Dialogue is our only option

In his keynote address at last night’s opening ceremony, Dr Mohamed ElBaradei called for a serious dialogue based on respect and universal values to help resolve the continuing turbulence in the Middle East.

“The region is going through an Arab spring, the key is to ensure it doesn’t turn into a tsunami,” said Dr ElBaradei.

According to the distinguished international lawyer and advocate of fairness, the outcome in his native Egypt could be crucial in establishing a model for other areas in the troubled region.

Recent political turmoil in the Middle East has seen Dr ElBaradei emerge as a key opposition figure in the 2011 Egyptian uprising, which led to president Hosni Mubarak’s resignation.

The uprisings in Egypt were notable for their peaceful nature and it is this non-violent protest that ElBaradei said could be an example for successful change across the Arab world.

But Egypt’s problems are not over yet. Retribution and due process are just two of the continuing issues discussed last night.

“The change has to come from within,” said El Baradei. “But the international community has a crucial role in providing robust assistance for social and economic development.”

The Egyptian lawyer believes that a transparent and open dialogue between the international community and its neighbours in the Middle East will be the driver for change.

“In a stable environment, the sky is the limit in terms of investment opportunities,” added the Nobel Laureate speaker.

Among the other countries El Baradei turned his attention to were Darfur, Libya, Yemen and Somalia.

“We need to help the Somalis from starving, which is shameful for every one of us here,” he said. “The conflict in the west needs to be settled and we need to find a way where different ideologies can live together as one human family.”

Dr ElBaradei pointed to the Egyptian example of reliance on social media as an example of how peaceful revolution can be orchestrated and used to unite people behind a common cause.

The issue of social media is expected to dominate the annual conference’s discussion, with a number of sessions planned this week.

Dr Mohamed ElBaradei also discussed the challenges of living in an increasingly interconnected world and the importance of the rule of law in creating a society that values freedom and the rule of law that everyone can live in. “There is a dichotomy between how much we are being globalised and how much the government mechanisms we have created are lagging behind,” he added.

This lack of a mechanism to govern on the basis of equality among global institutes such as the G8, G20 and the EU has led to a world where one million people still go hungry every night but one and a half trillion dollars is spent on armament in the space of a single year, according to Dr ElBaradei. This is 12 times more than that spent on development aid and 200 times more than the amount spent on global peace-keeping.

Lack of good governance — a general characteristic in many countries — can lead to repression, corruption, poverty and lack of basic needs, an absence of economic opportunities and an obscene gap between the rich and the poor, said the lawyer. “This environment naturally leads to loss hope, marginalisation, violence and radicalisation, he added.

The audience heard how weakness of the principles underlying the rule of law create a melting pot for violence and civil war in some countries and mean innocent civilians continue to lose their lives in countries such as Yemen.

In a lively Q&A session, when questioned about the arrest and killing of Gaddafi, the keynote speaker discussed the impossibility of picking and choosing between circumstances when the rule of law is applied.

“Even if everybody hated Gaddafi, he is still entitled to a fair trial,” he said. “If Gaddafi was shot after he was detained, that is shameful for every one of us here,” he said. “The conflict in the west needs to be settled and we need to find a way where different ideologies can live together as one human family.”

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“Even if everybody hated Gaddafi, he is still entitled to a fair trial,” he said. “If Gaddafi was shot after he was detained, that is obviously a violation of international law.”

Continued on page 2
VOX POP

QUESTION:
Which topics are you most interested in at this year’s conference?

Francis Foluso Akinlolu
Ministry of Petroleum Resources
Nigeria

I’m interested in hearing about oil and gas, particularly joint operational agreements, and upstream/downstream developments.

Bertrand Debosque
Bignon Lebray Avocats
France

I’m looking forward to going to the Bar Issues Commission (BIC) and Public and Professional Interest Division (PPID) meetings and going on a tour of the courts.

Ugur Akehin
Mehmet Gün & Partners
Turkey

The legal system in Turkey is trying to adapt its management systems to be more in line with European standards. So I’m looking forward to hearing about legal profession-related topics, as I work on the management committee of my firm.

An idea that frequently arose during the introductory addresses at last night’s ceremony was that law is a profession that provides its practitioners with the unique opportunity to improve society and change lives through focus on areas such as human rights, ethics, access to justice and the rule of law. Peter Maynard, chair of the public and professional interest division, praised Dr ElBaradei. Maynard referred to him as being “committed to the forward march of humanity throughout his long and distinguished career.”

Elsewhere in the opening addresses, His Excellency Dr Hadeef Ju’ain Al Daheri, the UAE Minister of Justice, spoke of the progress made in developing the region’s legal and judicial system, perhaps a reason the IBA was held in Dubai this year, he said.

Akira Kawamura (pictured left), president of the IBA, said that the over 5000 delegates who had travelled to Dubai for this year’s conference was the highest attendance record in the IBA’s history.

“I believe the IBA must transform the legal profession to deliver legal services to people around the world on an equal footing,” added the IBA president.

The unprecedented scale of this year’s IBA and the gathering of some of the industry’s sharpest legal minds will certainly provide the opportunity for the conference to be a vehicle for change globally.

Following the keynote, delegates were taken to Al Sahra Desert Resort and were treated to lively Dhabke dancers, Tanoura dancers and fire blowers.

The conference gets truly underway this morning, with the start of the full sessions. Highlights today are expected in ‘Successful models for cross-border legal practice: the economics of law firms after the recession’ and ‘HRJ showcase: Human rights – are they still relevant?’
Adam Cooke
Multilaw
UK
I’m looking forward to Pippa Blakemore’s session on networking and business development at law firms. I run an international network of law firms, so a big part of my job is networking and business development.

