

THE GLOBAL DIWAN'S

Newsletter connecting East-West Leaders



Great Ambitions 2023!

2023 started so promptly with a very successful two-day diwaniya in Kuwait City gathering a dozen of companies friendly facing key finance investors and decision makers thanks to HH Sheikha Intisar joined by our advisory board: HE Maurice Gourdault-Montagne, Hervé Novelli and Matthias Fekl.

After a professional roundtable on hydrogen issues in Oman and an attractive Saudi Media Forum in Riyadh, we have officially launched with our friends, partners, and sponsors on March 9 in Paris the enriched Global Diwan 2023 roadmap.

As in 2022, the support of Metropole-Ville de Nice will be decisive to promote our second forum de Nice, extended this year to Monaco, focusing on data security and governance in Europe and the Arab world, on October 12 and 13, 2023 closed by an exceptional philanthropy gala dinner in Monaco on Friday 13.

Other outstanding diwaniyas and roundtables are still to come: Beyrouth (June 2023); Oman (November 2023); Doha (December 2023); etc.

The Global Diwan is also preparing dedicated business missions to Algeria and Morocco, including promotion of start-ups and young leaders' programs.

Culture and heritage, as long as women empowerment and young professionals networking will still determine The Global Diwan original footprint for 2023.

To better cover our ambitious scope, we will soon activate specific business clubs. To begin with The Global Diwan Legal aiming at the promotion of the rule of law in MENA countries. In Kuwait City, we have approached PPP practical rules, and the promotion of mediation as an alternative to litigation.

Join and support The Global Diwan, as more than 3500 followers from Saudi Arabia, Turkey, Tunisia, Morocco, Koweit, London and Brussels and France (only 30%) ...

Since 2020, with immediate achievements, we are constantly supporting a better connection between East and West leaders.

Enjoy the reading of this 15th issue!

Éric Schell M

Executive Chairman of the Global Diwan

Global Diwaniya in Kuwait By Khelil Mehenni	2
2nd Edition of the Annual Forum in Nice, France	5
Oman, a leading green hydrogen hub? By Redhouane Ouahrani	6
Biolog-id Executive Summary	7
Peace By Women, For Women By Karima Anbar	9
The Evolution of Arab Philanthropy: The Progress and the Barriers By Clare Woodcraft	11
Interview with Eng. Abdulla Abdul Aziz AlShamsi	14
Mediation in GCC Countries:	 15

Legislative Overview

by Ibrahim Alghamdi

Global Diwaniya In Kuwait

On January 31st and February 1st, The Global Diwan embarked a dozen companies on its first business trip abroad. Endowed with a rich program revolving around meetings with high level Kuwaiti leaders, networking sessions and cultural discoveries, this successful Diwaniya in the MENA region shall be the first of an exciting series.

Organized by



Partners















Sponsors





Partners & Friends





By Khelil Mehenni 面 Shathil Nawaf Taqa 面

This two-day journey began with an impressive Diwaniya style meeting hosted at the Grand Hyatt hotel in Kuwait City where the delegation has stayed. Set in the traditional diwaniya/majlis way, well anchored in the Khaleeji tradition, the meeting room gave a flavor to our guests of the way people meet, debate and make new connections in Kuwait. After keynote speeches made by our two chairpersons, HH Sheikha Intisar Al Sabah and HE Maurice Gourdault-Montagne, and HE Claire Le Flécher, Ambassador of France to Kuwait, each member of the delegation had the opportunity to introduce himself to the audience while detailing his main activities and prospects regarding the Kuwaiti market before passing the torch to our Kuwaiti guests, among whom we had the honor and privilege to welcome Bader Al-Kharafi, Vice Chairman and Group CEO at Zain, Ghanem Al-Ghanaiman, Managing Director at the Kuwait

Al-Ghanaiman, Managing Director at the Kuwait Investment Authority, Faisal Sarkhou, CEO of Kamco Invest, Mahmoud Al Marzouk, Chairman at Tamdeen Group, Reham Alghanim, Deputy Chief Executive Officer at Fouad Alghanim & Sons Group. Overall, our Kuwaiti guests expressed their wish to deepen their business cooperation with France and lauded our initiative while stressing the need for follow up. After a networking lunch, one-to-one business meetings took place while a part of the delegation moved to Kuwait Blood Transfusion Administration Services to attend a presentation of an advanced transfusion solution for blood components traceability developed by our partner Biolog-id, owned by Xerys Invest. The day was concluded by a dinner party at Sheikha Intisar's residence where our guests were invited to discover several types of traditional food and beverages.









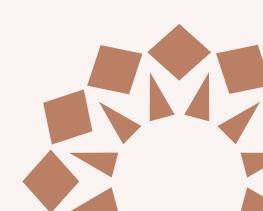


On the following day, our delegation was hosted at the Kuwait Chamber of Commerce and Industry for two roundtables on legal issues, convened in partnership with the Union of Investment Companies and Al-Yaqout & Al-Fouzan Legal Group. The first roundtable was about Public Private Partnerships in Kuwait chaired by Mohamed Alem, Founder and Senior Partner, Alem Associates (Lebanon) with Alaa Abou Siam, CEO Middle East & South Asia, Egis (UAE), Dr. Ahmad Al Shorbagy, Head of Projects, Al-Yaqout and Al-Fouzan Legal Group (Kuwait) and Abdulrazzaq T. Razooqi, Head of Advisory, M&A and IB, Markaz (Kuwait). A key takeaway of this discussion is that PPP appeared lately in GCC countries because of their wide financial resources that encouraged them to rather use procurement. Even though the PPP experience allowed for some successes, including in Kuwait (ex. Sabah Al Ahmad Sea City, Sheikh Jaber Al-Ahmad Al-Sabah Causeway), many PPPs went through arbitration. In addition, the legal framework of PPPs in the Gulf still requires further simplification and harmonization.

