Independence
The Council of Ministers consolidates the full independence of the Saudi Center for Commercial Arbitration

Chief of ADR at the SCCA
Mr. Christian P. Alberiti: We are committed to developing the arbitration industry in the Kingdom

Launch of the SCCA-CIArb’s International Fellowship Program
This newsletter adds a new page to the story of the SCCA, which has recently witnessed a series of achievements and major events at the national, regional, and international levels.

The most recent chapter of this story comes from Singapore, where the world’s most powerful economies met to sign the first international Convention on International Settlement Agreements Resulting from Mediation. In fact, Saudi Arabia was one of the first signatories to this historic treaty, marking a new achievement on its journey of strengthening its investment attractiveness and competitiveness.

Prior to this international treaty, the kingdom’s arbitration industry received the new decision regarding the statute of the SCCA, which was approved by the Council of Ministers in a step towards institutionalizing SCCA’s work and attaining its administrative and financial independence.

In view of the statute decision and the Singapore Convention, the SCCA launched the first international fellowship program in commercial arbitration in the Kingdom, in cooperation with the British Royal Chartered Institute of Arbitrators (CI-Arb). Additionally, the SCCA re-established its important international links by entering the second phase of the strategic relationship between the SCCA and the International Center for Dispute Resolution, the international division of the American Arbitration Association (AAA-ICDR), in order to increase the activities that promote the institutional arbitration industry in the Kingdom.

Building on the momentum of this convention, statute, fellowship, and renewed alliance, the pace of preparations for the launch of the second edition of the International Conference (SCCA19) risen.

Finally, the inaugural edition of this newsletter adds a new page to the story of commercial arbitration... The chapters of achievement have really started!
Edition Summary

New Statute of the SCCA
The Council of Ministers approves the SCCA’s statute in order to become a major regulatory pillar that the SCCA relies on in achieving the vision of becoming the preferred ADR choice in the region by 2030.

Kingdom of Saudi Arabia signs the first international Mediation Convention
The Kingdom of Saudi Arabia has signed the United Nations Convention on International Settlement Agreements Resulting from Mediation, thereby putting it in the vanguard of signatories to the first of its kind convention in the domain of cross-border commercial dispute resolution through mediation.

Riyadh hosts the second edition of the world’s biggest conference on institutional arbitration in the region
Preparations continue for the second conference of the SCCA. The conference is held in the middle of October in Riyadh under the patronage of H.E. the Minister of Trade and Investment and H.E. the Minister of Justice, and in partnership with the International Centre for Dispute Resolution at the American Arbitration Association (AAA-ICDR).

Chief of ADR at the SCCA: We are committed to developing arbitration practices in the local market.
Mr. Christian P. Alberti, the Chief of ADR at the SCCA, said in a interview with the E-Newsletter that the SCCA is committed to embrace the Kingdom’s local market, building expertise and capabilities, and improving the arbitration practices to match the best international standards.

Two international partnerships to develop the Kingdom’s institutional arbitration industry
SCCA continues actively establishing strategic cooperation relationships with the world’s most prestigious commercial arbitration institutions. Moreover, it has signed cooperation agreements with two institutions in order to benefit the Kingdom from their long-standing experience in developing the institutional arbitration industry.

International briefing on the Kingdom’s investment environment achievements
In a prominent international event held in New York, the SCCA contributed to organizing a meeting highlighting the contribution of Saudi commercial systems in boosting the Kingdom’s economic growth, accelerating business growth, and the vital role of ADR.
The new statute, which was issued during the Council’s meeting on April 30, 2019 (25 Sha’ban 1440 AH), comes after the decision to form the SCCA, issued five years ago, in order to lay down the foundation on which the SCCA relies on to become the preferred ADR choice in the region by 2030.

Moreover, the new statute provided that the SCCA has its own financial and administrative independence, the independent board of directors shall be appointed by an order of the Prime Minister, and the members shall come from the private sector and hold no public office.

According to the new statute, the SCCA shall administer the arbitration procedures, maintain the roster of arbitrators within the Centre’s mandate, establish benchmark standards that determine the remuneration of arbitrators, provide training and accreditation, foster and develop the culture of ADR, and participate in representing the Kingdom in the domain of commercial arbitration on the domestic and international levels.

