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| **ONLINE CONFERENCE PROCEEDINGS**  **These proceedings consist of:**   1. **Expert introduction by the conference convenors** 2. **Abstracts for each presentation** 3. **Online presentations (hyperlinks)** | |
| **Expert Introduction**  Australia’s relationship with the Middle East and the Arab world is expanding, particularly in terms of trade, tourism and civil aviation. There are many reasons that the relationship is important and strategic for both Australia and the Middle East.  Australia and the Gulf Cooperation Council (GCC), comprising Saudi Arabia, the UAE, Qatar, Kuwait, Oman and Bahrain, have a considerable existing trade relationship. These Arab nations are important markets for Australian goods such as livestock, meat, dairy products, vegetables, sugar, wheat and other grains. Extensive negations on Free Trade Agreement have been undertaken with the GCC in 2007 and 2009. The Leaders of the GCC in their January 2021 meeting reiterated their interest in pursuing a possible free trade agreement with Australia, a development which would significantly enhance trade activity. Saudi Arabia, United Arab Emirates and Qatar are examples of Arab countries with a high level of relationship with Australia. The UAE and Australia enjoy good defence, aviation security and law enforcement cooperation. According to the DFAT countries profile site Australia and the UAE, the latter have concluded an agreement on mutual legal assistance in criminal law matters and extradition. The two countries even have an Agreement on Cooperation in the Peaceful Uses of Nuclear Energy (entered into force in April 2014) which is paving the way for Australia to possibly provide uranium for the UAE’s civilian nuclear energy program. According to the DFAT Country Profile websites “in 2018, UAE investment in Australia was estimated at $11.1 billion according to ABS data. The Abu Dhabi Investment Authority (ADIA), the world’s second largest sovereign wealth fund, has invested in ports, the TransGrid electricity network and the Queensland Motorway project. Other UAE sovereign wealth funds also have assets and are examining other investment opportunities in Australia”.  The 2021 Arab-Australian International Business & Corporate Law Conference, convened by Associate Professors Vivienne Brand and Hossein Esmaeili, was held on Tuesday 20 April in Flinders Victoria Square, live streamed, attracting over 150 delegates from around the world  These developments provide evidence of strong and growing Arab-Australian trade and investment relationships. While these trade and business relationships are expanding a simultaneous continuing mutual expansion of cultural understandings is equally crucial to the development of resilient and productive activity. The following presentations address a range of legal, commercial and cultural issues of relevance to these developing relationships.  The Department of Foreign Affairs and Trade, through the Council of Australia-Arab Relations, provided funds to run a project on current comparative Arab-Australian corporate and trade law and how regulatory and cultural differences affect commercial and investment relationships.  A two-day international conference was planned to be held in Adelaide in June 2020. However, due to the Covid 19 pandemic, the conference was transferred into a digital mode. The 2021 Arab-Australian International Business & Corporate Law Conference, convened by Associate Professors Vivienne Brand and Hossein Esmaeili, was held on Tuesday 20 April in Flinders Victoria Square, live streamed, attracting over 150 delegates from around the world.  Four Arab nations’ Ambassadors in Australia from Morocco, Qatar, Egypt and Oman addressed the Conference, which was followed by Keynote and feature talks by distinguished Australian and Middle Eastern business executives, consultants, legal practitioners, legal scholars, judges and academics. Demonstrating Flinders University’s strong commitment to the event, Sebastian Raneskold, Vice President and Pro Vic Chancellor (International) introduced the Ambassadors. Professor Michael Gilding, Executive Dean of BGL delivered the welcome address to the delegates.  The Conference covered a variety of themes, including, 'Doing Business in the Arab world and Middle East', 'Creating new markets through financial services (Regtech/Fintech)', 'Insolvency', ‘Charity Law’, 'Islamic law', 'Future Mobility' and cultural perceptions of ‘Australia’s destination markets’. The conference attracted a great deal of interest from a range of stakeholders, including legal practitioners (from both Australia and Arab nations), academics, students, industry bodies, investors and Arab and Australian businesses.  