The second roundtable was focusing on the topic of mediation as an emerging trend in GCC countries chaired by Dr. Anwar Al-Fuzaie, General Legal Counsel, Kuwait Finance House (Kuwait) with HE Matthias Fekl, Founding Partner, Equanim, Partner, Audit Duprey Fekl, former minister (France) and Ibrahim Al-Ghamdi, Legal Counsel, Dr. Mohammed AlSanosi & Partners Lawyership Legal Consultation (Saudi Arabia).

Among the key takeaways of this discussion, we learned that mediation, an alternative dispute resolution mechanism alongside arbitration or conciliation, is deeply rooted in Arab and Islamic traditions and infused with tribal values. This is why a country like Kuwait for instance introduced civil law only in 1981 and courts in 1985. In the last three years, all GCC countries adopted a legal framework for mediation which is a very efficient, economic and flexible way of dealing with disputes which makes no winner or loser. In the afternoon, a business meeting involving the startups of our delegation and a group of Kuwaiti and Arabian investors gave the opportunity to our delegation to pitch their entrepreneurial projects and development prospects in Kuwait and throughout GCC countries.

The executive team of the Global Diwan would like to express its warmest and respectful gratitude to our board members who participated in this Diwaniya: HH Sheikha Intisar Sabah, HE Maurice Gourdault-Montagne, HE Hervé Novelli and HE Matthias Fekl. Moreover, we also would like to extend our thanks to our Kuwaiti guests and partners for their generous hospitality, to HE Claire Le Flécher for her presence and support throughout our journey in Kuwait, as well as to the French companies and partners for their trust.



Save the Date

2nd Edition

The Global Diwan Annual Forum

October 12, Nice

DATA GOVERNANCE AND SECURITY

Philanthropy Gala Dinner

October 13, Monaco



Oman, a leading green hydrogen hub?

By Redhouane Ouahrani



66

Green Hydrogen and its
derivatives constitute a
strategic opportunity for the
country to ensure its energy
security and diversify its
economy while supporting
the decarbonization efforts of
hard-to-abate sectors both in
Oman and around the world.

The Sultanate of Oman has launched an ambitious green hydrogen program as a part of its strategic plan Oman 2040. To strengthen ties between Oman & France actors in the sector, we organized our third executive roundtable under the high patronage of the Oman Embassy in Paris and with our friends from Haltiqa and Club France-Oman.

The roundtable was an opportunity for our assembly, made up of representatives of the top-tier French companies in the investment and energy sector, to discuss with hydrogen experts and the energy plan of the Sultanate of Oman. Our honorable speakers were Mr. Amir Sharifi, COO of HY-24, Lionel Rabin, MD of Haltiqa, former Executive Director of Business Development and Strategy for Europe and Middle East of Air Product, and Dr. Abdullah Al Abri, Consultant at the IEA, former Energy Renewal Director at Petroleum Development Oman.

We had the pleasure to discover that Oman has strong renewable resources, which positions it as one of the most attractive locations globally to produce green hydrogen competitively and at a large scale. Muscate has, as such, set ambitious green hydrogen production targets, to cover both local demand and exports globally.

Besides its favorable natural resources, the Sultanate offers an attractive destination for foreign investors with a highly competitive offer. In addition, Oman offers world-class logistics and infrastructure to support the localization of industries.

Currently, an area estimated at 50,000

square kilometers is suitable for renewable energy and green hydrogen projects in the Sultanate of Oman distributed in the governorates of Al Wusta and Dhofar, to which other areas are added in some other governorates. Two others plots of land were offered within the first batch in November of last year and usufruct agreements were signed by the first quarter of this year, and land in the Dhofar Governorate will be offered for public auctions during December of this year.

To conclude, the executive roundtable allowed the various actors to discuss the possibilities of carrying out concrete projects which should ultimately make possible a marked strengthening of economic relations between the Sultanate of Oman and France. COP28 should be an exceptional opportunity to highlight the strategic role that Muscat wishes to play in this green hydrogen sector, a bridge between East and West, also the motto of the Global Diwan.

Oman is a land of opportunities, stay with us to follow our next events with the Sultanate!

Biolog-id | Executive Summary





Introduction

Biolog-id is a digital health company focused on value-chain optimization for high-value medical products. Biolog-id's solution utilizes an Internet of Things (IoT) approach to improve visibility, traceability, and documentation for multiple medical products throughout their lifecycle. Ultimately, the Biolog-id solution allows customers to increase operational efficiency, financial performance, regulatory compliance, and ultimately to improve product availability for the patients that need them.

