

BASHAR H. MALKAWI



Firm

University of Sharjah

Position

Dean and Professor of Law

Area of Specialisation / Arbitration Experience

Commercial Arbitration

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Languages

English

Nationality

Jordan

Bar Admission

Member, International Association for the Advancement of Teaching and Research in

Intellectual Property Member, London Court of International Arbitration's Young International Arbitration Group (YIAG) Associate Member, American Bar Association (ABA)

Education

Doctorate of Juridical Science (Scientia Juridicae Doctor, S.J.D),
American University, Washington College of Law, Washington, D.C, August 2005.

Master of Laws (LL.M) in International Trade Law, **The University of Arizona, College of Law**, Tucson, Arizona, May 2001.

Publications

NEGOTIABLE INSTRUMENTS IN UAE FEDERAL COMMERCIAL CODE (University of Sharjah Press, 2017), ISBN: 978 9948 10 129 1 (Bashar H. Malkawi et al.).

Bashar H. Malkawi, The Need for Regional Liberalization: The Issue of Damascus Agreement of 2004, in HARMONISING REGULATORY AND ANTITRUST REGIMES FOR INTERNATIONAL AIR TRANSPORT Chapter 13, 202-212 (Jan Walulik ed., UK: Routledge 2019).

Corporate Governance in Jordan: Role of the External Auditor, in CORPORATE GOVERNANCE IN ARAB COUNTRIES: SPECIFICS AND OUTLOOKS Chapter 9, 179-203 (Dima Jamali, Virginia Bodolica, and Yulia Lapina eds., Ukraine: Virtus Interpress 2018).

Bashar H. Malkawi, The Design and Operation of Rules of Origin in Greater Arab Free Trade Area: Challenges of Implementation and Reform, 53 Journal of World Trade (2019). (joint with Mohammad El-Shafie).

The Contents and Features of Dispute Settlement under US-Jordan FTA: An Appraisal, 15 Manchester Journal of International Economic Law 167-189 (2018).

Parliamentary Participation in the Making and Operation of International Economic Agreements: The Case of Jordan, 2 Middle East Review- American Bar Association 12-19 (2018).

The Burden and Order of Proof in WTO Claims: Evolving Issues, 59 International Journal of Law and Management 1220 -1235 (2017). (joint with Zeina Ahmad).

Trade Defense Actions in Arab Countries Free Trade Agreements with the U.S: The Case of Safeguards, 17 Estey Journal of International Law and Trade Policy 16-40 (2016).

Notification of the GCC to the WTO as a Customs Union: The Whys and Hows, 10 Global Trade and Customs Journal 189-192 (2015).

The Feasibility of Alternative Dispute Resolution to Resolve Intellectual Property Disputes in Jordan, 8 Journal of Intellectual Property Law & Practice 146-153 (2013).

Rules of Origin under U.S. Trade Agreements with Arab Countries: Are they Helping and Hindering Free Trade? 10 Journal of International Trade Law and Policy 29-48 (2011).

Legal Architecture and Design for Gulf Cooperation Council Economic Integration, 36 Journal for Juridical Science 58-96 (2011).

Balancing Open Investment with National Security: Review of U.S. and UAE Laws with DP World as a Case Study, 13 *The University of Notre Dame Australia Law Review* 153-191 (2011).

Come and Go? How Temporary Visa Works under U.S. Bilateral Trade Agreements with Arab countries, 24 *Journal of Immigration, Asylum and Nationality Law* 145-158 (2010).

Intellectual Property Protection for Plant Varieties in Jordan, 11 *Journal of World Intellectual Property* 120-138 (2008).

Internet Characteristics and Online Alternative Dispute Resolution, 13 *Harvard Negotiation Law Review* 327-348 (2008).

Arbitration and the World Trade Organization—The Forgotten Provisions of Article 25 of the Dispute Settlement Understanding, 24 *Journal of International Arbitration* 173-188 (2007).

Regional Integration: Whither the Arab Free Trade Area? 34 *Legal Issues of Economic Integration* 231-254 (2007).

The Intellectual Property Provisions of the United States-Jordan Free Trade Agreement: Template or Not Template, 9 *Journal of World Intellectual Property* 213-229 (2006).

Securing Peace through Trade Dividends: Qualifying Industrial Zones between the U.S., Israel, Jordan, and Egypt, 13 *Currents: International Trade Law Journal* 3-8 (2004).

Trade Facilitation in USMCA: De Minimis Importation, *INTERNATIONAL ECONOMIC LAW AND POLICY BLOG* (January 1, 2019).

UAE as a Friendly Hub for Arbitration Again, *KLUWER ARBITRATION BLOG* (January 19, 2019).

Restoring Trust in Free Trade, *REGULATING FOR GLOBALIZATION* (December 13, 2018).

The U.S. and China Rivalry: Geo-Political Context of Free Trade Agreements, *INTERNATIONAL ECONOMIC LAW AND POLICY BLOG* (November 21, 2018).

Why Do We Need Free Trade Agreements?, *INTERNATIONAL ECONOMIC LAW AND POLICY BLOG* (August 25, 2018).

Sea Change in UAE Corporate Law: Doing Away with Minimum Capital, *THE GLOBAL LEGAL POST* (January 22, 2015).

Professional Associations

Member, Law and Development Institute
Research Associate, Economic Research Forum (ERF)
Member, Society of International Economic Law

Other Qualifications

Visiting Fellow, **International University College of Turin**, Turin, Italy (Summer 2010, Summer 2009)

Expert witness, advising on foreign law questions, preparing reports, and counsel to law firm in litigation before New Zealand courts regarding commercial law and rules (2017).

Consultant, the International Trade Centre (ITC), World Trade Organization and United Nations, Coordinating a Regional Approach to Overcoming Trade Obstacles related to Non-Tariff Measures across the Arab Countries Project (2016)

Consultant, The World Bank

Carried out analysis of different laws, regulations, and rules to capture Saudi Arabia's corporate governance regulatory framework and information on corporate governance practices. The assessment is used by the World Bank to determine how corporate governance works in Saudi Arabia and gauge progress in adopting reforms. (2007-2008).

Consultant, Government of Iraq and the United States Agency for International Development (USAID), IZDIHAR Project (Prosperity in Arabic)

Advised on Iraq accession to the WTO and assisted with reforms covering legislative pieces in areas such as intellectual property, customs, memorandum of foreign trade regime, and supported formulating and implementing a modern policy framework for trade and investment in accordance with international standards. (2006-2007).

Consultant, Center for Institutional Reform and the Informal Sector (IRIS), Maryland, U.S. and Department for International Development (DFID), United Kingdom, Rule of Law in the Middle East Project

Researched and analyzed various statutes and regulations regarding corporate laws, insolvency, judicial independence, secured lending, and enforcement of agreements and constraints on the state of six Middle Eastern countries- Algeria, Egypt, Jordan, Lebanon, Morocco, and Tunisia- as part of implementing the European Union Association Agreements with the Mediterranean area. (January-June 2004).

- Invited judge for the eighth International Air Law Moot Court, Malta (April 6-9, 2017).
- Evaluated memoranda for claimant and respondent, Willem C. Vis (East) International Commercial Arbitration Moot (Hong Kong SAR, 2014-2015).