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June 2023

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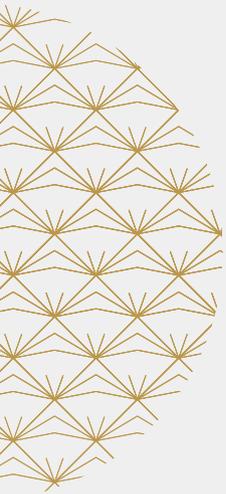
**NEWS &
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**Dubai Annual
Meeting and
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The Inter-Pacific Bar Association (IPBA) established in April 1991 at an inaugural conference held in Tokyo is an international association of business and commercial lawyers who live, or have a strong interest, in the Asia-Pacific region. IPBA 2024 TOKYO provides the collaboration of Inter-Pacific countries, seeing a more integrated approach of doing business and creating opportunities across and even beyond its reach.

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Contents

June 2023 No 110

IPBA News

- 4 The President's Message
- 6 The Secretary-General's Message
- 7 Message to Readers from the Chair of the Publications Committee
- 8 IPBA Upcoming Events

Dubai Conference

- 9 IPBA Annual Meeting and Conference – Photo Gallery
- 12 IPBA Annual Meeting and Conference Dubai 2023

Special Feature

- 37 Q&A with Ali Al Hashimi

Member News

- 39 IPBA New Council Members
- 40 IPBA New Members
- 42 IPBA Scholarship Programme
- 44 Members' Notes



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The President's Message

Richard Briggs
President



Dear Colleagues, Members and Friends,

The Dubai Conference of March 2023 now seems a distant memory and the excitement of hosting the IPBA with its unique membership is now fading.

It is difficult to know as Chair of the Organising Committee how the Conference actually went. We are of course biased in hoping that all of you enjoyed it as much as we did. From our side, from the commencement of the IPBA Council meetings on Monday 6th, through to the evident excitement of the Women Business Lawyers' Committee and New Members/IPBA Scholars receptions on the first afternoon on Tuesday 7th, it became clear that a good time was going to be had by all. The Annual Conference was finally underway.

The IPBA is of course a very sociable organisation and many of its members had not properly seen each other for three years. Indeed, countries such as China only opened post-COVID in early 2023 and many other Asian countries were still feeling the effects and restrictions of the COVID era. Accordingly, the atmosphere among the members and delegates was fantastic from the start. Much-missed friendships were clearly evident and the IPBA's members were finally let loose in a sociable and unrestricted environment. It was therefore made easy for the organisers with so many members excited and determined to have a good time.

Thus it began and continued. All started well with the opening morning sessions on Wednesday 8th. From the IPBA's side, the audience was treated to hearing from myself as President, President-Elect Miyuki Ishiguro, Middle East Regional Coordinator Mohammed Al Suwaidi and of course our Past President Jack Li,

complete with Jack's unique (and of course in tune) rendition of 'We Are Together ... IPBA'.

The keynote sessions brought together not just some fantastic speakers, but also some very accomplished presenters: headed by H.E. Abdullah Al Nuami, the UAE Minister of Justice, followed by Mr Issam Kazim of Dubai Tourism in discussion with Ms Dyala Sabbagh, H.E. Tariq Al Tayer and Ms Jehad Kazim of the Dubai International Arbitration Centre ('DIAC') and then Ms Amna Al Owais, Chief Registrar of the Dubai International Centre ('DIFC') Courts.

This was followed by an excellent interactive plenary session hosted by our colleagues Ali Al Hashimi and Diana Hamade, with some high-calibre judges, lawyers and politicians from the Middle East area and beyond, namely Director of the Dubai Judicial Institute H.E. Mohammed Al Saboosi, Chief Justice Tun Zaki Azmi of the DIFC Courts, Chief Justice Lord David Hope of the ADGM Courts, former Minister of Justice of Kuwait Yacoub Al Sanea, President of the Law Society of Hong Kong C.M. Chan and Deputy Chair of the UK Bar Council Sam Townend KC. All of these are outstanding leaders in their fields and served up a fascinating plenary session.

We were honoured to have such support at our Conference. The quality and tone of the Conference was thereby set through these excellent keynote and plenary sessions, which was then carried through into the committee sessions and social events, the latter of which constituted an outdoor Opening Reception on the terrace of the JW Marriott, the Gala Dinner in the Dubai Ballroom and a Farewell Dinner on the Jumeirah Beach Hotel lawn under the Burj Al Arab. Our golfers enjoyed both the Fire Course at Jumairah Golf Estates and the Dubai Creek Course.

There is of course much more to say, with little space to write it. There are also many thank yous to all of those who worked so hard to make it successful and enjoyable.

The IPBA and its President will now move on towards a busy late summer and autumn agenda leading to the Mid-Year Council Meetings and Regional Conference

in Jakarta in September and I would like to encourage all of our members to participate and be as involved as possible as we work towards and look forward to Tokyo next April.

Yours sincerely

Richard Briggs | President





The Secretary-General's Message

Jose Cochingyan III
Secretary-General



Dear IPBA Members,

First of June 2023, Dubai: As I am writing this I find myself at the very same hotel where we held our last conference. Due to a long layover, the airline arranged for my stay here and I find myself reminiscing about our first face-to-face IPBA Annual Conference after the pandemic. The last conference just prior to the pandemic was held in Singapore and the next one was supposed to be held in Shanghai, then Tokyo, then followed by Dubai. Shanghai was an online conference and so were many other successful IPBA events and seminars during the pandemic.

It was a period when we held on as an organisation with technology. But the online meeting model was wearing thin as pandemic fears slowly faded. A decision was made that we must hold the next Annual Conference in person as we all yearned to see our friends. But it was still a time when no one was certain if another series of lockdowns, with consequent travel restrictions, would shut down a conference. At that point, Tokyo still had restrictions, but Dubai was ready and so was Richard Briggs. Richard then boldly stepped forward to say that we will meet in Dubai. It was thus decided that the Dubai Conference be held ahead of Tokyo and Richard and our friends in Dubai pulled it off. We all give our thanks to Richard Briggs and such notable IPBA stalwarts as Mohammed R Alsuwaidi and Ali Al Hashimi for giving us an exuberant explosion of marvellous memories that will be with us for many years to come.

The Conference in Dubai was a warm embrace of normalcy as we revelled in the joys of being back in business. For my part, it is the business of being the Secretary-General, a position I formally assumed at the AGM in Dubai. The question to be asked is how do I see my role as Secretary-General of this organisation of outstanding business lawyers? I will answer this with a simple motto that I have chosen for myself in service of IPBA, which is: 'Enhance User Experience'.