To achieve these goals, the Biolog-id solution combines 4 key elements:

Proprietary hardware, including modular RFID kits that can be integrated into existing refrigerators, freezers, and agitators

RFID tags that are placed on individual medical products and make them digitally visible

Dedicated software suite that collects, captures, and presents actionable data to end users

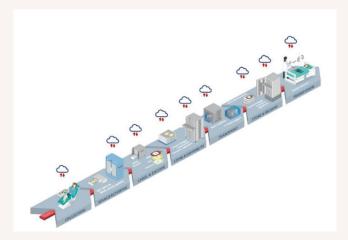
Data & analytics services that support operational dashboards, real-time alerts, and retrospective analytics

The Biolog-id platform was designed for flexible deployment and utilization, so as to support products in various healthcare verticals. This flexibility is built into the hardware, software, and data components of the solution. Moreover, this flexibility extends to the deployment strategy of the solution that can accommodate the differences between blood products, chemotherapy, parenteral nutrition, or plasma for fractionation. As a result, the application of the Biolog-id technology is not limited to one type of medical products and can be deployed across multiple existing and emerging healthcare verticals.

Supported by Xerys Invest, Biolog-id has its headquarters in France, with subsidiaries in the US, India, Italy, and Spain. With over 70 customers worldwide, Biolog-id has revenue-producing installations in blood banking, chemotherapy, parenteral nutrition, plasma fractionation, and more, demonstrating the adaptability of the Biolog-id solution to a variety of healthcare markets and products.

Recent partnership with Kuwait's Blood Transfusion Administration Services

In 2022, Kuwait's Blood Transfusion Administration Services (BTAS) decided to adopt Biolog-id's advanced transfusion solution. In January 2023, Kuwait's Blood Transfusion Administration Services hosted a delegation of the Global Diwan accompanied by Mrs. Claire Le Flecher, the French ambassador to Kuwait, and representatives of Xerys Invest, the majority owner of Biolog-id. During the visit, Dr. Reem Al Radwan, Medical Director of BTAS, shared her vision for transfusion services in Kuwait, and the role she sees for Biolog-id in implementing this vision.



Following the successful visit, Dr. Reem Al Radwan invited Biolog-id to participate in the 2023 "Kuwait Blood Transfusion Symposium" that is organized by BTAS. In the symposium Mr. Philippe Jacquet, Executive Director of Sales EMEA/LATAM at Biolog-id, spoke about The Role of Tracking Solutions in Transfusion Medicine. The presentation focused on the concept of Return on Donation and described the ability of advanced technologies to help blood centers and hospital maximize the impact of blood donations for the patients who need them.



The Biolog-id team is thankful for any opportunity to participate in such professional symposiums, and to interact with diverse presenters and attendees. The Biolog-id is excited about building meaningful partnerships, such as the one with Dr. Reem Al Radwan and the entire BTAS team, as a way to increase the value and impact of technology on the availability of blood products for the patients who need it.

BEYOND BLOOD BANKING

The challenges and opportunities of blood banking are in some ways specific to this unique industry. However, the Biolog-id technology that was designed to address them can be effectively used for other medical products with complex value chains, and bring a similar impact on operational efficiency, financial performance, regulatory compliance, and product availability. Leveraging very similar hardware, software, and data services, and using a customer-centric approach, Biolog-id has been expanding its commercial footprint into several additional healthcare vertices, such as chemotherapy and pre-clinical.

THE BIOLOG-ID DIFFERENCE

The solutions developed and implemented by Biolog-id are designed to support complex and sensitive products and processes and have a meaningful impact on operational efficiency, financial performance, regulatory compliance, and product availability. At the core of the Biolog-id approach is the drive to make a difference; to make a difference in the lives of the men and women who are responsible for the manufacturing, distribution and administration of these products; to make a difference in the operational efficiency, financial performance and quality control for these life-saving products; and to make a difference in the availability of the right product at the right place and the right time for the patients who need them.

The Biolog-id difference is the aggregate of multiple points of impact across the entire value chain. Each such impact is valuable in its own right, but put together, the overall effect is greater than the sum of its parts. As healthcare continues to advance we see both current and emerging therapies becoming more and more complex, and requiring better data, better documentation, and better control. Biolog-id's solutions are designed to do just that, and will continue to grow and evolve alongside the industries they are meant to support.

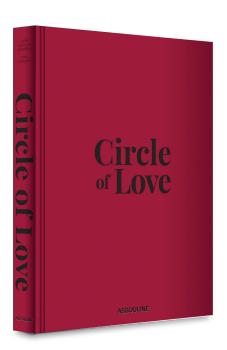


Peace By Women, For Women

By Karima Anbar 🛅

In 247 pages of her "Circle Of Love", Intisar Foundation founder HH Sheikha Intisar AlSabah lets us in her inner circle of 87 strong, resilient, and compassionate women whose stories will inspire other women to step into their own light too.





The "Circle of Love" book by HH Sheikha Intisar AlSabah is captivating and soul-nourishing collection of personal stories of 87 women from Kuwait, the MENA region, and around the world, that celebrate women's resilience, self-empowerment and victory.

Published in 2019, and promoted during two launch events in Kuwait and London, the "Circle of Love" book features 87 magnanimous women from all around the world, including Princess Dina Mired of Jordan, Afef Jnifen, Yasmin Le Bon, Radhika Khimji, Maria Buccellati, as well as HH Sheikha Intisar AlSabah herself.

