

Peace, Justice and Effective Institutions

منتدى قطر للقانون

QATAR LAW FORUM

Global Commitment to the Rule of Law

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# Convenors



HE Dr. Ali Bin Fetais Al Marri

Finalising his studies in France, Dr. Ali bin Fetais obtained his Master's degree from Rennes University, and then a Ph.D from the Sorbonne University.

Dr. Ali bin Fetais started his career as a legal professional working within the Amiri Diwan. Advancing through several posts in this office, his final position was Head of the Legal Department. In 2002, he was appointed Attorney General and he is still in this position.

Dr. Ali bin Fetais has assumed a number of international positions, particularly with the United Nations. These include:

- Member of the International Law Commission (since 2002);
- President of the Third Conference of the States Parties to the UN Convention Against Corruption (2009);

- UNODC Special Regional Advocate on Asset Recovery (2013-2015);
  - UNODC Special Regional Advocate on the Prevention of Corruption (since 2015);
  - President of the International Association of the Anti-Corruption Agencies; and
  - Chair of the Rule of Law and Anti-Corruption Center in Doha (since 2011),
- in addition to other responsibilities.

Dr. Ali bin Fetais has great admiration for academic life, and has always made sure to interact with academic society, students and professors. He regularly reviews doctoral theses at the Sorbonne and at Qatar University.

Dr. Ali bin Fetais has been honoured with numerous prestigious medals in France, Tunisia and Senegal.



Lord Phillips of Worth Matravers

Lord Phillips has been President of the Qatar International Court since 2012.

Lord Phillips was appointed to the Queen's Bench Division of the High Court in England and Wales in 1987, a Lord Justice of Appeal in 1995, and a Lord of Appeal in Ordinary in 1999. Between 2000 and 2005 he held the position of Master of the Rolls before being appointed as Lord Chief Justice of England and Wales, a post he held until 2008. Between 2008 and 2009 he was the Senior Lord of Appeal in Ordinary until he became the first President of the Supreme Court of the United

Kingdom on 1 October 2009, a position he held until he retired in October 2012.

Lord Phillips was made a Knight Companion of the Order of the Garter on 23 April 2011 by Her Majesty Queen Elizabeth II. He is a Liveryman of the Worshipful Company of Drapers and of the Worshipful Company of Shipwrights, and an honorary fellow of the Society of Advanced Legal Studies and University College London. He has received numerous honorary degrees. He is also the current Chancellor at Bournemouth University.

# Keynote Address: HE Dr. Ali Bin Fetais Al Marri

ATTORNEY GENERAL OF QATAR



In the Name of Allah, the Most Gracious, the Most Merciful

Your Highness, Sheikh Tamim Bin Hamad Al Thani, the Emir of Qatar, your Excellencies Ladies and Gentlemen, I am pleased and honoured to welcome you all with my thanks and appreciation for your attendance, which shows your faith and support for the Rule of Law. Your Highness, regarding the revival of this third forum which is Qatar Law Forum we have thought about who our partners were, we were seeking a partner who shared our beliefs and our vision in Qatar and who also shared our concerns about justice and the establishment of the Rule of Law. Our compass was directed towards our friends in the United Kingdom for many reasons, the most important reason of which is their history, and in particular the history of the British Judiciary, which is exemplary and is followed by many judicial systems around world. Therefore, the United Kingdom was nominated by us to partner in this Forum.

Your Highness, ladies and gentlemen, recently, the UK Home Secretary decided to deport an Afghan refugee while the refugee had already obtained an injunction halting his removal from the United Kingdom, granted by the Courts of England and Wales; however, the power is always for the Executive Authority. The Home Office resolution was therefore executed, and the Afghan refugee was deported to Kabul. The British Judiciary did not hesitate to issue an order

seeking the immediate return of the refugee; otherwise, the Judge may have had to order for the imprisonment of the Home Secretary for Contempt of Court.

The UK Government, as it is respectful, did not hesitate to follow the judicial order, and returned the Afghan refugee from Kabul to London at the expense of UK Home Office.

Your Highness, Ladies and Gentlemen, just as the British are proud of their history, we too should be proud of our judiciary, thank God, the founder, Sheikh Jassim (May Allah rest his soul in peace) founded this State on the principles of Justice and Equality. These founding pillars are what brings stability and continuity to this state. It is said that Sheikh Jassim (May Allah rest his soul in peace), who has a long history in literature, is a distinguished poet, and he penned the famous verse: "Woe judge on earth be aware of the judge of heavens, should your judgments veer off the path from righteousness".

In the history of glorious Islamic nations, the Caliphs were judging between people, sitting as judges and arbitrators, judging fairly and equitably between the parties. History shows that one of Rulers of State of Qatar Sheikh Khalifa Bin Hamad Al Thani (may god bless him) sat as a judge, he too arbitrated between litigants he too judged fairly between the parties.

Justice and equality continued in the era of His Highness, the Father Emir, Sheikh Hamad Bin Khalifa Al Thani. During his time, he improved the State laws significantly. The permanent constitution of the State appeared, and the constitution distinguished between the three authorities; legislative, executive and the judiciary, thus separating the powers. The Judiciary was given independent authority to render judgments, free from any interference. While the constitution was developed using only Islamic Law, at the same time we have used the recent updates of civil law and legislation to separate the branches of power.

Civil law suffers from a great problem, which is the relation between the judiciary and the executive authorities, as there is a large grey area between the both. Usually the executive authority has priority over the judiciary. The executive authority is the one that has all the

tools of power, while the judiciary has only the power of the pen. Thank God, in Qatar the executive respects the judiciary and its decisions are thus executed, the powers of the executive and the judiciary are completely separated, and the State of Qatar respects the Judiciary.

Your Highness, ladies and gentlemen, I have mentioned British judicial history, I must also mention our State's bright history, and your Highness's situations. Your honourable Highness believes in the Judiciary and its obligations and the support to be obtained by it. Therefore, by mentioning British history, I must mention one particular incident, which is a precedent and is in the archives of Qatari judiciary and public prosecution. In the incident, there was a dispute between the judiciary and executive authorities in the State of Qatar. Those who are interested in the case, and I am sure the next generation will be able to refer to this precedent, it is case no. 44 of the year 2011. The case involved a dispute between the Public Prosecution and the Executive Authority. Both had exhausted all avenues available to them, leaving no further room for arbitration. The case had been filed to you, your Highness. You at the time were the Crown Prince and the Deputy Emir. There was an order by the Executive Authority to deport a resident of Qatar. However, the Public Prosecution had obtained an order from the Judiciary for non-deportation. When the matter was brought before you, your Highness, you said, "to overrule the order of the executive authority is easier for me than to overrule the order of the judiciary, therefore the judicial order shall be executed".

Thank you, your Highness, we are aware that of your highness's very busy programme. Your presence in our simple and modest forum is symbolism of your continuing support for the Rule of Law and for the judiciary.

The presence of his Highness, the Emir of Qatar, and the Prime Minister of Qatar and the presence of these distinguished attendees, show the high caliber of individuals who have taken part in this forum and show the unwavering and continued support for Qatar and the Rule of Law.

Ladies and Gentlemen, thank you for your presence, and I wish you a pleasant and memorable stay in Qatar.



**Faisal Al Sahouti**

CEO of Qatar International Court and  
Dispute Resolution Centre

## THE RULE OF LAW IS PART OF EVERY LIFE

**F**our hundred international leaders in law - including ministers of justice, chief justices, judges, political and diplomatic leaders, and a host of distinguished lawyers - convened to discuss the most important issues relating to the rule of law.

Legal leaders from around the globe dedicated time from their pressing schedules to participate in the third Qatar Law Forum (QLF), organised by Qatar International Court & Dispute Centre (QICDRC) and the Rule of Law & Anti-Corruption Center (ROLACC).

The rule of law is no dusty academic subject. It is highly relevant to the readers of this magazine. It is a vital, abounding topic, ever-evolving, upon which each one of us depends for our place in a healthy society. Prominent aspects of the rule of law include human rights, equality before the law, the right to a fair hearing and an independent judiciary, along with dozens of other consequential and related matters. Thus, it impacts all our lives in many ways. It can, unfortunately, be corrupted, perverted, or overturned; and so it cannot be taken for granted, but must be defended and preserved by all who wish to live peacefully.

It is because of the vital importance of the rule of law that the United Nations has included it in its Millennium Goals. This is not an effort to make identical laws around the world, but rather to support and encourage countries in finding ways to implement similarly high legal and judicial standards according to a general principle that the rule of law should govern public and social life for the benefit of all.

The first and second Qatar Law Forums convened in 2009 and 2012 respectively. In 2017, Qatar is again proud to have convened so many distinguished and influential participants who shared knowledge and experience towards positive change. The participants investigated and discussed questions going to the heart of five globally important subjects: combatting corruption, displaced persons, modern-day slavery, access to justice, and financial inclusion.

The rule of law plays a strong role in combatting corruption. Under-developed governance frameworks and lax judicial systems create opportunities for unethical conduct and bribes. How, practically, can the world raise standards in public and corporate life so as to address and reduce corruption?

Displaced persons, forced to move from their homes due to war, civil conflict, natural disasters, famine, political strife or human rights abuses, are often vulnerable, poor, discriminated against, and exploited. Their plight poses an ongoing challenge to the rule of law. What can be done where there is, for example, loss of legal identity through displacement?

