Middle East and North Africa

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This article reviews significant legal developments that affected the Middle East and North Africa in 2011.1 The year was the most unexpected and transformative year the Middle East has faced in the last 100 years. Protests planned using cell phones and social media summoned hundreds of thousands of people in many Arab countries, including Tunisia, Egypt, Libya, Morocco, Bahrain, Yemen, Saudi Arabia, and Syria to take to the streets and demand reforms. In some countries, such as Morocco, Saudi Arabia, and Bahrain, savvy rulers heeded the protestors’ demands and proposed reforms. In other countries, dated dictators either fought until the end or fled their capitol. This series of protests, which many believe were inspired by protests in Tunisia that ousted President Zine El Abidine Ben Ali in January 2011, became known as the ‘Arab spring.’

Where rulers subject to Arab spring protests offered to make reforms, protests have ceased, with analysts noting that the promised reforms have not had the intended effect, such as in Morocco. Where dictators were overthrown, the people now struggle to participate in the

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formation of a new government, with recurring protests by citizens nervous about new but oppressive political forces usurping the people’s will, such as in Egypt.

In the few Middle Eastern countries that did not participate in the Arab spring, other key legal reforms took place. Attempts to broaden free speech rights were made in some countries. For example, the Iraqi government passed a law aimed at protecting journalists, and the Pakistani high court sentenced a man to death for killing someone who opposed an anti-blasphemy law. Contrarily, Turkey reaffirmed its limits on free speech, by continuing to limit access to many popular websites, including YouTube.

Some Middle Eastern countries made advances in the area of labor law. The National Labor Court of Israel handed down a detailed decision regarding employees’ expectations of privacy in the workplace with regard to their emails and spelled out limitations on employers’ rights to monitor such emails. Saudi Arabia adopted a “Saudization” policy that targets and requires Saudi companies to hire more Saudi nationals. This law is driven by the fact that Saudi companies employ 6.5 million expatriates and only 700,000 Saudi nationals.

The effects of the Arab spring will be felt for years, but the rise of undeniable protestors’ demands has had two diverging effects: some long-standing dictators have been forced out or are on their way out, and other tyrants have acquiesced and promised certain reforms. For the countries seeking new leadership, the road will be bumpy and fraught with those who race to take power without considering the needs of the people. And for those countries with budding reforms, the dissatisfied protestors may be ready to march again if they do not see enough change.
I. Egypt

The Arab Spring, arguably, is most poignantly defined by Egypt’s “25 January Revolution,” which was set into motion within days of Tunisia’s own dramatic government takeover. Egypt’s revolution ended following just 18 days of protests. When President Hosni Mubarak resigned on February 11, 2011, after the Egyptian military renounced its support for him.2

Although the Egyptian military was seen as having a close bond with the Egyptian people,3 many in Egypt fear that the military is slowing progress toward a democratic society. After the revolution, the Egyptian military suspended Egypt’s oppressive constitution and dissolved the parliament.4 The military then oversaw sweeping constitutional reforms that were approved overwhelmingly by referendum.5 In March 2011, the military promised to cede legislative and executive powers once parliamentary and presidential elections planned for September were completed.6 But those elections never happened, and the military continues to control Egypt.7

The military has stated that it will maintain control until parliamentary elections are completed, a new constitution is ratified, a constitutional assembly is appointed, and a new

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* Kinan H. Romman of Ahmad, Zavitsanos & Anaipakos in Houston, prepared the report on Egypt.
5 See Egypt News – Revolution and Aftermath.
6 Id.
7 Id.
president is elected. All of this could take two years or longer. In the meantime, bloody riots have taken place in June and October over perceived corruption among military elites and sectarian friction.

Egyptians fear that the military may continue the old policies of Mubarak. On September 12, following a looting of the Israeli embassy in Cairo, Egypt’s military government resurrected the old regime’s feared and reviled “emergency law” to crush protests using detentions without trial. The emergency law was activated in 1981 by Mubarak and maintained continuously under his regime. The military also engaged in violence toward Coptic Christians and has used state-run media to cover up its attacks. Egyptians hope the military will allow the people to realize the democratic society for which they fought. This can only happen if the country’s new constitution is ratified, fair elections held, and the military steps aside in favor of civilian rule.

II. Ethiopia

A. Economics

In January of 2011, the government of Prime Minister Meles Zenawi attempted to address Ethiopia's artificial commodity shortage by issuing warnings to the local business community and threatening to allow “foreign wholesale giants” to enter the Ethiopian economy.

8 Id.
9 Id.
12 See Law No. 162 of 1958 (dissolved) (the enacted in 1958 but had only been used during the 1967 War before Mubarak came into power).
13 Group Warns Of Cover-Up in Egypt Christian Deaths, ASSOCIATED PRESS.
14 Jenna DiCocco, Esq. is a Boston-based attorney and professor, focused on human and civil rights issues.
marketplace.\textsuperscript{15} Due to commercial inactivity, the government plans to institute an itemized licensing system to restructure the wholesale markets.\textsuperscript{16}

B. ENVIRONMENT

The United Nations has weighed in on the planning of the Gibe III hydroelectric dam because its construction on the Omo River will ultimately kill the downstream Lake Trukana.\textsuperscript{17} First, the U.N. Committee on Racial Discrimination has given the government of Ethiopia until January 2012 to provide credible evidence that the indigenous peoples in the region have been consulted\textsuperscript{18} and independent socioeconomic impact assessments have been carried out.\textsuperscript{19} Additionally, the U.N.’s World Heritage Committee, stressing the importance of Lake Turkana as a research area, called on the government of Ethiopia to suspend all work on the dam until all of the environmental impacts have been assessed.\textsuperscript{20}

Drought struck the horn of Africa severely this year,\textsuperscript{21} resulting in a widespread famine that has affected more than 13 million people—including 4.5 million Ethiopians.\textsuperscript{22} Prime

\begin{itemize}
\item \textsuperscript{16}Id.
\item \textsuperscript{17}U.N. Economic and Social Council, HR/5020, available at http://www.un.org/News/Press/docs/2010/hr5020.doc.htm
\item \textsuperscript{22}Inquiry Time for Meles, Capital Ethiopia, Oct. 25, 2011, available at:
\end{itemize}
Minister Zenawi has outlined plans for resettlement and new irrigation systems to alleviate the drought's effects on Ethiopians.\textsuperscript{23}