The book was illustrated by Max Vadukul, a world-renowned British photographer noted for his portrait photography, which sends a powerful message of support to all women, encouraging them to be heard and seen through vocal and visual expressions of their own merited stories.

All proceeds of the book purchase are being donated to the Intisar Foundation, the first charitable organisation in the

MENA region to provide psychological support programmes of drama therapy to Arab women traumatised by war and violence.

The proceeds contribute to the Intisar Foundation achieving its #1MillionArabWomen initiative, a 30-year-plan to alleviate war and violence trauma in one million Arab women through the use of drama therapy.

HH Sheikha Intisar strongly believes that the #1Million-ArabWomen initiative, which seeks to psychologically heal Arab women and help transform them into the Arab world's most impactful Peacemakers, is intrinsic to the success of any sustainable Peacebuilding effort in the MENA region and beyond.

To order your copy of the "Circle Of Love" book, please visit the Intisar Foundation website.

www.intisarfoundation.org



"We all want to grow in one way or another, and so you either grow your heart, your soul, or both."

- HH Sheikha Intisar AlSabah -

"I feel so blessed that I was given the chance to turn my adversity and experience with cancer into one that has helped save the lives of other cancer patients, and in doing so has helped me find my purpose in life."

- HRH Princess Dina Mired -

"The world doesn't accept its outliers, and being different comes with a price. Through my work in the field and in the classroom, it is my constant effort to make people more accepting of each other's differences."

- Dr. Anwar Al Ibrahim -



"A woman who knows how to take care of herself, knows how to take care of others. It always starts from within, before you start to share love and kindness to the outside world."





"When you go through painful times, only Love in all its different forms can give you the strength to transform pain into force and sorrow into courage."

- Constanza Cavalli Etro -

"Truly nothing is more enriching and rewarding than becoming part of a movement striving to make the world a better place."

- Hasnaa Mokhtar -

ARAB PHILANTHROPY

The Evolution of Arab Philanthropy: The Progress and the Barriers

By Fellow Clare Woodcraft

Centre for Strategic Philanthropy University of Cambridge



An oft cited reality is that philanthropic giving is intrinsically embedded in the social and cultural DNA of the Arab world. Islam calls for a regular offset of disposable income (Zakat) for local community causes and permits ad hoc giving under the tenets of Sadaqa. Institutional gaps, where governments or states have been unable to meet the community needs for social services, are often met by private individual giving be that in education and health (where most regional giving is found) or in specific causes such as special needs, or refugee support.



Context

Less obvious is the significant evolution of Arab philanthropy that has emerged over the past ten years notably in three core areas: the way it gives; the sectors where it intervenes; and, the professional networks that help promote better collaboration and sharing of best practice:

- Many regional philanthropists have adopted more innovative ways of funding including pooling funds with other actors, giving long-term grants, unrestricting funding and supporting social enterprises or even social impact bonds.
- Giving is now increasingly allocated to specific UN Sustainable Development Goals (SDGs) rather than a smorgasbord of interventions with many Social Purpose Organisations (SPOs) now actively using them as a framework for their mission and vision.

 The growth of formal and informal networks has helped improve regional understanding of the opportunity of philanthropy and notably how coalitions of like-minded organisations can help accelerate impact. Through industry events, shared research and open data, opportunities for collaboration emerge that can help reduce the risk of "reinventing the wheel" and promote collective giving and replication.

In the <u>research</u> that we published at the Centre for Strategic Philanthropy at the University of Cambridge we found that philanthropy in the Gulf Cooperation Council (GCC) has developed significantly over the past decade in four areas:

- It is better aligned with government national development plans;
- It is embracing digital opportunities to expand its reach and promote scale up more efficiently;
- It is increasingly strategic with a long-term focused perspective; and,
- It is increasingly focused on capacity building rather than obsessing over admin costs.

These trends, apply also to the broader Arab region and not just to the oil economies of the Gulf. The latter clearly has more financial resources – our research estimated an annual GCC giving of around \$210 billion. However, even in lower income countries in the region there is a clear shift towards a more structured approach to building philanthropic portfolios. Having a theory of change, an active board of

trustees, a clear strategy, and long-term partnerships, are all now common practice.

All of this should be applauded, but there is still much more that can be done.



Having a theory of change, an active board of trustees, a clear strategy, and long-term partnerships, are all now common practice.



Core Challenges

Regional philanthropy still suffers from four core challenges that create obstacles to growth and, in many cases, undermine the ultimate impact that philanthropic giving could impart. None of these are insurmountable but further advancing Arab philanthropy will require a coherent, region-wide, collective effort such that the economies of scale that philanthropy thrives on, can be secured and a real region-wide community that shares learnings and innovation, can be created. Sector challenges can be summarised as follows:

- · Regulation of philanthropic capital
- Professional networks
- Data on development parameters/SDGs
- · Hubs of knowledge and expertise



