

**Harmonization of National Legislation through Model
Laws: From the United Nations Commission on
International Trade Law to the League of Arab States
and the Gulf Cooperation Council**

Mohamed Y. Mattar

Clinical Professor of Law

Qatar University College of Law

Introduction:

In its productive efforts to remove barriers in international trade and reconcile differences in legal systems, the United Nations Commission on International Trade Law [UNCITRAL] adopts model laws that provide guidance for national legislation in enacting new laws or amending and changing existing ones.

In the Arab region, the impact of the UNCITRAL Model law on international Commercial arbitration, for instance, is a testimony to this success story.

In the meantime, the Arab countries have their own regional model laws that are intended to achieve their goal in establishing a “close cooperation of the member states... in... economic and financial matters including trade, customs, currency, agriculture, and industry”, as stipulated in the charter of the league of the Arab states.

This process started in 1981 with the famous Sanna Strategy, a great number of model laws were drafted by the LAS that covered proof of civil and commercial transactions through technology, civil law, combating cyber-crimes, human trafficking and corruption, electronic commerce, legal aid, Arabic judiciary, among others.

The Charter of the Gulf Cooperation council similarly states that it aims to “formulate similar regulations in various fields including... economic and financial affairs, commerce, customs and communications”.¹

More recently, the GCC adopted model laws on trademarks, regulations of the financial markets, issuance of investment funds, combating dumping through remedies and preventive measure and several others.

¹ Article (4). The Article adds that the G.CC aims at fostering scientific and technical progress in industry, mining, agriculture, water and animal resources as well as establishing scientific research centers and setting up joint ventures. For an analysis of the integration policies of the GCC, see, Nasser Al-Mawali, Intra-Gulf Cooperation Council: Saudi Arabia Effect, 30 Journal of Economic Integration 532 (2015).

The purpose of this paper is to present the first comprehensive, although brief, analysis of these model laws. I will examine the origin of the Arab model laws and whether they rely on international standards including those embodied in the works of the UNCITRAL. I will debate their impact on national legislation in Arab laws and whether they provide guidance in drafting domestic laws irrespective of their non-binding nature. I will argue that reforming and modernizing commercial and trade laws in Arab legal systems are contingent upon learning from comparative models and best global practices.

The Impact of the UNCITRAL Model Law on International Commercial Arbitration on Arab Legislation:

The UNCITRAL Model Law on International Commercial Arbitration was adopted in 1985 and amended in 2006. It had a great influence on arbitration laws in the Arab region.²

For instance, in 2012 the Kingdom of Saudi Arabia adopted a new arbitration law which is based on the UNCITRAL Model Law on International Commercial Arbitration although requiring the arbitration process not to “violate Sharia”, and the arbitration award not to contradict the public order of the Kingdom, which is based on Islamic law. Nonetheless, except for this limited public policy exception, “arbitration awards issued in accordance with this law are not to be challenged in any way except through the filing of a lawsuit to nullify an arbitration award according to the provisions of this law”³. Thus, the law limits the interference of courts in the arbitration process.

In 2015, Bahrain in its new arbitration law stated explicitly that “The provisions of the UNCITRAL Model Law on International Commercial Arbitration Act attached

² See Nayla Comair – Obeid, Salient Issues in Arbitration from an Arab Middle Eastern Perspective. 4 The Arbitration Brief 52 (2014) concluding that “what we are witnessing in the Arab Middle Eastern region is a new trend: a newfound appreciation for Arbitration as a viable means of dispute resolution”. [Id at 74]. The author observes that while Oman and Bahrain have strictly followed the UNCITRAL Model Law on Arbitration, Egypt, Jordan, and Tunisia have mainly relied on the Model Law in drafting their national arbitration laws. [Id at 54]

³ Article 49. See generally Arthur, Arbitration in the Islamic Middle East, 5 Santa Clara Journal of International Law 2006 concluding that “the day will inevitably come when mutual commercial interests will intertwine and become so interdependent that international private law and Islamic law will stand where neither dominates the other; this day will be predicated on a mutual respect and understanding for each body of law, including its historical foundations and modern application” (Id at 193). See also, Faisal Kutty, The Sharia Factor in International Commercial Arbitration, 28 Lay. L.A. Int’l & Comp, L. Rev 565 (2006) concluding that “There is a need to reform Islamic Law from within to deal with contemporary norms, transactions, and institutions, but there is an equal need to better accommodate and address the issues of concern from an Islamic Perspective. [Id at 623] see also, Radwa S. Elsaman, Factors to be considered before Arbitrating in the Arab Middle East: Examples of Religious and Legislative Constraint, 1 Arbitration Brief 8(2011).

