

# Mahmoud M. Elkhrahy

## Contact Information

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## Employment

**Bahraini Ministry of Foreign Affairs (“MOFA”)**  
*Legal Adviser*

July 2018-Current

Areas of Expertise:

- Public International Law.
- International Law of Treaties.
- Diplomatic & Consular Law.
- United Nations Law.
- International Maritime Law.

**Egyptian State Lawsuits Authority (“ESLA”)**  
*Counselor*

***Head of the International Law Division - Foreign Disputes Department***  
***Member at International Law Division - Foreign Disputes Department***

2013-June 2018  
2010-2013

Areas of Expertise:

- International Investment Arbitration.
- International Commercial Arbitration.
- International Investment Law.
- Public International Law.
- Oil & Gas.
- Mining Law.
- Construction Law & Projects.
- Waste Management Law.
- Aviation Law.
- Media Law.
- ICSID, UNCITRAL, ICC & CRCICA Arbitration Rules.

***Member at Civil & Administrative Law Divisions***

1999-2010

Areas of Expertise:

- Egyptian Civil Law.
- Egyptian Commercial Law.
- Egyptian Administrative Law.
- Egyptian Procedural Law.

## Professional Experience

Mahmoud Elkhrahy served as counsel for the Arab Republic of Egypt in 45 international arbitrations (*i.e.* 21 investment treaty arbitrations under ICSID Arbitration Rules, 7 investment treaty arbitrations under UNCITRAL Arbitration Rules, 3 investment treaty arbitrations under OIC Investment Agreement, 4 investment treaty cases under Arab Investment

Agreement before the Arab Investment Court, 6 international commercial arbitrations under CRCICA Arbitration Rules, 3 international commercial arbitrations under ICC Arbitration Rules and 1 international commercial arbitration under UNCITRAL Arbitration Rules).

He participated in defending the Arab Republic of Egypt in many cases before foreign courts in the United Kingdom and the United States of America.

He provided other legal services for the Government of the Arab Republic of Egypt and the Government of the Kingdom of Bahrain such as :

- Legal review of many international contracts concluded between the Egyptian Government and foreign companies.
- Legal review of many agreements for the amicable settlement of international investment and commercial disputes concluded between the Egyptian Government and foreign companies.
- Early assessment of the position of the Egyptian Government in many international investment and commercial disputes.
- Participation in formulating Egypt's position in the process for amending ICSID's Regulation and Rules.
- Participation in formulating Egypt's position in UNCITRAL's initiative of State-Investor Dispute Settlement Reform.
- Participation in the meetings of the Ministerial Committee for Settlement of Investment Contract Disputes affiliated with the Egyptian Prime Ministry.
- Legal review of many international treaties and Memorandums of understanding entered into by the Government of the Kingdom of Bahrain.
- Drafting diplomatic notes and correspondences exchanged between governments and international organizations.
- Providing the Government of the Kingdom of Bahrain with legal opinion in issues related to all branches of Public International Law.

He served as co-arbitrator in international commercial arbitrations under CRCICA Arbitration Rules.

## **Investment Treaty Arbitrations & Cases**

Highlights of his non-confidential state-investor dispute resolution experience include:

- ICSID Case No. ARB/09/15 filed by *H&H Enterprises Investments v. Arab Republic of Egypt*.
- ICSID Case No. ARB/11/06 filed by *Bawabet Al Kuwait Holding Company v. Arab Republic of Egypt*.
- ICSID Case No. ARB/11/07 filed by *National Gas v. Arab Republic of Egypt*.
- ICSID Case No. ARB/11/16 filed by *Hussain Sajwani et al v. Arab Republic of Egypt*.
- ICSID Case No. ARB/11/32 filed by *Indorama International Finance Limited v. Arab Republic of Egypt*.
- ICSID Case No. ARB/12/11 filed by *Ampal-American Israel Corporation et al v. Arab Republic of Egypt*.
- ICSID Case No. ARB/12/15 filed by *Veolia Properte et al v. Arab Republic of Egypt*.
- ICSID Case No. ARB/13/3 filed by *Ossama Al Sharif v. Arab Republic of Egypt* ("Dispute Concerning Sokhna Port").
- ICSID Case No. ARB/13/4 filed by *Ossama Al Sharif v. Arab Republic of Egypt* ("Dispute Concerning MTS").
- ICSID Case No. ARB/13/5 filed by *Ossama Al Sharif v. Arab Republic of Egypt* ("Dispute Concerning East Port Said Project").
- ICSID Case No. ARB/13/23 filed by *ASA International v. Arab Republic of Egypt*.
- ICSID Case No. ARB/13/29 filed by *Cementos La Union & Aridos Jativa v. Arab Republic of Egypt*.
- ICSID Case No. ARB/13/37 filed by *UTSCH M.O.V.E.R.S. International GmbH v. Arab Republic of Egypt*.
- ICSID Case No. ARB/14/4 filed by *Union Fenosa Gas v. Arab Republic of Egypt*.
- ICSID Case No. ARB/15/47 filed by *ArcelorMittal v. Arab Republic of Egypt*.
- ICSID Case No. ARB/16/1 filed by *Al Jazeera Media Network v. Arab Republic of Egypt*.
- ICSID Case No. (ARB/16/2) filed by *Champion Holding Company et al v. Arab Republic of Egypt*.
- ICSID Case No. ARB/16/37 filed by *LP Egypt Holdings I, LLC et al v. Arab Republic of Egypt*.
- ICSID Case No. (ARB/17/31) filed by *Future Pipe International v. Arab Republic of Egypt*.
- ICSID Case No. (ARB/09/15) – Annulment Proceedings - filed by *H&H Enterprises Investments v. Arab Republic of Egypt*.

