

International Investment Arbitration: Lessons from Developments in the MENA Region

By Mohamed A.M. Ismail

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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.

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International Investment Arbitration: Lessons from Developments in the MENA Region By Mohamed A.M. Ismail Bibliography

- Sales Rank: #7115853 in Books
- Published on: 2013-07-26
- Original language: English
- Dimensions: 9.75" h x 7.00" w x .75" l, 1.50 pounds
- Binding: Hardcover
- 240 pages

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Editorial Review

Review
From the Foreword:'Dr Ismail injects into the book his wide experience and his personal knowledge of the region, and of the law and practice of arbitration in the Arab Middle East. Readers will also find his text both well-researched and conveniently presented ... The book covers a wide range of material on the subject. Dr Ismail has provided a well thought out work with a wealth of information which will help to promote knowledge and skills in international arbitration in the MENA region. I am happy to be able to recommend it most warmly.'Martin Hunter, co-author of Redfern and Hunter on International Arbitration'A very thoughtful and insightful contribution to the literature in a field, and region, of growing international importance. Judge Ismail's work is required reading for any student or practitioner in the area.'Gary Born, Wilmer Cutler Pickering Hale and Dorr, LLP and author, International Commercial Arbitration 'Mohamed Ismail provides an insightful guide for readers providing a better understanding of risks, protections and opportunities available to foreign investors dealing in the MENA region. The book, part historical analysis, part critical review, and part focused on future opportunities, is a must read for anyone practicing or interested in the International Investment Arbitration Sphere.'Doug Jones, AO, Australia and UK

About the Author
Mohamed A.M. Ismail is a Vice-President of the Egyptian State Council (Conseil d'Etat), Judge at the Court of Appeal (Contracts Circuit), Fellow of the Chartered Institute of Arbitrators (UK), Member of the 'Comité FranÃ§ais D’Arbitrage', Visiting Professor and PhD examiner in the Egyptian Universities in International State Contracts and Arbitration, particularly on infrastructure projects, Lecturer at the Cairo Regional Centre of the International Commercial Arbitration (CRCICA), Lecturer in the Gulf region and Bahrain Chamber for Disputes Resolution (BCDR-AAA) in international infrastructure Arbitration, Lecturer in the Arab League, and Arbitrator in the International Construction Contracts disputes particularly International Public Works Agreements. Dr Ismail was formerly a Senior Legal Advisor of HE the Egyptian Minister of Petroleum and represented the Egyptian Government in the state international business transactions in the Oil and Gas industry, especially in the UK with distinguished law firms such as Shearman Sterling the international counsel to the Egyptian government. He was a Senior Legal Advisor of HE the Egyptian Minister of Trade and Industry and formerly a Senior Legal Advisor of the Investment Sector in Egypt and represented the Egyptian government at the United Nations Conference on Trade and Development (UNCTAD), Geneva, for the Bilateral Investment Treaties (BITs) negotiations when developing states were involved. Dr Ismail is the recipient of the prestigious State Prize for Academic Legal Research - from the government of the Arab Republic of Egypt - 2011/2012.

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