Vittorio Muschitiello
Pirota Pennuto Zei & Associati
Italy
International tax planning is most interesting to me; it’s helpful to know how other experts deal with cross-border tax planning issues.

Torsten Engers
Flick Gocke Schaumburg
Germany
Tax is my main area and I’m on one of the panels, but something that happens every year is the real estate property tour. It’s mainly about property, but there’s a business development angle to it too – it’s like advanced sightseeing.

Arkhipenko Dmitry
Revera Consulting Group
Belarus
Belarus’s legal business is just starting up, so it’s very useful for me to know how experts from other countries tackle corporate and M&A issues.

Günter Erdmann
Schlarman Von Geyso
Germany
I’m a distribution lawyer, so it’s good to learn about the issues faced by specialists from other regions. It’s also a great opportunity to meet people.

Karim Hammami
Juris Med
Tunisia
Islamic finance is not very developed in Tunisia, and it will be interesting to see how it has developed in countries with more experience in this area.

Vittorio Muschitiello
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A glass half full

Nicola Bonucci, director for legal affairs at the Organisation for Economic Cooperation and Development (OECD), speaks with Danielle Myles about the IBA's initiatives targeting bribery in the legal profession, and the idiosyncrasies of being counsel in an economic organisation.

Are there any other existing initiatives by other organisations that are addressing this problem?

As far as I know, this initiative is the only one that is targeting bribery in the legal profession and raising awareness in the legal profession.

The Anti-Corruption Strategy's 2010 global survey of lawyers found that 40% of respondents were unaware of the OECD Anti-Bribery Convention. Was this surprising?

Surprising no, disappointing yes. To be honest, when you are a lawyer in a law firm, first and foremost you are looking at national legislation. The OECD Anti-Bribery Convention is not self-executing except in perhaps one or two countries. So what's important is that the lawyer knows the local law that has translated the obligations of the convention.

But it's still disappointing in that I think it shows many lawyers have not really understood why in the last 10 or 15 years there has been such a proliferation of national laws in this area. I think we still have a lot to do in terms of awareness and visibility of the OECD Anti-Bribery Convention.

How are the Anti-Corruption Strategy's in-country training programmes progressing?

Extremely well. We started with the pilot project in Latin America but we have now expanded to other regions in Indonesia and Malaysia, where I participated in extremely well-attended and impressive sessions earlier this year, followed by Korea and Japan.

Our programme next year may start with a roundtable on the anti-corruption strategy for Central America, and then sessions of training in the northern Middle East region and possibly China. The IBA headquarters in London, and the Strategy's first class coordinator Gonzalo Guzman, are doing an incredible job with this.

What do you hope to achieve in your two-year tenure?

Three things. First, raise further awareness of the issue. Through my OECD position, I hope to bring to the IBA a network of international public officials that is probably beyond its usual scope.

I would like to raise awareness in intergovernmental circles of what the IBA does and raise awareness of what international organisations are doing in IBA circles so that both are more acutely aware of what's going on.

My second goal I feel very strongly about. When I began attending IBA Anti-Corruption Committee meetings I was fascinated with its level of knowledge and sophistication, which is rare. But not enough attention was paid to the letter I [international], and I am really trying to make the IBA anti-corruption committee much more international-minded by bringing together representatives of the US, for example, with those from developing and emerging countries who face different situations on the ground.

My third is more of a dream: to find ways to institutionalise the anti-corruption strategy into the mainstream and long-term activities of the IBA.
How to see the desert

Suzanne Burlton reveals the best way to take in Dubai’s stunning scenery

To the west, the sea. On all other sides, the desert stretches out around Dubai, the dunes gently shifting as the wind whirls around them. It’s late morning, the sun blazes and the few animals retreat beneath the ground or into the shade beneath the sparse trees. You, however, could just have returned from a breathtaking hot air balloon ride, drifting with the breeze as the sun rises in front of you.

Balloon Adventures Emirates will pick you up from central Dubai and take you out into the desert for a stunning balloon ride. Some reviewers compare it to a magic carpet ride, and the richly coloured balloon is certainly enchanting. Air time is roughly an hour and the route varies with the weather. You may have the chance to see herds of goats grazing or gazelle galloping across the sculptural landscape. Flat shoes should be worn and skirts avoided.

The landscape may seem barren but it is teeming with wildlife, and an on-the-ground excursion is the best way to get a glimpse of some of the unusual creatures which inhabit this wilderness. The main choice is how to travel: car or camel. There are a multitude of companies, each offering something slightly different, so it is worth thinking about exactly what you want to get out of your tour before you choose.

The Dubai Desert Conservation Reserve is only open to selected tour operators such as Alpha Tours in order to protect the rare species within. Fenced off in 1997, the ecosystem has finally regenerated in the largest national park in the UAE, which focuses on conservation with some areas only available to researchers. Trees, shrubs and grasses have transformed the area into the perfect habitat for the African Oryx and the Ethiopian hedgehog, among others. While not as densely populated as African safari parks, you have a good chance of seeing some rare animals in nature as the wildlife is free to move around the whole reserve.

For the full Arabic experience, Desert Safari Dubai will whisk you out to their desert campsite for the evening, stopping off at a camel farm on the way. You will have the chance to try out henna patterns on your hands and feet or sand ski in the dunes as your guides prepare a barbecue dinner. Afterwards, relax around the fire with shisha and Turkish coffee as a belly dancer gives a show by starlight.

