



United Nations
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UNCITRAL Colloquium on Recognition and Enforcement of Electronic Arbitral Awards

SCCA in the ADR Digitalization Era

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Dr. Hamed Merah



Table of Content

1. Digitalization in SCCA Rules

2. Digitalization in SCCA Practice

3. Enabling Environment for Digitalization

A. The Enabling Infrastructure

B. The Enabling Judicial System

C. The Enabling Legislative Framework



Table of Content

1. Digitalization in SCCA Rules

2. Digitalization in SCCA Practice

3. Enabling Environment for Digitalization

A. The Enabling Infrastructure

B. The Enabling Judicial System

C. The Enabling Legislative Framework



1- Digitalization in SCCA Rules

A. General notes:

- Excluding the foreword and the four annexes, the words “*electronic*” or “*electronically*” appear **12** times in the 2023 SCCA Arbitration Rules.
- **Article 25(2) on “Conduct of Arbitration” most prominently promotes the use of technology:** “[...] In establishing procedures for the arbitration, the Arbitral Tribunal and the parties are encouraged to consider how technology, including but not limited to electronic communications, e-filings, and the electronic presentation of evidence, could be used, including to reduce the environmental impact of the arbitration [...].”
- **Foreword to SCCA Arbitration Rules:** “The Rules encourage the use of technology, such as the electronic transmission of documents, presentation of evidence utilizing electronic means, and the electronic signing of awards, to minimize the environmental impact and optimize efficiency.”



1- Digitalization in SCCA Rules

B. E-awards and E-signature:

- **Article 36(1):** “All awards issued shall be reasoned and made in writing. [...] Unless the parties agree, or applicable law requires, otherwise, all awards may be signed electronically [...].”
- This is further confirmed in **Article 22(4)** , and **Article 11(3)** of the **SCCA ODR Procedure Rules**.



1- Digitalization in SCCA Rules

C. E-Notices & transmitting request for arbitration, memos, and the exchange of documents electronically:

- **Article 27(1):** “[...] the Arbitral Tribunal may make any procedural order to: [...] c) Require the parties to correspond through electronic means; or d) Require that all written submissions be filed exclusively by email or other electronic means.”
- References to electronic submissions are also found in **Article 4, Article 5(1) and Article 27(3)**.



1- Digitalization in SCCA Rules

D. E-hearing:

- **Article 29(2):** “[...] In all cases, the Arbitral Tribunal shall, after consultation with the parties and upon consideration of all relevant circumstances, determine the mode and format of any such hearing, including whether it will be conducted in person, remotely by videoconference or other appropriate means of communication, or in a hybrid format.”
- This is corroborated in **Article 22(3)**.



Table of Content

1. Digitalization in SCCA Rules

2. Digitalization in SCCA Practice

3. Enabling Environment for Digitalization

A. The Enabling Infrastructure

B. The Enabling Judicial System

C. The Enabling Legislative Framework



2- Digitalization in SCCA Practice

- With very few exceptions, arbitrations under the SCCA Arbitration Rules and the SCCA Expedited Procedure Rules are filed almost exclusively online. For the SCCA Online Dispute Resolution (ODR) Procedure Rules, all filings must be filed online using a dedicated ODR Platform.
- This digital approach extends to the exchange of communications, submissions, evidence, administrative conferences, case management conferences, and even evidentiary hearings.
- All exchanges between SCCA the Arbitral Tribunal, and the parties are conducted almost exclusively electronically.
- Since the 2023 SCCA Arbitration Rules came into effect, the vast majority of arbitral awards circulated to the parties via email. Hard copies are provided upon request or where necessary to satisfy jurisdictional requirements.
- During the pandemic, SCCA swiftly addressed initial court impasses by promoting online mediation. Most notably, SCCA, in cooperation with the Ministry of Justice, converted settlement agreements into enforceable titles. This enabled parties to pursue enforcement with the Enforcement Courts in case of non-compliance.



Table of Content

1. Digitalization in SCCA Rules

2. Digitalization in SCCA Practice

3. Enabling Environment for Digitalization

A. The Enabling Infrastructure

B. The Enabling Judicial System

C. The Enabling Legislative Framework



3- The Enabling Environment for Digitalization

A. Enabling Infrastructure

- **(97%)** of governmental services are provided digitally.
- Saudi Arabia's Digital Services Ranking (as per the OSI):
 - 2018: ranked the **52nd** globally
 - 2022: ranked the **31st** globally
 - 2024: ranked
 - **4th** globally
 - **2nd** among G20
 - **1st** regionally



Table of Content

1. Digitalization in SCCA Rules

2. Digitalization in SCCA Practice

3. Enabling Environment for Digitalization

A. The Enabling Infrastructure

B. The Enabling Judicial System

C. The Enabling Legislative Framework



3- The Enabling Environment for Digitalization

B. Enabling Judicial System

- **Digitalization of Judicial Services in Saudi Arabia:**
 - **2015: 30%**
 - **2024: 87%**
- Over **160** judicial services available digitally via dedicated e-platform (“Najiz”) offered by the Ministry of Justice:
 - Eliminates over **65M** physical visits annually
 - Reduces paper usage by over **90M** sheets
- Engagement with competent Saudi courts on matters related to arbitration and mediation is fully digitalized to enhance speed and efficiency.
- The following processes are exclusively executed electronically via Najiz, including:
 - Deposition of arbitral awards by arbitral tribunals.
 - Filing of motions to annul or enforce arbitral awards, whether local or foreign-seated.



Table of Content

1. Digitalization in SCCA Rules

2. Digitalization in SCCA Practice

3. Enabling Environment for Digitalization

A. The Enabling Infrastructure

B. The Enabling Judicial System

C. The Enabling Legislative Framework



3- The Enabling Environment for Digitalization

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- **Overview**

KSA has adopted a comprehensive legal framework to:

- Support the digital transformation of public services, aligned with global trends;
- Establish digital identities, digital signatures, and a public key infrastructure; and

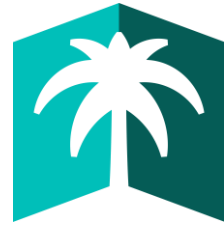
This includes, among others, the Electronic Transactions Law, the E-Commerce Law, and the Telecommunications Act.



3- The Enabling Environment for Digitalization

C. The Enabling Legislative Framework

- **The Electronic Transactions Law and its Implementing Regulations**
 - The Electronic Transactions Law provides a legal framework for the use of electronic transactions and signatures. It ensures that electronic records and signatures are reliable, secure, and legally valid.
 - The law simplifies the process of using electronic methods in different sectors, making it easier to conduct business, government, and other activities online, while preventing fraud and misuse.
 - **Article 7:** Electronic documents and records are legally equivalent to written documents.
 - **Article 14:** Electronic signatures can replace handwritten signatures if created per the law.
 - **Article 17:** Digital certificates from other countries are recognized if they meet the legal requirements.
- **The Procedural Guide for Online Litigation Services**
 - It outlines the guidelines and procedures for the entire process of e-Litigation. The final section specifies that hearings may be done either in person or virtually, and that judgements will be delivered to the parties electronically.



Thank You!