Corporate partners and the peak national association for two-way trade and investment between Australia and the Arab League Countries, the Australian Arab Chamber of Commerce and Industry, collaborated with Flinders University, to support this event on behalf of their clients and members.  Feature and panel speakers included the Honourable Wayne Martin AC, QC, Judge at Dubai International Financial Centre, Rita Jaballah, Partner and Head of International Litigation Group Al Tamimi &Co (with offices in 12 Arab countries), Dr Kieren Moffat, CEO and Co-Founder of Voconiq Engagement Science Insights, Professor Susan Karamanian, Dean of Law at Hamad Bin Khalifa University in Qatar and Soufiane Rboub, Board Member, Council of Arab-Australian Relations at Australia Department of Foreign Affairs and Trade and Chair of Australia Arab Chamber of Commerce and Industry. Associate Professor Tania Leiman gave an acknowledgement of country and delivered a paper on the ‘Legal Implications of Automated Vehicles: Arab Australian Regulatory Response’. Professor Chris Kee was also a keynote speaker on ‘Educational Development of Arbitration in the Arab Region and Australia.  Feedback received by the project team and from conference participants has been that more can certainly be done to increase awareness and understanding between Arab and Australian legal cultures with more effective trade relations providing great benefits to Australia's businesses, producers and the economy. This is particularly relevant for both Australia private business and government who may appreciate that given tension with China, it may be necessary to consider rerouting to new trading partners in different regions of the world including the Middle East. Given emerging wealth, a growing middle class and a propensity to engage in mutually beneficial trade, the Arab world offers new important options.  The conference presentations drew attention to how the traditional legal systems in Arab states, such as Saudi Arabia, UAE, Qatar and Egypt, operate in contemporary trade environments. Arab countries have legal systems based on civil law tradition and Islamic law and incorporate similar elements to those relied on to regulate modern corporations in many Western jurisdictions, as well as familiar investment and trade principles. Crucially, this conference acknowledged the inextricably linked nature of law and culture in international trade relations, particularly in the Middle East.  The Conference organisers are producing additional outcomes and outputs which will become available in coming months. These include developing further international collaboration on the themes of the conference, strengthening industry relationships created by the conference and establishing cross-cultural student activities.  The organisers thank the Council of Australia-Arab Relations, Flinders University, Laity Morrow, Al Tamimi and other supporters for their assistance in delivering the 2021 Arab-Australian International Business & Corporate Law Conference.  Associate Professor Hossein Esmaeili & Associate Professor Vivienne Brand  Flinders University  May 2021 | |
| **Soufiane Rboub, Board Member Council for Australia Arab Relations and State Chair, SA, Australia**  **Arab Chamber of Commerce & Industry**  Soufiane addressed the conference, identifying the importance of the growth in Arab-Australian relations. He took the opportunity to encourage Australia and Arab nations to re-start negotiations for a Free Trade Agreement to assist in development of relations and offered his support for the conference’s work in supporting Arab-Australian activity. As a board member of the Council for Australia-Arab Relations and as South Australian Chair of the Australia Arab Chamber of Commerce and Industry Soufiane encouraged researchers, academics and industry to carry out work on these themes. | |
| **Associate Professor Andrew Godwin,** Director of Studies Banking and Finance, Melbourne Law School  **[Creating new Arab-Australian Markets through Financial and Legal Services](https://www.youtube.com/watch?v=piu8ZYUQzSM)**  Over the past decade or so, many countries in the Middle East have become significant players in the global markets for financial and legal services. As a result of growing wealth and income levels and developments in Islamic finance, the region is increasingly important as an importer and exporter of financial and legal services. This presentation will explore the bilateral and multilateral frameworks for trade between Australia and the Middle East in these areas, including the proposed Free Trade Agreement between Australia and the Gulf Cooperation Council, and discuss developments and challenges in this regard. | |