Doha is home to Bin Jelmoed House, which seeks to play a role in the global abolition of human exploitation. Modern slavery is more likely to occur where the rule of law is weaker and corruption is rife

*This is not an effort to make identical laws around the world, but rather to support and encourage countries in finding ways to implement similarly high legal and judicial standards according to a general principle that the rule of law should govern public and social life for the benefit of all.*

– yet it also exists in the most developed countries. Are we prosecuting those responsible for people-trafficking and child slavery effectively, and are we treating the victims appropriately? When do conditions of residence and employment start to approach conditions of slavery?

Finally, embracing much of the above, the sister topics of inclusive societies and access to justice for all are fundamental principles of the rule of law which lie at the heart of UN Development Goal 16. Lack of access to justice for any reason, including prohibitive costs, prolongs conflicts and prevents protection and redress. So how do we help judicial institutions from different countries work together to achieve improvements?

Under the wise auspices of His Highness the Emir Sheikh Tamim bin Hamad Al-Thani, Qatar's commitment to uphold the standards by which such issues can be addressed goes beyond the convening of the QLF, important as that is. Qatar is also home to the Rule of Law and Anti-Corruption Center (ROLACC) under the direction of the Attorney General His Excellency Dr Ali bin Fetais Al-Marri, who has achieved tremendous work over many years in this field as a member of both the International Association of Prosecutors and, since 2010, the Executive Committee of the International Association of Anti-Corruption Authorities, and who was recognised by the French Republic for his endeavours with the Légion d'Honneur.

The five topics outlined above are woven inextricably into each of our lives. The convening of the QLF is much to Qatar's credit, as is the fact that a new generation of young Qatari lawyers were numbered among the participants who left with new insight and inspiration to help uphold the rule of law worldwide – not for the few, nor for the many, but for all.

Lastly, I would like to thank all the participants who travelled here from abroad, as well as all those who took time out of their busy schedules in Qatar, for their contribution in achieving a momentous, successful and influential event.





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Under the patronage of His Highness the Emir of the State of Qatar, Sheikh Tamim Bin Hamad Al Thani, the Qatar Law Forum is a major international legal event bringing together the world's leading legal experts to discuss the Rule of Law.

The 2017 Qatar Law Forum focused on the United Nations' Goal 16 of sustainable development: **peace, justice and effective institutions**. If society does not offer peace, stability, and effective governance based on the rule of law, we cannot hope for sustainable development.

Qatar Law Forum 2017 provided an opportunity to identify some practical steps towards the realisation of Goal 16. The two-day forum provided an unparalleled opportunity for face-to-face dialogue. Participants in the forum agreed that the discussions initiated at the forum should continue far beyond the two days of discussion.

Five plenary sessions were held - all interlinked to Goal 16 and the rule of law:

- The Rule of Law – Combatting Corruption
- The Rule of Law – Protecting and Enabling Displaced Persons
- The Rule of Law – Modern-Day Slavery
- The Rule of Law – Effective Judicial Institutions; Tackling Delay; Access to Justice
- The Rule of Law – Financial Inclusion

In keeping with past practice at the Qatar Law Forum, all sessions were discussion-based and involved an expert panel along with audience participation.

The 2017 Qatar Law Forum followed the Chatham House Rule: anything said may not be attributed to any particular individual.

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# The Rule of Law and Combatting Corruption

“Judges, lawyers, law professors, all people who have graduated from law school - this is their forum”

H.E. Dr. Ali Bin Fetais Al Marri  
Attorney General  
of the State of Qatar



## JOINT CHAIRS

- ▶ HE Dr. Al Marri, Attorney General of Qatar
- ▶ Rt. Hon. Lord Phillips, President of the Qatar International Court

## PANELLISTS

- ▶ Rt. Hon. Lord Justice Gross, Court of Appeal of England and Wales
- ▶ Prof. Robert McCorquondale, Director, British Institute of International and Comparative Law
- ▶ HE Mohammed Al-Moncef Al-Marzouki, Former President of Tunisia
- ▶ Hon. Michael Mukasey, former US Attorney General
- ▶ May de Silva, CEO, Anti-Corruption Commission of the Republic of Seychelles
- ▶ Gopal Subramaniam, Justice, QICDRC

The session considered the impact of corruption on the rule of law both in the Middle East and globally.

The session was opened by identifying **two types of corruption**:

1. **Petty corruption** – the small payment that the man in the street must pay at every turn;
2. **Grand corruption** – huge payments to public officials as a price for lucrative government contracts.

It was noted that a country cannot stamp out petty corruption if it does not stamp out grand corruption.

## US and UN Anti-Corruption Legislation

A panellist explained that in 1977, the United States passed the *Foreign Corrupt Practices Act* (UNCAC) to bring a halt to bribery of foreign officials. Many US companies subsequently felt disadvantaged overseas, claiming that they were being held to a higher

standard at home than non-US companies.

In 2005, the UN Convention Against Corruption came into force. UNCAC requires state parties to implement several anti-corruption measures that focus on five main areas:

- Prevention
- Law enforcement
- International cooperation
- Asset recovery
- Technical assistance and information exchange



UNCAC does not define corruption. Preventative measures are at the heart of UNCAC, which include:

- Independent judges;
- Transparency in government procurement;
- A merit system for advancement in the public service;
- Enforcement measures for corrupt practices.

## Corruption in Middle East and North Africa

It was observed that corruption was the reason behind the Arab Spring in certain countries, such as Tunisia and that Arab countries still face challenges with corruption. It was agreed that there is a need for political will. A number of anti-corruption laws have been passed in the region but corruption lies deep within politics.

Panellists and audience members noted that corruption is deeply rooted in some societies. Within the Gulf, corruption can be perceived as meaning that you are clever and that you have sources.

## Other Anti-Corruption Legislation

A panellist was noted that most countries now have a law against bribing public officials. In addition, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997) establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions.

However, even with domestic and international legislation in place, wrongdoers often cannot be prosecuted unless prosecutors have cooperation of the company being prosecuted. A panellist stated that it is also important that a judge make sure that the business does not collapse and the whistleblower is immune. It was noted that in some Common Law jurisdictions, these rules are not defined ahead time.

*“We need to look at the psychological processes by which cultures remain corrupt.”*

It was also noted that in the United Kingdom, there is no system of plea bargaining, nor a system for calculating penalties. There was some discussion of the UK Bribery Act, passed in 1910, which deals with criminal law relating to bribery. The Act replaces previous statutory and common law provisions relating to bribery with the crimes of bribery, being bribed, bribery of foreign public officials, and failure of a commercial organisation to prevent bribery on its behalf. The penalties for committing a crime under the Act are a maximum of 10 years' imprisonment and an unlimited fine, regardless of where the crime occurred.

## Other Observations

It was observed that the OECD Guidelines for Fighting Bid Rigging in Public Procurement (2009) establish transparent public procurement procedures. It was agreed that notwithstanding the existence of these procedures, states should have a national system with a carefully structured public procurement mechanism, an effective prosecution, fast-tracked courts, and a culture of integrity.

## Conclusions on How We Can Combat Corruption

It was agreed that it is impossible to eliminate corruption completely. Even in Scandinavian countries, some corruption remains.

### A multi-stakeholder approach

A number of attendees remarked that governments need to take leadership and pass laws against corruption but that civil society and the media also need to educate people and put pressure on the relevant actors.

It was agreed that civil society organisations (CSOs) should be given a greater role in looking at all elements to fight corruption. CSO can shed light on issues (like corruption) that governments don't want to see. They show that the image is not as rosy as we would like or that a government would have us believe.

### Education

Members of audience underlined the role of education in fighting corruption, stating that educating the population needs to be part of the whole system for combating corruption, beginning in primary school.

### Reversing the burden of proof

There was considerable discussion on reversing the burden of proof to successfully prosecute public officials accused of wrongdoing. Under this mechanism, an investigation begins with the declaration of revenues and assets that a public official has prepared. Where a person has sizeable assets from an unidentifiable source, it is up to the person to prove that the asset was obtained legitimately. It was observed that reversing the burden of proof is particularly effective in criminal trials involving cross-border transactions, where records and evidence are often non-existent. In these situations, the prosecution may have intelligence, but this is not the same as having evidence.

### Cooperation from defendants

It was agreed that effective prosecutions require cooperation from the company being prosecuted. This cooperation may involve agreeing not to imprison the individual who confesses, for example. Judges need to ensure when sentencing that the business does not collapse and that the whistleblower is immune.



### Political will

It was agreed that ending corruption requires political will and that not all countries or people have this political will. Particularly in Arab countries, the laws may be in place, but there is no political will to enforce them.

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# Gopal Subramaniam

JUDGE, QFC REGULATORY TRIBUNAL,  
FORMER SOLICITOR GENERAL OF INDIA



LexisNexis spoke to Gopal Subramaniam, Judge at the QFC Regulatory Tribunal since 1915 and a panellist during the plenary discussion on Rule of Law and Combatting Corruption. Mr. Subramaniam is also a Senior Advocate of the Supreme Court of India. In 1993, he was designated as Senior Counsel suo motu by the Supreme Court of India before becoming Additional Solicitor General in India in 2005. In 2009, Mr. Gobra Subramaniam was nominated Solicitor General of India, a post he held until 2014.

During the Plenary Discussion on Combatting Corruption, you said something to the effect that we need to look at the psychological processes by which a culture breeds and stamps out corruption. Can you expand on this idea?

**Gopal Subramaniam** ▶ In the Indian context, since prior to independence, the people of India have been subjected to a system where the lack of questioning and falling into line was rewarded, and questioning the system or any attempt at reform would be faced with stiff resistance and potential loss of employment. As a result, people in India have been, in some ways, forced to accept certain kinds of behavior as the norm while transacting. This helplessness

tends to affect any society's will and efforts to fight systemic corruption.