to this law shall apply to all arbitration whatever the nature of the legal relationship of the dispute therewith, if this arbitration takes place in the Kingdom of Bahrain or abroad and that the two parties agreed to comply with the provisions of the attached law”.⁴

In Egypt, the Cairo Regional Center for International Commercial Arbitration, in one of its awards explicitly referred to article 21 of the UNCITRAL Arbitration Rules and article 22 of the Egyptian Arbitration law.⁵ The Cairo Arbitration Center was the second institution, after the Kuala Lumpur Regional Center for Arbitration in Malaysia, to adopt new rules of arbitration based upon the UNCITRAL model law on International Commercial Arbitration.

This trend in the Arab region, whether in the law or in settlement of disputes is consistent with the General Assembly’s resolution that recommended that “All states give due consideration to the Model Law on International Commercial Arbitration, in view of the desirability of uniformity of the law of arbitral procedures and the specific needs of international commercial arbitration practice”.⁶

⁴ Article 1 (1) of the law of Arbitration of Bahrain. But see Jose Angelo Esteralla Faria, Legal Harmonization Through Model Laws: The Experience of the United Nations Commission on International Trade Law (UNCITRAL), C: \ Documents and Settings\ restrepo\ Desktop, arguing that “a certain level of variation – for instance to ensure conformity with the local drafting style or to better reflect local economic conditions or legal tradition – may be appropriate, or even necessary, where the primary purpose of adopting an international model is to modernize the law. Changing the text of a model law to conform to the local style of drafting or to fit squarely the legal status quo may be neither counter-productive...” [Id at 31].

⁵ Cairo Regional Center for International Commercial Arbitration, case No 67/1995 Decided August 11, 1996. The Center proposes the following model arbitration clause "Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the Rules of Arbitration of the Cairo Regional Center for International Commercial Arbitration."

⁶ The General Assembly: Resolution 40/72, of December 11, 1985. In 2006, an important article was added stating that “In the interpretation of this law regard is to be had to its international origin and to the need to promote uniformity in its application and the observance of good faith”. [Article 2(1)] This observance is consistent with the mandate of the UNCITRAL in “promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform law in the field of the law of international trade”. The UNCITRAL has adopted several model laws that followed the Model law on International

The influence of the UNCITRAL Model Laws on Electronic Commerce and Electronic Signature in the Arab Region.

Similarly, most Arab laws on electronic commerce are based on the UNCITRAL Model law on Electronic Commerce of 1996 and the UNCITRAL Model Law on Electronic Signatures of 2001. For instance, the law of Qatar No. 16 of 2010 regarding Electronic Transactions and Commerce provides that information in a contract of a transaction shall not be denied effect, validity, or enforcement on the grounds that it is in the form of a data message.⁷

An Arab strategy for the Unification of Arab legislation:

The Yemen strategy of 1981 or the “Sana’a strategy for the unification of Arab Legislation” called for the unification of the laws in the Arab region in accordance

Commercial Arbitration of 1985. These included the Model law on International Credit Transfers (1992) the Model Law on Procurement of Goods, Construction and services (1994), the Model law on Electronic Commerce (1996), the Model law on Cross- Border Insolvency (1997), the Model law on Electronic Signatures (2001), the Model law on International Commercial Conciliation (2002) and the Model Law on Secured Transactions (2016) which applies to security rights, a term which is defined as " a property right in a movable asset that is created by an agreement to secure payment of an obligation, regardless of whether the parties have denominated it as a security right, and regardless of the type of asset, the status of the grantor or secured creditor, or the nature of the secured obligation, and the right of the transferee under an outright transfer of a receivable by agreement" (Article 2). See also, the UNCITRAL Legislative Guide on Secured Transactions (2010).