| **Professor Christopher Symes,** Adelaide Law School, University of Adelaide  [‘An Appetite for Arab-Australian Business Regulation and the queasiness bought on by financial distress’](https://www.youtube.com/watch?v=w915H9s_ZKg) [ADELAIDE]  Today, business regulation is an ‘epic degustation menu’ of more and more statutes and there are business regulators who sit at a table overflowing with ‘dishes’ – composed of enforcement pyramids, royal commission recommendations, harms approaches and the like – from which they sample. Meanwhile, there remains traditional ‘table etiquette’ in the form of recognition of secured credit and protection of creditors in insolvent situations. Professor Symes will provide a cross border ‘food review’ of the regulation, its enforcement and the justification of retaining creditor protection during times of financial distress. |
| **Professor Rosemary Langford,** Melbourne Law School, University of Melbourne  [‘Overview of Australia’s System of Corporations Law and Directors’ Duties’](https://www.youtube.com/watch?v=e-hkd92fvcs) [MELBOURNE]  This presentation provides an overview of Australia’s system of Corporations Law, with particular focus on the duties of directors and officers. It highlights the considerations to bear in mind when taking on the responsibility of directing an Australian company. |
| **Associate Professor Hossein Esmaeili,** Flinders Law, Flinders University [ADELAIDE] and **Associate Professor Rosemary Langford,** Melbourne Law School, University of Melbourne  [‘Contrast in Charities Law Systems in Australian and Islamic Law’](https://www.youtube.com/watch?v=8_9xlSseGXE) [MELBOURNE]  Charitable activities are regulated under Australian Law and Islamic law. In Australia, the primary regulatory body for charities is the Australian Charities and Not-for-profits Commission (ACNC) created through legislation. Under Islamic law and in Arab nations, charitable activities are regulated and include charitable trusts. There is the potential for trans-boundary investment in charitable activities and charitable trusts between Australia and Middle Eastern countries. This chapter investigates, analyses and compares the regulate of charitable activities between Australia and Arab countries with the view to identity similarities and significant differences. |
| **Associate Professor and Dean of Law Tania Leiman,** Flinders University College of Business,  Government and Law  ‘[Legal Implications of Automated vehicles; Arab – Australian regulatory responses’](https://youtu.be/mSdNThx1qA8) [ADELAIDE]  Access to transport and mobility has enormous impact on our society, in Australia, and elsewhere including in the Gulf Cooperation Council Arab Nations which are eagerly embracing the benefits of smart mobility. Heavy freight vehicles transport goods across large distances between population centres, agricultural and mining hubs and ports. Light commercial vehicle use underpins the economy, enabling industry, trade, health care, emergency services and law enforcement. Mass public transport, taxis, ridesharing, and private vehicle use enables our population to be mobile, undertake employment, trade, and access health, education and other government services. Our transport infrastructure acts as the arteries connecting our communities, cities, regional, rural and remote centres. Technological advances, population shifts, resource sustainability and climate change imperatives now urge us to rethink our transport system. We need 'options that maximise mobility in … cost, time, network impacts, productivity, social (equity and health) and environmental outcomes'.  Legal issues arise at every stage across the mobility lifecycle as governments and industry seek to introduce these new technologies, including assuring design standards, interoperability, ensuring safety, data security & privacy, and managing liability and risk. Existing regulatory frameworks based on traditional transport taxonomies do not neatly align with new transport modalities. Additional challenges arise across jurisdictions, in Australia and in Arab states, as a result of differing environmental conditions, road types, use on remote industrial and mine sites, international interoperability etc. Legal infrastructure has a critical role to play in responding to these challenges. This presentation will consider how regulatory settings can support innovation and adoption of emerging future mobility technologies whilst also ensuring safety. |
| **Professor Christopher Kee,** Dean Education, Flinders University College of Business,  Government and Law  [‘Educational Development of Arbitration in the Arab Region and Australia'](https://youtu.be/iqCv0e3J0bo) [ADELAIDE]  This presentation discussed international arbitration particularly in the context of education and international advocacy. Professor Kee described work undertaken by international arbitration experts to develop appropriate training for arbitrators operating in the Middle East and Arab states. This area offers broad potential for growth and Professor Kee noted that Australia can provide training of arbitrators for the Arab region. |