Therefore, unless there is a public movement to raise awareness of corruption and which changes the mindset and thought process of people, the helplessness will obstruct lasting change and reform. In the absence of a cultural change in thought, a mere legal reform may be inadequate to create lasting change.

*“In the absence of a cultural change in thought, a mere legal reform may be inadequate to create lasting change”*

Last year, the World Bank ranked India 130<sup>th</sup> in its Ease of Doing Business Report, and the World Justice Project ranked India 66<sup>th</sup> in its Rule of Law Index.<sup>1</sup> Are these two rankings connected in any way?

**Gopal Subramaniam** ▶ Yes, I would think these two reports are connected. Corruption in any society is antithetical to the rule of law. Though corruption may aid some organizations in conducting business, on an average, it substantially reduces the ease of doing business in any country.

Corruption in any society strikes at the heart of free and independent entrepreneurship. It leads to lesser business opportunities and is also antithetical to competition. Therefore, the rule of law in any society, would, on an average be directly proportional to the ease of doing business in that society.

1. WJP Rule of Law Index 2016, [worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2016](http://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2016)

### What elements of the rule of law need to be reinforced in India?

**Gopal Subramaniam** ▶ There are many elements of the rule of law that need to be reinforced in India.

One of the very serious problems faced by the Indian legal system is the delay in getting access to the justice system. Justice delayed does mean the denial of Justice. As the Solicitor General of India and in my capacity as *amicus curiae* in a recent case before the Supreme Court of India, I had recommended the establishment of a National Grid for

assessing judicial tendencies across India. Increasing the strength of judges, efficient training, strict adherence to procedure, and the utilisation of technology may be ways of decreasing the enormous backlog of cases in the Indian Judiciary.

I feel that greater transparency leads to informed decision making. Greater transparency in all aspects of public life as well as the Judiciary will certainly go a long way in reinforcing the rule of law in India.

### What strategies can the legal profession use to reverse the process of corruption?

**Gopal Subramaniam** ▶ In Hong Kong, an independent Commission Against Corruption was set up in 1974. This commission was independent of the Government and removed generations old rot and corruption from Hong Kong. The Central Vigilance Commission in India was meant to be an independent commission free from governmental control. However, the independence of this Commission has not been achieved yet. India is a signatory to the *UN Convention*

*Against Corruption* and must set up its own independent regulator, investigator, and prosecutor.

As a measure of transparency, granting members of the public access to court records and transcripts of hearings may make the legal profession and judges more accountable and will go a long way in reversing the process of corruption.



### During the Plenary Discussion on Combatting Corruption, there was much discussion on laws that reverse the burden of proof in cases where a person's assets exceed his or her known sources of income. What are your thoughts on this approach?

**Gopal Subramaniam** ▶ In India, the *Prevention of Corruption Act* does reverse the burden of proof in cases where a public official's assets exceed her or his known sources of income. In such cases (known as cases of "disproportionate assets") the burden of proof is on the public official to show that either the assets do not actually exceed the value of known sources of income or other legal sources of income exist to account for the excess assets.

This shift in burden of proof can only be applied to public officials who are prohibited by law from having any private source of income during the time they hold office. This shift in burden of proof cannot and should not be applied to private individuals. This may lead to State surveillance where the State may commence an investigation and prosecution on shaky evidence and place the onus of proof upon the accused.

### What role do you think the Qatar Law Forum can play in helping states further develop a commitment to the rule of law?

**Gopal Subramaniam** ▶ The Qatar Law Forum ("QLF") has a very important role in helping states further develop a commitment to the Rule of Law. The QLF is a forum respected and followed by persons from all the most influential jurisdictions. It attracts the finest legal minds from across the world and can by deliberation and by collective

resolution reform the legal systems in many participating states. Such a collective resolution would have a strong binding effect as well.

The QLF offers numerous possibilities to reform international principles to ensure adherence towards some form of rule of law.

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# The Rule of Law and Displaced Persons

“There is a real argument that this is an emergency that requires a front line. The concern should not be “where is your ID card?” First, answer the human need. Then deal with the political and legal questions”



## CHAIR

- ▶ Professor Ross Cranston FBA

## PANELLISTS

- ▶ Fahad Al Sulaiti, CEO, Education Above All
- ▶ Lord Peter Goldsmith, QC, former Attorney General of England and Wales
- ▶ Mohammed Sarwar Khan, Federal Secretary, Law & Justice Commission, Pakistan
- ▶ Sir Bruce Robertson, Justice, QICDRC
- ▶ Prof. Meng Wan, Dean of Law School, Beijing Foreign Studies University

The discussion on the Rule of Law and Displaced Persons was introduced with three important statistics:

- I. 65.6 million people are displaced worldwide.
- II. Half of displaced people worldwide are children.
- III. One percent of refugees have access to higher education.

It was noted that there are several ways in which the rule of law can be applied to the

issue of displaced persons. For example, how countries treat displaced persons should be based on the principle that all lives are equal before the law, regardless of a person's legal status.

## Europe

The legal framework in the European Union for the treatment of displaced persons was briefly discussed. A panellist cited that Article

2 of the Treaty on the Functioning of the European Union which states that:

*“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”*

All EU Member States are also signatories to the UN Convention and Protocol relating to the Status of Refugees.



Georgetown University (Qatar) student and activist Dana Khalid Al-Anzy gave introductory remarks, focusing on how all lives are to be valued equally, regardless of social ranking.

## Documentation and Identification Issues

Panellists raised the issue of problems related to documenting migrants on a number of occasions. A lack of ID card or birth certificate means that many displaced persons cannot be identified. Documented refugees have access to health care and education. They are (generally) in refugee camps. Thousands of undocumented refugees (not in refugee camps) have no access to these services. The state cannot establish their identity because they have no ID cards.

*“It is too easy to leave it to political negotiation. We have seen that this doesn’t produce the answer. Is there a chance that legal analysis and articulation of what the rule of law requires opens a new path?”*

The question of what is to be done when there is a loss of legal identity through displacement was discussed. It was agreed that simplified processes and procedures need to be created to ensure that people obtain a legal identity.

It was observed that the documentation problem demonstrates that, in addition to



recognised or accredited in the state giving them refuge. It was observed that this could also be a security issue, as these students could resort to illegal acts in order to earn a living.

## Constitutional Rights of Displaced Persons

Several persons pointed out that refugee claimants are entitled to due process and the same constitutional guarantees as the local people. As an example of the application of this principle, a panellist cited the example of torture claimants in transit who demand a temporary work permit. Courts have decided that if the government has given the claimants an adequate package to live, there is no right to a work permit; however, if the claimants have no other means of surviving, having no work permit would amount to cruel and inhumane treatment and would

## Access to Education

A number of panellists and attendees noted the link between education and justice. One person noted that only 1 percent of displaced persons have access to higher education and that a large number of displaced children who cannot go to school.

There are several ways of delivering education, such as tutoring within refugee camps. An audience member raised the issue of students who have been displaced and who are unable to continue their university studies because of linguistic impediments or because the institution where they were previously undertaking their studies is not



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therefore be unconstitutional. In these circumstances, the claimants have the right to a work permit.

One panellist stressed the need for meaningful justice, meaning that (i) decisions about the displaced person's status need to be right the first time; and (ii) there needs to be a degree of speed. There was common acknowledgement that the process is too slow. When the process is too slow, refugee claimants get settled.

### Distinguishing between Two Kinds of Cross-Border Displaced Persons

There was much discussion of the efficiency and fairness of procedures in place in light of the fact that there are two types of displaced persons:

- (i) asylum seekers;
- (ii) economic migrants.

The point was made that In Europe, the problem of displaced persons has arisen from immigrants seeking a better life. They are not asylum seekers. The problem is one of creating a good economic environment in their country of origin. It was agreed that there are economic migrants who want to be registered as refugees.

A panellist stated that both economic and political migrants have the right to legal protection. All are entitled to due process and the same constitutional guarantees as local people.

### Populism

There was some discussion of popular opinion against displaced persons in recipient countries. It was agreed that the expectations of the rule of law cannot outrun cultural norms in certain countries. The UN's answer is for other countries in the region to support the countries receiving migrants. Italy and Greece should not be facing this issue alone.

### Internally-Displaced Persons

It was noted that the regime for internally-displaced persons is often ad hoc. A panellist recommended that countries use the 1998 UN Guiding Principles on Internal Displacement as a reference for action.

A panellist noted that 90% of internally displaced persons are scattered in dwellings and are therefore not getting access to health care and education. In addition, once

again, lack of ID cards or birth certificates means it is not possible to identify them.

### A Possible Way Forward

It was agreed that a solution may be found through legal analysis and articulation of what the rule of law requires, rather than depending on political negotiation.

It was observed that while Qatar Law Forum provides a good place for the diplomatic side to push this agenda forward, there are also good technical people at the Qatar Law Forum who can provide assistance. There should be a mechanism after the Qatar Law Forum where the conversation can be continued with people having the technical knowhow.

It was concluded that the issue of displaced persons may also be addressed:

- by tackling climate change;
- through education and mobilisation, internationally and at a societal level;
- through understanding the importance of law, in terms of procedure, in terms of applying the UN Convention on Refugees, protecting displaced people from harassment or acts of violence.





# The Rule of Law and Modern-Day Slavery

“What do the police and the courts do for us? Nothing. No one cares about us. And if we weren’t selling our bodies, we wouldn’t be able to feed our families.”