C. TERRORISM

Using the rubric of the 2009 \textit{Anti-Terrorism Proclamation},\textsuperscript{24} the Ethiopian government this year detained a number of critics and opposition politicians.\textsuperscript{25} Those arrested and charged with terrorism include actors, journalists\textsuperscript{26}, and opposition party leaders, who were allegedly involved with Ginbot 7, a banned dissent group.\textsuperscript{27} These charges were brought by the federal high court after WikiLeaks released a number of documents and reports tying the Ethiopian National Intelligence and Security Service to bombings in Addis Ababa, which were promptly blamed on opposition groups and Eritrean terrorist groups.\textsuperscript{28} Human Rights Watch summed up the situation by stating “it is very dangerous to criticize the government in Ethiopia,” right now,\textsuperscript{29} and has called upon Prime Minister Zenawi’s government to stop using the \textit{Anti-Terrorism Proclamation} to restrict Ethiopians' freedom of speech.\textsuperscript{30}

\begin{itemize}
  \item \textsuperscript{23} Id.
  \item \textsuperscript{24} Available at: http://www.ethiopian-law.com/federal-laws/procedural-law/criminal-procedure-law/special-procedures/318-anti-terrorism-proclamation-no-6522009.html
  \item \textsuperscript{27} Id.
  \item \textsuperscript{29} Supra at note 5.
D. WOMEN

In January of 2011, two districts in the Afar region formally outlawed female circumcision, due to health problems it causes for many women who have been subjected to the practice.\(^\text{31}\) While female genital mutilation and cutting (FGM/C) is illegal in Ethiopian criminal law, it was only with this formal denunciation of the practice that the regional state of Afar adopted the law.\(^\text{32}\)

Violence against women in Ethiopia is on the rise,\(^\text{33}\) partially due to the implementation of the 2009 Charities and Societies Proclamation, which has posed serious challenges to local women’s advocacy groups. The Network of Ethiopian Women’s Associations held an emergency meeting after the brutal crime committed against Aberash Hailay by her ex-husband in September,\(^\text{34}\) but is still restricted by the Proclamation and the Agency which oversees its implementation.\(^\text{35}\) Indeed, 2011 saw the Charities and Societies Agency freeze the funds of the highly regarded Ethiopian Women's Lawyers Association.\(^\text{36}\)

III. Iran°


\(^{32}\) Id.


\(^{34}\) Id.


A. ELIMINATING THE PRESIDENCY?

In mid-October, Supreme Leader Ali Khamenei announced that, if the interests of the state required it, a prime minister elected by the parliament could replace the Iranian presidency, a post filled every four years via popular election. Ten days after the radical pronouncement, Ali Larijani, speaker of the Iranian parliament, simultaneously endorsed and softened the proclamation by stating the change would not be so much a replacement of the president but simply changing the method of electing the head of state.

It is not clear when the change would take place, if at all, but a debate is underway and key figures and institutions are taking sides. Former president Ali Akbar Rafsanjani opposes the election of the head of state by any means other than a popular election, while a key spokesperson for the Guardian Council has declared the change would not undermine the republican character of the Islamic Republic. There is speculation among members of the parliament that the shift in rules may be imminent, such that the currently scheduled 2013 presidential election may not take place.

Some analysts surmise that Khamenei’s proposal arises from recent tensions between parliament and President Ahmadinejad, as the parliament has been severely restrained under the Ahmadinejad’s presidency. For example, Mr. Ahmadinejad’s administration has delayed

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38 Id.

39 Id.

40 Id.

41 Id.

42 Challenging the Balance of Power: Ahamadinejad vs. Parliament, an Interview with Hosein Ghazian, THE IRAN PRIMER, Oct. 4, 2011,
submission of the budget to the parliament, thereby forcing parliament to accept the administration’s budget without proper review and revision, in order to meet the approval deadline. Further, while the parliament approved the sum of $20 billion to spend on subsidies as part of the new subsidy reform plan (discussed below), the administration appropriated $40 billion.43

Other analysts argue that roadblocks with just one president do not justify such a fundamental change, and attribute Ayatollah Khamenei’s proposal to an ongoing rivalry with the office of the president in general.44 While the Supreme Leader still has final authority on all law and policy, the presidency has evolved into a rival center of power, with each president contributing to key policy and effecting the country’s direction.45 In particular, the appeal of former president Khatami’s reformist agenda of rule of law, political pluralism, and freedom of press still pose a threat to the Supreme Leader.46

Eliminating the post of the president would require many steps. Procedurally, the Council for the Revision of the Constitution would need to convene and draft a constitutional amendment.47 Perhaps more significantly, the Supreme Leader would need to be prepared to justify what will likely appear as an attack on popular sovereignty and popular will to the public.48 The Supreme Leader appears to have the power to effect the change, but it is too early to know whether he will follow through with the threat.

43 Id.
45 Id.
46 Id.
47 Id.
48 Id.
B. Subsidy Reform

Over the years, the low, subsidized energy in Iran has made Iran one of the most energy-intensive economies in the world. Iranians’ high domestic consumption has both depleted the reserve of energy products for export as well as starved funds needed for investment in developing the energy market. To combat the rise in energy use and waste, the government decided to rationalize consumption by raising energy prices and simultaneously distributing energy dividends to the population to help offset a sudden rise in energy expenses. This plan is laid out in the Targeted Subsidy Reform Act (“Reform Act”). The Reform Act was approved by the parliament in January 2010, and the administration undertook a public relations campaign to sell the reforms to the public. The plan was implemented in December 2010.

By most accounts, the administration’s implementation of the subsidy reform has been a success, though its long-term effects cannot yet be determined. Protests did not ensue following the December 2010 implementation, and prices were upwardly adjusted, as set required by the law. Dividends were also distributed to Iranians to help them offset their increases expenses. It is estimated that by December 2011, Iranian households will have received at least $30 billion in freely usable cash. Further, as part of the long-term strategy of the subsidy reform, $10-$15 billion will have been advanced to finance projects aimed at reducing energy intensity.

What is so far seen as the successful implementation of the price increases has created an opportunity for Iran to reform and develop the growth of its economy. The corporate sector will play a significant role in this process, as it will have to adopt more energy efficient

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50 Id.
51 Id.
52 Id.
53 Id.
technologies and produce energy efficient products. The government’s involvement is crucial as only it can ease the pass through of higher energy prices to companies by reducing import/export tariffs and controlling for inflation and exchange rate policies. The hope is that cooperation between the corporate sector and the government sector will result in Iranian consumers purchasing more energy efficient products, thereby driving energy costs down on a permanent basis.