| **Ms Judi Storer,** Flinders University PhD Student  [‘The Perfect Irony: Holding the Directors of Fossil Fuel Companies Criminally Liable under Australian Corporate Law for Failing to Manage the Very Climate Change Risks They Created'](https://youtu.be/_b-v_5nQg04) [ADELAIDE]  Anthropogenic climate change has been described as the biggest threat facing humankind. Evidence suggests fossil fuel combustion is a major cause of global warming, which causes climate change. Global warming of 4°C above pre-industrial levels by 2100 is likely, if the past 28 years of greenhouse gas emissions trends, continue for the next 28 year. The resulting climate change would be ‘catastrophic’.  This paper set out to investigate a means to mitigating climate change using Australian law. Evaluation of various disciplines of law demonstrated inherent difficulties in utilising many legal disciplines to mitigate climate change. This paper, therefore, proposes the novel use of the Corporations Act 2001 as a means to mitigating climate change.  The paper features case studies of five fossil fuel companies regulated by the Act. The case studies document conduct and decisions of directors of the selected companies. An analysis of directors’ conduct and decisions against four sections of the Act, is undertaken to determine whether criminal liability can be established against these directors. This analysis revealed each company’s directors may be held criminally liable for contraventions of the Act. Therefore, indirectly, fossil fuel company directors may be motivated to assist in mitigating climate change. |
| **Associate Professor Subrahmanya Ramamurty Vellala,** Malla Reddy College of Engineering and Technology,  Maisammaguda, Secunderabad  'Impact of implementing future mobility and disruptive technologies in the automobile industry of GCC countries'  The future being driven on three future mobility and technology driven disruptive trends: Electric Vehicles, Autonomous Vehicles and Maas (Mobility as a Service). The changes in emerging and disruptive technologies present both great opportunity and risk for the auto industry of United Arab Emirates.  Gulf Cooperation Council (GCC) currently faces challenges like urban congestion and traffic safety. Fortunately, introducing new disruptive technologies which leads to smart mobility, efficient and sustainable, data-enabled can improve residents’ quality of life. Introducing a flying alternative to UBER is taking off soon in many cities disrupting the regular taxis. Dubai is at the forefront in trying and introducing these technologies.  Having a Memorandum of Understanding (MOU) between GCC and Australia would really benefit space sector, technology, business, agriculture and automobile. GCC is easing many rules in investments and introducing new business in these sectors. This paper discusses about various benefits the GCC and in specific UAE is going to derive and risks involved in implementing such technologies. |
| **Mr Gary Watts,** Legal Training Consultant, Mena Region  [‘Joint Ventures in the Middle East – The Agony and the Ecstasy'](https://youtu.be/bYjiUWvkqug) [ADELAIDE]  Gary shared some of his personal insights and tips when considering joint venture projects in the Middle East. Drawing on his deep experience of the region and years of senior professional practice both in Australia and the Middle East, Gary offered a wealth of material to assist those considering using a joint venture structure to establish a presence in the region. |
| **Dr Susan L. Karamanian,** Dean College of Law, Hamad Bin Khalifa University  [‘Arab-Australian Trade and Investment in an Era of Challenges to the Liberal International Order’](https://www.youtube.com/watch?v=_3iJ0Z-7XIY) [QATAR]  Questions about the international institutions and legal principles that have defined trade and investment in the aftermath of World War II strike at the core of societal values. Are we to embrace or reject the regime of free trade and relatively open investment, which has enabled the mass flow of goods, services, and people across borders? In between the extremes is a middle ground, which attempts to tweak the regime to enhance, for example, the protection of the environment and human rights. What do these developments mean for the Middle East and Australia, which have actively pursued trade and investment, and to relationships between them? These and other aspects of Arab-Australian trade and investment, particularly political developments, will be the focus of my remarks as I argue for a balanced and focused approach consistent with liberalism. |
