber of Commerce since 1975, and which is, if expedite in time, the best preventive way of arbitration, regardless any submission of the case to the court from the emergency state judge.

Arbitration: A concern since the creation of the Franco-Arab Chamber of Commerce

Set up just after the creation of the French-Arab Chamber of Commerce in 1971, the System has subsequently evolved, without interrupting its activities, despite the widening operated for few years during the setting up and putting up of the Euro-Arab Society of Arbitration in London, which has been dissolved by now.

Within the recent reorganising context among the Franco-Arab Chamber of Commerce management, **a relaunching of the French-Arab arbitration System**, now designated as the **“French-Arab Conciliation, Arbitration and Expertise Center”** has been decided without harm of widening to other countries of the European Community, and to revive the process by setting up **new organs, the initial Rules review and the establishment of a list of arbitrators and experts**.

This list will be drawn up for a period of one year, renewable, under the Arbitration Board supervision.

Therefore, the new activities of the French-Arab Conciliation, Arbitration and Expertise System, are the main concerns of the French-Arab Chamber of Commerce, in order to renew and tighten up bonds between all in the Arab countries or those operating in France or even more widely into the Economic European Community; regardless of all the other activities which will be jointly developed by the Chamber, the Scientific Committee of the System and all the other appropriate entities, notably Arabs.

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