⁷ Article 4 of the law of Qatar No. 16 of 2010 regarding Electronic transactions and Commerce, equivalent to Article 5 of the UNCITRAL Model Law on Electronic Commerce of 1996. Article 28 of the Qatari law recognizes an electronic signature in accordance with the requirements specified in article 6 of the UNCITRAL Model Law on Electronic Signatures of 2001. See also, the Law of Tunisia No. 83 of 2000, the Law of Jordan No. 58 of 2001, the Law of the United Arab Emirates No. 2 of 2002, See e,g, Stephen E. Blythe, Fine Tuning the E- Commerce Law of the United Arab Emirates: Achieving the Most Secure Cyber Transactions in the Middle East, 1 International Journal of Business and Social Sciences 1 (2010). See also, the law of Bahrain No. 28 of 2002 regarding electronic transactions and commerce.

with the principles of Islamic law.⁸ In 1992, a number of committees were established to adopt model laws as a guide for national legislators. In 1998, the first model law was adopted by the LAS in the area of personal status.

An Agreement or a Convention and a Model Law: Two Instruments of Unification of Arab Law:

There are several means of unification of Law in the Arab world. For instance, there have been a great number of agreements or conventions that have been drafted and that are binding on Arab states once they are ratified. These binding agreements have been simultaneously accompanied by a number of “soft” law instruments such as a model law.

For instance, in the important area of combating human trafficking, especially for the purpose of forced labor, the Arab Charter on Human Rights of 2014 prohibits “All forms of slavery and trafficking in human beings as well as “forced labor”.⁹

⁸ The Sana’a strategy adopted the Holy Quran and the traditions of the Prophet as the basis for application of Islamic law, without relying on any particular jurisprudential doctrine. It considered “principles of justice: that do not contradict Islamic law, as a source of codification of the laws. It also made it clear that such process should be “gradual” and should take into consideration the special circumstances of every state. This influence of Islamic law is seen in the Arab model Civil law of 1996 that contained an introductory part covering rules of Islamic jurisprudence that should be utilized in the interpretation of the different articles of the model Civil Law. Other model laws did not pay too much attention to Islamic law in the process of drafting.

⁹ Article 10 of the Arab charter on Human Rights provides that “[1] All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances. [2] Forced labor, trafficking in human beings for the purposes of prostitution or sexual exploitation, the exploitation of the prostitution of others, any other form of exploitation or the exploitation of children in armed conflicts are prohibited”. For a discussion of the Arab Charter on Human Rights, see Mohamed Y. Mattar, Article 43 of the Arab Charter on Human Rights: Reconciling National, Regional, and International Standards, 26 Harvard Human Rights Journal 91 (2013). I argued that “ the Arab Charter on Human Rights provides a comprehensive and adequate platform for human rights

The Arab Convention against Transactional Organized Crime of 2012 calls upon Arab states to take the necessary measures in their domestic laws to criminalize any act committed by an organized criminal group including the act of human trafficking.¹⁰

The Arab Convention on Combating Information Technology offences of 2010 includes “Traffic in persons” as well as “Traffic in human organs” as “offences related to organized crime committed by means of information technology”.¹¹

These are binding regional instruments. In the meantime, the League of Arab States adopted two “soft” instruments, an Arab strategy to combat human trafficking¹², and a Model law which had a significant impact on anti-trafficking

promotion and protection in the region, provided that its provisions are properly interpreted in light of international standards embodied in international conventions " Id at 147.

¹⁰ Article 11 of the Arab convention on Combating Transnational Organized Crime of 2012. See generally, Mohamed Y Mattar, Corporate Criminal Liability: Article 10 of the Convention against Transnational Organized Crime, 66 Journal of International Affairs , Columbia University, School of International and Public Affairs 107 (2012).

¹¹ Article 16 of the Arab Convention on Combating Information Technology Offenses. The purpose of this Convention “is to enhance and strengthen cooperation between the Arab States in the area of combating information technology offenses to ward off the threats of such crimes in order to protect the security and interests of the Arabs states and the safety of their communities and individuals. “[Article 1]. The Convention defines " Information technology “ as “any material or virtual means or group of interconnected means used to store, sort , arrange, retrieve, process, develop, and exchange information according to commands and instructions stated therein. This includes all associated inputs and outputs by means of wires or wirelessly in a system or network.” [Article 2].