In the next two years in this post, I would like to achieve the most that IPBA can do to innovate and improve every member's interaction and engagement with IPBA. The goal is for each and every one of you to enjoy to the fullest the best experience of being a member of this prestigious business law organisation. To start, I have focused on improving the processes within the IPBA, by activating the foundations for improved services to our members. This entails, among others, a massive review of the applications used on our website, the centralisation of Annual Conference finances and the change in financial reporting from Japanese Yen to US Dollars.

I did not invent the process improvement initiative, it was begun by Michael Burian when he was Secretary-General and his work was continued without respite by my immediate predecessor, Yong-Jae Chang. I am fortunate that I already have the framework from my two predecessors to continue this work and I look forward to bringing all of these plans to their full fruition.

While I am working closely with the other officers concerned to accomplish this, I recognise that IPBA is an organisation that works from the ground up; we depend on the input of our members to drive our sessions, our events and the choice of our officers. Accordingly, I welcome your inputs on how else you believe that IPBA may be able to better your experience as a member and I invite those of you with any thoughts on the matter to freely write to me at my email address: josecochingyan@cochingyanlaw.com.

In the meantime, my fellow IPBA'ers, let us start thinking of our plans for Tokyo in 2024.

Jose Cochingyan III | Secretary-General



Message to the Reader



Welcome to the June issue of the IPBA Journal.

This issue is focused on the very successful and memorable 31st Annual Conference in Dubai which was postponed from 2022 to 2023 on account of the pandemic. This was a special event as it was our first Annual Conference since the pandemic where we finally got to reunite with our IPBA family members in person after so many years. We all enjoyed the physical interactions, the camaraderie, and the joy of seeing one another in real life!

With keynote speeches from a varied range of people, including global and local UAE leaders, past IPBA President and several others, this edition of the Journal will provide a highlight of the discussions and presentations for those who were unable to attend the conference in Dubai. Special thanks to our President Richard Briggs, the Organising Host Committee and others who ensured this event was held successfully.

You will find a summary of the conference committee sessions in the current issue. We have also included some photos from the conference which shows that it was both extremely educative, thought provoking, full of substantial content as well as a lot of fun.

You will also find a Q&A interview with my good friend and long-standing IPBA member, Ali Al Hashimi who is the Past Regional Coordinator for Middle East and recently the Deputy-Chair of the Dubai Host Committee. We have asked questions which go behind the professional persona to know about his personal interests and passions. Ali and I have come a long way together having served on the IPBA Council in the past years but there were still pieces in his interview that were new to me. I am sure you will enjoy discovering about Ali and his background as much as I did.

The theme for the next edition of the Journal will focus on AI and the Law, a topic that is currently very popular with recent developments with ChatGPT and other AI tools. It will be great to have articles from some new members and new locations, particularly from those who may not have written so far but have evinced an interest. IPBA has more than 60 jurisdictions represented in its membership and we would like to encourage as many as possible to contribute to the Journal. On behalf of the Publications Committee, I would like to thank all those who have contributed, and I encourage all members of the IPBA to continue submitting articles for consideration for publication in future issues of the IPBA Journal. Happy reading!

Yours sincerely,

James Jung | Chair, Publications Committee

IPBA Upcoming Events		
Event	Location	Date
IPBA Annual Meeting and Conferences		
32nd Annual Meeting and Conference	Tokyo, Japan	24-27 April 2024
33rd Annual Meeting and Conference	Chicago, IL, USA	1st Quarter 2025
IPBA Mid-Year Council Meeting and Regional Conference		
IPBA Council Meetings (Council Members only)	Jakarta, Indonesia	16-17 September 2023
Regional Conference (topic TBA)	Jakarta, Indonesia	18 September 2023
IPBA Local and Regional Events		
IPBA Arbitration Day	Singapore	30 August 2023
IPBA LATAM Regional Event	Lima, Peru	1 December 2023
More details can be found on our web site: https://ipba.org The above schedule is subject to change.		

Join the Inter-Pacific Bar Association

Since its humble beginnings in 1991 at a conference that drew more than 500 lawyers from around the world to Tokyo, the IPBA has blossomed to become the foremost commercial lawyer association with a focus on the Asia-Pacific Region. Benefits of joining IPBA include the opportunity to publish articles in this IPBA Journal; access to online and printed membership directories; and valuable networking opportunities at our Annual Meeting and Conference as well as 10 regional conferences throughout the year. Members can join up to three of the 24 committees focused on various of commercial law practice areas, from banking and finance, to insurance, to employment and immigration law, and more. We welcome lawyers from law firms as well as in-house counsel. IPBA's spirit of camaraderie ensures that our members from over 65 jurisdictions become friends as well as colleagues who stay in close touch with each other through IPBA events, committee activities, and social network platforms. To find out more or to join us, visit the IPBA website at <https://ipba.org>.



IPBA Annual Meeting and Conference Dubai 2023

Photo Gallery







IPBA Annual Meeting and Conference Dubai 2023

Committee Session Highlights

Scholarship Committee

Introduction of the Scholarship Committee

The IPBA Scholarship Committee focuses on supporting and empowering young legal professionals in the Asia-Pacific region. It is responsible for identifying and sponsoring up-and-coming young lawyers from a variety of backgrounds to attend the IPBA Annual Meeting and Conference. The Committee aims to facilitate the exchange of ideas and experiences, promote cross-border collaboration between practitioners and empower scholars to contribute to the depth and breadth of legal practice in their home countries.

Introduction of the IPBA 2023 Dubai Scholars

The 2023 IPBA Scholars are a patient lot. They went through the selection process in 2019 and were slated to attend the IPBA Shanghai 2020 conference. Alas, that was not to be as COVID upended the best laid plans of the Scholarship Committee. Four years later, the 2023 Scholars, now older and wiser, finally got their chance to attend the Conference. This year scholars hailed from Fiji, Cambodia, China, UK, Canada, Argentina, Mongolia, India, the Philippines and Russia.

Scholars' Reflections

Chen Wen Fi (Fiji): It was an honour to attend the 2023 IPBA Annual Meeting and Conference in Dubai as an IPBA scholar. The pre-Conference events were meticulously put together and gave me valuable insights on the UAE / DIFC legal system; the Conference itself was the perfect balance between discussions on issues in the legal world and social events for making new friends. During the different sessions, one could engage in discussions on issues with eminent practitioners, while breaks and dinners provided further opportunities for meaningful conversations and socialising—I can see why many choose to return to the conference year after year. The IPBA is also a welcoming community that encourages new people—young and

old—with open arms. I am immensely grateful to the IPBA Scholarship Committee and the Secretariat for enabling me to become part of the IPBA family through the scholarship programme and I look forward to attending future conferences in the years to come.

Ricky Aringo Sabornay (Philippines): Attending the Annual IPBA Conference in Dubai as a scholar has been an incredibly enriching experience for which I am truly grateful. Not only did I learn about the latest legal developments in various jurisdictions and become acquainted with senior lawyers and the legal luminaries in the region, but I also made a lot of new friends whom I very much look forward to meeting again at the next IPBA Conference in Tokyo.