## CHAIR

► Sir Robin Knowles, CBE

## PANELLISTS

- Dr. Mark Ellis, Executive Director, International Bar Association
- Dr. Mohammed Al Khulaifi, Dean of the College of Law, Qatar University
- Rebecca Hilsenrath, CEO, UK Equality and Human Rights Commission
- Shireen Irani, Founder, iprobono
- HE Gerhard Jarosch, President of the International Association of Prosecutors, The Hague
- Prof. Jianbo Lou, Associate Professor, Peking University Law School
- Sam Shoamenes, Chef de Cabinet to the Chief Prosecutor, International Criminal Court
- Yasmin Waljee, International Pro Bono Director, Hogan Lovells
- Ben Yallop, Head of International, Judicial Office of England & Wales
- Kazem Gharibabadi, Deputy Secretary General of the High Council for Human Rights, Iran



The third plenary session of the day set out to answer two key questions:

1. Are we prosecuting the perpetrators of modern-day slavery?
2. Are we treating the victims of human slavery?

## Are we prosecuting the perpetrators of modern-day slavery?

It was noted that legislation on the specific topic of human trafficking began with the

passing of the UN Protocol on Trafficking in 2000. Qatar passed legislation to combat human trafficking in 2011. It was further noted that the problem is not one of laws. There are roughly 80 conventions and treaties that focus on the issue of modern slavery, and that doesn't count domestic legislation but a paltry number of perpetrators are brought to justice for the crime of slavery.

Several panellists evoked lack of cooperation among countries as a factor preventing effective prosecution. The responsible authorities for asylum, social services, other

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agencies, and courts are not coordinated well enough. At the international level, the problem of lack of cooperation is even greater.

It was observed that modern-day slavery is complex modern crime which is in danger of being fitted into more traditional structures. A panellist pointed out that when thinking about legislation, it is important to identify every part of the act (for example, the transportation as well as the exploitation) to ensure it is properly prosecuted.



It was further noted that for legislation to be properly implemented, every actor involved needs to be properly trained, from police, to prosecutors. There are concerns about standards of recording and reporting, and identification of victims.

### Are we treating the victims of modern-day slavery?

It was agreed that victims of trafficking should not be arrested or prosecuted, and that victims should receive medical and social care and rehabilitation. They should

also be provided shelter and given consultations when needed. The role in treating victims involves non-government actors.

The role of civil society organisations (CSOs) was considered vital in helping to shed light on "uncomfortable truths". CSOs the perspective of someone working on the front lines to rescue and rehabilitate survivors of bonded labour, trafficking, domestic servitude, debt bondage, child labour, and forced marriage.

Several panellists brought the perspective of a victim was brought to light. A typical response of a victim of modern-day slavery would be "What do the police and the courts do for us? Nothing. No one cares about us. And if we weren't selling our bodies, we wouldn't be able to feed our families". It was observed that when determining appropriate legal interventions for victims, the fundamental question we have to ask is, what is the alternative for the victim?

#### Compensation to Victims

Panellists and audience members evoked the idea of civil damages for victims. One

panellist suggested freezing assets of traffickers and of persons holding others in bonded labour, and then distributing those assets to their victims.

#### Laws in Qatar

It was noted that a number of laws in Qatar have been issued to prevent modern-day slavery. The Qatar Labour Code of 2004 was recently amended to include more rights for migrant workers and make it easier for employees to change employers. Sponsorship rules have also been eliminated. A new law on domestic workers has also been passed, which clearly identifies roles and places more liability on employers.

It was noted that many workers in Qatar have a fear of approaching court systems that they are not familiar with. The new law provides legal assistance and establishes a judicial committee at the ministerial level as a faster and better mechanism that can expedite the process and make sure that workers can exercise their rights.

### Solutions to the Problem of Human Trafficking and Modern-Day Slavery

The session ended with panellists proposing the following "one-sentence solutions" to combat modern-day slavery:

- Find ways to immediately secure the assets of the perpetrators in order to supply compensation to the victims.
- Increase public awareness of the problems of human trafficking and modern-day slavery. Raising of public awareness is very important and will have three outcomes: first, it will facilitate the criminalisation of



new forms of slavery; second, trade unions will be sensitive, and third, civil society will investigate and report back to the public.

- Appoint an independent anti-slavery commissioner whose role is to check institutionally that the legal frameworks are in existence and to think about how to put the victims at the centre of the work that is done.
- Raise awareness in the courts. Judges should make a habit of considering whether a defendant is actually a victim.
- More regular use of the UN Periodic Review,<sup>1</sup> both to see what states are doing and to investigate and prosecute these crimes and through that process, bring about more domestic investigations and prosecutions.
- Give victims an alternative so that they have an incentive to cooperate. Find ways to integrate them into the country instead of deporting them.
- Require procurement directives, which really require businesses to think about how

they procure and outsource services, and their responsibilities to the people, the businesses who carry them out, particularly in relation to budget, because of course the more you cut the budgets in terms of procuring work, the more the ultimate people who suffer will be the workers.

- Implementation and enforcement of laws should be more systematic and victim-centred.

Attention should be paid to economic compensation and psychological consultation for victims.

- Eradicate the root causes of modern-day slavery, namely poverty, social exclusion, all forms of discrimination.



1. The Universal Periodic Review is a mechanism by which the human rights situation of all UN Member States is reviewed every five years

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# Dr. Mark Ellis

EXECUTIVE DIRECTOR OF THE INTERNATIONAL BAR ASSOCIATION



LexisNexis spoke to Dr. Mark Ellis, Executive Director of International Bar Association (IBA) and a panellist during the plenary discussion on Rule of Law and Modern-Day Slavery. Dr. Ellis has also served as Executive Director of the Central European and Eurasian Law Initiative providing technical assistance to 28 countries in Central Europe and the former Soviet Union, and to the International Criminal Tribunal for the Former Yugoslavia in The Hague

**What drew you to the topic of modern-day slavery in particular (as opposed to the other topics that the forum focused on, for example)?**

**Mark Ellis** ▶ Three issues drew me to this topic.

The first was the epidemic nature of the problem. Earlier I had read a 2016 report by the Walk Free Foundation, which estimated that there were approximately 45.8 million people living in slavery around the world. This staggering figure was difficult for me to fully comprehend. In terms of comparison, it would be equivalent to consider every citizen of Spain a slave. It gets worse. Of these 45.8 million, it is estimated that roughly 10 million of these contemporary slaves are children.

Second, I realised that this most insidious problem is not due to the lack of a fundamental legal structure. Internationally, over 80 separate legal instruments (treaties, conventions) address the issue of slavery, including slave trade, forced labour, and human trafficking. There is no ambiguity in

the international community's legal interdiction against modern-day forms of slavery. The 1948 Universal Declaration of Human Rights, which is customary law, states:

*"No one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms."*

Third, as someone living in the United Kingdom, I learned that attempts to counter slavery had its roots in the country with the 1807 Abolition of Slavery Act of Great Britain. In addition, the United Kingdom continues to lead in this field. In 2015, the United Kingdom passed the UK Modern Slavery Act into law, a landmark piece of legislation that brings together measures to prosecute trafficking, and protects and supports victims. For these reasons, I was attracted to the panel and was fortunate that Justice Robin Knowles appointed me to the panel.

**Tell us about eyeWitness, the app developed by the IBA? What is it meant to do? How does it work?**

**Mark Ellis** ▶ The eyeWitness app is a tool for recording photos/video/audio in a manner that facilitates use of the recordings in investigations and trials. Photos and videos captured by mobile devices and uploaded to social media sites often do not contain vital information for verification, such as the date, time, or geographic coordinates. As a result, it may be difficult - if not impossible - to verify that the footage is original and has not been

altered. Verification is particularly challenging if the individual who captured the footage wishes to remain anonymous. Additionally, the footage captured normally lacks a chain of custody record, meaning it is unclear who had access to the footage between the time of capture and its use in court. For all these reasons, the footage is often of little or no use to legal authorities in investigating or prosecuting the perpetrators.

If the footage does reach a court or other tribunals, it is likely to be rejected or given little weight. The eyeWitness app tackles all these challenges to increase the impact of footage in a court of law.

The eyeWitness app captures the metadata needed to authenticate the footage. Specifically:

1. The eyeWitness app automatically collects GPS coordinates, date and time, and the location of surrounding objects such as cell towers and Wi-Fi networks. This information verifies the date/time/location of the footage.

2. The app embeds a unique identifying code (known as a "hash value") calculated based on the pixel value that is used to verify the footage has not been edited or altered in any way.

3. When you send footage from the app directly to our secure storage facility, you create a trusted chain of custody with eyeWitness. Only footage captured with and sent from the app is stored, ensuring that the stored footage is the original version. This original encrypted footage is stored offline until it is needed for investigations or trial, which helps to maintain the chain of custody.

### How can someone get the eyeWitness app?

**Mark Ellis** ▶ The eyeWitness app can be downloaded from the Google Playstore by searching the Playstore directly or via a link

from our website ([www.eyewitnessproject.org](http://www.eyewitnessproject.org)).

### Has eyeWitness been used in any cases yet?

**Mark Ellis** ▶ As justice for atrocity crimes is a long-term process, it is premature for information collected with the app to have been used in a trial at this stage. However, information recorded with the app has been

fed into investigations and filed with cases in various jurisdictions. Nevertheless, these cases are very sensitive. For this reason, their location and nature remain confidential.

### Is the app available in English only?

**Mark Ellis** ▶ The app is available in six languages: English, Arabic, Russian, Spanish, French, and Portuguese.

*"Increasing awareness among the public about affliction of modern-day forms of slavery on victims is essential. Countries need to launch public awareness campaigns to educate citizens on the risks of slavery and foster citizen accountability. Legal reform always needs to be complemented by information to create awareness among actors and victims."*



You mentioned at the Qatar Law Forum that there are many international conventions against slavery but that still a paltry number of perpetrators are brought to justice for the crime of slavery. What can justice systems (legislators, the police, and the courts) do to catch the perpetrators and increase the number of convictions?