Regulation of Philanthropic Capital

Third sector activity has long been regarded with an element of suspicion by regional governments and regulators. Civil society in the region has often been actively engaged in aspiring to socio-economic progress, challenge political structures, and push the envelope around what a pluralistic and progressive Arab world might look like. This appetite for change has often rubbed regional authorities up the wrong way leading to an almost obsessive scrutiny of regional "third sector" capital as if funding for civil society was single-handily the greatest threat to regime change. Regional philanthropists have long faced challenges moving capital, funding across borders, securing government approval for their activities and micro-scrutiny of their day-to-day work. Some of the justification for this is couched in regulatory parameters such as preventing money laundering or the funding of extremism but often it is simply a case of wanting to control capital flows of a sector that is poorly understood and hence mistrusted. COVID changed this with and catalysed new appetite to see philanthropy not as a threat but as an opportunity for partnership. It also highlighted that philanthropy is a powerful source of concessional capital at a time when government purse strings are tightening. Across the region there are examples of foundations working directly with governments both on supporting national development priorities but also on inspiring new ways of thinking and new social innovation. Saudi Arabia's national development plan Vision 2030 pro-actively calls for the growth of philanthropy, but the regional regulatory framework does little to facilitate the process.



Saudi Arabia's national development plan Vision 2030 pro-actively calls for the growth of philanthropy, but the regional regulatory framework does little to facilitate the process.

Meanwhile, the sector itself does little to help with its complex lexicon that translates poorly into Arabic ("social enterprise", "scalability" and "system-wide" being just a few examples) that can confuse those trying to engage with the sector. More needs to be done to break down the barriers that prevent philanthropic-government collaboration and boost understanding of how philanthropic risk appetite can inspire new levels of innovation in public policy.



Professional Networks

Despite numerous attempts to build regional communities be it around philanthropy or the new progressive models of social enterprise, enormous effort and resources have not always translated into scalable and durable professional networks. This creates a missed opportunity for professionalising the sector, encouraging co-funding and creating community solidarity to facilitate collective lobbying of regional governments to facilitate more giving. If professional networks in the Arab world can share best practice, help their peers deal with region-wide commonly faced challenges and build on existing solutions, rather than having to constantly reinvent them, the regional philanthropic sector could see a significant fillip. To date, however, efforts to create such community movements have often been thwarted by a lack of funding (a global issue), overly burdensome government oversight and regional schisms that create unnecessary divisions between Gulf philanthropists and their counterparts elsewhere. Convincing philanthropists (or governments) to invest in institutional infrastructure to promote more giving and more effective government is an uphill struggle but one that regional practitioners are becoming more vociferous about as they feel the solidarity of their colleagues and experience the epiphany that most regional sector challenges structurally the same. The Arab Foundations Forum is a good example of how networks can empower and boost regional cooperation. Younger generations increasingly ignore national borders using digital media to connect with their peers, oblivious to socio-economic specificities that might historically have divided them. These digital networks may help the philanthropic sector get better at seeing what unites the region's philanthropists rather than focusing on issues that divide them.



The Arab Foundations
Forum is a good example
of how networks can
empower and boost
regional cooperation.



Data on development parameters/SDGs

Delivering tangible and measurable socio-economic outcomes (or "impact" as the sector would term it) is difficult in a data void. The region has long been accused of overly obfuscating any statistics, knowledge or information that relates to developmental progress. Getting consistent and reliable macro-economic data out of regional governments continues to be a challenge as any journalist would testify. This bodes poorly for individual philanthropic institution who might have access to their own programmatic data but fear a culture of disclosure where full transparency may lead to more invasive questions from unhelpful regulators rather than opportunities for collaboration. Running surveys in the region is a challenge with many third sector organisations fearful about revealing the full extent of their operations or ambitions.



This too is changing as philanthropic organisations develop theories of change, monitoring and evaluation capacity and techniques that help them track and build evidence about their interventions.

However, it is still an uphill battle with no standard disclosure policies from regional regulators such as that of the **UK's Charities Commission** or the US's 501 c3 framework. As civil society develops

and international donors demand higher standards of governance, this will inevitably change. This is critical if the commonalities and potential economies of scale that this (relatively) homogenous region can engender are to be capitalised on. The Arab world speaks a similar common language, has demographic structures countries, similar cultural and religious norms and history. It is essentially a 400 million strong "common market" that could potentially fast track its socio-economic progress if development data were effectively tracked and centrally shared to support policy reform.



Hubs of Knowledge and Expertise



The one key area that most professionals working in the Arab philanthropic sector will cite ad nauseum is the need to build professional capacity within the sector.

The one key area that most professionals working in the Arab philanthropic sector will cite ad nauseum is the need to build professional capacity within the sector. While it is mainly staffed by young, well educated, ambitious and courageous young professionals, too often their education does not cover the complex task of creating social value at scale. While the more privileged are likely to access this through various international academic or professional institutions, the vast majority are still dependent on "learning on the job" which makes for a slower process of building best practice and delivering impact. Multiple initiatives have been launched to address this issue and building workshops capacity two-a-penny, but regional knowledge hubs are scarce. Moreover, few academic institutions offer programs on social impact or social innovation.

Without consistent documentation and archiving of what works and what doesn't it will be difficult for the region's practitioners to truly maximize the potential of this sector. While regional experiences are rich and varied, few are documented or shared. Case studies

trickle down from the Global North while innovation – widely produced by a very resilient and adversity-hardened population – often goes unnoticed or un-replicated.



While regional experiences are rich and varied, few are documented or shared.

