

SHORT BIO

Dr. Walid BEN HAMIDA

**PROFESSOR OF LAW AT THE UNIVERSITY OF PARIS SACLY (EVRY VAL
D'ESSONNE) FRANCE**

ARBITRATOR-EXPERT AND LEGAL COUNSEL

**MEMBER OF THE ICC INTERNATIONAL COURT OF
ARBITRATION**



French and Tunisian Nationality

Address : 44 Rue Duranton, 75015 Paris, France

Phone + (33) 1 45 54 68 51

Email : benhamida@gmail.com

Arabic-French-English

Dr. Walid BEN HAMIDA is a Professor of Law at the University of Paris and at Sciences Po, Paris (France). He is a member of the International Chamber of Commerce (ICC) Arbitration Court.

He served as arbitrator, expert and counsel in more than 20 cases under ICSID, ICC and *ad hoc* rules. His practice focuses on Arab laws, Islamic law, Investment Law, International law, Investor-State Dispute Settlement and Arbitration.

Dr. BEN HAMIDA authored more than 70 publications in the Arabic, French and English languages. He cooperates with many international organisations on issues of ADR, International Trade, Investment and Arab legal systems (World Bank, ESCWA, UNCTAD). He is a regular speaker at conferences on arbitration and dispute settlement, and visiting professor in many countries (Including Algeria, Armenia, Bahrain, Brazil, Belarus, Burkina Faso, Canada, Cambodia, Cameroun, Djibouti, Egypt, Ethiopia, Gabon, Germany, India, Ivory Cost, Jordan, Qatar, Lebanon, Madagascar, Morocco, Oman, Romania, Syria, Sudan, South Africa, Poland, Tunisia, United Arab Emirates...).

CURRICULUM VITAE

Dr. Walid BEN HAMIDA

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SPECIALITY

Arab Laws- Arbitration and ADR- International Law, Investment Law, Contract Law, Comparative Law, Energy Law, Islamic Law.

PROFESSIONAL EXPERIENCE

- Member of the ICC International Court of Arbitration
- Arbitrator (Two cases as a sole arbitrator).
- Bar Admission of Tunisia.
- Bar Admission of France.
- Expert Tunisian Law, *ACCOR c./ CTKD*, ICC arbitration case.
- Expert for a Tunisian Law Firm on an annulment of an arbitration award before the Tunisian Court of Cassation.
 - Counsel and lawyer for the state of Madagascar, ICSID Case, *Courts (Indian Ocean) Limited and Courts Madagascar S.A.R.L. v. Republic of Madagascar* (ICSID Case No. ARB/13/34).
 - Counsel for a French Law firm in relation to an investment arbitration against a North African country.
 - Counsel for a French Law firm in relation to an investment arbitration against Libya
 - Counsel for a French Law firm in relation to an investment arbitration against an Asian State
 - Counsel to a South American State in relation to annulment of an Award before the French Courts
 - Counsel to Madagascar in relation to annulment of an ICC award before the French Court of Appeal (*De Sutter, DS2 SA and PGM SARL v. Madagascar*).
 - Counsel for an African State in Telecommunication arbitration dispute before the ICSID.

- Counsel and lawyer for the state of Madagascar in an ICC case.
- Law Expert in the first investment case under the OIC Agreement, *Al Warack c./ Indonesia*.
- Law Expert for many Saudi investors in arbitration submitted against Egypt under the OIC agreement.
- Counsel and lawyer, *Romak c./ Ouzbékistan*, Swiss Uzbekistan BIT, UNCITRAL
- Involved in 15 arbitration cases for states and investors under ICSID, ICC, UNCITRAL and SCC Rules.
- Preparation of many studies relating to Investment in the agricultural sector for UNCTAD (South Africa, Zambia, Botswana, Mozambique, Tanzania, Nigeria, Ghana, Chad and Uganda)..
- Expert for the United Nations Conference on Trade and Development, UNCTAD, Geneva, Switzerland on investment arbitration and development..

