

ABDUL HAMID EL-AHDAB

**ARBITRATION
• WITH THE •
ARAB COUNTRIES**

SECOND EDITION

**KLUWER LAW
INTERNATIONAL**

Arbitration With The Arab Countries

Mohamed A.M. Ismail



Arbitration With The Arab Countries:

Arbitration with the Arab Countries ?Abd al-ʿamʿd Aʿdab, Jalal El-Ahdab, 2011-01-01 This book is intended to provide lawyers and businesses with an overview of the legal systems and processes in relation to arbitration in all the Arab jurisdictions in the Middle East and North Africa Algeria Bahrain Egypt Iraq Jordan Kuwait Lebanon Libya Morocco Oman Qatar Saudi Arabia Sudan Syria Tunisia United Arab Emirates Yemen In addition there will be a chapter on Muslim arbitration law Shari a the Amman Arab Convention on Commercial Arbitration 1987 and the Riyadh Arab Convention on Judicial Cooperation 1983 The new edition will be completely revised updated and expanded providing commentary an overview of case law and translations of the relevant statutes Each chapter will follow the same outline to ensure that they are as consistent and comparative as possible and will cover but not be limited to issues such as the legal and judicial system the agreement to arbitrate the arbitrators the proceedings arbitral awards the enforcement of the award and the means of recourse

Arbitration with the Arab Countries 'Abd al-Ḥamīd Aḥḍab, 1999 Arab arbitration law has moved beyond the crisis caused by the controversial ARAMCO and Abu Dhabi awards The past decade has witnessed widespread changes in Arab arbitration law including the modification of arbitration laws by a number of Arab countries the creation of several new arbitration centers in these countries and the accession by most Arab countries to the New York Convention Arbitrators and other practitioners whose work deals with one or more Arab states and academics involved in the study of Arab arbitration law need a complete resource that ties together the multiple components of law in this area Arbitration with the Arab Countries supplies this resource setting out the evolution of Arab arbitration law and offering an exhaustive commentary on the law and practice of arbitration throughout the Arab world and exploring some of the remaining problems and hidden truths in the field Its practical features include an introduction to and explanation of the concepts of arbitration in Moslem law coverage of several pan Arabic conventions on Arab and international arbitration a view of the state of the law in each relevant country Arbitration with the Arab Countries allows the user to look up the arbitration systems and practice of a particular country while also contributing to a deeper understanding of the influences of Moslem law in this area generally Practitioners and academics will appreciate its completeness and insight

Arbitration and International Trade in the Arab Countries Nathalie Najjar, 2017-10-23 Arbitration and International Trade in the Arab Countries by Nathalie Najjar is masterful compendium of arbitration law in the Arab countries A true study of comparative law in the purest sense of the term the work puts into perspective the solutions retained in the various laws concerned and highlights both their convergences and divergences Focusing on the laws of sixteen States the author examines international trade arbitration in the MENA region and assesses the value of these solutions in a way that seeks to guide a practice which remains extraordinarily heterogeneous The book provides an analysis of a large number of legal sources court decisions as well as a presentation of the attitude of the courts towards arbitration in the States studied Traditional and modern sources of

international arbitration are examined through the prism of the two requirements of international trade freedom and safety the same prism through which the whole law of arbitration is studied The book thus constitutes an indispensable guide to any arbitration specialist called to work with the Arab countries both as a practitioner and as a theoretician *Arbitration with the Arab Countries* Abdul Hamid el- Ahdab,1999

Law and Practice of International Commercial Arbitration Alan Redfern,2004 Highly acclaimed by practitioners all over the world Law Practice of International Commercial Arbitration has deservedly become the leading text in its field With its comprehensive review of the legal context within which international commercial arbitration operates Redfern Hunter is the ultimate user friendly explanation of how arbitration and in particular international commercial arbitration works The 4th edition has been expanded to give a wider global scope to the work Readers can also benefit from the expert insight and advice of world renowned international practitioners international practitioner Contains a comprehensive review of the international commercial arbitration process from start to finish Includes commentary on suitable places of arbitration developments in international trade law and the increasing harmonisation of national laws governing international arbitration Appendices include the major international rules of arbitration and conventions Explains how arbitration should be conducted to be cost effective and profitable Fully updated to take account of the latest developments all over the world including a new chapter on investment arbitrations

Fouchard, Gaillard, Goldman on International Commercial Arbitration Philippe Fouchard,Berthold Goldman,1999-09-02 Based on and includes revisions to *Trait de l arbitrage commercial international* Ph Fouchard E Gaillard B Goldman 1996 Cf foreword

