



Project “MENA Commercial Law Strengthening”

The Project “MENA Commercial Law Strengthening” (hereinafter “Project”) is a two-year regional project that will be implemented in Lebanon, Tunisia, UAE and Yemen, by the Arab Center for the Rule of Law and Integrity (ACRLI), in cooperation with Middle East Partnership Initiative (MEPI).

Overall Goal and Specific Objectives: The overall goal of the Project is to strengthen demand-side commercial law reform in the MENA region with a view to promoting a legal environment that is business enabling and conducive to short-term local or sectoral economic growth in selected MENA countries.

Countries: Lebanon, Tunisia, UAE & Yemen

Primary Beneficiaries: Lawyers & Businesspersons

Duration: 2008 – 2010

Implementer: ACRLI

More specifically, the Project aims (i) to improve the capacity to understand complex commercial law and regulations within the business and legal communities in the MENA region and (ii) to increase private sector participation in commercial law policymaking.

Target Beneficiaries and Partnerships: Accordingly, the Project primarily targets lawyers and businesspersons and seeks to actively involve them together with policymakers and concerned government practitioners in a results-oriented policy dialogue and peer-learning process with a view to enhancing the business legal environment in their respective countries. Consequently, the Project will rely on a network of partners at the national level, including (1) a principal governmental partner that represents the government and is involved in related policymaking and policy implementation; (2) the lawyers’ syndicate(s); and (3) key partners representing the private sector, such as chambers of commerce and other professional associations. In addition to these national partners, the Project will be supported by an International Advisory Group that comprises regional and international advisors in addition to representatives of regional and international organizations and partners such as the League of Arab States, UNDP, OECD, ESCWA, the World Bank, the ICC and others.

Expected Results: In terms of immediate expected results, the Project seeks to achieve the following:

1. Assessment of the state of commercial law in the project countries: The Project will consolidate available knowledge on the state of commercial law in the project countries, including current legal and institutional frameworks, recent reforms and future reform priorities. This will be primarily achieved through the preparation of one commercial law assessment report per country, which includes legal and economic analysis on the state of the country’s commercial law. Each report will be prepared according to a pre-set methodology that is developed by ACRLI in cooperation with a group of international, regional and national experts. The methodology will provide the framework, methods and templates for the completion of the different assessment reports.



The country commercial law assessment reports will be prepared by national commercial law experts supported by economic and legal expertise and will be based on desk and field research as well as on the results of several individual interviews and focus group meetings. The reports will be presented and verified at national workshops that bring together the different concerned national stakeholders. The findings of these reports will be later integrated into a comparative regional report. The regional report will be presented and verified at a regional conference that will provide a forum for regional policy dialogue and peer-learning for stakeholders from the different project countries.

2. Reform driven Networking between lawyers, businesspersons, policymakers and government practitioners: The Project will focus on building and consolidating partnerships with the lawyers' syndicates, leading private sector associations, and a key ministry or governmental body with a view to enabling the sustainable and active involvement of the different actors in the project activities. Through these activities, the project will seek to identify reform drivers from the public and private sectors with a view to increasing linkages between the two sectors and encouraging the active participation of lawyers and businesspersons in policymaking. The project will present several opportunities for networking between these reform drivers including lawyers, businesspersons, policymakers and government practitioners.
3. Access to commercial legal information: The Project will facilitate access to commercial legal information through compiling and publishing a web-based compendium in Arabic and English. The compendium, which will be posted on ACRLI's website, will include commercial laws, regulations, court judgments, doctrines and other legal resources. It will also include information and resources on business advocacy and international best practices, among other useful tools for commercial law practitioners in the region.
4. Platform for reform in specific thematic areas of commercial law in each project country: In order to focus efforts and maximize expected results, the Project will focus on one thematic area of commercial law for each project country, with a view to contributing to the formulation of a knowledge-based platform for reform on each of these specific themes. The Project will address intellectual property in Lebanon; competition in Tunisia, investment with a focus on the real estate sector in the UAE and enforcement of contracts and the recovery of commercial debts in Yemen. These thematic areas have been identified because they are considered by the government as well as by the private sector as a common priority for reform and because related progress therein is most likely to produce significant commercial reform measures, lead to short-term local or sectoral economic growth, and reduce the cost of doing business.

Accordingly, the Project will prepare an in-depth study on each thematic priority in the respective project country. The studies will be prepared by national commercial law experts supported by economic and legal expertise and will be based on desk and field research as well as on the results of several individual interviews and focus group meetings. Each study will also benefit from the results of a separately-conducted survey on each commercial law theme in the respective project country.

In addition to the different technical findings of the in-depth theme-specific studies, each study will provide a set of recommendations for policy, legal and regulatory reforms, which will contribute to the formulation of the platform for reform in the specific thematic selected for each project country. The studies as well as the ensuing recommendations will be presented and verified at national workshops that bring together the different concerned national stakeholders with a view to



launching national dialogue on related reforms. Once endorsed at the national level, these studies and recommendations will be presented and verified at a regional conference that will be organized to share the various national theme-specific platforms and to provide for policy dialogue and peer-learning at the regional level.