Desert Rangers has the widest variety of options, offering canoes and dhows, on top of walking tours. However, the camel trekking by night is the most exceptional. Bedouin guides lead you on your own camel, across inclines and valleys. The swaying gait might be off-putting at first, but your guide will explain how to sit so you are most comfortable and you will soon get used to their idiosyncrasies.

Slightly less odorous is Arabian Adventures’ Starlight Express, which involves spending a night in a tent pitched on the sand. From mid-afternoon until noon the following day, you will travel by four-wheel drive through the desert, following wadis (dry valleys) deep into the rugged Hajar mountains. You will spend some time dune bashing – doing stunts up and down the slopes, almost as if you were in a white water raft.

For the active and adventurous, Dubai Desert Safari offers a dune buggy ride with instruction in off-road driving before setting off on your fully automatic quad bike. Specially adapted for use on sand, the quad bikes will allow you to explore the local surroundings independently and familiarise yourself with the architecture of the landscape. It is the best way to get a feel for the particular challenges of desert life.

An hour and a half away from Dubai is Al Ain, known as the Garden of the Emirates. This charming oasis is home to one of the oldest universities in the world as well as beautiful architecture and the surrounding date farms. Nearby lies the archaeological Hill Garden, over 500 years old, and a museum which details early life in the emirates. Go a bit further and try out the ancient Omani city of Nizwa.

Dubai run tours there, including lunch. In contrast to Dubai’s city centre, the streets are emptier and the air cooler, so you can escape the constant activity of the conference centre. Care should be taken when going into the desert, even on the most organised of tours, to wear suitable clothing and bring plenty of water. Cover up in light fabrics and wear a hat and plenty of sun cream. Expensive equipment and jewellery may get lost so are best left at home, but a simple camera with a wrist strap will allow you to record your adventure.

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**A** friendly difference of opinion between husband and wife on an age-old debate sparked the idea behind ‘The art and science of persuasion’ conference programme.

Session II of this programme takes place this morning, following Part I which was one of the most well-received sessions at last year’s Annual Conference in Vancouver.

The seed was planted when programme co-chair José Astigarraga showed a newspaper report to his wife which, he believed, proved his point in their earlier discussion: whether men or women are better drivers.

To his surprise, she thought the article said the exact opposite and proved her point. Astigarraga, who works in litigation and arbitration, was concerned: he had tried to persuade her, but all he’d done was make her more convinced that she was right.

“As an advocate, that really caused me to pause and think ‘this is serious,’” he said. What he’d witnessed was confirmation bias – information on a topic being understood and absorbed in a way that reaffirms a person’s preliminary view.

For lawyers, such cognitive biases are useful – even vital – to understand because this is how opponent counsel and their clients, and even judges and arbitrators take in arguments and requests.

“That’s just the way our minds work, and as advocates we need to find ways to overcome this to ensure open-minded consideration of the evidence and law and a fair outcome,” Astigarraga said. Even top judges are subject to these subconscious factors, which is surprising to people, he added.

Confirmation bias is just one of many facets of our reasoning processes that go unnoticed. Others include anchoring (getting what one wants by asking for more), attribution error and hindsight.

The science aspect of the programme was covered in Part I – one of the most successful sessions at last year’s conference in Vancouver. In this year’s Part II of the programme, the art of using these techniques will be covered.

Like Part I, Monday’s session will use a combination of case studies and real life examples to demonstrate these psychological factors at work.

One case study presented last year saw two judges given identical case scenarios, but one also receiving a frivolous motion to dismiss. Both ruled in favour of the plaintiff, but the judge presented with the motion awarded a larger sum.

“The judges had no problem getting past the motion to dismiss, but it did have an apparent impact on how much they thought the case was worth,” said David W Rivkin, a panelist on Part I and Part II of the programme.

“The judges had no problem getting past the motion to dismiss, but it did have an apparent impact on how much they thought the case was worth,” said Rivkin. “The session went a little bit beyond ‘here’s the current law’.

While cultural sensitivities are something one may be able to acquire, some might argue that the ability to persuade people comes down to natural talent. But this is not necessarily the case.

“Some lawyers are better than others at distilling arguments in a manner that is more attractive. But at the same time, trial counsel learn from every case we do and from what we see and hear others doing,” Rivkin said.

It is not necessary to have attended Part I to get the most of Monday’s session. The cognitive processes being applied will be explained. It’s also not just for those working in dispute resolution. The session could be helpful for corporate counsel in particular.

“It helps them to understand the process of decision making and therefore how to work with internal and external counsel in best presenting their case,” Rivkin said.

**Why first impressions count**

How are arguments really won? An understanding of confirmation bias goes some way to explaining, as Danielle Myles discovers ahead of this morning’s session.

“He had tried to persuade her, but all he’d done was make her more convinced that she was right”
HEAR FROM HADEF & PARTNERS AT THE IBA CONFERENCE TODAY

MONDAY, 31 OCTOBER 2011

9.30am – 12.30pm

SADIO JAFAR
Fundraising for family and private businesses in the Middle East
Arab Regional Forum / Closely Held and Growing Business Enterprises Committee

MAGDALENA SUDER
Breaking the mould, changing the delivery model for legal services
Law Firm Management Committee / Multi-disciplinary Practices Committee

2.30pm – 5.30pm

ALEXANDER MCGEOCH
International assignment of employees: issues and challenges
Employment and Industrial Relations Law Committee / Closely Held and Growing Business Enterprises Committee

BRENT BALDWIN
Office leases for law firms: ten mistakes you can’t afford to make!
Law Firm Management Committee / Real Estate Committee

ERIK MUTHOW
Dubai and its sister Emirates as major hubs for the trade and shipping industry
Maritime and Transport Law Committee / Insurance Committee

MICHAEL WEBB
The role of national oil companies and international oil companies: challenges and opportunities for oil and gas exploration and exploitation in the Middle East
Oil and Gas Law Committee

PHILIP JOLOWICZ
Growth in fund domiciles in the Gulf region / Creating Sharia-compliant investment funds and products
Investment Funds Committee

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Sovereign restructuring has never been more important. Ahead of today’s session, Lukas Becker looks at the options facing Greece and why restructuring is preferable to insolvency.