**Mark Ellis** ▶ In my talk, I noted several steps that could be taken to increase the number of perpetrators brought to justice for this most hideous crime.

In the area of **corporate responsibility**, there is a need to expand national legislation to include mandatory transparency provisions and targeting supply chains of large corporations. The enacted legislation should contain robust monitoring and enforcement mechanisms, including sanctions against corporations who fail to implement these changes.

The newest legal instrument is the **UN Guiding Principles on Business and Human Rights**, which the IBA has been engaged with, working with the UN Special Representative, John Ruggie. These principles ("The Ruggie Principles") are focused on businesses and their corporate responsibility to respect human rights. The UN Human Rights Council unanimously endorsed the principles, which stand on several pillars, including responsibility of corporations to respect human rights and creating access to remedy for victims of business related human rights.

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**Access to justice** is another important area. Often labour migration laws do not enable victims to access justice. For instance, trafficked people too often do not have access to **legal assistance** nor knowledge on how to approach the legal system. Consequently, States need to improve access to legal means for victims of modern slavery.

As you mention in your question, there is still a paltry number of perpetrators who are sentenced for the crimes of modern-day forms of slavery. They face little or no risk that they will be held accountable for their crimes. According to the UNODC, 41% of States Parties to the Trafficking Protocol reported fewer than ten trafficking convictions per year. Moreover, the failure to prosecute leads to widespread impunity. To counter this scenario, states must be more aggressive in punishing corrupt officials to foster a "high risk-low profit" environment. In addition, resources need to be focused on specialised law enforcement and judicial training programs to address the scourge of modern-day forms of slavery. Currently, law enforcement agencies do not uniformly make human trafficking a priority. More money is indeed necessary to train staff and investigate cases.

Increasing awareness among the public about affliction of modern-day forms of

slavery on victims is essential. Countries need to launch public awareness campaigns to educate citizens on the risks of slavery and foster citizen accountability. Legal reform always needs to be complemented by information to create awareness among actors and victims. This process can include anti-trafficking and safe-migration messages through school campaigns, media, and posters, as well as documentaries that aim to raise awareness of human trafficking nationwide.

Finally, combatting corruption is one of the most important issue to tackle in order to counter modern slavery. For instance, the IBA published a report last year - "Human Trafficking and Public Corruption" -, which establishes the indisputable link between the two phenomena. Human trafficking, and other forms of modern-day slavery, involve corrupt public actors at all levels of government.

There is a strong correlation between the two crimes. Countries with high levels of institutional corruption - including police, border control, immigration, and customs officials - are more likely to have high levels of human trafficking. For example, a 2010 World Bank study estimated that the total cost of corruption in the foreign employment industry in Nepal exceeded \$194.7million.

During the plenary session on rule of law and modern-day slavery, there was a lot of discussion about international cooperation. What are ways in which countries can cooperate with one another to catch and convict human traffickers?

**Mark Ellis** ▶ A range of existing and emerging national laws emphasise the role of due diligence in identifying and avoiding risks to human rights, including the risk of modern slavery.

Working to create mandatory due diligence laws that put the onus on companies to demonstrate that they are taking all necessary measures to identify, prevent, and mitigate incidences of modern slavery in their operations and supply chains is crucial.

For instance, in 2017, France and The Netherlands adopted new due diligence bills. The Dutch Parliament adopted a *Child Labour Due Diligence Bill*, which will require Dutch companies to identify the risk of child labour in their supply chains and develop a plan to address risks of child labour. Moreover, the French Parliament adopted a new *devoir de vigilance* bill requiring large French companies to develop and enact an effective duty of care plan (*plan de vigilance*). A breach of the duty of care may still entail liability for a company in the event it causes harm. On the

same page, a proposed constitutional amendment in Switzerland would also mandate due diligence to prevent human rights abuses including modern slavery -, for Swiss companies (See [business-humanrights.org/en/eliminating-modern-slavery-due-diligence-and-the-rule-of-law](http://business-humanrights.org/en/eliminating-modern-slavery-due-diligence-and-the-rule-of-law)).

As mentioned earlier, the UK Modern Slavery Act was passed into law in March 2015. Heralded by the UK government as a "landmark" piece of legislation, this law brought together measures for the prosecution and punishment of traffickers and exploiters, with measures aimed at the protection and support of victims. Countries should look to duplicating some or all of the UK law.

At a larger level, European governments are already being lobbied to develop EU-wide legislation on mandatory due diligence. In 2015, members of the European Parliament adopted a motion calling for a resolution on mandatory human rights due diligence for companies. In 2016, eight national parliaments launched a "green card" initiative at

the EU level calling for a human rights duty of care towards individuals and communities from EU-based companies whose human rights and local environment are affected by their activities. (See [business-humanrights.org/en/eliminating-modern-slavery-due-diligence-and-the-rule-of-law](http://business-humanrights.org/en/eliminating-modern-slavery-due-diligence-and-the-rule-of-law)).

Moreover, the G20 governments have committed *"to ensure that violations of decent work and rights at work cannot be part of competition with mandated due diligence for human rights in global supply chains not be part of competition."*

**There was a lot of discussion in the panel about using a «victim-centred» approach to combating human trafficking. Can you explain what a victim-centred approach would look like? Is this an approach that you favour?**

**Mark Ellis** ▶ For me, a "victim-centred" approach to modern-day slavery is a process allocating more attention on the victims and resources for them. They are often lost in the system; they are silent with no advocates. We must become the voice for the voiceless.

Shelters for modern-day slave survivors should be plentiful and should offer comprehensive psychosocial, medical, and reintegration assistance, in order to successfully reintegrate victims into their families and communities.

According to Sharmen Shahria Ferdush, a staff member at an ACT-supported shelter, "Successful reintegration is a systematic process rather than just handing over to the family. We are keeping in mind that survivors' choices, expectations, socio-cultural context, security are more important for reintegration. We are preparing survivors to make their own decisions and simultaneously sensitize the community to change their attitude towards survivors."

Empowerment even goes a step further than mere reintegration. Former victims can become activists and increasingly speak out about their experiences. Past victims are participating in awareness-building activities to prevent forms of slavery and to support the reintegration of other victims into society.

For instance, according to Joy Ngozi Ezeilo, a UN Special Rapporteur,

*"trafficked persons rarely receive compensation, as they often do not have access to information, legal assistance, regular residence status and other help to seek compensation. At worst, many trafficked persons are wrongly identified as irregular migrants, detained and deported before they have an opportunity to even consider seeking remedies."*

Furthermore, legal assistance for victims of modern-day slavery is limited in its availability. Information regarding rights and the procedures for accessing redress in the destination country and upon return is often lacking. This gap needs to be rectified.



*Dr. Mark Ellis (right) discussing rule of law issues with QICDRC Faisal Al Sahouti*

**What can lawyers do to help in the fight against human trafficking and modern-day slavery?**

**Mark Ellis** ▶ I believe firmly that lawyers should focus their attention on concrete legislative enactments that can alter the paradigm in the fight against modern-day forms of slavery. Lawyers in Qatar are playing that role in cooperation with the Qatari government. This is most dramatically seen in abolishing the so-called sponsorship laws (kafeel or kafala) that exists throughout the GCC. These are nefarious laws that greatly infringed on the rights of migrant workers, and that ultimately subject the workers to conditions indicative of involuntary servitude. Qatari has worked to abolish these laws.

In 2002, the National Human Rights Commission (NHRC) was established to safeguard and consolidate human rights for

those subject to the jurisdiction of Qatari law. The Qatar Foundation on Combating Human Trafficking (QFCHT) was also launched.

Most importantly, in 2014, Qatar officially announced the end of the current sponsorship system, and passed a new law replacing it with a focus on protecting the rights of migrant workers. Although it is still early in the process, and a critical assessment should continue, it is a good example of what the legal community can do in a very constructive way to counter the modern-day forms of slavery.



Day two began with a Rule of Law discussion by young lawyers studying in Qatar, followed by the arrival of His Highness the Emir Sheikh Tamim bin Hamad Al Thani and keynote addresses from Qatar's Attorney General, H.E. Dr. Ali Bin Fetais Al Marri, the Right Honourable Lord Phillips, and US Senator George Mitchell.

Dr. Al Marri spoke of the importance of the separation of legislative, executive, and judicial powers are to maintaining the rule

of law, and the value of an independent justice system within this separation of powers.

Lord Phillips spoke of the plight of individuals suffering under the current state of affairs and the role the Qatar Law Forum can play in forging solutions to help these individuals.





# Keynote Address: Senator George Mitchell

*“For it is only within the rule of law that people can be genuinely reconciled and overcome conflict. Because adherence to the rule of law reflects an understanding that everyone is bound by the same set of rules and committed to operating by those rules.”*



Your Highness, Distinguished Guests, Ladies and Gentlemen. It is a privilege to address you at the Third Qatar Law Forum.

In the short period of time since 2009, thanks to the efforts of Dr. Ali, Mr. Justice Knowles, Lord Philips and Lord Thomas, the Forum has gained broad recognition as a place where leading thinkers from the worlds of law, economics and politics gather to exchange ideas and test one another's convictions.

This year, the Forum has chosen to focus on the topics of Peace, Justice and Strong Institutions. These topics are more important now than ever. Dr. Ali has asked me to offer some reflections on "what the Rule of Law offers to the world in these times."