¹² See “The Comprehensive Arab Strategy for Combating Trafficking in Human Beings “adopted by the Council of Arab Ministers of Justice Resolution No. 879 – 27 of February 15, 2012. The Arab Strategy is based on 8 focus areas, including criminalizing all types and forms of trafficking in human beings, ensuring effective investigation, indictment and trial in human trafficking crimes, strengthening prevention measures and procedures, victims protection, strengthening regional and international cooperation in combating trafficking in human beings, strengthening national institutional capacities for combating the crime, updating the Arab Model law on combating human trafficking and ensuring coordination of efforts to combat human trafficking in the Arab region.

legislation¹³ that were adopted in Sudan, Morocco, and Tunisia subsequent to the issuance of the Model law.¹⁴

Similarly, in the area of combating corruption , the league followed the same dual methodology relying on both instruments, thus adopting the Arab Convention against Corruption in 2010¹⁵, and the Arab Model Law against Corruption in 2012.

¹⁶

Incorporating Arab Model Laws in Domestic Legislation:

To what extent are these model laws effective? Do they have an impact on domestic legislation? Can a judge refer to them in interpreting the national law?

A model law, by definition, is not binding. It only serves a guide for the national legislator in enacting a law or amending an existing one.

¹³ For a discussion of the status of anti-trafficking laws in the Arab world, see Mohamed Y. Mattar, Human Rights legislation in the Arab World: The Case of Human Trafficking, 33 Michigan Journal of International Law' (2011). Except for Libya, Yemen and Palestine, every Arab country has passed a law on combating human trafficking. Several laws have provided for the principle of non-punishment of a victim of trafficking in accordance with the international standards on the rights of a victim of a crime. On drafting anti- trafficking legislation, see generally, Mohamed Y. Mattar, Incorporating the Five Basic Elements of a Model Anti-trafficking in Persons Legislation in Domestic Laws: From the United Nations Protocol to the European Convention, 14 Tulane J. Int'L and Comp. L. 357 (2006).

¹⁴ The Model Law follows the definition of trafficking in persons as stipulated in the United Nations Protocol to prevent, suppress, and punish trafficking in persons, especially women and children of 2000, which defines exploitation to include "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal or organs" [Article 3]. It is noted that the law of Sudan unlike the laws of Morocco and Tunisia, does not enumerate a list of exploitation, as does the protocol. Instead, the law focuses on any act that degrades human dignity or achieve unlawful aims. [Article 7].

¹⁵ Arab Anti-Corruption-Convention (league of Arab States 2010) which aims at "fostering integrity, transparency, accountability, and the rule of law (Article 2).

¹⁶ Arab Model Law Against Corruption (League of Arab States 2012).

In some instances, a national legislator may rely upon a model law. For example, the law of customs No. 40 of 2002 of Qatar makes an explicit reference to the model law on customs that was adopted by the GCC. Similarly, the United Arab Emirates customs law No. 85 of 2007 applies the GCC model law on customs.

This incorporation of the model law into the national law is the only way a judge may give effect to the model law. One would like to see judicial decisions that use a model law or an international principle or a guideline, at least in the interpretation of a national law regardless of its non-binding nature. Judicial discretion in such circumstance may find authority in the concept of "justice" which a judge may apply to achieve equity in a particular case. This reinterpretation of the notion of "judicial interpretation" would also give effect to the rise of model laws and their preference over conventions, as means of unifying and harmonizing national laws especially in the area of investment, commerce and trade.

The Development of Arab Civil Law away from the methodology of the Model Law:

Some of the Arab model laws did not impact national legislation. For instance, the Arab Civil Law of 1996 was drafted by the Arab league based upon the Jordanian Civil code of 1976 and the United Arab Emirates Code of Civil Transactions of 1985, both of which were influenced by Islamic Law. Consequently, the Arab Civil Code contained 85 introductory articles drawn from Islamic jurisprudence. Nonetheless, both the Qatari Civil Code of 2004 and the more recent Civil Code of Oman of 2013 did not follow this methodology. Instead, they were influenced by the Egyptian Civil Code of 1949, which followed the French model of codification.