IV. Iraq

A. Major Developments

The failure of the prime minister to form a government for much of 2010 caused delays in the passing of key legislation into 2011. Iraq passed its first budget on February 20, 2011. The $82.6 billion cuts the salaries of the prime minister and members of parliament, forecasts a deficit of $13.4 billion, and allocates large amounts to Iraq’s social services.

The Nongovernmental Organization (“NGO”) law that provides for the establishment and regulation of NGOs operating in Iraq, was implemented. The law provides tax exemption for public utility companies only, and provides for limited personal liability for NGO members.

* Jason Tauches submitted the article on Iraq.

54 Id.
55 Id.
56 Id.

57 Iraq Elections, NY TIMES, Nov. 11, 2010.
59 Id.
61 The Law of Non-Government Organizations, (Law No. 12 of 2010), (Republic of Iraq), translated and reprinted by The International Center for Non-Profit Law,
The government accepted the need for U.S. Military trainers in Iraq, but refused to grant them legal immunity if they remained in the country beyond 2011, prompting the U.S. to withdraw its forces by the end of the year. U.S. troops finished their withdrawal from Iraq in December 2011.

B. FREE SPEECH AND ASSEMBLY

The government passed what is known as the Draft Informatics Law to protect Iraqi journalists. Critics, however, argued its vague language did not protect Iraqi journalists. The Draft Informatics Law was criticized for endangering freedom of speech and assembly. Article 3, most notably, gives law enforcement broad powers to censor any computer use it deems compromises the unity of the state.

C. PROTECTION OF WOMEN

Legislators in the Iraqi government declined to introduce legislation to protect women from domestic violence. According to the Iraqi Penal Code of 1969, criminal actions are


63 Need cite.


65 Id.


67 Id.

excused in the exercise of certain rights.\textsuperscript{69} Men have the right to punish their wives according to the limits provided by law and custom.\textsuperscript{70}

D. HYDROCARBON LAW

Iraq has yet to pass a hydrocarbon law, which would provide for the regulation of investment, production, and revenue distribution of Iraq’s oil and gas industry.\textsuperscript{71} The final draft, sent to Parliament by the cabinet, increases tensions between the central government and the Autonomous Region of Kurdistan by providing that the central government will manage and regulate national resources, with all decisions made by an oil and gas council.\textsuperscript{72}

D. AUTONOMOUS REGION OF KURDISTAN

The autonomous region of Kurdistan passed its own NGO Law providing for the establishment and regulation of civil society within its borders.\textsuperscript{73} Kurdistan took a positive forward step towards protecting women by outlawing female genital mutilation.\textsuperscript{74}

V. Israel\textsuperscript{*}

\textsuperscript{69} Id.
\textsuperscript{70} Id.
\textsuperscript{72} Id.
\textsuperscript{73} International Center for Non-Profit Law, supra note 4.

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The scope of employee privacy rights with respect to usage of employer provided information technology systems, particularly regarding email communications, and the employer’s corresponding ability to monitor employee usage of the same, had been somewhat unclear in Israel. The National Labor Court handed down a decision75 providing an in-depth analysis of employee privacy rights in this context, with a focused discussion on the scope of, and limitations on, employers’ rights to monitor employee emails.

The case establishes the importance of applying an explicit policy to any conduct involving email monitoring, disclosing the policy to employees, obtaining a general consent to the policy and exercising reasonable and proportionate discretion on a case-by-case basis in connection with any email monitoring, including, in certain cases, obtaining the individual employee's express consent with respect to monitoring of particular emails. In addition to establishing the terms of any monitoring, the policy prohibit employees from visiting certain websites, limit the length of time employees can browse the web, and may prohibit the introduction of "foreign" hardware into its computer network.

The monitoring policy must meet several conditions: monitoring must be reasonable; monitoring must be limited to business purposes sufficiently important to justify the intrusion into employee privacy; the means of monitoring should be the least harmful possible to employees' privacy; monitored data may only be retained if it relates to the purposes of a legitimate monitoring program, while extraneous information collected “incidentally” in the course of monitoring must be disregarded.

The decision distinguishes between work-only email inboxes, personal inboxes, and “mixed” inboxes. With respect to a work-only email inbox, monitoring is permitted subject to

the terms of a legitimate policy as described above. With respect to a personal inbox, personal
correspondence in a mixed inbox, or personal correspondence contained, even in violation of
employer policy, in a “work-only” inbox, requires the employee’s specific consent is required
prior to monitoring each private correspondence, such that a “double consent” is required,
involving the employee’s consent to the general monitoring policy and specifically the
monitoring of the particular emails involved. With respect to monitoring an external private
email account (e.g., Gmail), even employee consent will be deemed presumptively void and
unenforceable. A court order may be sought to enable such monitoring.

Separately, two additional employment law developments are noteworthy. First,
extending a clear trend towards further expanding employee pension and severance benefit
schemes, a regulatory order76 established new contribution rates for pension and severance
benefit programs, with cumulative contributions (including both employer and employee
components) totaling 17.5% of salary, effective in 2014. Second, on March 22, 2011, the Israeli
legislature passed Amendment no. 4 of the Sick Pay Law, 5736-1976, increasing sick leave pay
to 50% (up from 37.5%) of salary for the second and third days of absence, and full salary (up
from 75%) through the remainder of the sick leave period.

VI. JORDAN*

Historic events in the region affected this year’s legal developments in Jordan. In
particular, constitutional amendments were announced and legislative priorities were reassessed.
The Kingdom also passed new laws including the General Pardon Law.77

*James Weir, a lawyer based in Amman, prepared the report on developments in Jordan
with the assistance of Asem Al-Rawashdeh, an attorney with the firm of Odeh & Partners.
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A. CONSTITUTIONAL AMENDMENTS

The Constitution was a prominent issue in the public discourse surrounding Jordan’s experience with the Arab Spring. King Abdullah II appointed a royal committee tasked with deliberating and proposing amendments to the Constitution.\(^78\) The committee proposed several amendments that parliament later approved and, subsequently, the King endorsed nearly forty amendments.\(^79\) The amendments range from creation of new state institutions to addressing civil liberties.