The sessions featured a diverse range of interesting subjects—from minority shareholder protection, trends and regulation of payment systems, ESG and international arbitration, to becoming a next generation lawyer. These were insightful and inspired me to strive harder in my career and aspire to become a panellist myself someday.

What I found most valuable in attending the conference was the abundance of fellowship and networking opportunities with everyone that attended the Conference, who hailed from many jurisdictions. All the events helped us to relax, connect on a personal level and form lasting friendships. Thank you to the IPBA Dubai Organising Committee for their meticulous planning and to the IPBA Scholarship Fund for granting me this opportunity.

Sean Stephenson (Canada): I attended the 2023 IPBA Conference in Dubai as an IPBA Scholar. The entire experience was fantastic. The conference itself was first class. From a diverse and interesting set of panel discussions to attend, fantastic networking opportunities

and great conference events, such as the dinner in front of the Burj Al Arab, the IPBA is setting itself apart and is clearly making a name for itself as a must-attend event for international practitioners, alongside the best and most sought after major international legal conferences.

More specifically, my experience as a scholar was phenomenal. Our scholar cohort was incredibly diverse and the group had an immediate bond. This is a group that has since kept in touch and will continue to benefit from the scholar experience through the 'built-in' network that was created. The programming for scholars was informative and provided a great opportunity to learn about legal practice in the UAE. Highlights included the visit to the DIFC and a conversation with Judge Ali.

The warm reception to scholars from conference organisers, past scholars and other attendees ensured that many of us will continue to be involved in the IPBA for years to come. I have personally been in touch with Committee Chairs and look forward to further engagement with the IPBA. I am looking forward to seeing scholars and new colleagues next year in Tokyo! My thanks to the IPBA Scholar team. It was a truly wonderful experience.

Gibran Naushad (India): The IPBA Annual General Conference 2023 was an extremely enriching and fulfilling experience. The IPBA and its Scholarship Committee had planned a host of activities for the

scholars at the Conference, which helped us take a more proactive role in the Conference and also understand the international legal market better.

As part of our scholarships program, the IPBA had organised orientation sessions and meetings with top law firms in the UAE, such as Hadeef and Partners and Al-Tamimi, who have significant exposure to cross-border work. We also had a comprehensive orientation program at the DIFC Courts, including a meeting with Judge Ali Al Madhani who gave us valuable insights about the practice and procedure of law at the DIFC.

The sessions and ceremonial receptions were extremely well organised by the IPBA and the environment was very conducive to connect with colleagues from across the world. The informative sessions covered a wide range of topics and the conversational atmosphere allowed us to break the ice with new colleagues and helped everyone to participate in a fruitful manner.

The IPBA has been extremely generous towards the scholars and the Annual General Conference in Dubai really provided me with the opportunity to connect with the global legal community and network with colleagues across countries and continents. I hope to have a continued association with the IPBA in the future as well.

Joe-Han Ho (United Kingdom): I attended the 2023 IPBA Annual Meeting and Conference in Dubai as an IPBA Scholar. I am very grateful for this scholarship and I set out below my reflections of this wonderful opportunity.

My first reflection is about warmth. Dubai personified this, from the sunshine to the people. While all the IPBA events were immaculately organised, the overriding memory is of the strong sense of welcome from the hosts and beyond. There were personal and insightful sessions, among others, with Mr Omar El Heloo at Hadeef & Partners and with Judge Ali Al Madhani at the DIFC Courts. There was a real fellowship among all the scholars (and we have all very much kept in contact since the Conference)





and there was a genuine camaraderie when meeting other IPBA members. This was so much more than networking—it was about connecting and building friendships for a lifetime.

My second reflection is about diversity. It featured in every aspect of the IPBA. The breadth and depth of topics at the conference was immense, from blockchain and Artificial Intelligence, to Environmental Social Governance issues and supply chain challenges in the post-COVID landscape. The speakers were experts drawn from a very wide range of jurisdictions and brought unique insight and perspectives and the scholars came from diverse jurisdictions from Fiji to Mongolia to Russia and more. It was wonderful to learn so much from my colleagues.

My third reflection is about people. It is the members who make the IPBA special. The opportunity to attend the Conference in person, partake in all the events and meet members was a privilege. I very much hope to continue my full participation with the IPBA moving forward and to play an active role in it.

Nitkar Nith (Cambodia): First, I express my sincere gratitude to the IPBA Secretariat and its Scholarship Committee for providing me a rare opportunity to attend the 2023 IPBA Annual Meeting in Dubai, where I had the privilege to attend and learn from the insightful conference sessions and exceptional scholar activities.

On the first day, the IPBA Scholarship Committee arranged a field visit to the DIFC and two UAE leading law firms—Hadeef & Partner and Al Tamimi & Co. We

were able to learn from a DIFC judge as well as UAE lawyers through their insightful presentations on various topics on the legal framework in the UAE and other jurisdictions.

In the evening, I attended the very first social function at the Women Business Lawyers' reception, where I networked with many impressive female lawyers from around the world. During the new member and IPBA Scholar reception thereafter, it was memorable for the scholars to receive a certificate of recognition on the stage. I was honoured to witness how the IPBA managed to provide such true equality, diversity and inclusion within their community.

The Dubai Conference exceeded my expectations. I have gained much innovative legal knowledge from the various concurrent and plenary sessions. I also enjoyed the cultural diversity in forming lasting new friendships with other international lawyers coming from different jurisdictions.

Since returning to Cambodia, I have been sharing and promoting the IPBA and its opportunities to my Cambodian lawyers' community and also to my fellow young lawyers/colleagues in other offices across the region. As a young lawyer, engaging with international lawyer communities like the IPBA is an excellent means to learn from other senior international lawyers so that we can prepare ourselves for future skills in cross-border legal practice in an increasingly interconnected world.

The Dubai Conference will not be my only IPBA conference and I am strongly committed to attend the

upcoming Tokyo Conference in 2024 after being inspired from the IPBA Dubai Conference.

Nahila A Cortes (Argentina): The IPBA Annual Meeting in Dubai was fantastic and worth the wait. I applied to the IPBA scholarship after attending an event organised by the IPBA in Santiago de Chile before the Pandemic, where I met with so many interesting people.

The Annual Conference confirmed my initial thoughts: I found an incredible community of lawyers and friends. I had the pleasure to meet with attorneys from all around the world, reconnect with old friends, and participate in panel discussions that explored actual and trending topics, from artificial intelligence, current trends in trade and ESG, international arbitration, among others.

I can say that the one unique characteristic which makes the IPBA outstanding is that it is people centred. I connected with lawyers from different backgrounds practising in different areas of law and with longstanding and welcoming members. The IPBA anthem of 'We Are Together' is reflected in people from different continents and legal jurisdictions naturally connecting and exchanging ideas.