17

¹⁷ See generally, Nabil Saleh, *Civil Codes of Arab Counties: The Sanhoury Codes*, 8 Arab L.Q 161 (1993). See also K. Zurgert & H. Kotz, *Introduction to Comparative Law* 110 (1997) stating that "although Abu Sanhoury and the Egyptian legislator emphasized that Islamic law was considered throughout in the preparation of the Code, the Code appears, on closer investigation, to be

Model Laws as a Vehicle for Introducing Legal Development:

Model laws may also serve as a vehicle to introduce current legal developments. For instance, the GCC model law on combating information technology crimes of 2013 criminalizes establishing a website or spreading information on the internet to facilitate or publicize programs or ideas that may violate the public order and good morals¹⁸. The law also penalizes the use of the internet to commit an act of prostitution¹⁹, or place information or pictures or recording that may infringe upon private life²⁰, or with the intent to commit an act of trafficking in persons or in human organs²¹, or any act that degrades the Islamic religion or any other religions²².

principally oriented towards French law, and it contains only a few rules of Islamic origin, such as those relating to the gift and preemption". It is also noted that Islamic law was only considered as a subsidiary source of law. Article 1 of the Egyptian Civil Code clearly provides that "In the absence of any applicable legislation, the judge shall decide according to the custom and failing the custom, according to the principles of Islamic law. In the absence of these principles, the judge shall have recourse to natural law and the rules of equality". It is to be observed that the Qatari Civil Code of 2004 and the Omani Civil code of 2013 make Islamic law, not customs, the first subsidiary source of law. Nonetheless , the impact of Islamic Law on commercial transactions is minimal except for the prohibition of interest. For a discussion of the compatibility of Islamic Law and the CISG regarding the issue of interest, see generally, T.S. Twibell, Implementation of the United Nations Convention on Contracts for the International Sales of Goods (CISG) Under Shari'a (Islamic Law) : Will Article 78 of the CISG be Enforced When the Forum is in an Islamic State?, 9 INT'L Legal PERSP.25 (1997).

¹⁸ Article 28.

¹⁹ Article 21.

²⁰ Article 23.

²¹ Article 25.

²² Article 22. See also the Law of Sudan on Combating Human Trafficking of 2014 which explicitly provides that " there shall be deemed to have committed an offence , whoever uses the internet, or establishes a website, with the intent to commit any of the offenses stipulated in this Act, and shall be punished with imprisonment, for a term not to exceed five years or with

There is a need to introduce more model laws that reflect recent developments in the law. One may suggest a model law in the area of franchising based upon the UNIDROIT Model Franchise Disclosure Law of 2013, especially since Arab national laws still rely on the traditional rules of commercial agency and lack a comprehensive law that covers all aspects of a franchise licensing arrangement. One may also suggest an Arab model law on alternative disputes resolutions(ADR) that builds upon and Learn from the provisions of the Federation International Des Ingenieurs Conseils (FEDIC). One may also suggest an Arab model law in the area of environmental protection reconciling investment legislation with the new challenges posed by climate change. One may also suggest an Arab model law on insolvency that draws on and borrows from the UNCITRAL Model Law on Cross- Border Insolvency of (1997) and its Guide to Enactment and Interpretation of (2013). One may also suggest an Arab model law on secured transactions based upon the UNCITRAL newly adopted model law on Secured Transactions of 2016. Perhaps the LAS or the GCC would consider endorsing the UNCITRAL model Law on Secured Transactions as the Arab model law on this important and innovative subject . One may also propose an Arab model law in the area of international sales reflecting the international standards embodied in the UNCITRAL Convention on Contracts for the International Sales of Goods (CISG). Perhaps building consensus around a model law would encourage more Arab states to ratify the convention which provides a very clear and widely acceptable statement of the law of international sales.

Compliance of Model Laws with International Standards:

An example of compliance with international standards, is the GCC Model Law on commercial trademarks of 1996 as amended in 2006 and 2012, which follows the TRIPS agreement. The Model law provides for a one year protection period²³ that

a fine, or with both." (Article 14). See also the Law of Iraq on Combating Human Trafficking of 2012. (Article 7).