Notably, the amendments create a new Constitutional Court with the authority to and invalidate laws and regulations that it deems unconstitutional.\(^80\) Another significant development is the amendments’ restrictions on the passage and use of temporary laws.\(^81\) Temporary laws have been frequently used for key pieces of legislation, such as the Cyber Crimes law and the Renewable Energy law of last year.\(^82\) Another key amendment establishes a body to oversee elections and places limits on the ability to dissolve parliament.\(^83\)

B. THE RENEWABLE ENERGY LAW

\(^77\) General Pardon Law, Law No. 15 (2011) (Jordan).
\(^80\) See id. arts. 58-61. The Constitutional Court, as yet to be formed, cannot review laws \textit{sua sponte}, but rather upon a motion from specific government bodies.
\(^81\) See id. art. 94.
The Renewable Energy Law was issued last year as a temporary law and a priority under the national strategy.\textsuperscript{84} It subsequently garnered much international interest. It was meant to spur investment and address Jordan’s precarious energy security. However, this legislation remained a temporary law and subject to change and has not yet had the anticipated impact.\textsuperscript{85} Key provisions regarding the financing and management of a fund called for in the law may be reworked despite donor agreements.\textsuperscript{86}

C. GENERAL PARDON LAW

In criminal law, a General Pardon Law granted pardons for a number of crimes and violations.\textsuperscript{87} Affecting thousands of cases, the pardon applies to acts before June 1, 2011. The law excludes a number of crimes from this amnesty ranging from national security to fraud.\textsuperscript{88} The pardon has no effect on civil liabilities arising out of the underlying crime.\textsuperscript{89}

VII. Libya\textsuperscript{*}

Libya has undergone major transformations this past year because of the popular overthrow of Colonel Muammar Gadhafi, Libya’s head of State and effective dictator since 1969. This regime change has spawned serious judicial reconsiderations that focus upon addressing human rights and humanitarian law violations perpetuated by the Gadhafi-led government and developing legal and political standards to reflect Libya’s hopeful future.

\textsuperscript{84} See Renewable Energy & Energy Efficiency Law, supra note 7.
\textsuperscript{85} See, e.g., \textit{id.} art. 10.
\textsuperscript{86} See \textit{id.} art. 11.
\textsuperscript{87} See General Pardon Law, \textit{supra} note 1.
\textsuperscript{88} See \textit{id.} art. 3.
\textsuperscript{89} See \textit{id.} art. 4.

* Ben Apple, a 2014 J.D. candidate at Harvard Law School, and Jenna DiCocco, a Boston-based attorney and professor, prepared the report on legal developments in Libya.
Most notable are the number of international legal precedents set by the Libyan revolution: the Libyan United Nations delegation became the first to renounce its own government, instead vowing to solely represent its people;\textsuperscript{90} the U.N. Security Council Resolution 1973 went further than any past Resolution in authorizing the participation of international actors in the regime change of a U.N. member;\textsuperscript{91} the African Commission on Human and Peoples’ Rights referred Libya’s case to the African Court based, for the first time, on non-governmental organizations advocacy efforts,\textsuperscript{92} and the International Criminal Court, in investigating the Gadhafi regime, issued indictments for crimes against humanity in record time.\textsuperscript{93}

A. CITIZEN ACTIVISM & INTERNATIONAL RESPONSES

In mid-February 2011, amid popular uprisings throughout the Arab region, peaceful Libyan civilians began calling for a national constitution and the establishment of rule of law.\textsuperscript{94} Colonel Gadhafi quickly responded with unequivocall force, directing his military to control


\textsuperscript{91} See Michael N. Schmitt, Wings Over Libya: The No-Fly Zone in Legal Perspective, 36 YALE J. INT’L LAW, 45, 57 (“[T]he no-fly zone now being enforced in Libya is the most robust no-fly zone authorized by the Security Council to date.”); See also Mehrdad Payandeh, The United Nations, Military Intervention, and Regime Change in Libya, 52 VA. J. INT’L LAW 1, 1 (“[A] closer examination of Resolution 1973 shows the considerably broad scope of authorization which could—with certain restrictions—also be regarded as a legal basis for regime change in Libya.”).


demonstrations with live ammunition, restricting all Internet access to thwart the people’s attempts to organize, and arresting anti-Gadhafi lawyers and activists. In defiance, anti-Gadhafi militias formed throughout the country, founding local governing councils, and pronouncing their loyalty to the Benghazi-based National Transitional Council.

In late February, the U.N. quickly responded to calls from within and without Libya for international assistance. Like many Libyan officials and diplomats, Libya’s U.N. delegation went so far as to denounce Gadhafi and assert its role as its people’s representative. Citing “the deaths of hundreds of civilians,” the U.N. Human Rights Council established an independent International Commission of Inquiry to investigate the “recent gross and systematic human rights violations in Libya” and recommended the suspension of Libya’s Council membership. The following day, the U.N. Security Council passed Resolution 1970, demanding an immediate end to the violence and human rights violations, referring the situation to the Prosecutor of the International Criminal Court, setting up an arms embargo, establishing a travel ban, and freezing


98 Unanimous Security Council vote, supra note 90.

99 Id.; H.R.C. Res. S-15/1, supra note 97, at 3, 4.
all of Gadhafi’s assets. On March 1, 2011, the U.N. General Assembly suspended the Libyan Arab Jamahiriya from the Human Rights Council.

By mid-March 2011, the tensions between opposition militia and Gadhafi had only escalated. As Gadhafi forces advanced towards Benghazi to quell the rapidly growing insurgency, the U.N. Security Council responded to deepening international humanitarian concerns by passing the wide-reaching Resolution 1973: establishing a no-fly zone primarily in response to reports that government aircraft were being used to target civilians, authorizing international actors to take “all necessary measures to protect civilians”, and expanding the travel ban and asset freeze from Resolution 1970.

For the international legal community, Resolution 1973 sparked serious debate over the legality and legitimacy of UN-sanctioned regime changes within the international system of collective security. In the United States, President Obama’s air-operations-only and multi-lateral strategy struck a contrast with previous U.S. interventions throughout the world.

