

The 2018 ASA Prize for Advocacy in International Arbitration

A Laudatio of Professor Dr. Mohamed S. Abdel Wahab

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It is an honor and a privilege for me to present the 2018 ASA Prize for Advocacy in International Commercial Arbitration tonight and to speak of the exceptional achievements of this year's recipient, Mohamed Abdel Wahab.

The ASA Prize, as its name suggests, is a prize in advocacy. It is a prize that recognizes individuals who demonstrate "*exceptional talents*" in their representation of parties in arbitration proceedings. But more than just that, the ASA Prize is awarded to individuals who use these talents in order to make a contribution. A contribution to international commercial arbitration and, in particular, to its status as an efficient and effective form of dispute resolution.

It is no secret that this status has been questioned in recent years. We are all familiar with the criticisms: the claims of overly long and complex proceedings, of delayed awards, and of exploding costs. We are also familiar with the most frequently cited culprits: the arbitrators; the institutions; and of course, the Americans.

Less frequently discussed is the role of counsel and the extent to which we, through our own conduct, contribute to the time and cost of arbitration today. The topic of course, is not a new one. As early as in the first century, the Roman poet Martial raised questions about the effectiveness of his lawyer's advocacy when he complained to him as follows in one of his epigrams:¹

*"My simple claim's about three goats
Not civil war or poisoned throats.
My neighbor stole them so I sue
The judge thinks that is the issue too
But you describe Rome's darkest hours
The tyrants who abused their powers
You waive your arms about and shout
How Hannibal's campaigns turned out
There's just one favor you can do
Mention my goats, I beg of you."*

With the ASA Prize and the ASA Charter upon which it is based, ASA invites us to stop and think about how we measure up, to reflect on our role as advocates and our impact on the arbitral process. In addition to highlighting the importance of being clear and concise in our presentation of the relevant facts, the ASA Charter also emphasizes fairness, courtesy, intellectual honesty, and independence. Above all, the ASA Charter reminds us that no arbitration proceeding takes place in a vacuum, and that our conduct in a given proceeding can – and does – have an impact

on the success and reputation of arbitration as an instrument for the resolution of disputes in the interest of our clients.

And because some of these concepts are abstract and amorphous, ASA illustrates their application in practice by highlighting exemplary advocacy, such as that of this year's laureate, Mohamed Abdel Wahab, someone who – as we will see – is not unaccustomed to leading by example.

I would venture to say that Mohamed does not require much of an introduction, as I imagine that he is known to most of you, whether personally or by reputation.

When I was first informed that I would have the privilege of presenting the 2018 ASA Prize, the task seemed daunting and I wondered what I would say. When I found out who the laureate was and everything that he has accomplished, I realized that the far more difficult task was actually what *not* to say. Indeed, Mohamed is a truly impressive and inspiring individual and his list of achievements is far too long for me to do justice to in the short time allotted to me.

Mohamed was born and raised in Egypt, where he also studied law. He obtained his *License en Droit* from Cairo University in 1998 and – as a sign of what was to come – was honored by the Egyptian president as the best law school graduate in Egypt. Several post-graduate degrees in private and international law followed at Cairo University before Mohamed chose to leave Egypt and to continue his studies abroad.

Armed with a Chevening Scholarship, Mohamed enrolled at Manchester University in 2000. The Chevening Scholarship, I should note, is not just any scholarship. It is a scholarship awarded by the government of the United Kingdom to future leaders, influencers and decision makers from around the world. The purpose of the scholarship is to identify individuals that display outstanding leadership talents and to further their academic and professional development with a view towards creating a pool of global leaders.

Between 2000 and 2004, while Mohamed was in the United Kingdom, he obtained a Master of Philosophy, a degree in European law, and a Doctor of Philosophy, with his doctorate thesis entitled "*Public Policy as a Fundamental Legal Conception Precluding the Application of Foreign Law in the Age of Globalization*", a comparative study of the English, French, and Egyptian Legal Systems. In what appears to have been a critical time for his future arbitration career, Mohamed also spent time immersing himself in the theoretical framework of international arbitration, obtaining the Chartered Institute of Arbitrators Advanced Diploma in International Commercial Arbitration.

In 2009, Mohamed returned to Egypt to become a founding partner of his current law firm, Zulficar & Partners in Cairo, where he is today a senior partner and the head of a thriving arbitration practice that – with 20 associates practicing exclusively international arbitration – is the largest in Egypt and in the region as a whole. To date, Mohamed has already acted in over 170 arbitrations, as counsel, arbitrator or as a legal expert.

In parallel to his legal practice, Mohamed has remained active in academia. He is currently a professor and the Chair of the Private International Law Department at Cairo University, an affiliation that he has maintained not least out of his commitment to investing in and supporting the younger generations, "*the future of the country*", as he describes them.

On top of all of this, Mohamed is also a remarkably active member of the international arbitration community. His many titles and positions of responsibility – too many for me to list here now – include his roles as Vice President of the ICC International Court of Arbitration; Vice-President of the IBA Arbitration Committee; and Member of the LCIA Court. And on top of that, he happens to be a regular author and sought-after speaker, with his speeches having been nominated by GAR for best arbitration lecture twice, in consecutive years.

Perhaps now would be a good time to mention that he does not need a lot of sleep?

That Mohamed brings accomplishment, intellect, experience, and commitment to the table is beyond any doubt. But this is not the reason for which he was selected to receive the ASA Prize today.

Rather, it was the overwhelming praise of Mohamed as "*an exceptionally able lawyer and advocate*" that made him stand out in a pool of highly qualified candidates. It was the testimony of those who commended his winning mix of compelling and firm advocacy on the one hand, and a polite and courteous manner on the other. One testimonial described him as having a "*commanding but pleasant presence as an advocate*", while another praised his ability to "*cross-examine vigorously*" and effectively while maintaining a calm and respectful demeanor. Still others cited Mohamed's ethics, his intellectual honesty, and his willingness to concede points where necessary.

The descriptions of Mohamed as an advocate align perfectly with the values and principles set forth in the ASA Charter and are the very antithesis of the argumentative, non-constructive and aggressive conduct that it warns against. It is no surprise that in Mohamed Abdel Wahab, the Selection Committee found an exceptional illustration of effective advocacy put into practice to serve as an example to us all.

And speaking of leading by example: When Mohamed completed his PhD in 2004, he was encouraged by many to remain in England and to pursue his career in international arbitration there. He was told that returning to Egypt would be a mistake, that there were far fewer opportunities and that he would be throwing away the possibility of a remarkable career in international arbitration were he to do so.

But despite the sceptics, and demonstrating precisely the principles of leadership for which he had received the Chevening Scholarship a few years earlier, Mohamed returned to Egypt, setting up his own law firm shortly thereafter. Asking himself "*if everyone leaves, who is going to stay?*" and committed to showing the younger generation of lawyers that it is possible to build an international legal career in arbitration in Egypt, he returned.

Today, Mohamed has not only established himself internationally as an accomplished academic and outstanding advocate, but he also serves as a mentor and role model to his students and to younger lawyers in Egypt and beyond. It can only be hoped that not only the younger generations – but that we all – will follow Mohamed's example and contribute through our advocacy, to arbitration's continued status as an efficient and effective form of dispute resolution.

Mohamed, congratulations. It is an honor to present the 2018 ASA Prize to you today.

Zurich, February 1, 2018