“The Center enjoys its legal entity as well as financial and administrative independence”
Mr. Khayyat also added that the adoption of the new statute paves the way for the provision of ADR Services that achieve full justice for the parties to the dispute, and it also ensures a transparent and cost-effective arbitration environment according to the best international practices. In addition, the Board Chairman has emphasized that the SCCA’s statute is another step in the progress of empowering the institutional arbitration industry in KSA that began with the early efforts initiated ninety years ago by the founding King Abdul Aziz bin Abdul Rahman Al Saud, May He rest in peace, in the adoption of the Commercial Court Law, which was then institutionalized by the decree to establish the SCCA in 2014, and finally, it was further enhanced by adoption of the SCCA’s statute by the distinguished Council of Ministers.

Commenting on this occasion and on behalf of the SCCA, H.E. Mr. Yaseen Bin Khalid Khayyat, Board Chairman of the SCCA, has expressed his sincere gratitude and appreciation to the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz, may Allah protect him, on the Council of Ministers’ approval of the SCCA’s statute.

Furthermore, Mr. Khayyat noted that the approval of the SCCA’s statute is a step towards institutionalizing the SCCA’s activities and achieving the requisite organizational performance efficiency, for the SCCA to continue acting as the national Champion of the institutional arbitration industry in the Kingdom and one of its representatives in the domestic and international forums and meetings.

For more information on The Saudi Center for Commercial Arbitration’s statute Click here, or scan the following QR code with your mobile.

“The Center’s Independent Board of Directors shall be formed by a decree of the Prime Minister”

The Kingdom’s mega-projects require a safe investment environment that provides effective Dispute Resolution Alternatives.
Saudi Arabia among the first states to become signatories of
the new Singapore Mediation Convention

The Kingdom of Saudi Arabia has signed the United Nations Convention on International Settlement Agreements Resulting from mediation, known as the Singapore Convention on Mediation, to be at the forefront of the signatories to the first ever international Convention of cross-border commercial dispute resolution through mediation.

The Convention was signed, on behalf of the Kingdom, by Mr. Bader Al-Haddab, Undersecretary of the Ministry of Commerce and Investment for Policies and Regulations, during the signing ceremony held in Singapore on August 7, 2019 - 6/12/1440 AH, with the SCCA participating in a high-level official delegation.

The event comes after the SCCA, along with several governmental authorities, contributed to the efforts of facilitating Saudi Arabia's membership admission to the Singapore Convention. This follows the recommendation that the Kingdom should be among the first states to sign the convention and demonstrate its international leadership as well as the promoting the institutional ADR industry locally and internationally.

Crucially, the Council of Ministers approved and authorized His Excellency, the Minister of Commerce and Investment—or his deputy—to sign the United Nations Convention on International Settlement Agreements Resulting from Mediation, during the Council’s meeting on July 23, 2019 - 20/11/1440 AH.

The Singapore Convention on Mediation came about as a result of three years of extensive discussion and drafting of the Convention in the halls of UNCITRAL Commission. This was achieved with the participation of 85 member states and 35 non-governmental organizations, and resulted in the adoption of the Convention text by the United Nations General Assembly on 18 December 2018.

The Convention provides a unified and effective framework for the enforcement of international resolution agreements resulting from mediation and for enabling parties to invoke such agreements. In fact, this framework is similar to that provided by the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, or the New York Convention.

The Singapore Convention was developed as an essential tool in facilitating international trade and promoting mediation as an alternative and effective method for commercial dispute resolution. The Convention ensures that the resolution reached by the parties becomes binding and enforceable.

85 states and 35 non-governmental organizations participated in drafting the Convention
Commenting on the occasion, Mr. Yaseen Bin Khalid Khayyat, Chairman of the SCCA, confirmed that the generous approval of the Kingdom to sign the Singapore Convention on Mediation is a clear indication of the continuous support received by the institutional ADR industry in the Kingdom from the highest authorities. All to ensure its legislative and legal environment are at the highest level and consistent with the latest international standards in this field.