Four bond exchanges with private sector involvement have been mooted, and in the session Sakkas intends to examine these options in turn (although given the pace of change in the Greek crisis, this may be subject to change).

He also intends to discuss the back-up plan to the bond exchange – the so-called Eurobond. Sakkas says that, given the failure of previous measures, a change of strategy may soon be on its way, and Eurobonds may be part of that strategy.

There are a number of legal hurdles to clear for this option to become viable. There are constitutional concerns at member state level, in particular regarding the authority of a member state to jointly issue and underwrite debt issues with other European states.

There are issues with the Lisbon Treaty as well, in particular Article 125 that prevents member states form assuming the financial obligations of other states. In addition, a decision by the German Constitutional Court on September 8 blocked the country from pooling debt with other states unless the Lisbon Treaty is changed.

Despite the difficulties, Sakkas believes that the Eurobond is still a viable option and should not be discounted. “My view is all the possibilities for the issuance of Eurobonds must be ex-hausted before the Eurobond approach is abandoned,” he says.

Brady bonds, used during the Latin American debt crisis, are also an option, says Roberto Silva of Marval, O’Farrell & Maira in Buenos Aires.

The bonds were used to exchange current debt for either par or discount bonds. If a creditor chose the par bonds they could exchange the debt at a one-to-one ratio but at a very low inter est rate. The discount bond forced creditors to take a haircut but allowed them to keep the market rate.

In the Argentine scenario the payment was guaranteed with US bonds, however Silva says a Greek version could be backed by bonds issued by a European Bank.

Silva says the Uruguay precedent is the most likely outcome for the Greek crisis. Uruguay sat down with the creditors and got an extension of payment and a friendly restructuring, and never actually defaulted, as opposed to the messy Argentine default.

“The market understood and was willing to take a friendly restructuring which was much better for everybody,” says Silva.

If the Greek situation is not resolved satisfactorily, James Katchadurian of Epiq Systems says there is a danger of a domino effect into the banking system, particularly with the French and Italian banks’ Greek and Italian sovereign exposures.

Also on the agenda is a discussion of the difference between the Greek crisis and the Irish and Icelandic debt crises. The three had very different causes, effects and solutions, and they should not be lumped together.

“Greece is a systemic problem, not a banking problem like Iceland,” says Jo-Ann Brighton of K&L Gates. What Ireland had to climb over for ten months was a consumer confidence problem, she says.

Structural reform
While the Greek debt crisis is important in the short term, getting the restructuring and insolvency framework right at national level is critical in the long term.

According to Brighton, transparency is the key to a successful framework, and she plans to explore this in the session. “If there’s no transparency in the system and there’s no confidence in it going to play out, the investment doesn’t work, it’s very difficult to attract international investment,” says Brighton.

The Nakheel restructuring in Dubai is a good example. Lawyers restructured the real-estate group out of court through an innovative trade creditor sukuk, not the Dubai International Financial Centre (DIFC) courts.

Katchadurian says that the DIFC courts have put in place some good concepts. The system is a mix of UK and US systems, with cram down provisions and an administrator.

“While the Greek debt crisis is important in the short term, getting the restructuring and insolvency framework right at national level is critical in the long term”

However as the system is untested, there is a lack of con fidence in the outcome of cases. “The courts are progressing at adopting best practices, but until they have a Nakheel to put through it’s going to be interesting, it’s still going to be untested,” says Katchadurian.

Panelist Anthony Evans of the Dubai World Tribunal will shed more light on the status of the DIFC and UAE’s develop ing insolvency laws and regulations.

Greece’s bankruptcyle framework is in a similar state. Accord ing to Brighton, the system is archaic and ill-equipped to deal with insolvency.

Adding to this, Greece doesn’t have any precedents on the stock exchange to compare its problems against. “So then it all comes down to confidence,” she says.

A strong national framework should also incentivise company directors and officers to initiate restructuring or insolvency proceedings, instead of waiting for it to be forced upon them.

For example, some countries in Europe have strict liability components regarding officers and directors of insolvent companies. Countries such as Germany, Greece and Italy can even hold these parties liable to the point of jail time. The UAE (outside the DIFC) still has debtors’ prisons.

Overall, says Brighton, there is a need for recognition that restructuring is a much more attractive option than liquidation.

“Reorganisation can be beneficial not only for the company and the employees, but the creditors,” says Brighton.

“It should be a structure that we support, rather than when somebody runs into a difficult financial situation that we just shut them down and liquidate them.”

Brighton says that a combination of the US and UK systems may be the best approach. The US system, for example, has 30 years of history and lessons learnt as well as professionals who have dealt with a wide range of cases, while the UK has a well-developed creditors’ rights movement.

“We can at least share our wisdom of what has worked, what hasn’t worked, and maybe go on and create a better system,” says Brighton.
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DUBAI: EATING OUT

Dinner in the desert

From haute cuisine to hot tagine, Dubai has a huge range of foods on offer. **Suzanne Burton** gives a guide to the best

There is a huge variety of food available in Dubai. From Indian to Chinese through French and Mediterranean, delegates will be able to find home comforts or new culinary experiences throughout the city. However, Dubai has two specialties: celebrity chefs and ( unsurprisingly) Middle Eastern food.