The Scholarship Committee prepared a tremendous agenda for us. We met with top tier law firms in Dubai, Hadeef and Partners and Al Tamini, had breakfast with partners, met with judge Ali Al Madhani who walked us through the legal system in Dubai and the role of the DIFC and had a wonderful reception.

For the future, I look forward to contributing to the IPBA as a member, bringing ideas to the organisation and expanding the IPBA presence in the USA, where I am currently working, during the next Annual Conference in Chicago.

The Scholarship Welcome Reception in Dubai

The Scholars were warmly welcomed by the IPBA members at the Welcome Reception held on 7 March 2023. The erstwhile Chair of the Scholarship Committee requested each Scholar to introduce themselves on stage, however, given that this 'request' was made five minutes before the reception was to commence, the 'empathetic' Chair, upon sensing the horror among the Scholars, decided to let them off the hook. Instead, IPBA President Richard Briggs handed the Scholarship Certificates to each Scholar.



Several seasoned IPBA members took some time to introduce themselves and to get to know the IPBA Scholars at the reception.

Energy and Natural Resources Committee Energy Cooperation Under the Russia-Ukraine War

Moderators: Jihong Wang (Chair of Energy and Natural Resources Committee; Partner, Zhong Lun Law Firm, China) and Manoj Kumar (Vice-Chair of Energy and Natural Resources Committee; Founder & Managing Partner, Hammurabi & Solomon Partners, India).

Speakers: Bui Ngoc Hong (Partner, LNT & Partners, Vietnam) and Ryunosuke Ushijima (Partner, Attorney at Law, King & Wood Mallesons, Japan)

The panellists shared their views with respect to the challenges, risks and opportunities in the field of energy cooperation under the Russia-Ukraine War. Further, from the perspective of other jurisdictions, including China, India, Vietnam, Japan and Malaysia, each participant of the session explored issues arising from or commonly seen in the geopolitical background, including Russia-





related sanctions, dispute resolution for existing contracts and dispute prevention for drafting new contracts.

Competition Law Committee

On 9 March 2023, the Competition Law Committee ('Committee') held a panel session moderated by the Committee's two Co-Chairs, namely, Mr Atsushi Yamada (Anderson Mori & Tomotsune, Tokyo, Japan) and Mr Manas Kumar Chaudhuri (Partner, Khaitan & Co LLP, New Delhi, India). The following members of the IPBA Competition Law Committee served as panellists: Ms Vivian Fraga (TozziniFreire Advogados, São Paulo, Brazil); Ms Corinne Chew (Drew & Napier, Singapore); Ms Mingfang Gong (Jun He, Beijing, China); Ms Diep Hoang (Dilinh Legal, Ho Chi Minh City, Vietnam); Mr Anthony F. Baldanza (Fasken Martineau DuMoulin LLP, Toronto, Canada).

During the session, the panellists discussed the following aspects of competition laws of their respective jurisdictions:

1. Brief introduction of the law in each jurisdiction per panel speaker.
2. The number of cases which each jurisdiction has decided in the course of the previous three years that demonstrates enforcement trends.
3. Specific highlights of each jurisdiction.
4. Future prospects and what to look out for with special reference to cross-border challenges.

While the title of the session of the Committee was 'Competition Law beyond Covid – what has changed and what hasn't'—dovetailing the discussions with the overall theme of the IPBA Dubai Conference—the



panellists also covered key trends and developments in competition law in their respective jurisdictions, together with their prospects for the future and what they think counsels should look out for.

The discussions and deliberations were lively especially because panellists from various diverse jurisdictions brought local flavours with a blend of cross-border overlaps which the participants from the audience appreciated.

The Committee is eagerly looking forward to the IPBA 2024 Annual Conference in Tokyo and would be delighted to share newer developments of their respective jurisdictions in regard to competition law with special reference to cross-border opportunities and challenges enabling other members of the IPBA to benefit more from such interactive sessions.

Women's Business Lawyers Committee

The WBLC held two events in Dubai: a Drinks Reception at the beginning of the conference, and a keynote speech followed by a panel discussion on the diverse path of legal practice to mark International Women's Day.

The WBLC Reception was hosted at the Grand Ballroom of JW Marriott Marquis Hotel. We expected to welcome around 70 people but, in the end, more than 300 people joined us at the Reception. Diana Hamade from Diana Hamade Attorneys at Law was the keynote speaker. Diana shared her inspiring story and journey to be one of the very first female lawyers in the UAE. The event continued with everybody in the ballroom given an opportunity to introduce themselves. After the Reception, a lot of women expressed an interest to participate in the WBLC Committee. Thanks to Diep Hoang, Vice-Chair of WBLC and partner of Dilinh Legal for helping to put together the successful event.

In the session entitled 'The Diverse Path of the Law—Twists and Turns to Success' held on 8 March 2023, Dr Lan Yan gave a keynote speech and Chris Zhang, Vice-Chair of the Women Business Lawyers Committee and Managing Partner of Jincheng Tongda & Neal Law Firm, moderated a session with Meryl Koh, Mr Nicholas Erekoze Sim and Dr Yan. Dozens of audience members were in attendance. During the session, each of the three speakers shared their experience and perspective of the opportunities and challenges they had experienced in developing their respective successful careers. The Q&A session was moderated by the moderator who also shared her own tips and gave guidance to budding female lawyers, with lively participation by members of the audience.

Dispute Resolution & Arbitration Committee ESG and Arbitration

Moderator: Mariel Dimsey (HKIAC, Hong Kong)

Speakers: Tom Glasgow (Omni Bridgeway, Singapore); Daisy Mallett (Daisy Mallett, Sydney); Mark Mangan (Dechert, Singapore)

This session demonstrated that Environmental, Social and Governance ('ESG') are not mere buzz words in the context of arbitration. It had three parts:

1. the panel identified the types of ESG claims that can be pursued through arbitration;
2. the panel discussed how the practice of arbitration can be made more ESG compliant, including through reducing its carbon footprint; and
3. the panel discussed the extent to which clients and funders are investing in ESG claims and legal practices that are ESG compliant.

More specifically, the session began with Ms Dimsey introducing the panellists and providing some background on the concept of ESG in the context of international arbitration. Ms Mallett and Mr Mangan then provided an overview of the current trends in ESG claims. Mr Glasgow made some introductory remarks from a funder's perspective.

Ms Mallett then continued to explain that while many aspects of ESG claims are based on familiar concepts in both a litigation and arbitration setting, the increased awareness of ESG objectives meant that such claims were being viewed with a new lens. Ms Mallett

emphasised that many of these changes were taking place in litigation, rather than arbitration, in particular due to the public interest element inherent in many claims, but also due to the way in which such disputes evolved and the inability to plan for alternative dispute resolution in advance.