Mr. Khayyat added that the Kingdom’s signing of the Singapore Convention on Mediation is based on the objectives of the Saudi Vision 2030, which aims at enhancing the Kingdom’s investment competitiveness by applying the international legal and commercial standards as well as creating an environment conducive to long-term investment.

Furthermore, Dr. Hamed bin Hasan Merah, the SCCA’s Executive Director, acknowledged that the commercial world recognizes mediation as one of the most important alternative tools for the resolution of financial disputes at the international level. He also stressed that the Singapore Convention is among the most famous international conventions in the field of ADR to resolve international commercial disputes - joining the much-lauded New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which the Kingdom also signed in 1994.

Dr. Merah also stated that the SCCA has full administrative and technical readiness to deal with all manner of commercial mediation cases. The SCCA’s Mediation Rules, prepared according to the highest international standards and practices in this field, in partnership with the International Centre for Dispute Resolution at the American Arbitration Association, also respect and reflect the realities and conditions of the Kingdom’s local market.

Dr. Merah added that the SCCA roster of mediators includes highly experienced, skilled and qualified individuals to deal with a wide array of commercial mediation cases. All of these successful milestones have qualified the SCCA to sign a cooperation agreement with the Ministry of Justice to transfer part of the mediation caseload from commercial courts to the SCCA.

The Convention ranks among the most famous international conventions in the domain of commercial ADR

For more information on United Nations Convention on International Settlement Agreements Resulting from mediation
Click here, or scan the following QR code with your mobile

Mr. Yasin Khayyat

Dr. Hamed Merah

For more information on
United Nations Convention on International Settlement Agreements Resulting from mediation
Click here, or scan the following QR code with your mobile
Riyadh hosts the second edition of the largest international conference for the commercial arbitration industry in the region

Preparations for the Second International Conference of the Saudi Center for Commercial Arbitration (SCCA19), in Riyadh in mid-October, continue under the patronage of His Excellency, the Minister of Justice, and His Excellency, the Minister of Commerce and Investment, in partnership with the International Center for Dispute Resolution at the American Arbitration Association (AAA-ICDR).

The two-day conference held 14 - 15 October (15 - 16 Safar 1441 AH), is launched under the theme: “Evolution of the Commercial Arbitration Industry in the Middle East and North Africa Region... Reality and Ambition” and includes a specialized focused on exploring the latest trends in the domain of ADR Services in the light of the quantum leap in the investment environment of Saudi Arabia and the SCCAs pursuit to become the preferred ADR option in the region by 2030.

This international conference will feature a distinguished elite of local and international speakers—37 speakers including their Excellencies the Ministers, as well as international attorneys and arbitrators, and legal advisors. Moreover, it enjoys the support of many entities associated with the institutional arbitration industry in Saudi Arabia.

Registering for the conference, on its official website (scca19.sadr.org), provides members of the justice sector, legal advisers, judges, lawyers, and business owners with the opportunity to participate in eight discussion sessions on exploring the latest trends and best practices that ensure the transition of the commercial arbitration industry to an increasingly systemic, institutional model - particularly in light of the Kingdom’s serious endeavours enhance its investment environment and provide a stable and secure destination for local and foreign investments.

Conference enjoys widespread support from across the spectrum of key stakeholders of the arbitration industry in the Kingdom and beyond

The second international conference of the SCCA targets many sectors and entities associated with the commercial arbitration industry, notably the judicial and legislative sector, local and international law firms, the banking sector, the energy sector, manufacturing and production sector, and the academic and educational sector.
37 speakers from around the world in 8 sessions
exploring latest trends in ADR services

Keynote Speakers

- H.E. Mr. Mohamed Al-Jadaan
  Minister of Finance
- H.E. Dr. Walid Al-Samaani
  Minister of Justice
- H.E. Dr. Majed AlQasabi
  Minister of commerce and investment
- H.E. Dr. Ahmed Alkholifey
  SAMA Governor
- Ms. Anna Joubin-Bret
  Secretary, UNCITRAL
- Dr. Nabeel Al Mansour
  General Counsel, Saudi ARAMCO
- Prof. Georges Affaki
  Independent Arbitrator, Attorney at Law and Professor at University of Paris II
- Mr. Toby Landau
  Barrister, Independent Arbitrator, Essex Court Chambers

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Our goal is to introduce a new era of institutional arbitration in the Kingdom

The SCCA’s Chief of ADR, Mr. Christian P. Alberti, stated that the 2019 Royal Decree has further accelerated the momentum in favor of institutional arbitration in the Kingdom, and clearly demonstrates the Kingdom’s commitment to build an investment-friendly environment.