²³ Article 21. According to article 18 of the TRIPS agreement, a trademark shall be protected for a period of no less than 7 years.

may be renewable for similar periods. The Model law provides that the holder of a trademark which is confusing to the public or contains false statements regarding its source of the products or services, may not be registered²⁴. Both documents define a trademark, which is protectable to include “any sign or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings”. It is noted that U.A.E, Qatar, and Bahrain have adopted the Trademark model law as the applicable law²⁵, thus replacing the local trademark laws of the G.CC countries²⁶. This is a significant trend in accepting model laws in national legal systems in the Arab world. This trend should be encouraged if we are serious about unifying and harmonizing the Arab laws, especially in the area of investment, trade and commerce.

A Need for Revision of Model Laws:

Some of the Model Laws adopted by the League of Arab States and the Gulf Cooperation Council must be amended in light of newly developed international standards. For instance the right to legal aid is organized by different provisions in the Model Law on criminal procedures issued by the G.CC ²⁷ of 2010, the G.CC

²⁴ Article 3. See article 15 of the TRIPS agreement. See generally, Amir H. Khoury, " Measuring the Immeasurable " The Effects of Trademark Regimes : A Case Study of Arab Countries, 26 Journal of Law and Commerce 11(2006-07).

²⁵ Article 15 of the TRIPS Agreements, equivalent to article 2 of the Arab Model law on Trademarks. Article 15 continues, “Such signs, in particular words including personal names, letters numerals, figurative elements and combination of colors as well as any combinations of signs, shall be eligible for registration as a trademark.

²⁶ See e.g. the law of Bahrain No. 6 of 2014 approving the Trademark law of the Gulf Cooperation Council States, implemented by Decision No. 65 of 2016 issuing the Implementation Regulation for the Trademark law of the Gulf Cooperation Council States, approved by law No. 6 of 2014. See also the Qatari Decree No. 18/2007 and the United Arab Emirates Federal Decree No. 52/2007. Although the GCC Trademark Model Law does not provide for a unified filing system, applications for trademark protection are to be filed separately in each country.

²⁷ See Article 5 and 245.

Model Law on the practice of the legal profession of 2002²⁸ and the Arab league Model Law on judicial aid of 2008²⁹. These model Laws restrict the right to provide legal aid to lawyers and are mainly intended to provide legal aid to an accused who is unable to afford a lawyer. These rules should be reconsidered in light of the United Nations Principles and Guidelines on Access to legal Aid in Criminal Justice Systems³⁰ and the United Nations Model Law on legal aid. Both adopt a broad concept of legal aid and expand on those who may provide legal aid and those who are entitled to receive it.³¹

Model laws may then become a vehicle for enhancing human rights and an instrument for legal reform. One may think about a model law on the establishment and operations of non-governmental organizations addressing the important role civil society plays in monitoring the application and enforcement of the law, whether it relates to combating corruption, corporate social responsibility, tax, privatization, corporate governance or foreign direct investment in the Arab world. One may also think about a model law on human rights in business holding companies doing business in the Arab world to

²⁸ See Article 5 and 39.

²⁹ The Model Law is applicable to natural persons and legal persons who are engaged in public interest work that benefits the society. While this expansion in legal aid beneficiaries is to be applauded, the law fell short of providing for all aspects of legal aid. There is a need for a more comprehensive legal aid law that addresses the needs of the vulnerable populations in the Arab world. For a definition of the vulnerable, see, The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2013).

³⁰ The First Principle of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems of 2013 provides that “Recognizing that legal aid is essential element of a functioning criminal Justice System that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process, States should guarantee the right to legal aid in their national legal systems at the highest possible level, including where applicable in the constitution”. [Principle 1 – Right to Legal Aid].

³¹ The model law, which I was privileged to co-draft, is based on these guiding principles; non discrimination [Article 5], right to information [Article 6], protection of vulnerable persons [Article 7], right to early access to legal aid [Article 8], equal right to defense or legal aid beneficiaries [Article 9] and the principle that “Nothing in the present law shall be interpreted as proving a lesser degree of protection than that provided under international human rights conventions applicable to the administration of and access to justice...” [Article 10].

international standards especially in the area of labor rights. It is encouraging that the GCC issued in 2013 guiding principles for corporate governance applicable to financial markets companies to ensure transparency and disclosure by the board of directors towards shareholders, creditors, interested parties and the public. It is also encouraging that in 2015 the GCC adopted its own human rights declaration, " pursuant to the GCC Charter which provides for the common destiny and the unity of aim which link their peoples, and which calls for coordination, integration and interconnection between them in all fields, as well as deepening and strengthening of bonds, ties and cooperation between their peoples in various fields..." (Preamble).