5. Awareness-raising on commercial law reform: The Project will include a media and outreach campaign that targets lawyers, businesspersons as well as policymakers and concerned government practitioners with a view to advocating specific commercial law reforms and raising awareness on their importance and relevance to the improvement of the overall business environment and the achievement of economic growth. The campaign will also raise awareness on the importance of increasing linkages between the private sector and the public sector and the added value of private sector participation in policymaking.

The campaign, which will make use of media outlets and the different project events to achieve the expected results and to maximize project visibility, will be concluded by a large-scale national workshop in each project country. Each workshop will present the results of the project in the concerned country and advocate the various recommendations put forward as a result of its activities, with a view to presenting these recommendations to the concerned policymakers and exploring possibilities and mechanisms for their implementation.

6. Capacity building on commercial dispute resolution in each project country: The Project will build capacity for lawyers, and businesspersons, together with concerned government practitioners, as needed, on commercial dispute resolution mechanisms. This will be primarily achieved through two training seminars that will be organized in each project country. The first seminar will address issues related to applicable commercial dispute resolution mechanisms and related best practices, techniques and challenges. The second seminar will focus on the country's specific thematic area and will provide training on aspects that have been deemed as a priority in the in-depth theme-specific studies.

Strategic Added Value: The Project invests in creating MENA professional networks that bring together lawyers, businesspersons, policymakers and government practitioners in a framework of a concentrated technical exchange. By focusing on strengthening demand side commercial law reform, the Project also encourages an innovative and methodological approach to knowledge and capacity development and peer learning as well as to policy dialogue and partnership building between the private sector and the public sector at the national and regional levels. Accordingly, the Project is considered by ACRLI as a pilot project, with possible implications for other MENA countries and possibilities of horizontal (additional countries) and vertical (additional activities in the same countries) expansions in the future, given the relative flexibility of the project design and the possibility of replicating related methodologies and transferring good experiences and lessons learned to other countries in the region.

In this context, the Project will seek to benefit from other regional initiatives and projects with a view to maximizing the impact of the expected immediate results. Accordingly, it will emphasize continual exchange with these major initiatives including, but not limited to, the *Good Governance for Development in the Arab Countries Initiative* (GfD) and the *Commercial Law Development Program* (CLDP) and will work towards increasing synergies and complementarities therewith.

For more information on this project, please contact the Project Manager, Mr. Elie Chalhoub at echalhoub@arabruleoflaw.org.



Overview on the Arab Center for the Rule of Law and Integrity (ACRLI)

ACRLI was established in 2003 by a number of leading legal professionals and public figures, including prominent lawyers, judges and governance specialists from across the region. It is a regional non-governmental and not-for-profit organization that is headquartered in Beirut (Lebanon) with one branch in Amman (Jordan), and associates in Algeria, Bahrain, Egypt, Iraq, Morocco, Palestinian Territories, Sudan, Tunisia, UAE, and Yemen.

ACRLI's seeks to complement regional and national efforts aimed at promoting good governance for development in the Arab region by working to strengthen the rule of law and to enhance integrity systems in the different Arab countries. More specifically, ACRLI works with its different partners (1) to encourage research and methodological approaches to the collection and presentation of information and data on various governance institutions, such as the judiciary, media and parliaments; (2) to consolidate knowledge and capacity for governments, civil society and the private sector; (3) to raise public awareness and promote society's participation in policymaking; and (4) to contribute to the anchoring of respect for the rule of law in popular culture.

ACRLI's professional networks span the Middle East and North Africa and are focused on legal and judicial reform issues, criminal justice, integrity, transparency and accountability, and legal aspects of local governance, civil society participation, gender, environment and human security.

In 2006, ACRLI spearheaded, in partnership with MEPI and IFES, the establishment of the "Arab Group on Rule of Law Reform" (AROL) in Amman (Jordan) in November 2006 during a regional meeting held on the side of the Third Forum for the Future.

ACRLI's main projects include:

1. The project on "Promoting the Rule of Law and Integrity in Arab Countries" (PRLI), in partnership with UNDP and IFES with the support of the US Department of State
2. The project on "Enhancing legal frameworks of Associations in the Arab World" in partnership with Friederich Nauman Foundation with the support of the European Commission.
3. The project on "Modernization of Public Prosecution Offices in Arab Countries" in partnership with UNDP.
4. The project on "Knowledge Legal Databases in the Arab Region" in partnership with ESCWA and through a consortium with Advocacy Consultation and Arbitration Office (ACA) and MADAMEK.
5. The project on "Commercial Law Strengthening", in partnership with the Middle East Partnership Initiative (MEPI).

**For more information, please visit www.arabruleoflaw.org or contact us at:
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