Alberti also added that the SCCA is committed to introduce a new era of institutional arbitration in the Kingdom, build capacity and enhance experience among local stakeholders, and advance the local practices to a level that is in line with international standards.

The SCCA’s monthly e-Newsletter made the following interview with the SCCA’s Chief of ADR.
Recently, the SCCA has signed a Cooperation Agreement with the International Centre for Dispute Resolution (ICDR), the international arm of the American Arbitration Association (AAA), to continue their strategic relationship. How do you see this relationship between the two arbitral institutions evolve in this new stage?

The new Cooperation Agreement signed in 2019 has replaced the previous arrangement and further focuses the already excellent relationship between the two arbitral institutions. It is a continuation of a three-year old relationship on a new level, taking into account the SCCA’s progression from a start-up to a now well-established and experienced ADR provider. Our flagship conference SCCA19 will again be in partnership with AAA-ICDR and more joint training programs are envisioned.

How has the SCCA been able to achieve a balance between international standards and the flexibility needed to scale-up the local practices of institutional arbitration in KSA?

“How Saudi Heart, Arabian Soul, Global Vibe.” These were the words written on the glass walls of a client’s conference room we recently visited. They perfectly encapsulate the spirit we cherish here every day at SCCA. And while the SCCA has made great strides in playing a substantial role in international arbitration, we are committed to serve and embrace the local market and build capacity as expeditiously as we can. It is our goal to introduce a new era of institutional arbitration in the Kingdom and, where appropriate and needed, bring local practices up to par with international standards. We actively engage to find perceived quality gaps with regard to the process and stakeholders and, to the extent we can, address these swiftly with clarifications and training. And while the SCCA’s core business is case administration, it has taken on the role of educating local market players about ADR and build capacity with regard to arbitrators and mediators.

It now offers arbitration courses in partnership with London’s Chartered Institute of Arbitrators (CIArb), mediation training courses in partnership with the AAA-ICDR, and soon training courses for corporate counsel and lawyers who wish to break into the arbitration market. At SCCA19, we will talk about what we do here, and about what is out there, and how this all fits together to promote foreign investment as part of Vision 2030. Last but not least, we stay in close contact with the judiciary and monitor any developments.

On the legislative side, Saudi Arabia has already set sail to become a modern and sought-after seat for domestic as well as international arbitration with the introduction of the 2012 Saudi Arbitration Law, which is broadly modelled after the UNICITRAL Model Law, and the 2013 Saudi Enforcement Law. The SCCA is dedicated to do its part to guide and expedite this process. Thanks to its international and multicultural team, the SCCA is in a unique position to appreciate the clients’ needs and administer cases with parties, whether private or governmental, from different countries with different legal backgrounds.
The signing of the Singapore Convention on Mediation has just occurred. What future awaits mediation and what role can the Singapore Convention play in reforming and modernizing the regulations of mediation procedures?

While the mediation process is undoubtedly more flexible, preserves business relationships, and is usually also more cost and time efficient than arbitration or litigation, it shows its weakness when settlement agreements fall apart.

The Singapore Convention has addressed this concern by now allowing parties to settle their disputes in a binding and enforceable fashion.

It is hoped for it to achieve for mediation what the New York Convention does for international arbitration. In fact, the harmonized framework for cross-border enforcement has the potential of moving more Corporate Counsel to the mediation table in an effort to resolve their disputes quickly, thereby facilitating international trade.

The SCCA has been present at this monumental event in Singapore in August, witnessing the signing of this UN treaty by 46 countries. The SCCA administers mediations and, where applicable, has made arrangements to comply with the provisions of the Singapore Convention. In how far local laws around the world may follow the example of the Singapore Convention on a domestic level will have to be seen. But a first step has been taken at an international level.