These are obviously troubled times. Each day brings reports of new strife and conflict; including right here, among the nations of the Gulf. At the 2009 conference, our primary concerns were economic, because

the world was in an economic crisis, and that had to some extent dwarfed the problems of terrorism, but today the picture is very different. Regime change, appeared a good idea at the time. Dictators who did not observe the rule of law were being displaced but we now see that that displacement has all too often left a vacuum in which there is not merely no observance of the rule of law, but no law at all. There are rival factions, and terrorists running rampant under the influence of perverse ideologies and that is the position that confronts us today. And the result of this is that throughout the region and in other parts of the world, there are an ever-increasing number of displaced persons desperate to save their lives and their families, fleeing to other countries, imposing a great challenge on those countries and a great challenge to the rule of law because all of these people need to be properly protected under the rule of law, and that is what our conference has largely been concentrating

on yesterday and today – the plights of those individuals who are suffering under the current state of affairs and who desperately need the protection of the rule of law.

So, your highness, we are enormously encouraged that you have come to support this conference. We are confident that in the future, Qatar will continue to play a central role in promoting the rule of law not only in this region but around the world. Does the rule of law have a place in such a world? Beyond any doubt, the answer must be yes.

For it is only within the rule of law that peoples can be genuinely reconciled and overcome conflict. Because adherence to the rule of law reflects an understanding that everyone is bound by the same set of rules and committed to operating by those rules.

By rules I don't mean only the laws that members of parliaments deliberate over for weeks and months. I also mean the social

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mechanisms by which human beings learn to trust each other, to communicate with one another, and to work together within a framework where all live under and benefit from common standards.

This principle proved to be especially important in bringing all of the parties to the negotiating table when I served as the Independent Chairman of the Northern Ireland Peace Talks. To gain entry to the Talks, each party had to agree to six ground rules which I helped to develop. The foundational principle was that these rules be clear, predictable, and applied equally to everyone involved in the process. Without a predictable framework under which all parties know there will be consequences for failing to abide by the rules, the parties would not have had any confidence in the process.

*“Over the years I’ve been called upon to help in troubled regions, where conflicts have festered for decades. It has been my experience that peace, justice and strong institutions – the themes we’re here to discuss – go hand in hand with respect for the rule of law, in particular the idea that rules are constant, public and knowable.”*

Two of the Principles were especially relevant to the topic on which Dr. Ali has asked me to speak: the commitment to democratic and exclusively peaceful means of resolving political disputes, and the commitment to abide by the terms of any agreement reached in the negotiations, and to resort only to democratic and exclusively peaceful methods in trying to alter any part of that agreement.

These principles enshrined the rule of law within the process: that all parties agreed to be bound by the laws of both the negotiation and the larger democratic process, and that the commitment of all was required, visible and known.

It’s important to note that the hard work of reaching a resolution was done by the political parties of Northern Ireland and the governments of the United Kingdom and Ireland. My role was to establish an appropriate framework that allowed the parties to engage in productive and ultimately successful dialogue.

How are these principles relevant today? And is there any hope that they might be applied to resolving other conflicts in the world, and particularly in this region?

Of course, I’m not here to offer any specific solutions. But I do believe that the fundamental truths are the same everywhere: First and most importantly, no solution can be imposed externally. Second, the parties themselves must commit to recognising each other’s legitimate concerns. Third, if any conflict is to be solved peacefully, the parties must overcome, or at least subordinate, their hostility, their fear, their mistrust of their opponents, and be willing to talk with them, in a genuine and good-faith effort to reach a mutually beneficial compromise.

And the framework that the rule of law provides is the best way to foster that free

*“It’s also important to recognise that whatever differences exist between parties to a conflict, there is always common ground. The task of negotiation is to find it, to nourish it, and to expand it into an agreement.”*

and open discussion of those concerns that is so necessary.

In this region that common ground led to the creation of the GCC, to thousands of students pursuing their education in neighboring countries, and to extended families dispersed throughout the region. In these circumstances, a dialogue that is based on and fosters the rule of law will be an essential first step toward resolution of this conflict.

Although much remains to be done, much has already been achieved in the Middle East through regional cooperation and through respect for the rule of law. The work that Dr. Ali has done, through this Forum and through the Rule of Law and Anti-Corruption Center, is one example of that achievement.

It is at times of greatest stress that continuing respect for the rule of law is of greatest importance. I remain hopeful that the principles embodied in this Forum will provide a template for bringing peace and stability to the people of this region and to parties in conflict throughout the world. Thank you for your attention and your concern for these critical issues.



# The Rule of Law and Effective Judicial Institutions; Tackling Delay; Access to Justice

“It is only within the rule of law that peoples can be genuinely reconciled and conflicts overcome. Because adherence to the rule of law reflects an understanding that everyone is bound by the same set of rules and committed to operating by and under those rules.”



## CHAIR

▶ Rt. Hon. Lord Thomas, former Lord Chief Justice of England & Wales

## PANELLISTS

- ▶ Judge Madiyar Balken, Supreme Court of Kazakhstan
- ▶ Rt. Hon. Lord Michael Briggs, UK Supreme Court
- ▶ Andrea Coomber, Director, JUSTICE
- ▶ Hon. Judge Gerald Lebovits, New York State Supreme Court
- ▶ Hon. Geoffrey Ma, Chief Justice of Hong Kong
- ▶ Senator George Mitchell
- ▶ Robert Neill, QC, MP, Chairman of Justice Select Committee, UK Parliament
- ▶ Rt. Hon. Justice Raus Bin Sharif, Chief Justice of Malaysia
- ▶ Karen Tse, Founder and CEO, International Bridges to Justice, Switzerland
- ▶ Judge Xiaodong Wang, Deputy, Second Criminal Division, People's Supreme Court of China

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The first plenary discussion of Day Two focused on:

- access to justice in criminal cases,
- access to justice in civil cases,
- the efficiency of courts generally, and
- the role technology can have in increasing access to justice.

### Access to Justice in Civil Cases slavery?

The discussion also focused on access to civil claims. It was observed that too often, civil claims for moderate amounts can only be pursued at wholly disproportionate costs due to the complexity of the civil procedure and the need to use a lawyer for every step, however small. Civil judgments in moderate-value disputes are therefore too often the preserve of the rich of those with litigation insurance, and of those with unusually high tolerance of risk.



### Efficiency of Courts

Three points were made on improving the efficiency of courts:

- Courts should be properly resourced in terms of adequate judicial manpower and adequate facilities.

- Courts should have the resources to allow all those who have arguable cases, regardless of means, to bring them. Access to justice is not just a private matter between litigating parties. It's part of the public good.

- When people don't have access to legal advice in court, they will represent themselves. This is a highly inefficient way of proceeding with litigation. Lists are delayed because it takes so much longer to hold the hand of a litigant in person, whether in commercial cases, in criminal matters, family law, employment law, housing law, or debt matters. This is a bad use of the court's time.

*“Access to justice is not just a private matter between litigating parties. It's actually part of the public good.”*

### The Role of Technology in Increasing Access to Justice

Several points were raised about how technology is transforming civil litigation.

- Technology will transform public legal education. It will provide knowledge to the public - before any dispute has arisen - of legal rights and duties and of the means by which these rights can be vindicated, defended, and enforced, not merely by going to court, but by all available and appropriate means, including ADR, and recourse to regulators and to ombudsmen. Technology can achieve this through online, smartphone, and tablet-accessible guides, interactive displays and webinars, all searchable on the internet, in a world where people find these media easier to locate and understand than paper-based materials.

- Technology will revolutionise civil procedure. In England and Wales, small and intermediate money or compensation claims will be resolved through an online solutions court designed to be accessible and navigable with minimal assistance from lawyers. Claims will be made online and not on paper. There will be a process of automated online

triage, where successive online screens will help lay litigants on both sides explain and articulate their case without having to use legal jargon and upload their key documents and evidence. Triage will produce a court electronic file, which enables a case officer to choose the most appropriate form of dispute resolution for each case.

- Information technology can provide newer, quicker, and cheaper forms of ADR, such as blind bidding and asynchronous online dispute resolution, without or with an intermediary.



- An online process can remove the need for litigants to read, learn, and try to understand complicated procedural rules or to employ lawyers for that purpose by embedding a new simple procedure online, with instructions and help boxes at every stage. New information technology can provide for judicial determination of cases on electronic documents or by video, ending the expensive default assumption that everything has to be resolved face-to-face, but preserving face-to-face trial where appropriate. Paperless trials will at last break the tyranny of paper in cases which need to go to trial, where everything currently has to happen in the building where the physical file is stored.

# Karen Tse

FOUNDER & CEO OF INTERNATIONAL BRIDGES TO JUSTICE



LexisNexis spoke to Karen TSE, an international human rights lawyer, former San Francisco public defender, founder of International Bridges to Justice (IBJ), and panellist for the plenary discussion on the Rule of Law and Effective Judicial Institutions.

Tell us a little about your background.

**Karen Tse** ▶ I was a public defender in the United States from 1990 to 1994, and then in 1994 I moved to Cambodia where I lived until 1997. That's where I first began to understand the connection between criminal law and human rights abuses. At that time especially, there was a lot of focus on political prisoners. That's where I realised that the majority of people who are tortured are not political prisoners, but often people who are too poor to afford a lawyer. The presence of a lawyer during the initial interview process can ensure that torture is not used as a cheap form of investigation to illicit a fast, and potentially false, confession. It can ensure that individuals don't just fall through the cracks and are not forgotten about.

be done for them, especially when their cases are in the public eye. Indigent people are also the ones who suffer and become lost in broken down legal systems. Fortunately, governments are now much more willing to cooperate and work together to strengthen a legal infrastructure that allows ordinary citizens to be tortured and become lost in the system. They might say, 'don't touch my five political prisoners,' but they're often open to addressing the issues causing the broken down legal system. International Bridges to Justice was founded to bridge this gap. We work with governments to ensure that legal aid is available to those who cannot afford a lawyer, those who are vulnerable to falling victim to human rights abuses.

