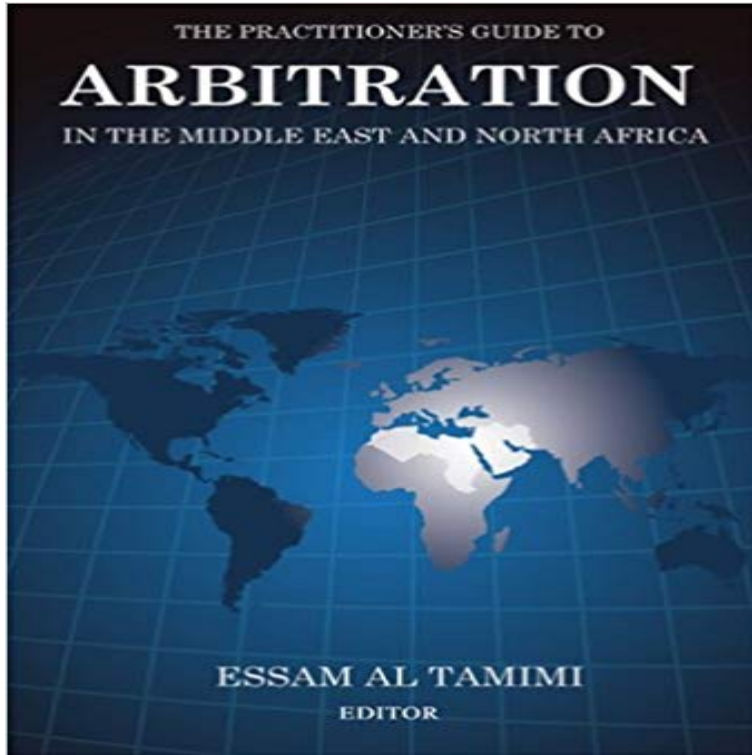


The Practitioners Guide to Arbitration in the Middle East and North Africa



The Practitioners Guide to Arbitration in the Middle East and North Africa is the culmination of the real experience and expertise from those experts and authorities directly involved with arbitration in their respective countries. The book is the first of its kind to target the Mena region specifically and is essential for anyone working in the area of arbitration both in the Middle East and world-wide. The practice of arbitration of private disputes is not new to MENA countries. Arbitration has long been recognized as a legitimate and culturally accepted practice of dispute resolution, dating back to dispute resolution practices of the early Islamic period, and even the pre-Islamic era. International commercial arbitration, and its cultural and juridical acceptance, is a more recent and complex phenomenon nonetheless on the rise in MENA countries. It is now standard for arbitration clauses to be included in contracts governing international transactions and there is a growing consensus among MENA merchants engaged in international trade, along with their commercial counterparts in the rest of the world, that international arbitration is preferable to litigation in domestic courts for purposes of resolving private commercial disputes. While subject to some qualifications and restrictions in some instances, in many, if not most, MENA countries, arbitration clauses can be included in contracts with government entities engaging in commercial transactions. Additionally, conferences, seminars, and training programs in international arbitration are on the rise, and various international arbitration centres have been established. The advantages from the perspective of private parties are tremendous: Parties can elect which law will apply to disputes arising from their transactions, and they can remove themselves from the constraints and biases of parochial attitudes in national courts.

There is also an increasing acceptance by national courts of international arbitration standards, such as the principle of Kompetenz-Kompetenz, recognising the right of arbitrators to decide their own jurisdiction and the separability of the arbitration clause. More frequently, courts are granting assistance and support to international arbitrations and are more receptive to enforcing foreign awards. This book is a comprehensive guide to arbitration in Algeria, Bahrain, Egypt, Iran, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, UAE, and Yemen. Written in question/answer format by leading practitioners and firms from the region, it elicits the most salient features of the legal framework for arbitration and international arbitration in each of the respective countries.

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