International Commercial Arbitration Gary Born,2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process This completely revised and expanded edition of Gary Born s authoritative work is divided into three main parts dealing with the International Arbitration Agreement International Arbitral Procedures and International Arbitral Awards The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems

INTERNATIONAL ARBITRATION AGREEMENTS
Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements

INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS
Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice

of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards **International Investment Arbitration** Mohamed A.M. Ismail, 2016-04-22 Arbitration is the most common mechanism for disputes settlement in developing countries Following the move to free market economies arbitration will play an increasingly fundamental role in order to protect foreign investors in the Middle East and North African Region MENA This book examines the pulse and dynamics of international investment arbitration and the new era of mediation in state contracts in the region The author explores the harmonization of international arbitration and the sensitive issue of le Contrat Administratif in Middle East civil law countries The volume also discusses the pivotal role of international organizations such as UNCTAD and ICSID in codifying fair and prompt mechanisms for dispute settlement Using Latin American countries as a prime example of how international legislative instruments serve international investment law principles and comparing Latin American experiences where appropriate the book demonstrates how lessons can be learned in respect of alternative dispute resolution international commercial arbitration and investor states arbitration It provides suggestions and recommendations for the future and includes useful appendices detailing recent worldwide trends regional and international instruments in the arbitration world **International Arbitration Law and Practice, Third Edition** Mauro Rubino-Sammartano, 2014-01-01 This third edition of International Arbitration Law and Practice has been largely enriched by covering international commercial arbitrations investment treaty arbitrations arbitrations between public bodies between states and individuals the UNCITRAL model law and Iran US Tribunal proceedings as well as commodity arbitration online arbitration and sports arbitral proceedings International Arbitration Law and Practice 3rd edition elaborates new concepts such as a definition of international arbitration based on procedural law different from transnational law and a doctrine the *trunc commun* doctrine to identify the applicable substantive law on disputes between parties belonging to different countries It further suggests that a law of international arbitration has arisen from the various conventions and laws Besides dealing with all the aspects of arbitration on a topic by topic basis the writer presents a third generation arbitration which builds on analysis of major obstacles to a smooth running arbitration International Arbitration Law and Practice 3rd edition is a work that anyone involved in arbitral proceedings will find to be absolutely indispensable *The Plurality and Synergies of Legal Traditions in International Arbitration* Nayla Comair Obeid, Stavros Brekoulakis, 2024-02-20 The cultural diversity characterizing international arbitration today is as much a source of enrichment as it is sometimes a source of practical difficulties affecting both the arbitration procedure and the application of substantive law Consequently it is becoming clearer that the critical

project for international arbitration in the immediate future will be how to best answer the fundamental question of cultural pluralism This book presents an informative and well argued discussion on many aspects of international arbitration clarifying the main procedural and substantive similarities and differences between different legal systems around the world focusing not only on common and civil law traditions but also the role played by regional legal traditions including Islamic law and African perspectives With contributions from fifty arbitrators counsel and academics representing every region of the world where international arbitration has secured a foothold the volume consolidates and synthesizes a series of discussions sponsored by the Chartered Institute of Arbitrators that took place in Dubai Johannesburg and Paris in 2017 The essays identify and address the cultural distinctions that affect the key ever present factors which have forged the character of modern international arbitration such as the following the seat of the arbitration and the legal regime to which the arbitration is attached due process which has different and specific meanings in different national legal systems international standards such as international public policy illegality arbitrability and sanctions the immunity of international arbitrators form of presentation of evidence production of documents oral and written submissions and expert evidence the specific context of international investment arbitration disputes in specific industries or legal areas telecommunications construction mining intellectual property the role of national judges and the legal traditions they embrace throughout and after arbitration proceedings how to incorporate more conciliatory cultural traditions which are notably shared in many African and Asian countries and training and opportunities for the next generation in international arbitration The book is replete with tools and recommendations to ensure synergy and harmony between the different legal traditions that coexist in today s arbitral proceedings All users of arbitration whether the arbitrators themselves lawyers involved as counsel for parties or judges applying arbitration law will greatly appreciate this matchless elucidation of the different systems and alternative ways of presenting the divergent procedures and ways of conducting international arbitrations The book s immeasurable value to arbitration academics goes without saying *International Commercial Arbitration in the Arab Countries* ,1992