The use of e-Applications increases daily in various governmental and industry sectors. Are arbitral institutions prepared to provide its services through electronic platforms? What kind of role can such technology play in accelerating dispute resolution?

We now live in an era were artificial intelligence, blockchain technology and smart contracts are being mentioned in the same sentence, along with arbitration. So, it comes to no surprise that user expect ways to submit a claim over the weekend with an instant time-stamped confirmation receipt.

The 2019 Royal Decree promotes, subject to approval, the voluntary use of arbitration by government bodies, thereby demonstrating the Kingdom’s commitment to build an investment-friendly environment; once agreed, the Decree requires for KSA-seated SCCA administration

In fact, electronic filing of a demand has long found its way into some jurisdictions’ court houses, and more and more governmental agencies now ask you to download their “App” to request a service.

Generally, arbitral institutions embrace new technology. Yet, not all is a fit...at least not yet. That being said, e-filing and online management of disputes are no longer science fiction. The SCCA has developed an online dispute resolution (ODR) Platform and ODR Protocol to manage small, high-volume claims fast and efficiently.

The ODR Protocol provides that the dispute shall be decided within 30 days from the
arbitrator’s appointment. Parties can file their claim around the clock via the ODR Platform.

The process is based on document submissions only, and a sole arbitrator with expertise will be appointed by the SCCA to resolve their dispute swiftly while ensuring that due process is preserved. All this is done without picking up the phone. Yet, a Cisco Webex conference can be arranged on short notice whenever needed.

Such tools are in demand as even the biggest corporations face claims that are comparably small and at times hard to streamline in an efficient manner without special attention. They may even be too trivial or too costly to be outsourced to outside counsel. Yet, their legal teams often need to focus their time on the legal work that impacts the company’s balance sheet. The process is designed to address these kinds of small mass claims between businesses. It frees up time for legal departments they can dedicate to more important matters.

The process equally works for consumers with small claims and conveniently avoids the at times uncomfortable in-person appearance before an adjudicator. In any event, the high efficiency and low costs of this process promote increased access to justice.

In how far other technology such as AI-assisted legal research or self-executing contracts may sensibly and effectively assist the arbitration process will need to be further explored.

The Royal Decree reinforces Article 10(2) of the 2012 Saudi Arbitration Law, which essentially states that government bodies can agree to arbitrate their disputes, subject to approval by the Prime Minister. Notably, the Royal Decree specifically addresses government agencies and state-owned companies doing business with foreign investors. But what excited us the most is that once parties have agreed to arbitration, the Royal Decree requires that it must be seated in Saudi Arabia and administered under the auspice of the SCCA or another properly licensed arbitration center.

It is hoped that the Singapore Convention achieves for mediation what the New York Convention has for international arbitration.

No doubt, this has further accelerated the pro-arbitration momentum in the Kingdom. While arbitration under the Royal Decree continues to remain optional and subject to party-agreement, the Royal Decree has now fully reversed the historically unreceptive stance towards arbitration and solidified the Kingdom’s commitment to create an investment-friendly environment for foreign investors that wish to do business with governmental agencies or government-owned entities.

What are the effects of the Royal Decree No. 28004 dated 15 January 2019 and how has it impacted the SCCA’s operations?
From London... The SCCA co-launches with the CIArb the SCCA-CIArb International Fellowship Program in Commercial Arbitration

The Fellowship Program is one of the professional qualification tools for institutional arbitrators in the Kingdom, offered in both English and Arabic and enables successful participants to become Fellows, thus joining the elite of international arbitrators.

The degree of membership of the CIArb is according to the level of the fellowship program completed - and is accepted in more than 130 countries around the world.

The Fellowship program was launched by the SCCA and CIArb on their joint website (scca.ciarb.org) consisting of three educational levels, from the law, practices, and procedures of international arbitration, then the law of obligations, and finally evidence, decision-making, writing judgments. All based on international regulations and rules in the institutional arbitration industry, mainly the Model Law and Arbitration Rules of the United Nations Commission on International Trade Law (UNCIAL) and the Regional Arbitration Law.