**Famous fare**

Dubai’s reputation for doing everything bigger, better and more expensively than anywhere else makes it the perfect environment for lavish restaurants serving first-class food.

The trend began in 1998 when Tony Chi, the renowned designer, created the Italian restaurant La Moda for the Galadari family. It continues to attract crowds with its well presented dishes offering exquisite seafood alongside the typical pizza and pasta.

Two British chefs who own restaurants in Dubai, are also famous for their television shows: Gary Rhodes and Gordon Ramsay. The stars of Rhodes Mezzanine, located in Grosvenor House, are the traditional English puddings so leave plenty of room for the bread and butter pudding and jam roly poly. Verre by Gordon Ramsay is more adventurous and offers halal but with frogs’ legs or paprika smoked Scottish salmon.

Michelle-starred Vineet Bhatia serves Indian food with a twist in his restaurant Indego. His trademark chocolate samosa is far from traditional, and he makes use of the latest technology to heap plates with light curries without the heaviness of too much oil.

Finally, Nobu: part of a now worldwide group of Japanese restaurants. The menu is extensive, so specials such as black cod and wagyu beef jostle with seaweed and salmon nigiri. Ask for the staff from Las Vegas, who came over to train the local cod and wagyu beef jostle with seaweed and salmon nigiri. Ask for the staff from Las Vegas, who came over to train the local employees, to get the most knowledgeable service.

**Your daily (pita) bread**

For a more relaxed meal, Lebanese and Iranian restaurants crowd the streets, offering Middle Eastern food. This can also be found on street stalls, and despite occasionally haphazard hygiene standards, is often better than the restaurants. Deira is the best area to wander round and although by law menus must have Arabic on them, many establishments ignore this in favour of English.

Chickpeas are a staple, blended into hummus or packed into gently spiced and fried falafel balls. The Sultan Dubai Falafel Restaurant in Al Muraqqabat Road serves a falafel sandwich with garlic and chilli sauce, giving a kick to this classic.

For vegetarians, chickpea stews and salads abound, and lentil soup is a typical starter. Fava beans are also popular, added to a multitude of dishes from stews to burgers. Vegetables, difficult to grow in the harsh desert climate, are rarer although most are now imported.

Lamb and chicken are the most common meats, with pork banned under Islamic law. Simmered gently in a tagine, a conical clay pot, saffron and ginger are added to the chunks of meat that remain on a low heat until they fall off the bone. Served with rice and pita, this is a hearty meal packed with flavour. Try Local House near Al Musallah Roundabout for Arabic-style dining and camel meat – less expensive now that camels are no longer the highly-valued primary means of transport.

Pickles are to Arabic food as ketchup is to American. Never sweet, almost anything can be pickled with white wine vinegar and salt and served with everything, from salads to kebbe (meat pockets). Turnip and cucumber are particularly popular pickled.

**Drink Up**

As alcohol is only served to non-Muslims in hotel bars and clubs, the drink of choice is coffee. Starbucks has, of course, arrived in Dubai and the shopping malls are stuffed with Western-style cafes. But more traditional is what is known as Turkish (or Arabic) coffee. Rather than being filtered or percolated, the coffee is boiled with sweet spices, often cardamom or cloves. No milk is added. It is thick, dark and without the nutty taste of Italian brands.

A’Rakn on Al Soufuh Road offers a rich Emirati atmosphere and a range of coffees and teas, including the characteristic mint. Cafe Bateel, a national franchise of cafe-restaurants, offers Turkish coffee alongside Western fare that delegates might prefer as a gentler introduction.

Coffee is often served alongside shisha, the long pipes of the hookah swirling with flavoured tobacco. It is a fundamentally social activity. During the day, elderly men while away the hours playing backgammon and sucking on their shisha while at night, the youth descend on the trendier cafes.

Those with a sweet tooth must visit Ali Baba Sweets. Here, stacks of pale gold baklava and traditional pastries are sold alongside honey-covered nuts and endless varieties of chocolate. For a much-needed sit down after all that sugar, tables are available where customers can sip tea and ogle the displays.

For an extravagant afternoon tea Skyview Bar at the Burj Al Arab offers a stunning cityscape stretching out below. Reservations are essential. Understandable, considering the Burj is known as “the only seven star hotel in the world”.

There is so much to sample in Dubai. Take time to explore the areas away from the large hotels and beaches to find authentic restaurants serving fresh food and offering a lively atmosphere.

Lamb and chicken are the most common meats, with pork banned under Islamic law. Simmered gently in a tagine, a conical clay pot, saffron and ginger are added to the chunks of meat that remain on a low heat until they fall off the bone. Served with rice and pita, this is a hearty meal packed with flavour. Try Local House near Al Musallah Roundabout for Arabic-style dining and camel meat – less expensive now that camels are no longer the highly-valued primary means of transport.

Pickles are to Arabic food as ketchup is to American. Never sweet, almost anything can be pickled with white wine vinegar and salt and served with everything, from salads to kebbe (meat pockets). Turnip and cucumber are particularly popular pickled.

The partners of the law firm have developed for decades their practice in different areas of private law. Counting with years of experience in Mexican Law.

Our activity consist on the practice of Mexican Law, under strict standards of quality, ethics and compromise.