Only days later, a coalition of Western powers began using air strikes to neutralize Gadhafi’s military posts, air bases, and ground forces. To the relief of Libyan rebels and

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104 See e.g., Payandeh, *supra* note 91, at 1.
concerned international parties, the effects in Benghazi and the rest of the country were immediate, reversing Gadhafi’s unhindered assaults upon opposition forces.\footnote{Id.}

\textbf{B. Regime Change}

As the civil war dragged on in Libya’s cities and deserts, international actors continued to condemn Gadhafi and call for his resignation.\footnote{See Mark Landler, \textit{Obama Tells Qaddafi to Quit and Authorizes Refugee Airlifts}, N.Y. TIMES, Mar. 3, 2011, http://www.nytimes.com/2011/03/04/world/africa/04president.html?scp=1&sq=calls%20for%20qaddafi%20resignation&st=cse.} For the first time, the African Commission on Human and Peoples’ Rights deferred to calls for action from NGOs and instituted proceedings against Libya, alleging, among other violations, excessive use of force against the civilian population and widespread unwarranted arrests of protesters and dissidents.\footnote{The African Court on Human and Peoples’ Rights, supra note \ref{note:icc玡}.} By mid-July, the International Criminal Court finished its preliminary investigations and issued indictments for crimes against humanity (murder and persecution) against Colonel Gadhafi, his son Saif Al-Islam Gadhafi, and Abdullah Al-Senussi, a top military official.\footnote{ICC – Libya, supra note \ref{note:icc玡}.}


On October 20, 2011, anti-Gadhafi forces defeated the last of the Gadhafi loyalists and captured a badly injured Col. Gadhafi, who shortly thereafter died from a close-range gunshot to
the head.\textsuperscript{112} Three days later, the National Transitional Council issued a “Declaration of Liberation.”\textsuperscript{113} By October 27, the U.N. Security Council, concerned by reports of continued reprisals against Gadhafi supporters, passed Resolution 2016 urging Libyans to refrain from reprisals, urging the apprehension of all violators of international human rights and humanitarian law, and ending the no-fly zone.\textsuperscript{114}

C. A NEW (AND OLD) LIBYA

With the end of the revolution came the resurfacing of factional interests inherent in a Libyan society diverse with religious conservatives, social democrats, and secular liberals, the Western-educated and the rural uneducated.\textsuperscript{115} In a speech announcing the end of the war, the National Transitional Council’s chairman, Mustafa Abdel-Jalil, echoed calls for a Libyan government based on Islamic tenets, promising the creation of Islamic banks and intimating support for the growing and controversial movement in favor of legalized polygamy.\textsuperscript{116} Days later, Chairman Abdel-Jalil stepped down from power, signaling hope for a Libyan democratic future.\textsuperscript{117} Soon after, the National Transitional Council selected Abdel Rahim el-Keeb, a


\textsuperscript{115} See Saskia van Genugten, Libya After Gadafi, SURVIVAL, Jun.–Jul. 2011, 61, 62.


Western-educated engineer and long-time exile, to serve as its prime minister until national elections in June 2012.\textsuperscript{118}

Libya faces serious challenges as it prepares for its coming elections and the realization of a yet unwritten constitution.\textsuperscript{119} Reluctant and insecure militias remain to be disarmed.\textsuperscript{120} The need to address human rights violations and humanitarian issues still lingers.\textsuperscript{121} Of particular concern are reports of mass executions of Gadhafi loyalists, allegations of widespread rape of women and girls by armed soldiers, and the uncertainty surrounding Gadhafi’s execution-style death.\textsuperscript{122} The foundations of Libyan law remain uncertain, caught between Islamic conservatives, women’s rights advocates, and Western-educated seculars.\textsuperscript{123} Indeed, in the midst of reconciliation, compromise, and trust building, Libya must remake national institutions and civil society, all under the shadow of imposing economic interests from abroad.\textsuperscript{124} Many fear that it is

\\textsuperscript{118} Id.
\textsuperscript{121} Libya: New Era Needs Focus on Rights, supra note 119.
\textsuperscript{123} See Genugten, supra note 115, at 62, 66, 67.
\textsuperscript{124} Id. at 70; Phyllis Bennis, After Gadhafi, the West Eyes the Libyan Prize, SALON, Oct. 20, 2011, http://www.salon.com/2011/10/20/after_gadhafi_the_west_eyes_the_libyan_prize/singleton/.
not democracy on the horizon but more blood and tyranny. Even in the best-case scenario, it will be years before the Libyan people can resolve the injustices and rifts of the past in order to realize the all-inclusive democracy for which many hope.

VIII. Morocco

On July 1, 2011, more than 70% of eligible Moroccan voters went to the polls to approve a new constitutional framework designed to strengthen democratic institutions and processes and to promote principles of “participation, pluralism and good governance.” The July referendum included changes designed to empower the Prime Minister and Parliament to extend political opportunities available to women, and to make the Berber language (Tamazight) an official language alongside Arabic. The referendum also added a new section


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Moroccan Constitution, Preamble: “Fidèle à son choix irréversible de construire U.N. État de droit démocratique, le Royaume du Maroc poursuit résolument le processus de consolidation et de renforcement des institutions d’un État moderne, ayant pour fondements les principes de participation, de pluralisme et de bonne gouvernance.”

(For the Arabic, see http://www.justice.gov.ma/fr/legislation/legislation_.aspx?ty=1&id_l=103). (For the Arabic, see http://www.goud.ma/attachment/281139/).

Moroccan Constitution, Title IV: The Legislature.

Moroccan Constitution, Article 19.

Moroccan Constitution, Article 5.
on civil liberties, including freedom of the press and prohibitions against racism and torture, as well as language emphasizing the presumption of innocence and right to a speedy trial.

At the same time, the new constitution reserves many important powers to the King. The King retains the ability to appoint the prime minister (albeit from the majority party) and members of his cabinet, dissolve parliament, act as Supreme Chief of the Royal Armed Forces, appoint Ambassadors and preside over the High Judiciary Council. The new constitution stresses the King’s “inviolability” and his continued ability to approve the nomination of judges and pronounce enacted laws.

The referendum responds to a series of demonstrations that took place over the first nine months of 2011. Protesters involved in what has come to be known as the “February 20 movement” called on the government to reform the country’s constitution, create new jobs, reduce corruption and guarantee the independence of the judiciary. Since July 2011, February 20 protestors and human rights organizations alike have expressed dissatisfaction with the result. Some protestors continue to object to the process of the referendum’s creation.

