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It is a great honour to be invited here today to contribute to this panel on developing the Syrian Legal System. Before I begin I should perhaps make a confession. Unlike the other members of the panel, I am not an expert on the Syrian legal system and you might therefore ask, entirely legitimately, why I have been invited to contribute. My answer, which I hope will be adequate, is that although I have no more than a passing familiarity with the Syrian System, I have been involved in several projects that seek to build capacity and develop expertise in the legal systems of jurisdictions that although different from Syria's nevertheless share some its attributes. Thus, I have been or am currently involved in projects in Tunisia, Libya, Qatar, Egypt and some of the GCC countries. What I want to do is to tell you a little about some of these projects and to indicate why I think what we were trying to and have achieved with them may make such projects interesting to those of you in Syria involved with trying to take forward reform and capacity building of the legal system.

In order to see what we have been trying to achieve it is worth making some broad generalisations about the characteristics of the legal systems in which I have been working.

- All are essentially civil law systems – while civil law has a structural elegance not possessed by the common law, it is the common law that has as a general rule dominated transnational commercial transactions and a familiarity with common law methods and reasoning is therefore highly desirable
- Law firms in these jurisdictions as a rule tend to be smaller and much less specialist than law firms in UK and US. In some jurisdictions there is effectively no international competition.
- English language skills and familiarity with common law methods and reasoning is often limited.
- Judges tend to be career judges, appointed young, and generalists. Few opportunities exist to develop specialist expertise developed by some common law judges.
- There is often a perception held, in some cases perhaps wrongly, by foreign investors / lawyers and traders that the legal system in its various manifestations does not achieve international standards of transparency and competence.

[None of the above should be taken as implying that I think there is a lack of talent academic or professional in the jurisdictions of which I speak. I believe and know from personal experience that there is a huge amount of talent.]

A number of consequences do, or may, follow from the above. First, where there is lack of confidence in the legal system whether in the substantive law or the application of that law, those contemplating investing in projects in the jurisdiction will either not invest at all or alternatively will demand higher rates of return to reflect the additional risk. Secondly, large scale legal work, often transnational in nature, will often leave the jurisdiction and will be carried out by foreign lawyers. Finally, young lawyers may look for opportunities elsewhere and consequently the best and brightest may leave.

Against this background the projects I have been, and am, working on have been about providing opportunities, particularly but not exclusively in the context of commercial law, for law students, young lawyers and judges to develop their legal and other skills and also to develop an educational and training infrastructure to ensure that 'lawyers' at all stages of their career are provided with the necessary opportunities that will enable them to compete in an increasingly global marketplace.

***The Masters in Common Law at the Faculte des Sciences Juridiques,
Politiques et Sociales de Tunis***

The Masters in Common Law at the Faculte des Sciences Juridiques, Politiques et Sociales de Tunis represents an extraordinary attempt to redress lack of expertise in common law and knowledge of the English language in Tunisia. The programme has now been running for six years. It offers teaching to approximately 20 highly qualified students each year in English by law professors from the common law world about a number of core legal subjects. It also introduces the students, from a common lawyers perspective, to several areas of international commercial law. It has been remarkably successful both in terms of the academic opportunities offered to the students and their achievements but also in terms of the impact it has made on the practice of law in Tunis. I was involved in the setting up of this programme and have taught on the programme since it began. I have therefore been able to follow the career of some of the students who have completed the course. These students now make up a majority of the young lawyers working in firms that undertake international work in Tunis. Those who manage these firms recognise the skills that these students bring and have not hesitated to take advantage of them thereby, so far as I am able to assess, significantly increasing the level of competence of the firms working in this area.

The Young Arab Lawyers Programme

This project, which was funded by the British Government, enabled 12 young lawyers from mainly North African countries to spend six weeks in England. Of these six weeks, three were spent studying law at my university and the other

three undertaking internships with some of the top law firms in the world. The purpose of the programme was to expose some of the best and brightest lawyers in North Africa, who had not previously studied abroad, to a different way of thinking about the law and to different forms of legal practice. It was also intended to provide them with the opportunity to build relationships with English lawyers and with lawyers from other parts of North Africa.

It is still early days to assess the full value of the programme but several of the participants have expressed the view to me that it changed their lives. By way of example one of them now teaches part time at my university while working for Clyde and Co in London. He will return in due course to his job in Egypt but for the moment both he, and the Egyptian Government, for whom he works, are delighted with what he has gained from the experience. Others have gone on to study for further degrees, usually with scholarships, in other countries. All are in my view better lawyers and have built a wider circle of relationships as a result of the experience.

Judicial Training in Libya

The final programme I want to touch on is one in which I have been involved with the Law Society of England and Wales and involves the development of a training programme for Libyan judges. The need for such a programme was identified as part of a review of Libyan corporate and commercial law carried out by lawyers and representatives of the banking industry from Libya and the UK.

Members of the committee were particularly concerned about the lack of competence among the Libyan judiciary to deal with large scale commercial disputes particularly where, as is often the case, the contracts had been drafted in English. The Libyan government responded positively to the Committee's recommendations and subsequently asked the Law Society to develop a training programme for them. I have been working on this with the Law Society for some time and currently it looks as though the programme will consist of a number of different units including units teaching English language, English law, and judicial skills. Of particular note has been the willingness of English judges to allow Libyan judges in to their courts to observe and discuss cases with them. If this programme is adopted it represents an extraordinary opportunity to effect a dramatic change in the competence of Libyan judges and in time to change the international perception of the Libyan judiciary.

Conclusion

From a purely selfish point of view I must confess to having enjoyed enormously working on these projects. I have met and worked with lawyers of huge ability from all over the Arab World many of whom have now become good friends.

There has however been a serious side to this fun. These projects have all made a significant difference to the participants and their sense of self-worth, to the way they practice law, to the functioning of the legal systems in which they work and importantly to the way others view them. As Syria contemplates whether and

if so how to reform its judicial system, it seems to me that education and training must be at the heart of any proposals.