Mr Mangan proceeded to discuss the 'S' and 'G' elements of ESG, demonstrating how gender disparity and corruption in the executive committee of a sports body was exposed through a recent case at the Court of Arbitration for Sport. Ms Mallett turned briefly to the area of investor-state dispute resolution, noting that some of the ESG objectives being pursued now had their origins in the public interest aspects of investment treaty disputes, such as the 'Abyei Arbitration' and the 'Water Wars'.

Mr Glasgow rounded out the first section from a funder's perspective, noting that funders were paying increased attention to ESG issues and some were even looking at dedicated ESG funds.

The Panel then proceeded to discuss how ESG was being addressed by clients. One particular take-away was the increasing importance of ESG for many industries and that law firms will be increasingly at a competitive disadvantage if they do not react and implement practices that observe ESG considerations.

The Panel's last topic of discussion was making arbitration and arbitral proceedings more ESG-compliant. Mr Mangan discussed empirical data on the carbon cost of different parts of the arbitral process, including written submissions and hearings, and proposed ways in which the carbon footprint of arbitration could be reduced through the use of 'carbon emissions scorecards'.

The session was well attended, with several questions being asked of the panellists.

Supply Chain Challenges in a Dynamic Economic and Regulatory Environment: Disputes, Compliance Pitfalls and Contractual Relief Mechanisms

Moderators: Dorothee Ruckteschler (Dorothee Ruckteschler Dispute Resolution, Stuttgart); Thomas Allen (Kilpatrick Townsend & Stockton LLP, Washington DC)

Speakers: Gordon Blanke (Blanke Arbitration, Dubai); David McArthur (Anderson Mori & Tomotsune, Tokyo); Nesreen Osman (Pinsent Masons, Dubai)

In this session, the panellists discussed the new challenges for global supply chains in view of developments which have arisen after and independently from the problems which resulted from the COVID-19 pandemic and tried to anticipate whether these new challenges might lead to new dispute potential.

The Panel, moderated by Dorothee Ruckteschler, was very diverse in terms of regional background and therefore offered a broad overview about the supply chain problems in different regions. Nesreen Osman covered new developments in the Middle East. David MacArthur reported on recent developments in Asia, in particular in Japan and South Korea. Thomas G Allen spoke about the situation in the United States of America and Gordon Blanke reported on developments in Europe and discussed suitable dispute resolution methods.

The panellists took the audience on an impressive tour d'horizon of the specific challenges to supply chains in their regions.

As regards the Middle East, Nesreen Osman pointed out that there are huge investments planned in Saudi Arabia and other parts of the region in many different sectors and particularly in infrastructure and tourism. The incredible amount of money dedicated to these investments is leading to an influx of new contractors targeting the Middle Eastern market, in some cases with little or no experience in the region. While it is widely known that huge infrastructure and construction projects always have an inherent risk of disputes, according to her assessment these risks are even higher in view of the different cultural backgrounds of the customers and the contractors and the level of awareness of how business is done in the region. Very careful drafting and negotiation of the relevant contracts will therefore be necessary.

Regarding Asia and, in particular Japan and South Korea, David MacArthur reported that supply chains are currently under an enormous amount of stress due to the changing political environment and the very volatile situation in the region arising from tensions between the United States and China, among other factors. In the past, the industries in both countries heavily relied on suppliers from China based on long-term contracts. However, with governmental support and encouragement, these industries are taking steps to become more independent from Chinese suppliers



and are looking for other sources. However, this is proving difficult as China continues to have a significant hold over some key raw materials, processing and manufacturing expertise.

In the United States of America, the multi-billion-dollar Inflation Reduction Act of 2022 ('IRA') targets heavy investments in domestic energy production and manufacturing and in reducing carbon emissions by roughly 40 per cent by 2030. Thomas G Allen explained the difficulties which arise from the discrepancy between this target on the one hand, and the intention to concentrate on local contractors on the other hand. He raised the question how the United States will be able to reach these targets without relying on foreign suppliers.

Finally, Gordon Blanke reported on the impending Supply Chain Regulation in Europe which will require companies to comply with environmental and human rights duties along the complete supply chain to implement adequate risk management and to document everything properly. While the draft Regulation is still under discussion, European entities are rather concerned about the new obligations and internal work that this legislation might trigger. But they are even more concerned about the legal consequences of a violation of this Regulation as the current draft of the EU directive provides a basis for individual claims for damages against the companies. One does not need to have a lot of imagination to imagine the legal consequences for business entities and their management.

All panellists agreed that all of these new challenges to supply chains have great inherent risks of leading to a flood of new disputes and that these disputes might generate strong public interest. Gordon Blanke

submitted that international arbitration would be best suited to handle the emanating disputes along the supply chains because of the well-known advantages of arbitration over litigation in the relevant state courts. Furthermore, he stated that most subject matters, even those related to ESG and HR disputes, are nowadays arbitrable, despite the fact that they also concern the public interest.

The main takeaway of this session was that, regardless of the location, the challenges faced by supply chains are truly global given the substantial pipeline of projects and the limitations in terms of material, equipment, labour and the uncertain times.

International Trade Committee

Session 1: ESG — Trade and Sustainability

Moderators: Augusto Vechio (*Estudio Beccar Varela, Buenos Aires*); Alvin Tan (*Rajah & Tann Singapore LLP, Singapore*)

Speakers: Byron Maniatis (*Steptoe & Johnson, Brussels*); Corey Norton (*WWF, Washington, DC*); Fernando Hurtado de Mendoza (*Kennedys, Lima*); Tracy Wong (*Christopher & Lee Ong, Malaysia*)

The topic of sustainability has rapidly gained prominence through the years and has since received global attention. Today, there is a real expectation that economies must be sustainable and this has translated into ESG-related legislation and/or business practices. These have immediate legal impact on global trade, in particular a significant bearing on corporates with cross-border supply chains. Traditionally, such corporates focus primarily on matters such as export controls, import and export requirements or trade sanctions. Today, in addition to these, they will also need to pay increased attention to, for example, sustainability frameworks implemented by local governments where their trading partner resides and/or standards which their trading partner adheres to. These now more prominently cut across areas such as trade financing, ESG disclosures and sustainable supply chain management going into issues of conflict minerals, labour/human rights violations, environmental governance and corruption.