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132 Moroccan Constitution, Title II: Fundamental Rights and Freedoms (Articles 19 – 40)
133 Moroccan Constitution, Article 23; Article 120.
134 Moroccan Constitution, Article 47; Article 48.
135 Moroccan Constitution, Article 51.
136 Moroccan Constitution, Article 53.
137 Moroccan Constitution, Article 55.
138 Moroccan Constitution, Article 56.
139 Moroccan Constitution, Article 46.
140 Moroccan Constitution, Article 57.
141 Moroccan Constitution, Article 50.
noting that it was drafted by a commission of legal experts, and not by members of Parliament.\textsuperscript{145} Others argue that the powers reserved to the king are still too great, and that the new constitution’s guarantees of an independent judiciary are still too meager.\textsuperscript{146} Still others dispute the legitimacy of the referendum results, pointing to “incidents of voters being bussed to polling stations by local officials, stations not carrying ‘no’ vote slips and electoral officials not verifying identification or requiring voter signatures.”\textsuperscript{147}

Months after the fact, the full impact of the July 2011 constitutional referendum has yet to be seen. Though many agree that the agreed-upon changes provided an “alternative to the bloody confrontations that have marked the Arab Spring,”\textsuperscript{148} the effect of changes designed to

\textsuperscript{145} Simba Russeau, \textit{A ‘late spring’ might reach Morocco}, AL JAZEERA, 1 July 2011, available at \url{http://www.aljazeera.com/indepth/features/2011/07/20117112327327383.html}. (According to Moroccan journalist Abdellah Aoussar: “Despite the fact that the commission included highly respected personalities, professors, law experts, sociologists and invited all the political parties, trade unions, components of civil society and human right groups to offer suggestions, the February 20 movement along with three leftist groups, the banned Islamic Justice and Charity Party and the Unified Socialist Party, decided to boycott the referendum on grounds that the suggested draft is not made up by an elected commission, but rather by people nominated by the king.”)
\textsuperscript{146} One coordinator of the February 20 movement, Elabadila Chbihna, was quoted as saying: "We are not at the vegetable market, negotiating prices. The king cannot propose an 80 percent democracy." Rolla Scolari, \textit{Morocco’s referendum on reform: Model for Arab Spring?}, CHRISTIAN SCIENCE MONITOR, 1 July 2011, available at \url{http://www.csmonitor.com/World/Middle-East/2011/0701/Morocco-s-referendum-on-reform-Model-for-Arab-Spring}.
\textsuperscript{147} Paul Silverstein, \textit{“Weighing Morocco’s New Constitution,”} MIDDLE EAST RESEARCH AND INFORMATION PROJECT, July 5, 2011, available at \url{http://www.merip.org/mero/mero070511#_2}.
empower the Prime Minister and Parliament may not be completely clear until after early parliamentary elections are held in late November 2011.149

IX. Pakistan**

A. BLASPHEMY CONTROVERSY

Blasphemy laws, which protect Islamic authority and forbid any attack on Islam, have been a controversial issue in Pakistan, attracting international attention and scrutiny.150 In January 2011, Punjab Governor Salman Taseer, a vocal opponent of the blasphemy laws, was assassinated by his bodyguard Malik Mumtaz Qadri, presumably because Qadri believed Taseer had threatened the blasphemy law. 151 Some Pakistanis believed the murder was justified and that the blasphemy laws should not be threatened.152 Qadri was charged with murder and Judge Pervez Ali Shah of the Lahore High Court sentenced Qadri to death by hanging.153 Many


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152 See Declan Walsh, Pakistan’s blasphemy laws have left even judges in fear of their lives, GUARDIAN, OCT. 3, 2011, at http://www.guardian.co.uk/commentisfreebelief/2011/oct/03/pakistan-blasphemy-laws.

153 Id.
expected Qadri to get away with murder, but his conviction was a notable exception.\textsuperscript{154} The day the decision was delivered, protests ensued, and the Judge now faces death threats.\textsuperscript{155} Since then, the judge has left the country\textsuperscript{156} and Qadri’s death sentence was suspended in October, pending appeals.\textsuperscript{157}

\textbf{B. FRONTIER CRIMES REGULATIONS}

The Frontier Crimes Regulations ("FCR"), which came into effect under British Rule, apply to Federally Administered Tribal Areas ("FATA"), and were enacted to protect governmental control in these areas.\textsuperscript{158} The FCR stayed in effect, with some modifications, after Pakistan gained its independence.\textsuperscript{159} The FCR have been criticized because they fail to offer to the people of the FATA equal rights under the Pakistani Constitution and other reforms.\textsuperscript{160} For example, they do not have access to a regular court of law and an entire community may be punished for the acts of an individual.\textsuperscript{161} Also, they are unable to engage in party politics because the Political Parties Act does not apply in FATA.\textsuperscript{162}

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\textsuperscript{155} See Declan Walsh, \textit{Pakistan’s blasphemy laws have left even judges in fear of their lives}, GUARDIAN, OCT. 3, 2011, at http://www.guardian.co.uk/commentisfree/belief/2011/oct/03/pakistan-blasphemy-laws.

\textsuperscript{156} \textit{Id.}


\textsuperscript{159} \textit{Id.}

\textsuperscript{160} \textit{Id.}

\textsuperscript{161} \textit{Id.}

\textsuperscript{162} See Parties Called for Immediate Extension of Political Parties Act and Other Reforms in FATA, NATIONAL DEMOCRATIC INSTITUTE, JUN. 17, 2009, at http://www.ndi.org/node/15612.
In November 2011, long-awaited reforms to the FCR were passed, which included the following changes: 1) no indefinite detention; 2) the FCR tribunal has the same authority as the High Court; 3) collective punishment will not apply to women, children under 16, and adults over 65; 4) no deprivation of property without compensation; and 5) extension of the Political Parties Act to the FATA. Despite these reforms, many assert that there is still a long way to go to improve the rights of the people in the FATA.

X. Saudi Arabia*

The pace of legislative change in Saudi Arabia appears to have slowed in 2011 with greater emphasis currently on social initiatives than on legislative modernization. The long-awaited new Companies Law again failed to emerge from the complex Saudi law-making process and the proposed new mortgage law has suffered a similar fate.

One policy announcement of major significance for foreign investors is the introduction of the “Nitaqt” scheme for increasing the employment of Saudi nationals in the private sector. Nitaqt is a reaction by the Saudi Government to continued high rates of unemployment amongst Saudi citizens in a country where some 6.5 million expatriates work in the private sector compared to 700,000 Saudi nationals. The Saudi Government also addresses this issue by a policy known as “Saudization” which is found in the Labor Law and requires that the

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164 Id.