EDUCATION

- 2003 : PhD in Law, University Panthéon-Assas (Paris II)-
Dissertation : **State-Investor Arbitration Under International Investment Treaties** - Thesis awarded the highest merit possible for Doctoral thesis in France.
- 1999-2000: Visiting Scholar: Columbia Law School, New York, USA (6 months) and Centre for Energy, Petroleum, Mineral Law & Policy, Dundee, Scotland (2 months)
- 1998: Master in European Community Law, University of Paris II (with honors)
- 1997: Master in International Law, University of Paris II (with honors)
- 1996: *Maîtrise de Droit* (Tunisian Law Degree, in Arabic), University of Legal, Political and Social Sciences of Tunis, Tunisia, First student selected on national basis and awarded the Presidential Prize of the best student in Law

MAIN PUBLICATIONS

More than 70 articles on arbitration, investment law and Arab Law in Arabic, French and English

- Mars 2015 : (With A. Bettaieb), *Code Tunisien de l'arbitrage: Annoté par la jurisprudence*, Ed. Bettaieb, Tunis.
- November 2013 : Book Editor, (With Th. Clay), *L'argent dans l'arbitrage* (« *Money in arbitration* »), Lextenso éditions 2013.
- Mars 2015 : Article, « La finance islamique devant le juge étatique : étude comparée », *Revue Internationale de Droit Comparé* 2015, n°4, pp. 923-940.
- January 2015: Article : « Enforcement of arbitral awards in Tunisia », In *Enforcement of Investment Treaty Arbitration Awards: A Global Guide Hardback*, Edited by Julien Fouret, Globe Law and Business 2015, pp. 335-355.

- December 2013 : Article « A Fabulous Discovery: The Arbitration Offer under the Organization of Islamic Cooperation Agreement Related to Investment » (2013) 30 *Journal of International Arbitration*, Issue 6, pp. 637–663
- Novembre 2013 : Article : « SAUR International SA c République argentine: Droit national, droit international et droits de l'homme : l'histoire d'un ménage à trois », *ICSID Review* (Fall 2013) 28 (2): 241-246.
- April 2013 :
مبادئ اليونيدروا للعقود التجارية الدولية والتحكيم عبر الدولي : إمتداد مبادئ اليونيدروا للعقود التجارية الدولية الى التحكيم القائمة بين دول أو منظمات دولية وأشخاص من القانون الخاص
مجلة التحكيم العالمية 2013, pp. 28-96.
- June 2013 : Chapter « Arbitration in Tunisia», in *Arbitration in Africa : A Practitioner's Guide*, L. Bosman ed., Wolters Kluwer Kluwer 2013, pp. 309-314.
- December 2013:
مجلة التحكيم العالمية , بداية تفعيل النظام العربي لحماية الاستثمار
2013, pp. 595-599.
- January 2010,: Article : «Sovereign Wealth Investment and Investment Treaties », In *The Law and Practice of International Courts and Tribunals*, 2010, Forthcoming .
- October 2009 : Article: « Investment Treaties Before Domestic Courts», In *Liber Amicorum: Thomas Walde: Law Beyond Conventional Thought*, CMP Publishing 2009, p. 69-85.
- Octobre 2008 : Article : « La prise en compte de l'intérêt général et des impératifs de développement en droit des investissements », *Journal du droit international* 2008, n°4, p. 999-1033.
- August 2008 : Article (avec Th. Wälde) : « The Energy Charter Treaty and corporate acquisition: The arbitrability of ECT pre-investment (access) rights, investment character of tender offers and parallel application of Energy Charter Treaty and European Community law», In "*Investment protection and the Energy Charter Treaty*" 2009, p. 151-227.
- August 2007 : Article : « Clause de la Nation la Plus Favorisée et mécanismes de règlement des différends : Que dit l'histoire ? », *Journal du droit international* 2007, p. 1127-1162.
- June 2007: Article « Two Nebulous ICSID Features : The Notion of Investment and The Scope of Annulment Control. *The Patrick Mitchell v. DRC ad hoc Committee Decision* », *Journal of International Arbitration* 2007, p. 297-306.
- November 2006: Article : « The First Arab Investment Court Decision », *Journal of World Investment and Trade* 2006, p. 699-721.
- October 2006 : Article : « L'arbitrage Etat-investisseur face à un désordre procédural : la concurrence des procédures et les conflits de juridictions », *Annuaire Français du Droit International* 2005, p. 564-602.
- Mars 2005: Article: “*The Sedelmayer v. Russia case*”, *Stockholm Arbitration International Review* 2005, n° 2, Forthcoming.
- Mars 2005 : Article : « The *Mihaly v. Sri Lanka* case : some thoughts relating to the status of pre-investment expenditures », In T. Weiler (ed.), *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law*, CAMEROUN MAY LTD 2005, UK, p. 47-76.
- December 2003 : Article : « L'arbitrage Etat-investisseur : Regards sur les traités et projets récents », *Journal du droit international* 2004, n° 2, p. 419-441.