A concerted effort to capture the talent and genius of local Arab communities who have managed to advance social progress despite conflict, aversion to the region fuelled by stereotypes, difficult regimes, and fragile natural ecosystems, could be transformational. Indeed, knowledge in this case is surely the root to empowering this intrinsically purpose-oriented youth generation that is united by ambition, resilience, and sheer determination to transform the wealth of Arab culture and history into similarly rich systemic outcomes.







INTERVIEW



By Eng. Abdulla Abdul Aziz AlShamsi,

Acting Director General, Abu Dhabi Investment Office in conversation with Eric Schell, Executive Chairman of the Global Diwan.



ADIO is here to help investors discover all that the emirate has to offer.

Why Abu Dhabi?

Abu Dhabi's innovation ecosystem is geared to support ambitious businesses and bold ideas achieve sustainable success. The UAE capital's advanced physical and virtual infrastructure and progressive regulations enable real innovation and deeper private sector involvement in the economy. ADIO is here to help investors discover all that the emirate has to offer.

Which sectors are growing?

Abu Dhabi is focused on using technology to achieve economic and social progress, so innovation is an underlying theme for many of the emirate's initiatives to grow the private sector. ADIO is agnostic about a company's growth stage and industry sector but believes fully in partnerships across ecosystems, where other organisations are both collaborators and value generators. While Abu Dhabi is open to all businesses, innovation-focused sectors like financial services, ICT, health services and biopharma, tourism, AgTech and Industry 4.0, are prioritised, as they provide huge opportunities to develop new solutions to drive global impact.

Is it easy to access the Abu Dhabi market?

Abu Dhabi is one of the easiest places in the world to do business because of a positive investment environment, enabling regulations, stability and security, access to talent, liveability, cutting-edge infrastructure and connectivity.

The Abu Dhabi government continues to make it easier for companies to set up in the emirate by streamlining processes, reducing business fees, simplifying setup requirements and offering long-term visas.

How can ADIO support businesses looking to expand to Abu Dhabi?

ADIO is the entry point for local and international businesses coming to Abu Dhabi. Our role is to support and guide companies to set them up for success in Abu Dhabi. We help businesses understand the market opportunity by highlighting areas for growth, facilitating connections with relevant entities and supporting long-term partnerships. We work to enable sustainable success in Abu Dhabi and are partners through the full arc of an investor's journey.



We help businesses understand the market opportunity by highlighting areas for growth, facilitating connections with relevant entities and supporting long-term partnerships.

To better support the Euro-UAE relations, the Global Diwan opened its newsletter to ADIO which has opened a French office located rue de Courcelles in Paris.

Don't hesitate to reach out to them if you want to find out more about Abu Dhabi and how to set up your business there.

You can contact their Country Head Guillaume Hallez on ghallez@adio.gov.ae or +33 6 33 40 91 44.



Mediation in GCC Countries: Legislative Overview

Presented by ALGHAMDI, Ibrahim.

Legal Counsel at Alsanosi & Partners Law Firm

Graduated from University of Sorbonne and University of Bordeaux, majored in Law, Economy and Management.

- Legal Counsel at Dr. Mohammed Alsanosi & Partners Law Firm (LLC)
- Legal Counsel at Dr. Mohammed Alsanosi & Partners Law Firm (LLC)
- Former elected adviser at Bordeaux University's administration Council.
- Administrative Member at Erasmus+ Maison d'Europe
- Accredited legal services from French Embassy and Consulate in Saudi Arabia

Subject: Legislative overview of mediation in GCC countries

I- Introduction

A. About GCC

- 1. Creation
- 2. Objectives
- 3. Common legislation

B. About mediation

- 1. Definition
- 2. Context

II- Remarkable development of mediation in GCC

- 1. Kuwait
- 2. Bahrain
- 3. Qatar

- 4. Saudi Arabia
- 5. United Arab Emirates
- 6. Oman

III- Consequence of an effective mediation in GCC

A. Direct improvement in social justice

- 1. Better social relationships
- 2. Saving time, money and energy

B. Indirect benefit for the judicial system

- 1. Reducing the burden on Courts litigation
- 2. Increasing judgment quality

I- Introduction

A. About GCC

1. Creation

The Gulf cooperation Council is a regional, intergovernmental, political, and economic **union** comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. The council's main headquarters is located in Riyadh, the capital of Saudi Arabia. The Charter of the GCC was signed on 25th of May 1981, formally establishing the institution.

2. Objectives

The GCC shared common objectives such as, **fostering** scientific and technical progress, **establishing** scientific research centers, **setting** up joint ventures, **unified** military (Peninsula Shield Force), **formulating** similar regulations in various fields such as religion, finance, trade, tourism, administration and legislation.

3. Common Legislation

Regrading legislation, it includes laws and regulation to resolve disputes between conflicting parties. Therefore, when parties need to resolve disputes, **they can either** present their cases by making a lawsuit in a trial in front of a professional judge, or before going to courts **they can** opt for alternative methods of dispute resolution (ADR), such as arbitration, conciliation and mediation. This article examines the mediation mechanism in GCC countries.