| **Mr Marcus Wallman,** Director Laity Morrow Firm  [‘Investment and Trade –Doing Business in the UAE’](https://www.youtube.com/watch?v=GAVL476ZCPE) [ADELAIDE]  Marcus gives an overview of the regulatory regime in the UAE applicable to establishing a business presence there.  He discusses different ways to enter the UAE market, including setting up a direct presence in the UAE, appointing a local agent/distributor and entering into a joint venture with a local partner. |
| **Grahame Nelson,** Partner Corporate Al Tamimi & Company, Al Khobar, Saudi Arabia  [‘Doing Business in the Kingdom of Saudi Arabia'](https://www.youtube.com/watch?v=SC-Prj13aHI) [DUBAI]  Grahame Nelson discussed in detail the legal implications for Western corporations operating in Saudi Arabia. In particular he raised the important issue that Saudi Arabia is the only Gulf Corporation Council country where Islamic Law displaces all other relevant regulatory considerations. |
| [**Expert Panel Session**](https://www.youtube.com/watch?v=2EowPhf-LTk)  **Rita Jaballah (Panel Chair)**, Partner and Head of International Litigation Group Al Tamimi & Co [DUBAI]  **Dr Susan L. Karamanian**, Dean College of Law, Hamad Bin Khalifa University [QATAR]  **Mr Marcus Wallman**, Director Laity Morrow Firm [ADELAIDE]  **The Honourable Wayne Martin AC QC** [PERTH]  **Nour Hineidi, Registrar**, Dubai International Finance Centre (DIFC) courts [DUBAI]  **Mr Gary Watts**, Legal Training Consultant, Mena Region [ADELAIDE] |

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| **Mr Kieren Moffat,** CEO and Co-founder Voconiq  [‘Cultural Perceptions of Destination Arab- Australian Markets for Australian Live Exports’](https://www.youtube.com/watch?v=HzG9K-rCpcE) [QUEENSLAND]  The nature of trust between the Australian live export industry and the Australian community is complicated and influenced by a range of factors. These factors include the nature of the destination markets for Australia’s live exports, and community perceptions of animal welfare standards and cultural practices in those destination markets. Drawing on the results of a nationally representative survey of more than 5000 Australian citizens, this presentation will explore opportunities for greater cultural understanding and alignment in an important economic exchange between Australia and its live export trading partners. |
| **Mr Philip Marley,** Group Manager Legal & Commercial at Codan Limited  ‘[The Why and the Practical: The Reasons for and Challenges of setting up a business in the UAE’](https://www.youtube.com/watch?v=OAARniiVKZ0)  [ADELAIDE]  Philip is a regular business visitor to the UAE and MENA region and shares his experience running several Codan Limited operations in Dubai, comparing alternative set up options of local sponsors versus 100% foreign owned enterprises. He also delves into the practical challenges of setting up and operating a business in the UAE, why, what worked, what failed, what he would do differently and what are the evolving challenges and opportunities in the region. Philip also touches on how Australia and most of Codan’s UAE based teams are working within Covid19 restrictions and using the UAE protocols to help them actively move around the MENA region. |
| **Professor Anowar Zahid,** Dean,  Faculty of Law, Eastern University, Dhaka ‘[Doing Business in the Middle-East: Reflections](https://www.flinders.edu.au/content/dam/documents/engage/events/developing-markets-&-cultural-perspectives--2020-arab-australian-trade-and-corporate-law-conference/professor-anowar-zahid-doing-business-middle-east.pdf)  [on the issue of Islamic Law as a Choice of Law in a Commercial Contract’](https://www.flinders.edu.au/content/dam/documents/engage/events/developing-markets-&-cultural-perspectives--2020-arab-australian-trade-and-corporate-law-conference/professor-anowar-zahid-doing-business-middle-east.pdf) [BANGLADESH]  In a commercial contract between Australia and any Middle-Eastern country, Islamic law (Shari'ah) is likely to be choice of law to govern it. It may be chosen singly or in combination with Australian or any other third country or any international law and rules. Each possible choice has an implication on the dispute resolution process. If the forum is an Australian court (most possible case), the first question it may have to decide whether Islamic law qualifies as a governing law because it is not a state law per se. Again, if it is accepted as a governing law, there may arise an issue of conflict Islamic law and Australian law or third country law or international law and rules. If it is an arbitral tribunal, it may also face similar questions. If, on the other hand, any Middle-Eastern jurisdiction is chosen for forum/seat of arbitration, the court or tribunal may also have to deal with a similar situation. Additionally, it may have to handle conflicts of madhhab issues (issues related to the differences between Islamic law schools). This proposed paper intends to investigate into these two likely scenarios of legal intricacy and to come up with some viable solutions. |