- ICSID Case No. ARB/08/18 - Annulment Proceedings - filed by *Malicorp Limited v. Arab Republic of Egypt*.
- Case No. 2/7J filed by *Horizon Touristic v. the Egyptian Prime Minister et al* before Arab Investment Court – Arab League.
- Case No. 1/12J filed by *Omar Batook v. the Egyptian Minister of Justice et al* before Arab Investment Court – Arab League.
- Case No. 4/13J – Review Proceedings - filed by *Omar Batook v. the Egyptian Minister of Justice et al* before Arab Investment Court – Arab League.
- Case No. 2/14J filed by *Talal Cendy v. the Egyptian Minister of Agriculture et al* before Arab Investment Court – Arab League.

## Litigation before Foreign Courts

Highlights of experience related to disputes before foreign courts include:

- Case No. 2012 Folio 284 filed by *Malicorp Limited v. the Government of the Arab Republic of Egypt* before the High Court of Justice – United Kingdom.
- Case No. 13-cv-08894 (AT)(AJP) filed by *Ahmed Bahgat et al v. the Government of the Arab Republic of Egypt et al* before the Southern District of New York – the United States District Court.
- Appeal No. (15-1492cv) filed by *Ahmed Bahgat et al v. the Government of the Arab Republic of Egypt et al* before the United States Court of Appeals – 2<sup>nd</sup> Circuit.

## Academic Experience

**The Egyptian National Centre for Judicial Studies (“NCJS”)** 2016-2018  
*Visiting Lecturer for African Judges*

The subjects:

- Principles of Arbitration
- Enforcement of Arbitral Awards
- Set Aside of Arbitral Awards
- Disputes related to International Investment Agreements

**Faculty of Law – Alexandria University** 2008-2014  
*Visiting Lecturer*

The subjects:

- Arbitration
- Civil & Commercial Procedures Law
- Enforcement Procedures
- Public Law
- Public Administration
- Criminology

**The College of International Transport and Logistics - Arab Academy for Science, Technology & Maritime Transport - League of Arab States** 2009-2013  
*Visiting Lecturer in law*

**The Egyptian Society for International Law** 2016 & 2018  
*Lecturer in International Arbitration*

## Memberships

Member of the Taskforce on Third Party Funding established by the International Council for Commercial Arbitration (“ICCA”) and Queen Mary University of London. 2016

Member of the Egyptian Higher Authority for Studying and Providing Opinion in International Arbitrations filed by and against the Arab Republic of Egypt. 2013

Member of the Board of Directors of the Centre for Judicial Studies and Training affiliated with the Egyptian State Lawsuits Authority (“ESLA”).  
2017-July 2018

## Conferences

Speaker, workshop on “*Investment Dispute Settlement and Prevention*” held in Cairo and organized by OECD & the Middle East and North Africa Transition Fund.  
March 2016

Speaker, ICSID-CRCICA Joint Conference on International Investment Arbitration held in Cairo and organized by the International Center for Settlement of Investment Disputes.  
September 2016

Chairman of a Panel, conference titled “*A Paradigm Shift in International Investment Law*” held in Cairo and organized by AILA & the University of Geneva.  
April 2017

Speaker, symposium on “*The Role of Alternative Dispute Resolution Methods in the Judicial Process*” held in Cairo and organized by NCJS, ABA & USAID.  
October 2017

Speaker, 2<sup>nd</sup> Arab Regional Conference held in Cairo and organized by IBA Arab Regional Forum.  
4-5 November 2018

Speaker, BCDR-AAA/SCC Joint Conference on «*Slaient Issues in Investment Arbitration*» held in Manama and organized by BCDR-AAA and Stockholm Chambres of Commerce.  
18 November 2018

## Education

Master of law, Alexandria University  
1996-1998

Bachelor of law, Alexandria University  
1992 -1996

## Admissions

Admitted before Egyptian Courts

Listed in the Panel of Arbitrators of the Cairo Regional Centre for International Commercial Arbitration (“CRCICA”)

## Nationalities

Egyptian

## Languages

Arabic (Native)

English (Fluent)