Direct investment has intensely participated in Mexico, in many sectors such as tourism, financial, industrial and trade, same that are receiving important amounts of such investment. The above has been combating multiple professionals to provide services to multinational companies in our country.

Legal practice has been an important factor for the development of foreign investment, SANTILLANA, HINTZE ABOGADOS, S.C. has participated intensely in counseling many companies coming to Mexico for the first time, other through Mexican companies, strategic alliances, distribution, licenses, etc. Creating investments with Mexican business, participating directly in the capital of such companies or establishing subsidiaries of international groups.

The partners of SANTILLANA, HINTZE ABOGADOS, have developed their practice adapting the needs of the clients to Mexican Law, finding the best options for their business.
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To find out more, please contact
Roxanne Speight at Tel: +44 207 779 8380
Email: rspeight@euromoneyplc.com

www.iflr.com

Europe:
Claudia Tan
Tel: +44 (0) 20 7779 8637
Fax: +44 (0) 20 7779 8520
Email: ctan@iflr.com

Asia, Australia, North America,
Middle East and Africa:
Denny Squibb
Tel: +852 2842 6945
Fax: +852 2521 8900
Email: dsquibb@alphk.com

Latin America:
Roberto Miranda
Tel: +44 (0) 20 7779 8435
Fax: +44 (0) 20 7779 7984
Email: rmiranda@iflr.com

China and Taiwan:
Bryce Leung
Tel: +852 6126 3601
Fax: +852 2521 8900
Email: bryceleung@euromoneyasia.com
The emergence of the Brics countries and subsequent impact on investment and other macro issues has been well documented. What’s less widely understood is the impact of the shift in global economic power on companies’ day-to-day operations.

Corporate immigration is a case in point. A startup may want to move headquarters to a strongly emerging economy showing the most promise in its sector. It has the money, approvals and managerial support to do this. But unless the company and host governments have immigration policies to accommodate the move, the plan – and investment in the developing country – is futile.

Today, the IBA’s Immigration and Nationality Law Committee will explore how companies and governments are adapting to these broader economic transformations in its session ‘The shifting global economic order and its impact on corporate immigration’.

A lively debate involving panelists from the Brics countries and G7 – and with audience members encouraged to participate – is expected when addressing the perception verses reality of immigration policies. This debate will be started by presenting a paper prepared by panelist Kenneth Ing which gives the Canadian perspective on Brics countries’ corporate immigration policies. By confronting panelists and the audience with differing perceptions and comparisons, some fireworks are expected.

“I think we will see surprising differences because our view of some of these countries tends to be based mainly on lectures, newspapers and discussions with colleagues there,” session co-chair and vice-chair of the host committee, Gunther Mävers, told IBA Daily News. “We don’t really have an inside view so it will be interesting to compare,” he added.

A country’s economic strength is the predominant factor driving its stance on corporate immigration.

“When an economy is performing strongly, there is no need for protectionist immigration laws,” said Mävers. “If the economy is not doing so well, countries tend to close their borders and recruit the skills they need from the local labour market.”

The strengthening of the Brics over the last decade has led some to predict fundamental shifts in the flow of company-driven immigration around the world. Over the past 12 months a new acronym has surfaced to identify the next wave of emerging economies: Civets, comprising Colombia, Indonesia, Vietnam, Egypt, Turkey and South Africa.

Civets economies are still much smaller and strides behind the economic and industrial developments achieved by the Brics. But acronyms aside, all eyes in the corporate immigration area are firmly fixed on emerging economies

“Until now we have seen these countries mainly as a source of immigration,” session co-chair and secretary of the host committee Jelle Kroes told IBA Daily News. “Now they have become, or are on the way to becoming, strong economies it’s expected that their industries will develop a high demand for highly skilled talent – including from abroad,” he said.

The world’s more developed countries often have corporate immigration policies that look to accommodate their industries’ desire to attract high numbers and depth of talent. They offer this with the hope of seeing economic growth.

The shift in global economic power over the past decade, however, means emerging economies’ immigration policies are receiving more attention than ever.

“It’s very interesting to see how these policies develop and we hope to see some new angled and points of view in our session,” Kroes said.

A race for talent

The biggest question is whether these countries will look to replicate the West’s policy-approaches, or whether they will develop their own unique systems.

Important factors to consider are the policy reflecting the needs of its economy, and whether emerging economies have different or better instruments to seek the best talent.

The question is particularly interesting, however, when considered in light of how the West’s immigration policies have performed over the past decade.

Many countries widely perceived to have sophisticated and successful immigration policies may not actually be performing as well as many believe. Success measured on the basis of numbers, as occurs in many cases, overlooks some of the more human and qualitative measures available.

For example, if we ask corporate immigrants whether they feel accepted, respected and able to easily live in their host country, their answers may suggest these countries’ immigration policies are not as successful as many think. A bottom-up approach could be useful.

Perhaps there is much improvement to be made, and maybe the West can in fact learn from its fellow countries,” Kroes said.

Statistics have shown that a large proportion of visa cancellations are caused by difficulties integrating into the country. Not at the fault of the individual, but rather there not being state initiatives to encourage and assist their integration.

Tax benefits and fast arrangement of visas might help workers enter the country, but language courses and community groups would be more beneficial in getting them to stay

“Countries need to be creative,” said Mävers. “There is a race for talent,” he added.

Such integration policies and programmes could give newly established regimes an edge over what is commonly perceived to be the world’s most successful.

If the world’s emerging economies look poised to progress their stance on corporate immigration, one might well ask what the West’s response is. Especially given its economic woes following the financial crisis.

But it’s a difficult question to answer.