As sustainability imperatives continue to evolve, there is much for corporates to do, including revamping as necessary their trade compliance frameworks to incorporate new requirements. In this light, the panel,

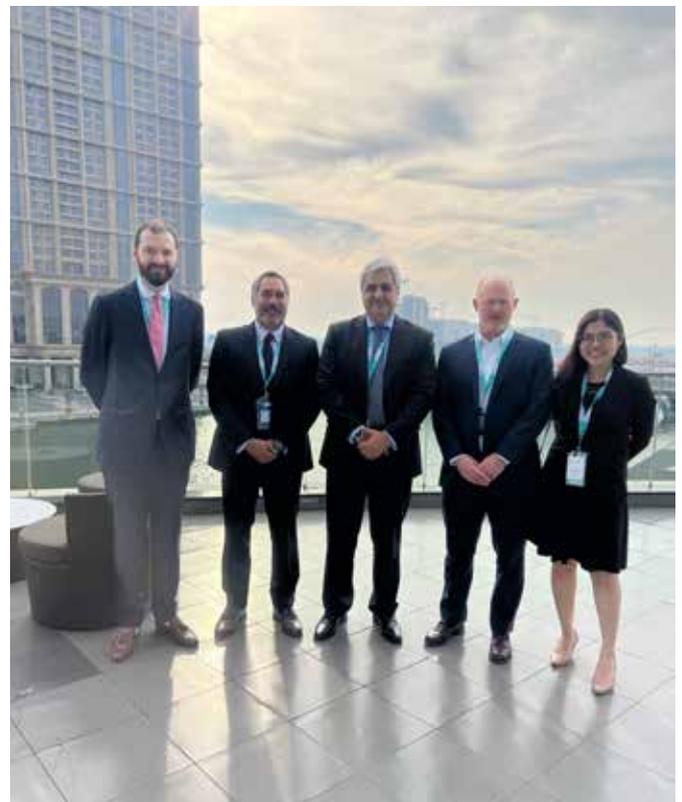
which comprised panellists from the Americas and Asia regions, examined the legal issues relating to the intersection between trade and sustainability, including key developments and how corporates must navigate the related risks and pitfalls.

Session 2: 'Friend-Shoring': New Challenges to Global Value Chains and Developing Countries.

Moderator: Seetharaman Sampath (*Sarvada Legal, India*)

Speakers: Vidaur Mora (*Rivadeneira Trevino & De Campo S.C., Mexico*); Ye Li (*Allbright Law Offices, Beijing, China*); Norimitsu Shirai (*TMI Associates, Tokyo, Japan*); Byron Maniatis (*Steptoe & Johnson, Brussels*); Evan Y. Chuck (*Crowell & Moring LLP, USA*)

Friend-shoring is a strategy where a country sources raw materials, components and even manufactured goods from countries that share its values. The stated objective of friend-shoring is to slowly reduce dependence on countries considered a 'threat' to the stability of supply chains. Such an approach comes with its own merits and drawbacks. Identifying a politically friendly country or a country that shares common values is not easy at all. Countries from across the globe have increasingly



focused on global supply chain disruptions since the outbreak of COVID-19. The panel explored what an international trade law practitioner should know about 'friend-shoring', a concept that appears to give more weight to the political aspects than the economic efficiency aspects of international trade.

Session 3: Trade Sanctions and The Future of World Trade

Moderator: *Ngosong Fonkem (Harris Bricken Sliwoski LLP, Seattle)*

Speakers: *Shashan Xu (Zhong Lun Law Firm, China); Jesse Goldman (Borden Ladner Gervais LLP, Toronto); Helen Tung (Tung Chambers, Dubai/Australia); Ilya Kuznetsov (EPAM, Russia); José Francisco Mafla (Brigard & Urrutia, Colombia)*

The Russia-Ukraine conflict has been met with unprecedented trade and other economic sanctions from the Global North. Some members of the World Trade Organization ('WTO') have revoked Russia's most-favoured-nation ('MFN') status, allowing them to raise barriers to trade with Russia. The speed and intensity of these events has led many Western intellectuals and business professionals to argue, '... the Russian invasion [has] upended the world order that has been in place since the end of the Cold War and put an end to the globalization we have experienced over the last three decades ...'. The geo-politisation of trade is having a profound impact on global trade. In this session the speakers discussed and provided some strategies on how companies can

protect themselves from what appears to be a shifting global trade environment.

IP Committee

International Issues for IP Protection

Moderator: *Lidong PAN (Reiz Law Firm, Shenzhen & Guangzhou)*

Speakers: *Hafidh Thani (MHLF Law, Dubai); Iris Deng (Mediator); Tianxi Wang (Deputy Director General of Guangzhou Arbitration Commission); Ichiro Fujimoto (Partner of Creativity & Insight Legal Professional Corporation)*

On 9 March 2023, a session entitled 'International Issues for IP Protection', organised by the IP Committee and moderated by IP Chair Lidong Pan, was successfully held. Intellectual property protection has increasingly become a global topic and an important issue and concern for enterprises involved in international investment and trade. How to fully protect their intellectual property from infringement and prevent malicious legal acts or abuse of intellectual property has become a major issue faced by every country and region. This session brought distinguished speakers together, including Mr Wang Tianxi, Deputy Director General of Guangzhou Arbitration Commission; Mr Ichiro Fujimoto, partner of Creativity & Insight Legal Professional Corporation; Ms Iris Deng, legal counsel of a well-known multinational company and Mr Hafidh Than, partner of local law firm Mahmood Hussain in Dubai. The speakers shared their experiences and insights on IP protection.





Co-session held by the IP Committee: The Rise of Digital Art—International Challenges

Moderator: Lidong PAN (*Reiz Law Firm, Shenzhen & Guangzhou*)

Speakers: Jack Shaw (*Procopio*); Laurens Kasteleijn (*Art Law Services, Amsterdam*); Amandi Li (*Deputy Legal Director, New Huo Tech*); Faisal Daudpota (*Daudpota International, UAE*)

On 10 March 2023, a session entitled 'The Rise of Digital Art—International Challenges' related to non-fungible tokens ('NFT') and the Metaverse was held jointly by the IP Committee and CBIC. Mr Lidong Pan moderated the session. The value of the digital art market grew tremendously last year, largely due to the rise of the NFT. The creation, distribution, ownership and trading of NFTs are new phenomena which raise a plethora of legal issues, many of which are ambiguous or unresolved. This session tried to shed some light on the issues and introduce other important matters related to digital art and NFTs, such as ownership, copyright and smart contracts. Mr Jack Shaw, partner at Procopio in the US; Laurens Kasteleijn, partner at Art Law Services in Amsterdam; Amanda Li, Deputy Legal Director of New Huo Tech in Hong Kong and Faisal Daudpota, partner at Daudpota International in the UAE, attempted to clarify the relevant issues through the session and introduced other important issues related to digital art, such as ownership, copyright and smart contracts.