... And in New York...

SCCA continues its strategic relationship with the International Center for Dispute Resolution (ICDR)

The SCCA announced the signing of a cooperation agreement with the International Center for Dispute Resolution (ICDR), as a step that will consolidate the strategic relationship, which began between the two parties during the establishment of the SCCA five years ago. In addition, it moves this partnership to a new phase of bilateral cooperation between the parties, resulting in enhancing the position of the SCCA in the institutional arbitration industry locally and regionally and improving its benchmark in providing ADR services in the Kingdom and the region.

The International Center for Disputes Resolution (ICDR) is one of the largest institutional arbitration centers around the world, the international division of the American Arbitration Association (AAA), and a leader in the provision of ADR services of an international cross-border nature.

The cooperation agreement between the two parties refocuses efforts, increases the activities for institutional arbitration industry promotion in the Kingdom, and links the achievements of the SCCA with the objectives of the national development programs of the Kingdom, especially Saudi Arabia Vision 2030 - thereby, contributing to creating an environment conducive to long-term investment and the vital role of dispute resolution services in facilitating businesses.
At United Nations Headquarters in New York...

**SCCA presents the quantum leap of the institutional arbitration industry in the Kingdom**

In the largest annual gathering to assess global efforts to achieve the 2030 Sustainable Development Goals, and within the official delegation of Saudi Arabia, the SCCA participated in the activities of the High-Level Political Forum on Sustainable Development Goals at the United Nations Headquarters in New York. That is, under the auspices of the United Nations Economic and Social Council and the motto ‘Empowering people and ensuring comprehension and equality’, with the participation of more than a thousand personalities from all over the world.

Within the events of the forum, the Permanent Delegation of the Kingdom of Saudi Arabia in the United Nations, in coordination with the Trade and Investment System and the SCCA, organized a meeting. That is, to highlight the contribution of Saudi commercial systems in boosting the Kingdom’s economic growth, accelerating the business growth, developing domestic and foreign investment environment. Stressing the Kingdom’s achievements in improving its investment environment and facilitating business will show the quantum leap experienced by the Kingdom under the Vision 2030 and major initiatives, enhance the attractiveness of foreign investments, and increase the chances of success of its candidacy to the United Nations Commission on International Trade Law (UNCITRAL).

Her Excellency, Dr. Iman Al-Mutairi, Assistant Minister of Commerce and Investment and General Supervisor of the National Competitiveness Center ‘Taysir’ and Mr. Maher Al-Saeed, Director of Policies and Regulations of the Ministry of Commerce and Investment for the preparation of regulations and systems talked during the meeting. Moreover, Dr. Dr. Hamed Merah, Chief Executive Officer of the SCCA, and Mrs. Sarah Al-Manqour, Director of Entrepreneurship Centers in the General Authority for Small and Medium Enterprises spoke as well.

Commenting on the participation that witnessed international attendance, Mr. Yaseen Bin Khalid Khayyat, Chairman of the SCCA, said that the institutional arbitration industry and the alternative dispute resolution are of the main pillars of ease of doing business index according to international indicators in this regard. The meeting comes in the context of introducing the Kingdom’s efforts to consolidate the foundations of this industry in order to build a solid environment for domestic and foreign investment in the Kingdom.

Mr. Khayyat added that the SCCA has developed, and continues to do so, products of alternative commercial dispute resolution in accordance with best international practices in this area, and works in partnership and cooperation with relevant government institutions to accelerate the growth of institutional arbitration, as the national icon of this industry in the Kingdom.

For his part, Dr. Hamed bin Hassan Merah said that Saudi Arabia, represented by the SCCA, has moved forward in promoting the provision of alternative dispute resolution services, supported by a modern legislative framework, which laid down the foundations for the new arbitration system approved by the Council of Ministers a few years ago.

Dr. Merah also said that alternative dispute resolution is one of the tools supported by the decision-maker in the Kingdom to achieve the objectives of the Saudi Vision 2030, and it creates an environment conducive to long-term investment. That is, as institutional arbitration is one of the most important indicators to measure the ease of doing business activities, especially in the field of contracts and international trade.