The issue is inherently political, and it’s difficult for politicians to differentiate, for example, between corporate immigration, family reunification and asylum seekers.

A government may feel the need to constrain the former to lower domestic unemployment, but making it clear to the public that the latter categories would not be affected can make the issue too difficult to address.

A corporate priority

The process and amount of keyway companies have in immigration applications varies greatly from country to country, and can mean the difference between choosing where to move.

One of the topics discussed at IBA’s Global Immigration Law Conference in London in September was differences in immigration policies across EU countries. “The term predictability came up very frequently. A predictable immigration policy is very attractive for companies,” Kroes said.

For example, a straightforward application process with proven timelines can be a decisive factor for companies looking at immigration. Conversely, very long timelines— months or even years in some instances— can be prohibitive in itself.

For emerging countries, the endpoint of all this is investment. Knowing streamlined procedures is vital to attract companies. And many are waiting to see how the Brics and Civets’ (Colombia, Indonesia, Vietnam, Egypt, Turkey and South Africa) schemes will compare to their more developed counterparts.

“We are very interested to see if these immigration schemes will become completely different,” said Kroes.

A report issued last year by the IBA Global Employment Institute shows that international companies are watching this area closely. It summarises the results of a survey involving 104 multi-nationals across 21 countries.

In a list of the top 10 critical human resource issues anticipated over the next decade, employees’ global mobility came in at number three.

Tuesday’s keynote

The panelists are looking for a lively and open session on Tuesday morning where delegates can share their opinions and home-country knowledge.

“We very much want to make the session as interactive as possible, not just be going through asking each panelist what is the latest news in their country – that will not happen in our session,” said Mävers.

Murali Kakolu, the global mobility manager of HCK Technologies in India, will be a keynote speaker. Kakolu will be looking at corporate and government immigration policies, and whether the shifts in economic development will be reflected in changes how immigration policies are drafted.

The merged firm of Clyde & Co and Barlow Lyde & Gilbert

Danielle Myles asks how companies and countries are adapting to the new wave of corporate migrations

The world’s more developed countries often have corporate immigration policies that look to accommodate their industries’ desire to attract high numbers and depth of talent. They offer this with the hope of seeing economic growth. The shift in global economic power over the past decade, however, means emerging economies’ immigration policies are receiving more attention than ever.

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Clyde & Co Cocktail Reception

6pm, 31 October 2011
‘Seven Sands’, 33rd floor, Dubai World Trade Club / Dubai World Trade Centre Tower Adjacent to the Dubai International Convention Centre


www.clydeco.com
The secrets of Dubai’s success

Essam Al Tamimi of Al Tamimi & Company tells Lukas Becker how Dubai became an international legal hub and the challenges it faces in the future

Dubai’s role as host of the 2011 IBA annual conference shows just how far the jurisdiction has come in the eyes of the international community. The emirate has developed a strong reputation over the years and, through the development of Dubai International Financial Centre and its well regarded arbitration centres, is now considered one of the world’s top transactional hubs.

Essam Al-Tamimi, founding partner of UAE law firm Al Tamimi & Company and chair of the IBA’s Dubai conference, explains how Dubai’s legal market developed into a regional leader, and highlights the challenges that lie ahead.

What has been the biggest milestone in the development of the Dubai legal market?
I think the biggest milestone was the opening of the market to the international law firms. It has brought sophisticated, international transactions to the country and we have all benefited from this.

Now a client, even one who is western, can walk into the door of the local firm because he trusts the work of the locals. This is the biggest success story possible for a local law firm.

If you’re protecting the market then law firms suffer because they will have no experience and no ability to compete in the international market.

What are the biggest challenges for lawyers in Dubai?
There are two big challenges: one, as we have gotten used to bigger and more sophisticated transactions, is trying to continue to feed the Dubai and UAE economy.

Secondly, the government needs to continue to modernise our regulations to remove any barriers to trade and to encourage foreign and cross-border investment, which will continue to fuel the UAE economy.

This goes parallel with the need for the UAE to modernise a number of laws and regulations to enable foreign investment, whether that’s the UAE investment law, consumer protection law, company law, agency law or shipping law – all these need to be modernised to keep up with international practice and as a result of this the quality of the lawyers in the market in Dubai has increased.

What do parties considering undergoing arbitration in Dubai need to understand?
If you are less than your competitor then people will go to your competitor; if arbitration is of a better standard in London, Paris or New York people will not come to you. It’s basically a service you provide to the community – it’s a choice.

It should have been in place two years ago but the arbitration law is on the last mile, it’s about to be endorsed.

The reason for the delay of the arbitration law is because the two or three drafts that were available on the table were not up to standard. The authority and the government recognised the criticism we had made about it, that it did not meet the expectation of the international community and will not reflect well on Dubai and the UAE. And that’s why it was pulled back and redrafted the first time. We’re up to our third and fourth drafts now.

What challenges does the arbitration process face in Dubai?
What’s lagging today, and it’s only a matter of weeks, is a new arbitration law. That’s also based on the UNCITRAL (United Nations Commission on International Trade Law) model to be no less than our competitor.

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The choice of Dubai shouldn’t be black and white or decided blindly, because there are certain advantages to being in Dubai; it could be for the arbitration practices, it could be for the judicial authority that we have and the best advantage of the judicial authority that we have is independence.

At the same time the arbitration is an extremely important choice for businesses and investors, and if you’re going to attract those you’re going to have to give people a chance to choose their own arbitrator and their mechanism of how to settle their disputes. The shift by the judicial authority in the way they reflect on these things has been a winner for Dubai.