Investment Arbitration Sub-committee Promoting Mediation in Investor-State Disputes— Introducing the IPBA IASC's Decision Tree

Moderators: Lars Markert (*Nishimura & Asahi, Tokyo*); Santiago Gattica (*Freshfields, New York*)

Speakers: Kyongwha Chung (*Covington & Burling, Seoul*); Thomas Snider (*Al Tamimi, Dubai*); Rodolphe

Ruffié-Farrugia (*Clifford Chance, Perth*); Mahesh Rai (*Drew Napier, Singapore*)

Mediation is promoted as a faster and cheaper alternative to international arbitration in investor-state disputes. Yet, it is still under-utilised, presumably due to the lack of stakeholders' familiarity with what the process might entail and the relevant factors to be considered when making a decision to mediate. The session addressed the promotion of investor-state mediation and introduced the IPBA Investment Arbitration Sub-Committee (IASC)'s Decision Tree, an easy-to-use tool when deciding whether a mediation is suitable under the circumstances.

Ms Chung introduced the concept of investor-state mediation, the progress it has made in rules and treaty texts and common—real and perceived—obstacles to the use of mediation in disputes involving state actors.

The panel then addressed practical aspects of investor-state mediations by sharing experiences and 'war stories' from around the globe, with speakers focusing on Asia (Mr Rai), the Middle East (Mr Snider), Africa (Mr Ruffié-Farrugia) and Latin America (Mr Gattica). This segment was highly entertaining and, at the same time, instructive, showing that different regions of the world can take very different approaches to the issue, from purely dilatory tactics to real settlement successes.

The session concluded with its highlight, exploring how the new IPBA IASC Decision Tree might help investors and states to decide whether an investment mediation is suitable in a particular dispute and at a particular stage of the proceedings. The speakers guided the audience through various examples and elucidated how certain scenarios may be assessed with the help of the Decision Tree and its accompanying explanatory notes. The fully packed room came away well-entertained and with important new insights and the IPBA IASC is now exploring with the IPBA leadership how the Decision Tree can soon be made available to a wider audience.

APEC Committee China New Laws

Moderator: Wang Zhengzhi (*Beijing Globe-Law Law Firm, Beijing*)

Speakers: Fei Ning (*Beijing Huozhong Law Firm, Beijing*); Jiang Junlu (*Puran Law Firm, Beijing*); Jia Hui

(Deheng Law Firm); Shigehiko Ishimoto (Mori Hamada & Matsumoto, Tokyo); Zhang Haixiao (Anjie Law Firm)

Mr Wang Zhengzhi, the Chair of the IPBA APEC Committee, moderated this session on 'China New Laws'. The speakers of the session were Mr Fei Ning, Mr Jiang Junlu, Mr Jia Hui, Mr Shigehiko Ishimoto and Ms Zhang Haixiao.

Mr Fei Ning focused on the breakthroughs and problems in amending the Arbitration Law in the PRC. Dr Jiang Junlu introduced the Labor Standard Law (draft) and its significant impact for Chinese society. This draft is also the preparation for the future Labor Code.

Mr Shigehiko Ishimoto (past Chair of the APEC Committee) discussed the economic security laws and regimes in different countries. Mr Jia Hui presented the new trends on China's insurance law. Dr Haixiao Hellen Zhang provided to the audience details of cutting-edge changes and an in-depth analysis of the PRC legal framework up to March 2023, focusing on the PRC Foreign Trade Law, Regulations on Export Control of Dual-Use Items (Draft for Comments), Data Security Law, Network Security Review Measures, Measures for Security Assessment for Outbound Data Transfer, Foreign Relations Law (Draft for Comments) and Measures for the Security Review of Foreign Investments and National Security Strategy.

Aviation Committee

On the occasion of the 31st IPBA Conference, held in Dubai from 7–10 March 2023, the Aviation and Aerospace Committee decided to join forces with the Environment Committee on topics of common interest. This approach is in keeping with the more general framework of the Conference, which this year decided to focus on ESG and climate change. Coincidentally, the 54th Paris Air Show will shortly be held at Le Bourget (France) from 19–23 June 2023.

Never before has the subject of the aviation industry been so central to the debate, so high are the stakes and so difficult is the balance to strike. Indeed, climate change is a global issue and every inhabitant of the planet is directly or indirectly impacted by what happens across the globe. Our interdependence in this respect is indisputable. At the same time, the development of air transport, in Africa for example, is a factor of economic growth and a means of opening up certain countries and regions that no longer live on tourism and would otherwise be doomed.

This is why, in the 50 years since commercial aviation was massified with the arrival of the first Boeing 747s, the development of commercial traffic has exploded, and with the emergence of a middle class in certain countries (China, India, Africa) eager or obliged to travel, it will be difficult to turn the clock back 50 years. In 2018, no fewer than 4.3 billion passengers travelled by air.

Last but not least, public opinion around the world, which also includes potential customers, is demanding rapid responses to the quest for balance mentioned above.

There is therefore a multi-dimensional climate challenge that cannot be ignored and which we will have to manage responsibly.

The Climate Challenge

According to some studies, commercial aviation represented 2.6 per cent of greenhouse gas emissions worldwide in 2018 and 5.1 per cent of anthropic global warming between 2000 and 2018, taking into account the non-CO2 effect. That corresponds to approximately 1 billion tons of CO2.

Moreover, for the United Nations Intergovernmental Panel on Climate Change (storms caused delayed, diverted and cancelled flights and damaged communications equipment and extreme precipitation caused a control tower to flood, temporarily closing an airport) the trend will increase as climate change accelerates.

As traffic has recovered since the end of the pandemic, the pressure on the network has increased. EUROCONTROL's long-term forecast predicts 16 million flights a year by 2050, an increase of 40 per cent on 2019 levels.

So the aviation industry needs to take action to adapt and build resilience.

Aviation's Technological Challenges

Sustainable aviation fuels and low-carbon substitutes for fossil-fuel jet kerosene are critical to decarbonising aviation. Incremental improvements to engines, aerodynamics and mild hybridisation can and should be implemented. However, 'revolutionary' designs, such as new airframe configurations to enable further efficiency improvements and electrified or hydrogen-powered aircraft, are needed to enable the significant CO2 emission reductions that could

be realised in short to medium-range operations by switching to alternatives to jet kerosene fuel.

The answers to these numerous challenges require a response from the entire international community; not just aircraft manufacturers, but all subcontractors play a decisive role in this new approach.

First, research into innovative ways of building less-polluting aircraft requires colossal financial resources. Today, this research is the responsibility of the major aircraft manufacturers, who should benefit from financial support from all players in the sector, with a simple objective: to achieve the fastest possible introduction of clean aviation.

Second, air traffic control needs to be better managed to fluidify aircraft trajectories—a change of altitude by a pilot to find better weather conditions and optimise fuel consumption will have beneficial repercussions for surrounding aircraft without air traffic control coordination. We also need to develop new trajectory optimisation algorithms.

Flight procedures should be optimised: reduce taxiing time on the ground, ensure a continuous climb during take-off and develop 'green taxiing' (taxiing an aircraft using electric motors rather than jet thrust).

Last but not least, the new environmental standards and recommended practices for aircraft noise, engine emissions and CO2 emissions should be better respected worldwide.