B. About Mediation

1. Definition

For decades, the legal sectors and business communities in many countries have felt the need for alternative means of litigation, looking towards methods that are more effective and flexible to resolve disputes. Methods that avoid the limitations of court proceedings in order to abbreviate time, effort and expenses. As well as allowing natural and legal persons access to justice to a relatively greater extent. Hence, the rules of arbitration, conciliation, impartial evaluation, and mediation were initiated. Mediation, in concept, revolves around appointing a neutral person as a mediator between

conflicting parties; in order to assist them in converging viewpoints, understanding their different positions, managing dialogue sessions, reviewing their arguments and evidence. This process allows the mediator to provide legal or technical advice leading to proposing an equitable settlement that achieves a balance between their various interests. Needless to say, mediation is optional at every stage, it does not start or continue or end with a settlement unless all parties consent.

2. Context

Mediation has an advantage over litigation and other Alternative Dispute Resolution (ADR) methods in that its proceedings are less formal. It relies on the effective participation of the parties through the discussion of relevant details and proposal of settlements. In this way, it allows the parties to have full control over its progress and to manage its outcomes. However, this significant role of the parties does not undermine the importance of the mediators' role, nor does it diminish the need for the mediator to have effective communication skills and knowledge of successful negotiation methods, maintaining a sense of patience and wisdom. There are legal aspects to mediation, but one must not forget the administrative role as well as the psychological nuances the mediator must understand to succeed.

Throughout the region, we can observe a remarkable development of mediation in GCC countries leading to positive consequence on social justice and the judicial system.

II- Remarkable development of mediation in GCC

A. Legislation in favor of mediation



1. Kuwait

Covered by Dr. Anwar Alfuzai



2. Bahrain

The Bahrain Chamber for Dispute Resolution

(BCDR) was established by Bahrain Legislative Decree No. 30 of 2009 as amended by Legislative Decree No.64 of 2014. BCDR has two distinct and separate components: a specialized court and an international arbitration and mediation center. On the 1 July 2019 the Bahrain Chamber for Dispute Resolution announced the entering into force, , of its new mediation rules, in English, Arabic and French, with all three versions being equally authoritative.



3. Qatar

Qatar Law No. 20/2021 on the Issuance of the Law on Mediation in the Settlement of Civil and Commercial Disputes (the Mediation Law) was issued on 4 November 2021. Launched in 2020, the QICDRC Mediation Rules facilitate mediation by, for example, establishing ways for parties to agree to mediate, setting forth standards for the appointment of the mediator, and enabling confidentiality of the mediation.



4. Saudi Arabia

The official order giving effect to the Singapore Convention was the Royal Decree No (96), issued on 9 April 2020. The decree implements Saudi Arabia's obligations under the Singapore Convention, with international mediation settlement agreements falling within the scope of the Convention directly enforceable in the courts of the Kingdom of Saudi Arabia from 5 November 2020. This is subject to the reservation that the settlement agreement in question does not relate to the Kingdom of Saudi Arabia, any of its governmental agencies, and any persons acting on behalf of those agencies.

The Commercial Courts Law, issued through Royal Decree No. M/93 on 15 April 2020, sought to reorganize and further empower the KSA's commercial courts. It also includes provisions encouraging the use of alternative dispute resolution. In particular, it imposes mandatory conciliation and mediation under certain circumstances.

The Commercial Courts Law, issued through

Royal Decree No. M/93 on 15 April 2020, sought to reorganize and further empower the KSA's commercial courts. It also includes provisions encouraging the use of alternative dispute resolution. In particular, it imposes mandatory conciliation and mediation under certain circumstances.

The situations requiring mandatory mediation under the Commercial Courts Law are provided for under the Commercial Courts Regulations, issued through Ministerial Resolution No. 8344 on 18 June 2020. They include disputes valuing between SAR100,000 and SAR1million arising out of commercial contracts, or disputes which contain contractually agreed pre-claim mediation provisions.

The Ministry of Justice's major ADR initiatives were recently outlined in a comprehensive report released in February 2021. Among the highlights are the following:

- The Ministry of Justice launched the Taradhi platform, for the remote provision of mediation services from filing the case up to reaching the mediation result, without having to visit the court. The Ministry of Justice has introduced several divisions and departments, including its own Conciliation Centre, and empowered notaries to notarize mediated settlement agreements.
- The Ministry of Justice has implemented the mediation system through a series of services and decisions, aiming to increase the percentage of successfully mediated cases. The goal is to reduce the influx of lawsuits, fasttrack decisions, and provide means for ADR through non-profit organizations and the private sectorincluding the SCCA. Men and women can register as mediators or conciliators.
- Within the initiative for implementing the mediation system, the Ministry of Justice has approved new procedural rules for mediation and conciliation offices, aiming to make mediation a viable option for resolving disputes.
- The Ministry of Justice has recognized mediation records as 'enforcement instruments' after approval by the Conciliation Center. The step enhances mediation and conciliation procedures in Saudi Arabia and promotes the resolution of disputes through mutual consent.

The Judicial Authority and Human Rights Sector in Saudi Arabia are working to include a system called the Mediation and Reconciliation System in the coming days, after completing its studies, and the Ministry of Justice will implement it. The project aims to activate mediation and reconciliation, and to be the preferred means for resolving disputes, raising professional standards for mediation and reconciliation. strengthening commitment of mediators and conciliators to professional values and behaviors, promoting values of integrity and accountability, protecting the mediator, conciliator and all parties, and promoting digital transformation and procedural development. In the work of mediation and reconciliation, contributing to achieving social development, strengthening social ties and commercial relations, and improving the competitiveness of the Kingdom and the business and investment environment in it. The draft also provides for activating and controlling the involvement of the private and non-profit sectors in mediation and reconciliation work.