CONFERENCES

- Octobre 2013 : « ICSID and Arab Countries », 4ème édition des journées d'études Mohand Issad sur l'arbitrage, Hydra(Algeria).
- Octobre 2013, : « The regime of investement under the OHADA Rules », Yaoundé, Cameroun
- November 2013:«Drafting of investment laws », ESCWA, Regional Seminar on New Investment Laws in Jordan, Sudan, Tunisia and Yemen, Tunis, Tunisia
- June 2012 : « The extension of Common Commercial Policy to Foreign Direct Investment », Conference « European Economic & Financial Integration through the Regulatory Framework: Steering Legal Aspects», Birzeit University, Institute of Law, Palestine, *Essays on The European Economic and Financial Integration: Selected Legal Aspects*, Institute of Law, Birzeit University 2013, pp. 7-21.
- Mars 2012 : « International Investment Law, Self-Determination, and Democratic Transition », International Investment Law and Development: Friends or Foes? Frankfurt Investment Law Workshop 2013 –Goethe-Universität Frankfurt am Main.
- October 2011: « The Reform of Arab Investment Court », conference organized by the Arab League and the Cairo center of Arbitration.
- June 2011 : « Arbitration and the New Political context in Tunisia», Paris, French Arab Chamber of Commerce.
- October 2011: «UNIDROIT Principles and Investment Arbitration », ERSUMA OHADA School, Libreville, Gabon
- May 2011: « L'arbitrage relatif aux investissements en Afrique » (Investment Arbitration in Africa), ICC, Paris.
- Mars 2010 : « La dénonciation de la Convention CIRDI » (Denonciation of ICSID Convention), University of Tunis, In *Le CIRDI Bilan d'un système*, Pedone 2011, pp. 109-138.
- April 2009 : « Droit conventionnel des investissements et Droit primaire communautaire : étude comparée des régimes et des approches » (European Community Law and Investment Law), In *le droit européen et l'investissement, Journée d'étude, collège de droit européen*, Université de Paris II, Ch. Leben and K. Kessedjian, éd. Panthéon-Assas 2009, p. 68-88.
- Mai 2007 : « MFN Clause and Procedural Matters : Seeking solution from WTO Experiences », “*Investment Treaty Arbitration: A Debate and Discussion*”, Juris Conference, Washington, USA, T. Weiler, ed., Jurispublishing 2008, p. 231-246
- November 2006 : « Investment arbitration : where you go ! », VI Congress of Brazilian Comity of Arbitration, « International Arbitration and Sovereignty », Salvador Bahia, Brazil
- Mai 2004: « *La clause relative au respect des engagements dans les traités d'investissement (Umbrella clause)*», Institut des Hautes études internationales de Paris II: published at *Nouveaux développements dans le contentieux arbitral transnational relatif à l'investissement international* LGDJ 2006, p. 53-106.
- Mars 2006 : « *L'arbitrage transnational face à un désordre procédural : la concurrence des procédures et les conflits de juridictions* », Colloque international : où va le droit des investissements, Faculty of Law and Political Sciences, Tunis, Tunisia.

TEACHING EXPERIENCE

1) Training Workshops with International Organisations (ESCWA, IDLO, UNCTAD, World Bank)

Conducting more than 30 Workshops dealing with Arbitration, ADRs, Bilateral Investment Treaties, Double Tax Agreement, in Arabic, French and English