Political prisoners are a tiny percentage of prison populations, and there's a lot that can

Can you give an example of a typical case?

**Karen Tse** ▶ There are a number of typical cases that we deal with. Often, we see cases such as the 14-year old boy I met in the Democratic Republic of Congo, who had been arrested and held in pre-trial detention for buying a pair of tennis shoes from someone without knowing they were stolen. He spent three years in prison for buying stolen property. Another case that comes to my mind is the woman one of our lawyers found in debtors' prison, who could neither

afford to pay off her debts nor pay for a lawyer to handle her case.

What we've seen over the years is that if an accused person is ensured access to a lawyer from the moment of his or her arrest, the likelihood of torture being used as a tool to coerce a confession is dramatically reduced. IBJ strives to achieve systematic access to a lawyer for the millions of individuals worldwide with cases similar these.

Do you generally manage to get them out of pre-trial detention?

**Karen Tse** ▶ Yes, fortunately in many cases we do. We have heard so many similar cases of individuals being left in pre-trial detention for years and years, and becoming totally lost in the system.

was arrested and charged with possession of a small amount of drugs.

At the police station, she was told, "If you don't confess immediately, you're not going to see your four children for many years."

Another example of a typical case we deal with is Harshi, a woman from Sri Lanka who

No lawyer was present during the police

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interrogation. Almost ten years later, Harshi had been to court 53 times, each time without a lawyer, and never convicted on any charges. Every time she was presented in court, the judge asked, "Where's your lawyer?" and she answered that she didn't have one, so the trial didn't go ahead.

Harshi was too poor to afford a lawyer, and the state didn't provide her with one, so she was left in pre-trial detention and wasn't given a fair trial until an IBJ JusticeMaker took on her case.

It makes such a difference to have regularity in the system. We're working with stakeholders in the justice sector to help build a legal infrastructure that ensures every man, woman, and child has early access to a lawyer.

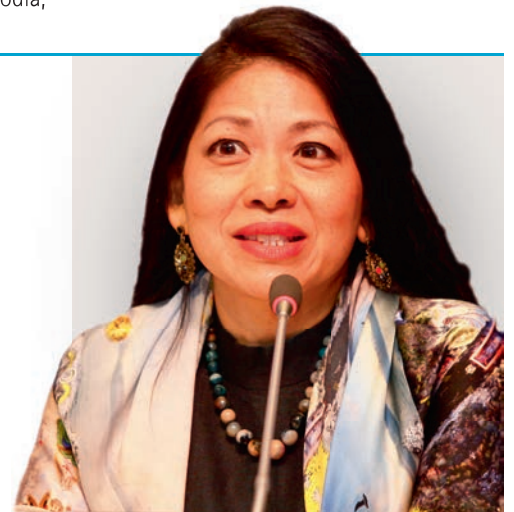
I often have déjà vu when I visit prisons because I think to myself, 'Am I in the same prison as yesterday?' I hear the same stories of human rights abuses taking place at the hands of the police and accused persons having no access to a lawyer in country after country.

#### Is IBJ focused on Asia and Africa?

**Karen Tse** ▶ Actually, we're global. We have 69 JusticeMakers working in 42 countries around the world and currently have 11 country programmes, in China, Cambodia,

Myanmar, Mexico, India, Rwanda, Burundi, Zimbabwe, the Democratic Republic of Congo, Syria, and Sri Lanka.

*"What we've seen over the years is that if an accused person is ensured access to a lawyer from the moment of his or her arrest, the likelihood of torture being used as a tool to coerce a confession is dramatically reduced. IBJ strives to achieve systematic access to a lawyer for the millions of individuals worldwide with cases similar these."*



#### Are there any plans to establish country bases in South America?

**Karen Tse** ▶ Alongside our country program in Mexico we have JusticeMakers working in

a number of South American countries including Brazil, Argentina, Chile, and Paraguay

#### Can you tell us a little bit about IBJ's JusticeMakers programme?

**Karen Tse** ▶ Our JusticeMakers Fellowship offers a small-scale grant to individuals who create innovative projects to improve legal rights in their communities. Our 2017

competition was open to individuals in francophone Africa, and ten winners were chosen to begin implementing their projects in June 2017.

#### You have an interfaith movement, according to your website. Why target religious institutions in particular to lead the charge? Why not seek to build a strictly secular movement?

**Karen Tse** ▶ One of the things we aim to ensure is that people are aware of their rights, and faith leaders are often very influential within their communities. In part, one of the reasons that we looked at having faith leaders come forward is because faith and religion can be very divisive. Yet all religions speak of love, fairness, and justice. We

want to bring people together from different religions or non-religions for something positive. It is about values.

It's not any particular faith that we focus on, it's the sense of our interconnectedness and common fight for something good. We also have a youth movement that encourages

youngsters to take an interest in upholding their rights and strengthening the justice systems within their respective countries. We

wanted to bring leadership together for different reasons, from various walks of life, to come together as one.



IBJ visit to Kolkata, India

**We hear a lot about certain people being detained unfairly. You mentioned the example of political prisoners. Why doesn't the issue of pre-trial detention get more attention generally?**

**Karen Tse** ▶ This issue is a very unpopular cause. Perhaps there is now more awareness of the problem, but there was not so much recognition when IBJ began.

Even within the human rights community, there is a focus on taking care of "innocent" people. There's a strong inherent bias against

working in the rule of law by supporting lawyers to help the accused. It's just not popular. And in many of the countries where IBJ work, it's overwhelmingly the poorest of the poor who don't have access to a lawyer. It's about corruption. It's about being completely voiceless.

*"Once you're in prison, you're invisible. It's a taboo. The principle of the presumption of innocence can be so easily ignored. No one wants to look at the problem or touch it, but actually if you look at the development of society, it's critical. The tree that grows to heaven has to plant its roots in hell."*

**Are all of IBJ's lawyers recruited locally? Do you accept lawyers (local or from overseas) who would like to volunteer for a few months in Africa or Asia?**

**Karen Tse** ▶ All IBJ lawyers on the ground are locally qualified, although we do encourage lawyers from overseas to become involved in our movement. This can be through partnering with us to develop eLearning material for modules that aim to

develop skills such as client interview techniques, trial skills, and using forensic evidence, or partaking in our Defender Training sessions as either an international trainer or through developing materials.

**Do you have any lawyers working on the ground as employees?**

**Karen Tse** ▶ We have a number of lawyers working as employees, our Country Program Managers, staff, and country legal fellows. In addition, what we aim to do is foster a

pro-bono culture and community of lawyers who are committed to providing legal aid to the poorest of the poor with the support of their government.

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# The Rule of Law and Financial Inclusion

“Law and regulation have to adapt to technological changes but these technologies will only have an impact on the financial sector and on financial inclusion to the extent that regulators and legislators allow them to have that effect, and they will only let that happen to the extent that they’re satisfied that any risks that these technologies create can be appropriately mitigated.”



## CHAIR

- ▶ Professor Sir William Blair, QMUL

## PANELLISTS

- ▶ Thomas Baxter, Former General Counsel, NY Federal Reserve; of Counsel, Sullivan & Cromwell
- ▶ James Freis, Chief Compliance Officer, Deutsche Börse
- ▶ Ross Leckow, Deputy General Counsel, IMF
- ▶ Prof. Spyros Maniatis, Director, Centre for Commercial Law Studies, Queen Mary University of London
- ▶ Dr. Manuel Monteagudo, General Counsel, Central Bank of Peru
- ▶ Dr. Joanna Perkins, CEO, Financial Markets Law Committee, London
- ▶ Peter Spires, General Counsel, Lloyd's of London
- ▶ Yousuf Al Jaida, Chief Executive Officer, Qatar Financial Centre Authority



## Current Legal Landscape

It was pointed out that many countries have laws requiring banks to open a basic account to any person. Section 14(f) of New York State's Banking Law requires banks in New York to make available to individuals a basic banking account, sometimes referred to as "a lifeline account. This law does not apply to corporate accounts.

In New York state, individuals don't necessarily take advantage of the financial inclusion that is the rule of law because:

1. consumers and individuals don't know what the law says, and this is a common problem in financial services. It's a financial literacy problem; or
2. they are afraid that when they identify themselves to a bank, they'll also be identified to an immigration officer. A significant population of the displaced in New York City don't partake of their legal right because they're afraid of deportation.

*"Inclusion is not a threat to a lawful society but it is a necessary building block of a lawful society. It's a way of ensuring that people are invested and don't turn to other forms of finance and commerce that might come with organised crime."*

It was noted that a similar law exists in the European Union pursuant to EU Directive 92 of 2014.<sup>1</sup> By last year, each EU member state needed to have in place a requirement for a basic payment account, and it has similar provisions.

## The Role of Fintech in Financial Inclusion

A key question for participants was: What role can financial technology (FINTECH) play in strengthening financial inclusion in various countries?

1. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

The following observations were made:

- Global technology and the internet are bringing large parts of the unbanked population to a position where they can access basic financial services.
- Biometric data is being used in countries to give people an official digital identity allowing them to access the formal financial system.
- Data and machine learning can be used to put in place more effective compliance systems against money laundering and terrorist financing.
- Crypto currencies can be used to transfer small amounts of national currency across borders, which is very important for the remittance market, where these things can be done cheaply and quickly.