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166 Article 26(2) of the Labor Law, Royal Decree No. M/51 dated 23 Sha'aban 1426 corresponding to September 27, 2005
percentage of Saudi nationals employed by an employer in Saudi Arabia should not be less than 75% of the employer’s total workforce unless otherwise specified by the Minister of Labor. In practice, Ministerial Resolutions have in fact reduced the required percentage for most fields of activity (e.g., a general reduction to 30% and a Council of Ministers reduction to 5% for all contractors that have entered into operation and maintenance contracts with government entities in Saudi Arabia).

Nitaqat applies specific quotas to individual fields of activity or industries. Further, the Ministry of Labor classifies entities into four categories: excellent; green; yellow; and red, based on their current Saudization rates. Entities within the excellent and green categories comprise those companies that have already met the relevant Saudization rate. When fully implemented, these entities should enjoy certain benefits and can continue to obtain and renew visas for expatriate workers. Yellow-rated entities have until February 2012 to meet their Saudization rates and face certain limitations, including not being able to open new branches, being unable to transfer expatriate workers and only being able to obtain one new visa for each two existing visas that are cancelled. Red-rated entities have until end-November 2011 to meet their Saudization requirements, otherwise sanctions will be imposed to prevent such companies from opening new branches, obtaining visas for new expatriate workers or renewing the visas of their existing expatriate workers beyond a term of six-years applied retrospectively.

The main implication for foreign investors and Saudi businesses is that a greater number of Saudi nationals will need to be hired, trained, and retained, since a failure to maintain the

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167 Ministerial Resolution no. 3767/4 dated 28/02/1427 corresponding to March 29, 2006. The resolution also exempted employers with less than 20 employees from the Saudization requirement
168 Council of Ministers Resolution No. 23 dated 17/1/1428 H corresponding to February 5, 2007
requisite Saudization rate has serious consequences. As a result, the costs for private sector companies will increase as Saudi nationals command higher salaries than many expatriates, particularly those from South and South East Asia, and training costs will be greater. Most foreign investors recognize the need for the Saudi Government to address Saudi unemployment. However, there is widespread concern that Nitaqat will increase costs in the private sector at a time of low economic growth.\textsuperscript{170}

XI. SYRIA\textsuperscript{*}

A. LIFTING THE STATE OF EMERGENCY

In March of 2011, the fervor of the Arab Spring’s unrest reached Syria.\textsuperscript{171} Armed Syrian security forces, however, began a fierce and immediate crackdown using live ammunition against protesters in an effort to crush this uprising before it spreads.\textsuperscript{172} Faced with unprecedented challenge to its authority, the Syrian Government announced it would implement swift legal reforms in response to public demands.\textsuperscript{173}

On April 21, 2011, the Syrian President issued Decree No. 161 lifting the State of Emergency Law No. 2, which was issued in 1963 by the National Revolutionary Council.\textsuperscript{174}

\textsuperscript{170} Studies suggest that the non-oil GDP growth in 2011 is lower than the private sector salary increases for the same period. See Undermining Nitaqat http://alifarabia.com/2011/10/09/is-the-saudi-government-unwittingly-undermining-nitaqat/

\textsuperscript{*} Joseph F. Jacob, an attorney in Albany, New York, prepared the report on Syria.


President also issued Legislative Decree No. 53, abolishing the Supreme State Security Court,\textsuperscript{175} and Legislative Decree No. 54, regulating the citizens’ rights to peaceful demonstration.\textsuperscript{176}

Article 2 of Law No. 54 recited the right of people to peacefully demonstrate as a basic human right and also guaranteed by the Syrian Constitution.\textsuperscript{177} The law requires the Ministry of Interior to form a specialized committee that would accept applications from organizers for demonstration, and issue licenses following a review of such requests.\textsuperscript{178} The Law further requires that organizers of demonstrations must form a demonstration committee and provide such information as date, time, place of the demonstration and its purpose.\textsuperscript{179} The demonstration committee must also pledge in writing that it will be responsible for all damages to public or private properties resulting from the demonstration.\textsuperscript{180} Despite the government concessions, demonstrations continued relentlessly.\textsuperscript{181}

B. **Political Parties Law**

The President issued Legislative Decree No. 100, Political Parties Law, on August 4, 2011, with an attempt to allow the establishment of political party and to end the Baath Party’s political monopoly over the country.\textsuperscript{182} The Law requires political parties to be committed to the Syrian Constitution, principles of democracy and the rule of law.\textsuperscript{183} It further prohibits parties

\textsuperscript{175} See id.
\textsuperscript{176} See id.
\textsuperscript{177} See id. Legislative Decree No. 54, art. 2(a).
\textsuperscript{178} See id. art. 4.
\textsuperscript{179} See id. art. 5.
\textsuperscript{180} Id.
\textsuperscript{183} See id. Legislative Decree No. 100, art. 5(a).
from discriminating against members based on ethnicity, gender or race and from being based on religious, tribal, or regional affiliations.\textsuperscript{184} Subsequent articles of the new law regulated the process in which at least 50 founding members must sign the application forming the party and meet certain basic conditions, age, citizenship, and non-conviction of a crime.\textsuperscript{185} Specific terms for funding and accounting of the party are also detailed as well as government sponsorships and contributions.\textsuperscript{186} Activists and protestors immediately dismissed the law and considered the government reform as a way of easing mounting pressure and criticism of its human rights violations and the use of force against civilians.\textsuperscript{187}

C. NEW MEDIA LAW

On August 28, 2011, the Syrian President issued a new Media Law No. 108,\textsuperscript{188} premised on the preamble that the media is free, independent, and not restricted except as required by the Constitution and the country’s laws.\textsuperscript{189} Article 3 of the new Media Law states that the profession of media is based on freedom of expression, constitutional rights, and international human rights declarations.\textsuperscript{190} It also recognizes the citizens’ right to be informed about the government and public affairs.\textsuperscript{191} Article 4 recites basic principles that the media should take into consideration when exercising freedom of expression, such as practicing “responsibly and conscientiously”

\textsuperscript{184} See id. art. 5(d).
\textsuperscript{185} See id. art. 8.
\textsuperscript{186} See id. chapter 3.
\textsuperscript{189} See id. art. 2.
\textsuperscript{190} See id. art. 3.
\textsuperscript{191} Id.
while also respecting the “Press Code of Honor.”192 Despite the new law, scores of journalists are reportedly arrested or missing, suggesting that the Regime’s reform is only an attempt to divert attention from its repressive tactics.193