The Judicial Authority and
Human Rights Sector in Saudi
Arabia are working to include a
system called the Mediation and
Reconciliation System in the
coming days, after completing
its studies, and the Ministry of
Justice will implement it.



5. United Arab Emirates

Federal Law No. 6 of 2021 on Mediation for the Settlement of Civil and Commercial Disputes, is the first UAE legislation regulating the rules of mediation. According to which, there are two types of mediation: Judicial and Non-Judicial. The first occurs when the parties to an ongoing court case request the court to refer the case to the Conciliation and Mediation Centre. The second occurs when the parties proceed directly to the Centre seeking the appointment of a mediator with no prior court case. It is important to note, the legislator stipulates that the agreement to mediate

is null and void unless it is documented in writing.

The legislator is keen to register in the mediators' lists only those who would have a qualitative addition to the mediation system. If we look at the articles closely, we will find that this is done by distinguishing three categories. The first category of mediators are those with a broad legal background, who are retired members of the judiciary and registered attorneys, as well as international experts in the fields of law and business. The second category contains mediators with a purely technical background, who are experts registered on the Rolls of Experts in the Ministry of Justice or local Judicial Authorities. The third category is distinguished by mediators having unique experience in convening conciliation sessions and concluding settlements, and they are among the appointed or delegated conciliators at the Mediation and Conciliation Center. This is within the context of fulfilling several requirements related to educational qualifications, practical experience, passing the training, exams, and interviews. This shows the great care the legislator has taken to ensure that the mediators are selected from the elite of the available expertise.

The law includes several articles that set the general framework for the mediation process. It contains specific instructions about starting mediation, and how to hold its sessions with the parties together, or with each party separately, emphasizing strictly the principle of confidentiality of information shared during the process. It enumerates the mandates of the mediator and indicates the prohibitions for the mediator during or after mediation, in order to prevent any conflict of interest, given that many mediators will have more than one professional capacity, such as being mediators and attorneys, or mediators and technical experts.



6. Oman

The Oman Commercial Arbitration Centre (OCAC) was established in July 2018 by Royal Decree 26/2018.

The OCAC is affiliated with the Oman Chamber of Commerce and Industry, but has its own legal identity and so financial and administrative autonomy.

The OCAC was created to provide arbitration, mediation and other forms of ADR services within Oman and also to administer local, regional and international disputes. In a further development of this role, on 7 July 2021 the OCAC issued its mediation rules in its Decision No. 8/2021 (the Mediation Rules).

The new rules are a welcome addition to the legal framework for mediation in the MENA region. Their introduction has been timed to coincide with the signing of the United Nations Convention on International Settlement Agreements Resulting from Mediation (also known as the 'Singapore Mediation Convention') which is intended to facilitate the cross-border enforcement of mediated settlements.

The Singapore Mediation Convention new mediation rules can reshape the Alternative Dispute Resolution landscape in the MENA region. They offer disputing parties in the global economy the prospect of settling their disputes at a far lower cost than more contentious dispute resolution mechanisms, and now with greater certainty and efficacy of enforcement, if the need to enforce settlement terms arise.

B. Tools to implement the legislation

1. Technological solutions

- Online platforms Taradi (Saudi Arabia)
- Electronic submissions: mediation can be commenced, and all procedures can be undertaken through electronic means and this will have the same binding force as hard-copies of written submissions under Article 33 of the Mediation Law. This should reduce costs, simplify and accelerate the process. (Qatar)

2. Raising awareness by communication

- SCCA in Saudi Arabia offers a training program called CIARB-SCCCA Fellowship.
- Publishing articles and sharing practical information on social media

III- Consequence of an effective mediation in GCC

A. Direct improvement in social justice

- 1. Better social relationships
- 2. Saving time, money and energy

B. Indirect benefit for the judicial system

- 1. Reducing the burden on Courts litigation
- 2. Increasing judgment quality

In conclusion, if we raise the question "what is expected from applying the mediation rules effectively on the ground?", the immediate answer would be that it would reduce the number of court cases and give individuals and companies an efficient option in terms of time, effort, and expenses. Furthermore, we hope that mediation will open up investment opportunities for international mediation specialists and local law firms and technical expertise. We look forward to seeing a culture of fair settlement emerge among various sectors of society where merchants and individuals have the choice to resolve their disputes through progressing down a flexible, efficient, and cordial path.



Furthermore, we hope that mediation will open up invesment opportunities for international mediation specialists and local law firms and technical expertise.

papers

For more details

Besides being a business club, intellectual work and curiosity – the gate to understanding other cultures – hold a distinct place in our Diwan. We welcome people from different horizons and nothing interests us more than to have contributors sharing their insightful and challenging views in our columns.

Please do not hesitate to get in contact with us if you wish to share your work with our audience.



Editor-in-chief
Karima Anbar
Publication Director
Éric Schell
contact@theglobaldiwan.org

www.theglobaldiwan.org