Conclusion:

I hope that my paper will "contribute to the body of knowledge on the law of international trade and further the work of the UNCITRAL" by discussing these "regional activities of (the Arab Countries) in commercial legal reforms (s)" and "modernizing (their) commercial legal systems" through model laws".³² Let us

³² More efforts are needed to engage the Arab countries in the working of the UNCITRAL. For instance, only six Arab countries have ratified the United Nations Convention on Contracts for the International Sale of Goods (CISG); these are Egypt, Syria, Iraq, Mauritania, Lebanon, and Bahrain. See, Amin Dawwas and Yousef Shandi, the Applicability of the CISG to the Arab world. *Uniform Law Review* 813 (2011). This slow acceptance of international rules is also seen in the approach of Arab States to the conventions adopted by The Hague Conference on Private International Law. For instance, The Hague Convention on the Civil Aspects of International Child Abduction of 1980 was ratified only by Morocco and Iraq, although international abduction of children is very common in the Arab world, See generally, Erika Resses, *International Child Abduction to non- Hague Convention: The need for an International Family Court*, 2 *NW.J.Int'L.Hum. RTS*, 1(2004). HCCH members from the Arab countries include only Egypt, Jordan, Morocco, Saudi Arabia and Tunisia. Similarly, only Egypt, Iraq, Saudi Arabia and Tunisia are members of the International Institute for the Unification of Private International Law " UNIDROIT". In the meantime, the impact of the UNIDROIT Principles of International

start a constructive and productive dialogue between the UNCITRAL and the League of Arab States and the Gulf Cooperation Council in the area of regional and international model laws.

I have argued that Arab model laws should be utilized not only as a means for the harmonization and unification of Arab national laws but also to introduce recent legal developments especially in the area of commerce , trade and investment. I also argued that Arab model laws should be used to enhance human rights in conducting business and trade and to promote the rule of law and legal reform,

The UNCITRAL model laws should serve as a guide for drafting and enacting a model law in the Arab region. I have suggested drafting an Arab model law on international sales to encourage more ratifications of the UNCITRAL Convention on International Sales of Goods. I have also suggested endorsing the UNCITRAL model law on Secured Transactions of 2016 as the Arab model law. A close cooperation with the UNCITRAL when drafting a regional model law is imperative³³ to ensure compliance with international standards and comparative models.

While the League of Arab States and the Gulf Cooperation Council adopted several model laws in different areas of the law, the impact of these model laws is still insignificant. Unlike the great influence of a UNCITRAL model law, whether in international commercial arbitration, electronic commerce or electronic

Commercial Contracts on Arab commercial transactions has not yet been felt, unlike other legal systems. See generally, Michael Bonell, *The UNIDROIT Principles of International Commercial Contracts: Achievements in Practice and Prospects for the Future*, 17 *Australian International Law Journal* 177 (2010).

³³ In September 2012, as the executive director of the Protection Project, I held a regional conference in Beirut on the “Harmonization of the law: the Hague Conference, the UNIDROIT and the UNCITRAL”, In March 2014, I launched the Arabic version of the UNIDROIT and in December 2014, we were privileged to hear from the UNCITRAL in an Arab regional conference which I organized in Siracusa, Italy. Qatar University College of Law will organize the 2018 International Association of Law Schools annual meeting. I intend to chair a panel on incorporating international standards in commerce, instruments and trade in educational curriculum in Law Schools. In my judgment, Arab model laws do not receive attention in any of the academic courses taught in law schools in Arab universities. Reform of Arab legal education is needed to integrate new developments including the rise of model laws as a means for the unification and harmonization of The law.

signature, on Arab national laws, regional model laws generally lack such impact. Learning from the UNCITRAL model laws experience, and perhaps endorsing the UNCITRAL model laws, would contribute to a better understanding of the role of model laws in unification and harmonization of the law in the Arab region and beyond.