It was observed that there is a very close relationship between technological change on the one hand and law and regulation on the other. This relationship works both ways: law and regulation have to adapt to technological changes but these technologies will only have an impact on the financial sector and on financial inclusion to the extent that regulators and legislators allow them to have that effect, and they will only let that happen to the extent that they're satisfied that any risks that these technologies create can be appropriately mitigated. The risk can relate to:

- financial stability
- financial integrity
- cyber risk
- privacy considerations.

For policy makers, to ensure that these risks are appropriately identified while at the same time encouraging innovations, they will have to innovate in designing legal and regulatory frameworks in this area.

## Mobile Phone Services and Financial Inclusion

It was observed that financial inclusion technology has been focused on mobile phone and smart phone services. In particular,



mobile phone technology penetration has become critical to the marriage of financial technology and financial inclusion.

- With a smart phone, one can receive a deposit, receive and issue a credit (an aspect of technology known as emoney, and make payments.
- In the cross-border context, there may be a fourth essential building block: payment of remittances via one's mobile phone.
- Mobile phone technology is particularly important in rural communities, where the cost-benefit analysis around the provision of banking infrastructure may be very different.
- One of the promises of financial technology is that it provides access to banking services without the requirement that the individual go to a bank. Mobile phone services help achieve this.
- In the United States, 15% of population is unbanked. Of that 15%, half of them have smart phones. With a smart phone, that individual can get access to payment services without entering a bank. This simple statistic shows the promise of fintech with respect to financial inclusion in the United States, which could provide banking services half of the unbanked population. If you extrapolate that statistic worldwide, 40% of the world's population doesn't have access to banking services. If many of those unbanked worldwide also possess smartphones, this is one simple way, through fintech, that the unbanked population can be brought into the financial sector.

## Wholesale Services

There was also some discussion of wholesale services. It was noted that distributed ledger technology offers new ways of recording and securing transactions in real time, ways which remove certain institutional risks, and inefficiencies from the financial system. With the rise in the number of financial transactions in the world, we need the efficiencies that come with disintermediation.

It was also noted that the analysis of big data can bring new opportunities for informed



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credit appraisals, which should simultaneously extend credit facilities while reducing or at least better quantifying credit risk.

Audience members noted a dark side to these developments - challenges in the form of increased potential for:

- money laundering;
- market abuse;
- theft;
- consumer exploitation; and
- data breaches,

and these individual consumers are by definition society's most vulnerable members.

It was agreed that it is imperative that future thinking about financial regulation keep pace with financial inclusion strategies.

### Displaced Persons and Financial Inclusion

Several panellists noted that aside from fears of deportation, displaced persons often don't have the identification records with them that are normally necessary to set up a bank account. The Philippines relaxed identification requirements for individuals displaced by flooding in 2013 after Typhoon Haiyan. The United States did the same in 2005 when Hurricane Katrina caused people to evacuate New Orleans.



It was suggested that biometrics may be an alternative to requiring paper identification that people have to carry with them wherever they go.

It was noted that in Germany, the European banking authority has put out opinions and guidance on how to achieve financial inclusion for refugees. Germany took in over a million refugees in 2016 and has come out with specific legal guidance to financial institutions for undocumented persons, stating that such persons would be permitted to use their arrival papers when they applied for refugee status as the basis for opening a basic bank account.

### Closing Remarks

Faisal Al Sahouti, CEO of the Qatar International Court and Dispute Resolution Centre, gave closing remarks. Mr. Al Sahouti thanked all panellists and attendees for their presence and participation and stressed the role of the Qatar Law Forum in developing a global commitment to the rule of law. He also stressed the importance of continuing to collaborate going forward for the establishment of peace, justice and effective institutions.



# Faisal Al Sahouti

CEO OF THE QATAR INTERNATIONAL COURT & DISPUTE RESOLUTION CENTRE



LexisNexis spoke to Faisal Al Sahouti, Chief Executive Officer of the Qatar International Court and Dispute Resolution Centre (QICDRC) and co-organiser of the Qatar Law Forum. Faisal is a member of QICDRC's Judicial Advisory Board, contributes to the drafting of laws and regulations of the QICDRC, and is responsible for delivering the QICDRC's overall vision, mission, and strategy.

This is the third time you've organised the Qatar Law Forum. What are your expectations for this year?

**Faisal Al Sahouti** ▶ Actually, we have the same expectation as when the Qatar Law Forum was founded in 2009: we would like the Qatar Law Forum to be the leading forum in the global commitment to the rule of law. The Forum has made great steps, at least locally. We can see that the notion of the rule of law has come to mean peace, justice, and effective institutions, which is the UNDP's Goal 16 and the theme of the 2017 Qatar Law Forum. The people in the UNDP who developed Goal 16 attended 2009 and 2012 Qatar Law Forum.

My hope and expectation for the 2017 Qatar Law Forum in particular is that it will create

an environment of dialogue and discussions between thinkers and help provide the world with solutions to legal issues and crises all over the world. You can see that we are discussing the hottest crises in the world, like refugees and corruption. Even financial inclusion, the last topic to be discussed at the forum, involves many issues, with the new currency, Bitcoin. It's not an easy topic. The topics of discussion at this forum cover many areas, starting from the judiciary, crossing to human rights, and ending with the financial topic. I hope we cover all sectors and that we can make an effort to change things in this world, and I believe we can.

Is there any topic at the 2017 Forum that's particularly close to your heart?

**Faisal Al Sahouti** ▶ Maybe modern slavery or displaced persons. I always feel like I'm responsible to the world. We are always thinking about issues. Finding solutions is in our mentality. Every discussion at the Qatar Law Forum will draw people's attention to how to solve a problem. And solutions of 30 years ago are not solutions to the challenges we are facing now. I believe that the discussion that takes place at the Qatar Law Forum can help us find the solutions for today. These discussions should not be limited to the

Qatar Law Forum. There needs to be a China Law Forum and a US Law Forum, because it really can make a difference. When you open the floor to experts and academics who don't have a political position, people will listen and will be educated and aware of the direction we should be going in. When people are aware, politicians correct the direction.

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**As the CEO of QICDRC, do you think that ADR can strengthen the rule of law?**

**Faisal Al Sahouti** ▶ Absolutely. ADR for commercial law is choice #1, especially if you are doing business in countries with a weaker rule of law. When you do business in a country where you are not confident of its judicial system or there is no respect for the rule of law, you should safeguard your

project by including an ADR clause, whether the ADR is to take place inside or outside (most likely outside) that country. ADR needs to be enhanced in this region. We have a judiciary system that also needs to be reviewed, but we can't wait and we should enhance and include ADR.

**There are some academics who have argued that the private nature of ADR is hostile to the rule of law because you are essentially privatising law and you're putting your resolution outside public norms. Do you think this argument has merit?**

**Faisal Al Sahouti** ▶ To some extent, but I don't agree with it entirely. For arbitration, we need to find a way not to hide the process from the public, but the argument that I disagree with is where you tell me that arbitration is something outside of a legal framework. It is not, because it is governed by a legal framework that applies at the same time to both parties – this is the most important thing. At the end of the day, parties will

go back to the courts, submit their award, and get their enforcement. And to be honest, even political disputes are discussed in private, at Camp David for example, and the dispute gets resolved this way, so why when we accept that process, shouldn't we accept the other. We can't do everything publicly.

*“These discussions should not be limited to the Qatar Law Forum. There needs to be a China Law Forum and a US Law Forum, because it really can make a difference. When you open the floor to experts and academics who don't have a political position, people will listen and will be educated and aware of the direction we should be going in. When people are aware, politicians correct the direction.”*



**In what ways do you think Qatar has contributed to law reform and rule of law in the region?**

**Faisal Al Sahouti** ▶ Qatar has made great steps in its commitment to the rule of law. The Qatar Law Forum is not our only rule-of-law initiative – there is also the Rule of Law & Anti-Corruption Center (ROLACC). You can look at the website ([www.rolacc.qa](http://www.rolacc.qa)) and you

will see how many initiatives they support internationally. We believe in the rule of law. We know that we benefit from the rule of law when we support it in business, in human rights, and in other aspects.

What about recent laws such as Qatar's new law on permanent resident status – a first in the Gulf region?

**Faisal Al Sahouti** ▶ Exactly. And I can guarantee that if every five years, you compare Qatar with the previous five years, you will find that we have made huge steps in legislation going forward to enhance the rule of law. I wish I could say I saw this kind of progress everywhere in the Middle East, but I can't find it. In terms of development in our legislation, we are always leading the region. I can't say where we are heading in these developments, but I can guarantee that everything coming will be better than in the past.

Here in the region, you will find that when it comes to the rule of law and business, many countries do a great job, because economic growth depends on being able to do business without rule-of-law risk. However, when it comes to the rule of law and human rights, for example, you'll see a lack of rule of law. You can't choose which aspects of the rule of law you want to develop and leave the rest. It needs to be applied everywhere. That's what we have to educate people about, and this is our aim with the Qatar Law Forum – to look at the rule of law from all angles.

*“You can't choose which aspects of the rule of law you want to develop and leave the rest. It needs to be applied everywhere. That's what we have to educate people about, and this is our aim with the Qatar Law Forum – to look at the rule of law from all angles.”*

Do you think that the QICDRC is strengthening the rule of law?

**Faisal Al Sahouti** ▶ Absolutely. We bring in judges with a long track record from all over the world. The fact that we bring them here and give them the authority to practise and to contribute to our justice system means that we are confident in our system, and we

are not hiding anything from the world. I've invited judges from more than ten countries. If there was anything wrong with the justice system in this country, they would notice right away.





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