

Note from the General Editor

Ibrahim F. I. Shihata (1937-2001): A Builder of International Organizations and a Leader in Economic Development

This issue is dedicated to the legendary figure of Ibrahim F. I. Shihata. Dr. Shihata had a huge impact on the fields of international law and economic development, on the international organizations he founded or those he elevated to new heights, and on the people he mentored or whose careers he directed. His legacy is still vividly remembered over fifteen years after his untimely death on 28 May 2001 at the age of 63.

Dr. Shihata's contribution to the furtherance of international arbitration and international investment law, and his support of arbitration in the developing world and of arbitration centers in the Arab region—particularly the Cairo Regional Centre for International Commercial Arbitration—would more than justify dedicating a special issue of this *Review* to him. His impact was, however, much more encompassing than the field of dispute resolution alone. He had the vision to understand better than anyone the merits of cross-fertilization among arbitration, international law and economic development. Arbitration thereby became a branch—an indispensable one—in a much bigger system.

Dr. Shihata's role in the founding and the promotion of international institutions focusing on economic development started when he assumed the position of Legal Adviser of the Kuwait Fund for Arab Economic Development from 1966 to 1970, and then again from 1972 to 1976. During his time at the Kuwait Fund, he was the main drafter of the constituent treaties of several regional development finance institutions, including the Arab Fund for Economic and Social Development, the Inter-Arab Investment Guarantee Corporation and the Arab Bank for Economic Development in Africa. He also played key roles in the creation of two international development finance institutions by serving as the principal drafter of the Agreement Establishing the OPEC Special Fund, and as the chair of the committee that drafted the constituent treaty of the International Fund for Agricultural Development (IFAD).

Dr. Shihata was appointed in 1976 as the first Director-General of the OPEC Special Fund. During his seven-year tenure, this initially temporary development assistance facility was transformed into the long-standing institution that it is today—the OPEC Fund for International Development (OFID). While working at OFID, he served as a member of the Board of Executive Directors of IFAD, and he contributed to the establishment of the International Development Law Institute (IDLI), later serving as its first Chair.

In 1983, Dr. Shihata became the first national of a developing country to be appointed as General Counsel of the World Bank, a position he held until 1998. In this capacity, he also served as a Vice President and then Senior Vice President of the World Bank. Among his many accomplishments at the World Bank, Dr. Shihata was the main architect of the Multilateral Investment Guarantee Agency (MIGA). He also chaired the task force that drafted the World Bank Guidelines on the Treatment of Foreign Direct Investment, played a major role in the establishment of the World Bank Inspection Panel, and was instrumental in creating the Global Environment Facility (GEF), an institution that was initially a joint program between the World Bank and the United Nations. As General Counsel, Dr. Shihata issued numerous seminal legal opinions on activities of the World Bank. These opinions—which are compiled in his book *The World Bank Legal Papers*—to this day guide the Bank's governance and operations.

While serving as General Counsel of the World Bank, Dr. Shihata was in 1984 elected Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID) by its Administrative Council. He held this position until his retirement from the World Bank in 2000. During his tenure, and with the help of Georges R. Delaume and then Antonio R. Parra, Dr. Shihata raised ICSID's profile and encouraged the inclusion of ICSID clauses in international investment agreements and international investment contracts. Under his leadership, the number of ICSID member countries increased substantially, and the ICSID caseload expanded dramatically. In 1986, Dr. Shihata founded the *ICSID Review—Foreign Investment Law Journal*, the first scholarly legal journal focused on foreign investment law. Through ICSID publications, conferences and other outreach activities, Dr. Shihata strove tirelessly to disseminate knowledge of modern investor-state arbitration.

Dr. Shihata should always be remembered for his insistence that developing countries and their nationals have equal access to international dispute-settlement systems and participate as equal partners in the progressive development of the field of international investment law. He encouraged the participation of nationals of developing countries in arbitration tribunals, thus ensuring their lasting contribution to the jurisprudence in this burgeoning field.

Notwithstanding the commitments that came with the prestigious positions that he held, Dr. Shihata remained throughout his career a devoted scholar. At the age of 28, he had already made a significant contribution to the field of international law with a leading book entitled *The Power of the International Court to Determine its Own Jurisdiction*. The book was in fact his doctoral dissertation completed at Harvard Law School under the direction of Professor Louis Sohn. In his Preface to the book, Professor Sohn wrote that “[b]oth in thoroughness of his research and in depth of his analysis, Mr. Shihata has set a new standard for doctoral dissertations.” Dr. Shihata was to author almost 30 other books and more than 200 articles, to teach international law at the law faculty of Ain Shams University in Egypt, to speak at countless international conferences, and to become a member of the Institut de droit international.

Dr. Shihata’s perseverance in the face of daunting obstacles, and at times extreme adversity, earned him admiration and respect. His personal story is one of great gifts well used, and his testament is a profound one of courage, strength and sense of duty.

Dr. Shihata’s premature passing prevented him from witnessing the turmoil that has unsettled parts of the Arab world. He would no doubt have been immensely saddened by the resulting huge toll of death and destruction. Dr. Shihata had, however, presciently diagnosed the major social, economic and political problems now gripping the region in his book entitled *Wasiyyati Li Biladi (My Testament to My Country)*, which he wrote in 1996 and addressed to Egypt. He thus gave us ample guidance for these trying times. The steadfastness with which he lived his life and the wise prescriptions he left us could, if heeded, help lead us towards a better future.

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