| **Mr Bashar H. Malkawi, James E. Rogers** College of Law, University of Arizona 'Bankruptcy Proceedings and Intellectual Property Assets Intertwined: The Case of Arab Countries' [ARIZONA]  Intangible assets represent a growing importance to companies’ balance sheets, worth billions of US dollars. Of all intangibles, intellectual property rights represent one of the most important categories. The ability to recognize, value and monetize intellectual property rights (IPR) is crucial for all corporate stakeholders, both when the business is active and when it is being wound up.  The great acceleration of legal protection for IPR in the last two decades throughout the Arab region is therefore plain to see. However, the recognition and treatment of these legal rights in insolvency proceedings is still a highly complex and evolving area. This is exacerbated by the fact that, although an increasingly large number of cross-border insolvencies, insolvency law is domestic in nature and therefore ill-equipped to tackle these cases.  Based on the review of the national laws of the jurisdictions discussed, a number of legal regimes have attempted to formulate approaches to deal with the complex issues surrounding intellectual property rights in insolvency proceedings. For some countries, there is strong protection for licensors and licensees in the event of insolvency. Other countries do not offer such strong protection. |
| **Dr Andrew Dahdal,** Head, Law and Policy, Centre for Law and Development,  College of Law, Qatar University  ['The Common Law in an Uncommon Place - The Development of the Common Law in Qatar'](https://youtu.be/EynfbG65BgE) [QATAR]  This paper will look at how the Qatar Financial Centre and its associated Judicial body – the Qatar International Court - is opening the door to development of a uniquely Qatari common law. This story is a truly unique exploration of legal pluralism and an insight into how legal systems adapt and develop. Some of the world’s most outstanding jurists (including Australian Judges) are presently working on legal benches in ‘free zone’ financial centers from Kazakhstan to Dubai and Doha. They bring with them not only their expertise but also their legal assumptions and methodologies – what this means is that as they are shaping the commercial laws of their host jurisdictions, through their style, legal approaches and influence, they are also fostering a cross-cultural legal synthesis and what we might see one day as a full-fledged Arab common law. |
| **Judge Shams Al-Hajjaji,** Judge at the North Cairo Primary Court, Egypt  [‘Endowments in Islamic jurisprudence, and Arab countries' practices’](https://youtu.be/pWx4n5Oe_n0) [EGYPT]  The research examines jurisprudence from historical and contemporary practices and perspectives. It investigates endowments in Islamic schools of thought and Arab courtiers’ practices. Endowments are among the main sources of funds in Islamic jurisprudence. They have historically passed through several limitations that hindered their applicability in order to contribute positively to Arab society. This research presents such obstacles, as well as proposes tools of reform to the current endowment system in the light of the Islamic jurisprudence, and western practices. |
| **Dr Andrew Dahdal,** Head, Law and Policy, Centre for Law and Development, College of Law, Qatar University  'An Overview of Fin Tech Regulation in the Middle East' [QATAR]  Financial Technology is one of the fastest growing sectors in the world and is opening up opportunities globally. The Middle East has a young tech-savvy demographic with high levels of internet penetration. Whether it is to avoid the pitfalls of an unstable banking sector as in Lebanon or to support economic diversification efforts away from hydro-carbon dependency (as with Gulf states) fintech regulations are quickly developing across the region. This presentation will exam those developments and the role that Australia is and can play in helping to share its own fintech expertise with the MENA region through government, industry and academia.  <https://youtu.be/JRYKDW-6A3c> |

**The full conference proceedings as a high-quality video file are available here and include an introduction, official welcomes and a conclusion:**

[**Online Conference Presentations**](https://www.flinders.edu.au/engage/culture/whats-on/2021-arab-australian-trade-and-corporate-law-conference#:~:text=The%202021%20Arab%2DAustralian%20International,delegates%20from%20around%20the%20world.)