XII. Turkey*

Turkey passed sweeping constitutional reforms to modernize the nation’s human and civil rights protections. Unfortunately, Turkey still suffers from free speech restrictions, particularly in the area of cyber speech. In 2007, Turkey passed Law No. 5651 that allows Turkish courts to block websites with objectionable content, including websites that insult the memory of Atatürk, the nation’s founder.194 In May 2008, Turkey’s telecommunications authority blocked YouTube and all YouTube-related websites because of a video that depicted Atatürk and Turks as homosexuals.195

On October 30, 2010, the ban was lifted by a court in Ankara because, as the Turkish Transport Minister put it, “common sense prevailed.”196 However, the ban was reinstated just a

192 Id.
194 See Allon Bar, Turkey Explores the Internet, Along with Restrictions, NEW MEDIA AND DEVELOPMENT COMMUNICATION, http://www.columbia.edu/itc/sipa/nelson/newmediadev08/Freedom%20of%20the%20internet%20in%20Turkey.html
196 Id.
Turkey has banned somewhere between 5,000 and 6,000 websites for various reasons, including “for criticizing Ataturk or the army, for perceived attacks on the nation’s ‘dignity’ or for referring to Turkey’s Kurdish and Armenian minorities.” Turkey’s web-monitoring policy has been widely criticized by a number of human rights and free speech organizations, as well as Turks, and is seen as a step backwards in terms of gaining membership in the EU.

Although Turkey may be lagging in the area of free speech, the country seems to be developing a more progressive business legal framework. In February 2011, the Turkish legislature enacted the country’s new Commercial Code. The new code puts into effect several modern business regulations, including ensuring “generally accepted financial reporting and auditing principles” in line with the International Financial Reporting Standards, as well as strict corporate transparency regulations. The transparency regulations, for example, require companies to disclose a wide range of information on their websites. The new law will also ensure strong corporate governance principles for companies in Turkey, borrowing

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199 See, e.g., Dr. Yaman Akdeniz, Report of the OSCE Representative on Freedom of the Media in Turkey and Internet Censorship, OSCE (2009).
201 Id.
203 Id.
heavily from U.S. jurisprudence.\textsuperscript{204} In addition, the law’s new auditing regulations, it is reported, are “very similar to Sarbanes-Oxley.”\textsuperscript{205} The code even ensures protection for minority shareholders of Turkish corporations. It appears that large, international accounting firms are gearing up to advise clients doing business in Turkey on how to comply with the country’s new code.

XIII. United Arab Emirates*

A. CORPORATE (FEDERAL)

UAE Cabinet Resolution No. 3 of 2011 concerning the Commercial Agencies Committee (the “Committee”)\textsuperscript{206}, gave the Committee responsibility for settling commercial agency disputes, including concerning agency de-registration. The Committee may defer disputes to UAE courts, and the parties may challenge in court the Committee’s decisions.

According to Ministerial Resolution No. 377 of 2010,\textsuperscript{207} wholly foreign-owned branch offices may not engage in general “trading” activities (i.e., buying and/or importing for resale in the UAE). This should not affect trading licenses previously granted. This Resolution also confirms that free zone entities are allowed to register branch offices in the UAE proper.

\textsuperscript{204} Id.
\textsuperscript{205} Id.
* Vandana Rupani, Hassan Elsayed, Mark E. Bisch, and John C. Boehm, Jr. are attorneys in the Dubai office of Fulbright & Jaworski L.L.P.
\textsuperscript{206} Cabinet Resolution No. 3 of 2011 concerning the Commercial Agencies Committee, UAE Official Gazette No. 519 (Mar. 15, 2011).
\textsuperscript{207} Ministerial Resolution No. 377 of 2010 on approving the guide to the licensing procedures for branches and offices of establishments incorporated abroad and in the Free Zones, UAE Official Gazette No. 514 (Oct. 31, 2010G).
Under Ministerial Resolution No. 208 of 2011, a foreign company must deposit a guarantee in the sum of Dhs. 50,000 with the Ministry of Economy for each branch office to be opened in UAE. Previously, such foreign companies were required to submit a bank guarantee for this amount from a bank operating in the UAE

B. LABOR (FEDERAL)

The Ministry of Labor (the “MOL”) introduced five new types of work permits under Cabinet Resolution No. 25 of 2010. These include part-time work permits, juvenile work permits (for employees between 15-18 years old), and temporary work permits (for employees engaged on a project for less than six months). Cabinet Resolution No. 26 of 2010 provides for UAE employers to be classified into one of three categories in accordance with certain standards and requirements of the MOL, including Emiratization. A benefit of a UAE employer being qualified in the highest category (i.e., Class One) is the exemption from the normal bank guarantee requirement for end of service benefits for its employees. It is too early to know how these changes will be implemented in practice.

C. CORPORATE (DUBAI)

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208 Ministerial Resolution No. 208 of 2011 concerning the bank guarantee applicable to the branches and offices of foreign firms incorporated abroad and in the UAE free zones.


210 Cabinet Resolution No. 26 of 2010 on regulating the classification of firms governed by the UAE Labor Law and the bank guarantees applicable thereto, UAE Official Gazette No. 511 (Aug. 31, 2010G).
Dubai Law No. 13 of 2011 regulating economic activities in Dubai, like Federal Ministerial Resolution No. 377 discussed above, contemplates the possibility of free zone entities establishing branch offices outside the free zone, in Dubai proper in this case. This law also provides that free zone entities may be authorized to practice their licensed activities in Dubai proper, under certain terms and conditions to be issued by the Executive Council. We do not know yet what those conditions are, so we do not know how significantly this will expand the ability of free zone businesses to operate outside the free zone in Dubai proper.

D. LITIGATION (DUBAI)

Pursuant to Law No. 16 of 2011 on amending some provisions of Law No. 12 of 2004 concerning the Dubai International Financial Centre (“DIFC”) Courts, parties to a contract now may “opt in” to the DIFC Courts’ jurisdiction even if neither party nor the contract has any connection with the DIFC. This law expands the choice of forums for dispute resolution in Dubai. The DIFC Courts are English language civil and commercial courts that follow common law, rather than civil law, procedures. The extent to which the DIFC Courts’ extended jurisdiction will be recognized outside Dubai remains to be seen.

212 Law No. 16 of 2011 on amending some provisions of Law No. 12 of 2004 concerning the Dubai International Financial Centre Courts, issued on October 31, 2011.