

Maher M. Dabbah. *Competition Law and Policy in the Middle East*, Cambridge University Press, 2007, ISBN 978-0-521-86908-9

This book provides an overview on competition law and policy in the Middle East including countries in North Africa (hereinafter MECs). It has an introductory chapter which explains the geographical coverage, current economic and political scenes taking place in the region. The writer assures that 'not in a single middle eastern country has competition law developed into a mature branch of law with a sound and strong policy to support it'.¹ The second chapter is dealing with Islamic principles of competition law. Dabbah sufficiently argues that Islam as a religion has a complete set of rules and principles governing competition within its free market. He adds that these regulations are present since the seventh century. Moreover, he proves beyond reasonable doubt that Islam did not only provide for a set of competition law principles but also for the relevant mechanisms of their execution. I believe that although these principles have been discussed within Islamic scholarship, Dabbah is among very few who dealt with the means of their enforcement in practice. It would have been better if the writer emphasised the role of the second source of Islam which is Hadith (statements of the Prophet). There is an abundance of relevant statements and precedents that would have provided more legal basis for the arguments posed. However, at any rate one cannot undermine the significance of this chapter as it opens several opportunities for further research and exploration.

I believe that the writer has adopted an analytical-descriptive approach in his assessment to the Middle Eastern countries. Basically, competition law in the Region is analysed in a certain framework. In the first section, of the assessment, he clarifies the background of the system of competition in the respective country. Secondly, he identifies the aims and objectives of the relevant law. Next, the scope of prohibition and the agreements and practices prohibited is discussed. Fourthly, he gives a brief account on the structure, powers and functioning of the competition authority implementing the law. Then, he discusses the penalty system of the country and finally builds up an analytical conclusion drawing up his own reflections and suggesting recommendations.

Chapter three discusses the situation of competition law and policy in Israel. Despite the fact it is considered the oldest competition law system in the region (1959), it is classified with the other MECs. They neither have a mature competition law nor a strong policy to support it. Throughout the analysis it is clear that the disturbed political and economic situations of Israel are hindering the adoption of a proper system of competition law. It is also clear that politics has a great influence on its competition policy threatening the efficiency of its overall competition law system. The writer concludes this chapter by suggesting means to overcome the deficiencies identified. As for the following chapter it deals with the most successful Middle Eastern experience in competition law: the Republic of Turkey. Turkey has been undertaking a progressive developmental approach to cope with the European standards through an adaptation process. However, the writer has been able to point out some controversial concepts

¹See page 4.

embodied in the Turkish system, most notably, the 'presumption' concept and the lack of public awareness. He also pointed out other deficiencies then proposed means for improvement.

In the following chapters the writer divides the remaining Middle Eastern countries according to their geographical location and proficiency in competition law. The first classification is that of 'Maghreb Countries'. It is very interesting how the writer delved into each system and provided a considerable assessment to each country. Most remarkably, the writer discussed the progress by the Libyan regime in the process of adopting a competition law. Although very briefly in few pages one can sufficiently note the major developments in this regard. However, the writer did not shed the light on what might be considered an important factor in Libya which is that of Religion. Islam, at least as the regime usually claims, is an important component of the system. If this is truly the case one might expect Islamic influences on the law.

Other classifications were made to combine Syria and Lebanon, Gulf countries and Jordan as different regions. The writer provided a similar assessment as previously noted. As for Egypt, the writer provided what I believe to be the best ever attempted analytical assessment to the 2005 law. Moreover, he discussed in brief two prominent cases currently handled by the Egyptian Competition Authority, namely the Cement and Steel cases. As for Palestine and Iraq I was expecting more emphasis on their disturbed political and economic situations. This is because, as the writer noted earlier, previous experiences proved that the mere presence of a legal framework is not sufficient to having a successful competition law regime. Yet, it was interesting to learn about the modern legal structures of both countries and their current developments.

The conclusions of the book in the final chapter are quite impressive. The courageous criticisms and reflections provided denote that they are deduced by a well informed analytical scholar. It is truly the case that there is a concentration of wealth in most of these countries. Inaccurate approaches adopted without understanding the rationale of competition law or its function within the market; among twenty-one MECs twenty have Islamic law origins and they all failed to rely or refer to it in this regard. Moreover, one of the most important conclusions in the book is the writer's assertion that countries can in exceptional cases resort to price regulation especially in wheat and milk as both of these markets are highly sensitive in the region. I totally agree that price regulation is still sometimes needed to stabilise certain sensitive markets in countries where competition culture is still developing.

In short, this book clearly reflects the tremendous effort exerted by the writer therein. It is a highly valuable guide to competition law and policy in the Middle East. The language of the book is clear, simple and readable. This book excelled in providing a brief analysis without affecting the sufficiency of the content. It is a valuable pioneering book in the field and for the Middle East as a whole.

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