Quo Vadis Arbitration?:Sixty Years of Arbitration Practice Pieter Sanders,1999-06-16 Lawyer arbitrator negotiator author educator drafter rapporteur andndash for sixty years Pieter Sanders has been in the eye of the storm as during this period arbitration grew into the world s preferred method for the resolution of commercial disputes No one is better qualified to assess the current worldwide condition and prospects of arbitration and conciliation or to offer practical insightful solutions to the problems confronting arbitration practice today Quo Vadis Arbitration will not disappoint the many lawyers judges legislators and businesspeople to whom it is addressed Drawing on his wide and varied experience and especially on the occasions when resourceful measures had to be taken in the absence of clear legal guidance Professor Sanders presents cogent well reasoned arguments and recommendations for the main issues which may arise in any arbitration a revision of the UNCITRAL Model Law a harmonisation of Rules on Conciliation and drafting a Model Law on Conciliation refining Codes

of Ethics and Codes of Taking Evidence to strengthen bridges between cultural differences A list of the author s achievements is virtually a history of the development of international arbitration since the 1930s With many warmly shared anecdotes of the conflicts compromises and triumphs of pivotal meetings and conventions Professor Sanders takes the reader behind the scenes for a rare glimpse into the inner workings of the complex and rewarding process that created this invaluable modern discipline Quo Vadis Arbitration also provides a masterful but simple exposition of the arbitral process from the validity of the arbitration agreement to the means of recourse against the award This is a book that will be warmly appreciated and used by arbitration specialists of any degree of expertise anywhere in the world

Confidentiality in Arbitration Mariam M. El-Awa,2016-07-06 This book addresses the issue of privacy and confidentiality in the broader context of the Egyptian legal system The volume opens with an overview of the major approaches to confidentiality adopted in various jurisdictions It goes on to examine the duties of confidentiality and privacy in arbitration law and practice on the basis of interviews with 30 law professors and practitioners who often act as arbitrators or counsel for parties in arbitral disputes together with the relevant Egyptian arbitration law provisions The book takes into account the relevant provisions in the arbitration laws of Syria Saudia Arabia and Yemen It moves on to explore the relation between arbitration and the judicial system and the extent to which the former should borrow its rules from the latter with regard to publicity and the rule of public trial Finally this book looks at the right to privacy as a a constitutional right as a potential basis for a legal duty of confidentiality in arbitration and the duties stemming from this constitutional right in the various laws of Egypt as well as b the constraints imposed on the right to privacy in particular those stemming from the constitutional principles of freedom of speech and freedom of the press The main conclusion is that confidentiality does indeed exist in arbitration However its legal basis is not the law on arbitration or the arbitration agreement It is in fact a corollary of the fundamental right to privacy granted in the Egyptian legal system to both natural and legal persons

Recognition and Enforcement of Foreign Arbitral Awards Herbert Kronke,Patricia Nacimiento,Dirk Otto,Nicola Christine Port,2024-12-05 Few instruments in international law have become as clearly and successfully established worldwide as the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards It has continued to prove itself throughout the fourteen years since the publication of the first edition of this preeminent commentary a period during which the Convention s scope and application have been greatly augmented by numerous court decisions rendered in jurisdictions around the globe and regarding arbitral awards resulting from both commercial and investor State disputes as well as by abundant legal scholarship calling for an updated edition The second edition retains the book s article by article format both text and detailed analysis including each provision s theoretical underpinnings and practical application in a wide variety of jurisdictions around the world The editors have assembled a group of authors some already involved in the first edition some new each of them an experienced practitioner in the field of international arbitration in their particular country and deeply

conversant with the leading and most recent arbitrations and relevant court decisions in their domestic case law The commentary includes updated and expanded coverage of such aspects of arbitration practice as the following application by domestic courts of the grounds for refusal of recognition and enforcement of arbitral awards use of reservations made by Contracting States distinctions between recognition sought at the seat of the arbitration and outside the seat safeguarding due process standards the more favourable rights principle embodied in Article VII 1 forum shopping and the role of formalities and formalism To continue to provide a truly international view of how the Convention functions in practice the analysis thoroughly covers the major recent issues that have arisen in its application and their resolutions in diverse cases The end result is an invaluable work that will prove enormously useful to all international commercial arbitration practitioners and scholars regardless of location

Globalization and New International Public Works Agreements in Developing Countries Mohamed A.M. Ismail, 2016-04-22 This book scrutinizes the new legal nature and stipulations of International Public Works Agreements and provides an in depth analysis of new forms of infrastructure agreements which have been created in developing countries such as PPPs The volume also examines the direct impact of the new legal environment upon infrastructure transactions such as dispute resolutions and ADR mechanisms in particular arbitration It provides an analytical perspective on international public works agreements in developing states in the light of ICC rules of arbitration and FIDIC forms of contracts As globalization significantly influences le contrat administratif in civil law legal culture this book examines the legal cultures of civil and common law from a comparative perspective The author argues that harmonization and integration of the two cultures in infrastructure agreements are the way forward The book will be a fundamental guide for researchers and academics working in this area as well as judges lawyers and international arbitrators in both common law jurisdictions and civil law legal systems

