

## FOREWORD

The Middle East and North Africa, also often referred to in shorthand as the MENA region, are mainly made up of Arab countries. The publication of a regularly updated loose-leaf reference work on the practice and procedure of arbitration arranged by country in that part of the world meets a long-standing need in the market. Becoming familiar with the current law of arbitration in this region, where arbitration has become increasingly relevant to daily dispute resolution practice over the last twenty to thirty years, will give us a better understanding of the workings of the arbitral process in less accessible Arab jurisdictions. This publication responds to recent trends that have marked the increasing involvement of local parties in arbitration. It also offers practical insights into the arbitration process and procedural peculiarities that may afflict it in Arab jurisdictions: By way of example, formerly, the requirement to conduct arbitration only in the language of the Arab country where the arbitration was seated, and more recently the requirement to issue an award in the name of the local sovereign. Such procedural requirements make little sense. Existing journals have endeavoured to expose and correct these departures from best practice. With this in mind, *Arbitration in the MENA* offers a medium that makes it possible to publish in English and that will be regularly and reliably available throughout the world.

The reliability of a work of the present nature depends on its ability to track the changes in individual countries, including case-law and current practice, over time. This is because nowadays black-letter law is easily accessible in the English language. What practitioners will gain from this publication is how the laws are implemented in practice. The authors who have been selected to contribute to *Arbitration in the MENA* are academics and lawyers with expertise in arbitration in the countries involved and are well qualified to advise on the status and content of the applicable substantive laws in their jurisdiction. The consulting editor, Dr. Habib al Mulla, is well known and held in high regard in professional circles as one of the leading authorities on UAE law. The work is coordinated by Dr. Gordon Blanke, an old hand in arbitration and the Arab world.

The reader will appreciate that arbitration in Arab countries raises, in particular, the question of the Shari'a and Islamic law. Of course, a general article in the law would be needed in order to address issues of the Islamic Shari'a; but the influence of Shari'a law is not the same everywhere. It is advisable that, wherever the question arises, it is given special treatment by the sitting arbitrators taking into account all the

circumstances and ascertaining, in particular, whether the New York Convention of June 10, 1958 will allow the recognition or enforcement abroad of awards that are subject to the Islamic Shari'a abroad.

Given its language, its high-profile editorship, its easily-accessible format and its regular updates, *Arbitration in the MENA* is a valuable addition to the already-existing media on arbitration in the region, most of which remain inaccessible to the wider (English-speaking) arbitration profession. I wish it every success.

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