- *United Arab Emirates, 2008, Training on Investment arbitration, in Arabic*
- *Bahrain, 2008, Training on Investment arbitration, in Arabic*
- *Egypt, 2009, 2010, 2012 Training on BIT negotiations and Training on Taxation Treaties, in Arabic*
- *Jordan, 2010, Training on Contract negotiations, in Arabic*
- *Syria, 2011, Training on BIT negotiations, in Arabic*
- *Lebanon, 2011, Training on Contract drafting and negotiations, in Arabic*
- *Sudan, 2011, Training on BIT negotiations, in Arabic*
- *Oman, 2009, 2010, 2012, three Workshop Trainings on investment arbitration, on commercial arbitration and on dispute resolution*
- *Iraq 2012, Training on Arbitration*
- *Iraq, 2013, Training on Bilateral investment agreement, In Arabic*
- *Yemen 2013, Training on arbitration under BIT, In Arabic*
- *Paris 2013, International Commercial Arbitration - ICC Institute PIDA Training - English/ Arabic, « New York Convention on the enforcement of international arbitration awards ».*
- *Burkina Faso, 2013, arbitration in OHADA countries, French*
- *Ivory Coast, 2013, Arbitration and company Law, French*
- *Mauritania, 2014: Training on Arbitration and Mediation, in French*
- *South Africa 2014: Training on Third Party Funding in arbitration, English*
- *UK 2014: Training « ADRs and tax disputes», English.*
- *Alger 2014: Training, Drafting and negotiation of international contracts*

2) Training with States and Foreign Entities

- Arabia Saudi, 2010 Riyadh Chamber of Commerce, Training Workshop on Arbitration and Dispute Resolution (In Arabic).
- Algerian Ministry of Water, 2010 Workshop Training on Public Private Partnerships (in French).

3) Invited Professor by Foreign Universities

Courses in many countries including Algeria, Armenia, Bahrain, Brazil, Belarus, Burkina Faso, Canada, Cambodia, Cameroun, Djibouti, Egypt, Ethiopia, Gabon, Germany, India, Ivory Cost, Jordan, Qatar, Lebanon, Madagascar, Morocco, Oman, Romania, Syria, Sudan, South Africa, Poland, Tunisia, United Arab Emirates...).

Universidade Positivo, Curitiba, Brazil

- Since 2013: Course on *International Investment Law*
-

Wroclaw University, Poland

- Since 2013: Course on *Arbitration Law*

Laval University, Canada

- 2013: Course on *Energy, Oil and Gas Law*

Cairo university, Egypt

- Since 2011: Course on *Comparative Law*

Tunis University, Tunisia

- 2011: Course on *Investment Law*

University of Erevan, Armenia

- 2010, 2011: course on *International Transport Law*

University of Kesslik (Lebanon)

- Since 2009, 2010, 2011 : Course on *Islamic and international Finance Law*

University of Marrakech (Morocco)

- Since 2009: Course on *WTO Law*

University of Minsk (Belarus)

- Since 2008: Course on *International Business Law*

University of Bucharest (Romania)

- Since 2006 : Course on *European Company Law* and in *Investment Law* Collège Franco-Roumain, Bucharest.

European Inter-University Centre for Human Rights and Democratisation (EIUC), European Master on Human Rights, Venice, Italy

- 2006-2007 : Course on *Investment Law and Human Rights*

4) Professor in France

University of Evry (France)

- Since 2004 : Courses on *Arbitration Law, Anglo-American Contract Law, International Trade Law, Islamic Finance, Competition Law, Investment law and comparative law*

Institute of Political Sciences, Sciences Po, Paris (France)

- Since 2007: Course on *Contract and Tort Law*.
- Since 2010: Course on *Investment Arbitration Law*

Université Panthéon-Sorbonne (Paris I)

- Since 2009: Course on *Arab and Islamic Law*

University of Versailles (France)

- Since 2004: Course on *International Investment Law*.

SCIENTIFIC SOCIETIES, ASSOCIATIONS

- Listed Arbitrator, Dubai International Arbitration Centre (DIAC)
- Member of the International Arbitration Institute (“IAI”).
- Member of French Society of International Law (“SFDP”).
- Member of the International Law Association (“ILA”).
- Member of the Venezuelan Committee of Arbitration
- Member of the Scientific Committee of the Franco-Arab Chamber of Commerce
 - Honorary Associate, Centre for Energy, Petroleum, Mineral Law & Policy, Dundee, Scotland.
 - Member Broad of Editors: Transnational Dispute Management <http://www.transnational-disputemanagement.com/editors/welcome.html>
 - Member, Broad of Editors, « *Journal of Arab Arbitration* ».
 - Member, Broad of Editors, « *Yearbook of international investment and Policy* », Oxford University Press.