World Trade and Arbitration Materials, 1999

International Commercial Arbitration Gary B. Born, 2014-10-01 The second edition of Gary Born's International Commercial Arbitration is an authoritative 4 408 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The first edition of International Commercial Arbitration is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users

of international commercial arbitration will find clear and authoritative guidance in this work The second edition of International Commercial Arbitration has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering International Arbitration Agreements provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering International Arbitration Procedures provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with International Arbitral Awards provides a detailed discussion of the issues arising from international arbitration awards It includes chapters covering the form and contents of awards the correction interpretation and supplementation of awards the annulment and confirmation of awards the recognition and enforcement of arbitral awards and issues of preclusion lis pendens and stare decisis

Liber Amicorum Samir Saleh Nassib G. Ziadé, 2019-11-29 Liber Amicorum Samir Saleh Reflections on Dispute Resolution with Particular Emphasis on the Arab World Edited by Nassib G Ziad This welcome volume upturns the widespread perception that the Islamic and Arab worlds fail to conform to today's internationalized approach to dispute resolution With contributions from nineteen eminent authors judges arbitrators academics practicing lawyers representatives of international arbitral institutions this collection of essays and analyses manifests the salutary worldwide influence of Arab law and its intersection with the common law and civil law traditions Conceived to honor Mr Samir Saleh one of the leading scholars and international lawyers in the Arab world the book offers work in English and French that focuses on the fields of law to which Mr Saleh has made his most significant contributions namely arbitration and mediation in different types of international disputes Among the issues and topics covered are the following the position of Islamic and Middle Eastern law on alternative dispute resolution dichotomy between confidentiality and enforcement Shari'a applicable to the merits in international commercial arbitration oil and gas agreements State submission to arbitration in the Arab world the role of arbitral institutions in the Middle East and North Africa and interaction between public and private law concepts and practices The authors highlight the ongoing challenges and outlook for dispute resolution in the region discussing case law evolving legislation and changes in the practice of international arbitration and mediation in several Arab countries Mr

Saleh's work in strengthening international law while bridging the legal and cultural divides between the Arab region and the rest of the world will undoubtedly continue to inspire generations to come. Given recent developments in Arab and Islamic law and the resulting focus on Arab scholarship and jurisprudence along with Mr. Saleh's unparalleled influence on dispute resolution in the Arab world and beyond, the wide-ranging expertise revealed in this *Liber Amicorum* is sure to be of great practical value to international law practitioners and law firms, alternative dispute resolution scholars and arbitral institutions worldwide.

Journal of International Arbitration, 1992 *Arbitration International*, 1999

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Table of Contents Arbitration With The Arab Countries

1. Understanding the eBook Arbitration With The Arab Countries
 - The Rise of Digital Reading Arbitration With The Arab Countries
 - Advantages of eBooks Over Traditional Books
2. Identifying Arbitration With The Arab Countries
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Arbitration With The Arab Countries
 - User-Friendly Interface
4. Exploring eBook Recommendations from Arbitration With The Arab Countries
 - Personalized Recommendations
 - Arbitration With The Arab Countries User Reviews and Ratings
 - Arbitration With The Arab Countries and Bestseller Lists
5. Accessing Arbitration With The Arab Countries Free and Paid eBooks
 - Arbitration With The Arab Countries Public Domain eBooks
 - Arbitration With The Arab Countries eBook Subscription Services
 - Arbitration With The Arab Countries Budget-Friendly Options
6. Navigating Arbitration With The Arab Countries eBook Formats
 - ePub, PDF, MOBI, and More
 - Arbitration With The Arab Countries Compatibility with Devices
 - Arbitration With The Arab Countries Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Arbitration With The Arab Countries
 - Highlighting and Note-Taking Arbitration With The Arab Countries
 - Interactive Elements Arbitration With The Arab Countries
8. Staying Engaged with Arbitration With The Arab Countries

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Arbitration With The Arab Countries
- 9. Balancing eBooks and Physical Books Arbitration With The Arab Countries
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Arbitration With The Arab Countries
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Arbitration With The Arab Countries
 - Setting Reading Goals Arbitration With The Arab Countries
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Arbitration With The Arab Countries
 - Fact-Checking eBook Content of Arbitration With The Arab Countries
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

Arbitration With The Arab Countries Introduction

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