The second advantage which compliments the first is that the Dubai International Arbitration Centre and the IFC Arbitration Centre are linked up to the international community. They rely on best international arbitration practice.

The International Arbitration Centre does not only bring people onto the board from the local community looking at local issues and focusing on local thinking, there are people from the international community. They put them on that board to ensure that that board runs based on international best practices. Similarly the DIFC linked up with the London Court of International Arbitration to manage their arbitration centre, and also to cater to and serve the international community.

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What are the biggest milestones in the development of the Dubai arbitration in your career?
The biggest, most extreme change has been the shift of attitudes for arbitration. But Dubai isn’t good for every dispute. Some are for arbitration, some are for the judicial authority, that it’s actually complimentary.

They realise that arbitration and the judicial authority is servicing the community. They both have that role to play. It’s a very good judicial authority that we have and the best advantage of the judicial authority that we have is independence.

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The role of the legal practitioner in the UAE is to service the community – it’s a choice.

What lessons can the other Gulf Cooperation Council countries learn from Dubai?
There is a simple lesson to be learnt; it’s easy to learn but I think a number of countries surrounding us haven’t actually done so yet. What is important is that there’s no prejudice. The Indian, the Iranian, the Russian, the UAE, the Egyptian - they all are equal in Dubai.

Lawyers are welcome – the British, Americans, they are all basically the same. There’s no advantages in government projects – Clifford Chance could get it one day, Al Tamimi could get the other, there’s no favouritism. It’s decided on merit and equality and no prejudice and there are basically no barriers.

One other legal difference, as you see probably today, is that none of the other countries allow foreign lawyers to set up in their own countries. It’s a very protected and localised market, and as a result of this the quality of the lawyers in the market in the GCC and Middle East is limited.

What have been the biggest milestones in the development of the Dubai arbitration in your career?
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What do parties considering undergoing arbitration in Dubai need to understand?
Dubai has the infrastructure, an independent judicial system, reasonable laws, two good arbitration centres and a very good arbitration community based in Dubai, so it’s a good place for arbitration. But Dubai isn’t good for every dispute. Some people have to decide on the nature of their transaction and the interests of the party.

Dubai can be an excellent place for a number of arbitration cases, and would be an extremely reputable venue. However, a smart lawyer and a smart practitioner and a smart CEO would have to decide what its aims and priorities are.

The choice of Dubai shouldn’t be black and white or decided blindly, because there are certain advantages to being in Dubai; it could be for the arbitration practices, it could be for the neutrality of the judicial system, it could be for the control of certain enforcement issues. But there are a lot of times where Dubai is not a suitable place so some may want to decide to go elsewhere.

“Arbitration is a service you provide to the community – it’s a choice”

Law, company law, agency law or shipping law – all these need to be modernised to keep up with international practice and to enable businesses to grow, and as a result of this the legal practitioners can grow.

The role of the legal practitioner in the UAE is to service the industry, but we also encourage businesses to come and set up in the UAE. If we thought that the best options for our clients were for them to set up elsewhere, for example India or Singapore, we would say so. We’re going to give our client the best advice.

We’d shoot ourselves in the foot by trying to basically decrease our part in a market which we all eat and drink from, but unless we have the legal framework to give the client the advice to set up in the best environment, we’ll always give the client the best advice where to go. Today Dubai is the leader, but there are quite a few laws and regulations for them to reform to continue to be a pioneer and a leader in this sector.
Hilda Castro Castellanos
Unilever
Mexico
The labour and employment, plus M&A dinners and lunches I plan on attending. When I attended them four or five years ago they were very good, so this year I look forward to meeting more people and hearing different opinions about trends in these different areas of the law.

Le Nguyen Huy Thuy
Indochine Counsel
Vietnam
I’m looking forward to the Japan Federation of Bar Associations breakfast although I’m still trying to register for it. Our firm focuses on commercial and investment issues in Vietnam and we have many Japanese clients. We hope some client referrals may come from meeting more Japanese firms. The closing party I think will also be really interesting.

Akin Adesomoju
Akin Adesomoju & Co
Nigeria
At the insolvency dinner on Wednesday I’m looking forward to meeting all the legal personalities in the field. Today I missed out on a ticket to the employment and industrial relations dinner on Wednesday so I’m going to try again tomorrow. I hope to attend the finale, which is just generally good for meeting people.

Laura Kelly
Huron Legal
England
The dispute resolution lunch cruise on Thursday along the Dubai Creek. It’s my first IBA annual conference and the cruise is an opportunity to make contacts, meet new people and find out what’s happening in litigation globally.

Erika Villarreal Zorita
Anzola Robles & Asociados
Panama
The women lawyers’ lunch and the young lawyers’ dinner are the ones I hope to attend. It’s my first annual conference and I’m interested in the lunch to see how many women are involved with the IBA; I’ve heard it’s quite a small proportion. Also, it’s an opportunity to share some of the challenges women face in certain areas of law and the dinner is a forum to share experiences with people in similar stages of their career.

Vivien Chan
Vivien Chan & Co
Hong Kong SAR
The welcome reception is always a highlight and I usually also go to the finale. I also enjoy the firms’ receptions which this year are happening at the Armani hotel.

Martin Kenney
British Virgin Islands
I am looking forward to Wednesday’s dinner with my friends at the Insolvency, Restructuring and Creditors’ Rights (SIRC) event. I’ve attended the annual conference consistently since 2005 and always have an elaborate social schedule, up to ten invitations a night for cocktail receptions. The conference is always an incredibly enriching social experience.

**VOX POP**

**QUESTION:**
Which social events are you most looking forward to at this year’s conference?
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