Considering the importance of the aircraft sector, which is global and challenging for the years and decades to come, we lawyers at the IPBA need to embrace this topic.

Insurance Committee

Moderator: Kemsley Brennan (MinterEllison, Sydney)

Speakers: Kieran Humphrey (O'Melveny & Myers, Hong Kong); Lynne McCafferty KC, 4 Pump Court (London); Simon Goldstone, 4 Pump Court (London); Ian Peters, Marsh Advisory (Dubai)

The Insurance Committee successfully ran its session 'Insurance Since COVID-19 Business Interruption and Pandemic-Related Claims' at the Dubai IPBA Conference. This session was well attended by

participants and promoted robust discussion between the panel and attendees.

Insurance law experts participated in the discussion on key trends in insurance issues arising out of COVID-19, including business interruption and pandemic claims. Lynne McCafferty KC and Simon Goldstone of 4 Pump Court, London provided a comprehensive overview of the landmark judicial decisions addressing pandemic-related claims in the United Kingdom. Kemsley Brennan, as Moderator, was able to highlight the Australian Courts position on pandemic-related claims and the differences in the approach adopted by the Australian courts. Kieran Humphrey of O'Melveny and Myers was also able to provide an overview of the claim trending in Asia in respect of pandemic claims, while Ian Peters, Chief Claims Officer, Marsh Advisory UAE, was able to highlight how pandemic claims have trended in the Middle East.

The discussion by the moderated Panel clearly highlighted the similarities of the legal issues in respect of pandemic-related insurance claims and the differences in which pandemic-related insurance claims have been dealt with by various courts in key global markets.

Cross-Border Investment Committee

Update on Reps and Warranty Insurance – Latest Trends and Developments

Moderators: Matt Komatsu (Mori, Hamada & Matsumoto (Singapore) LLP, Singapore); Markus Rasner (Oppenhoff, Frankfurt am Main)

Speakers: Sandra Lee (BMS Group, Hong Kong); Ben Smith (Minter Ellison, Sydney); Harrison Jia (Deheng, Beijing)

Cross-Border M&A after COVID-19: What Changed and What Remains Unchanged?

Moderator: Kenichi Sekiguchi, Mori Hamada & Matsumoto, Tokyo

Speakers: Eu Jin Ong (Rosli Dahlan Saravana Partnership, Kuala Lumpur); Jeff Schrepfer (Pillsbury Winthrop Shaw Pittman LLP, Tokyo); Rudra Kumar Pandey (Shardul Amarchand Nalgaldas & Co, New Delhi); Bui Ngoc Hong (LNT & Partners, Vietnam); Pablo Hontoria (Pérez-Llorca, Madrid); Jeroen Pop (AKD, Amsterdam)

Cross-border investments form a significant part of the global M&A landscape, in recent years representing approximately a third of all deal activity annually. After

a record-shattering year for M&A in 2021, the year 2022 represented a reversion to the mean in terms of M&A volume, reflecting the impact of the ongoing war in Ukraine, interest rate spikes, challenging debt markets, ongoing supply chain disruption and the COVID-19 pandemic.

The CBIC sessions at the IPBA Annual Conference 2023 Dubai brought together globally recognised M&A practitioners to participate and deliberate on a vast array of subjects that are defining deal-making across borders. These sessions delved deep into the current state of cross-border investment regulations and the practical issues faced by investors.

This summary covers key themes and insights shared during the Conference, highlighting emerging trends and their implications for the global business landscape.

The first set of topics addressed the increasing use of Warranty & Indemnity ('W&I') Insurance in M&A transactions worldwide. The use of W&I Insurance has expanded beyond Western markets, with Asia witnessing a surge in its adoption. The emergence of W&I 4.0, characterised by significant changes in usage, scope and evolution of exclusions, has transformed M&A processes. As a result, the focus has shifted towards the sell-side in transactions, emphasising the importance of vendor due diligence reports and claims handling.

Another important theme discussed was the impact of COVID-19 on M&A activities. Despite the pandemic's disruptive effects, the M&A world rebounded unexpectedly, fuelled by changing business environments and consumer demands. Tech and digital sectors gained prominence as legacy companies embraced online business models and unicorns sought to become decacorns. Legal and regulatory considerations surrounding omni-channel approaches were examined, highlighting the evolving landscape for M&A lawyers.

Financing challenges faced by small and medium enterprises ('SMEs') were also addressed. Limited access to financing, coupled with regulatory reforms, has heightened banks' risk aversion towards SME investments. The role of capital markets in bridging the financing gap and providing alternative funding sources for SMEs at different stages of their life cycle was explored. Overcoming impediments and

encouraging SMEs to access capital markets emerged as a crucial aspect of sustainable economic growth.

Regulatory aspects were covered in sessions focused on European Foreign Investment Regulations ('FIR') and their impact on transactions with a US angle. The visible impact of the new EU regulation on the screening of foreign direct investment into the EU, as well as the role of US regulation CFIUS in European transactions, were discussed. Practical issues and awareness for investors were emphasised in understanding the implications of FIR in European countries.

The Conference also touched upon subjects like ESG strategies, conflicting sanctions, VC investment terms, cross-border M&A practices during the pandemic, political risk management, distressed M&As, digital art and NFTs and ESG considerations in cross-border M&As. These sessions provided valuable insights into emerging trends, legal issues and best practices across diverse sectors and geographies.

The insights and discussions during the conference provided valuable guidance for practitioners navigating the complexities of international business transactions and highlighted the need for adaptability and awareness of emerging trends in an ever-evolving global marketplace.

Banking, Finance and Securities Committee Anti-Money Laundering (AML) Procedures Post-Crypto and COVID, How to Deal With Globalisation and Remote Identification

This Panel addressed Anti-Money Laundering ('AML') procedures, including customer due diligence in cases of non-face-to-face transactions in connection with crypto transactions which have a cross-border and internet-based nature and, as pointed out by the FATF's Guidance for a Risk-Based Approach to Virtual Assets and VASPs, are sometimes used for money laundering purposes.

The session was moderated by the Committee Co-Chair, Yuri Suzuki (Atsumi & Sakai, Tokyo). Speakers included Major Saud Al-Mutawa (Dubai Police), Vida Grace Serrano (Al Suwaidi & Company, Dubai), Shahwar Jamal Nizam (DFDL, Dhaka), Don Waters (McMillan LLP, Toronto) and Vincent Wang (Tsar & Tsai, Taipei).

The session started with Major Saud's keynote speech, which presented both the international and UAE's particular landscape including relevant regulations,



risk governance framework, stakeholders and the characteristics of its AML/CFT regime. Then each panellist made a presentation, giving an overview of AML procedures and regulations of VASPs in each jurisdiction with reference to how to deal with globalisation and remote identification. This was followed by an intensive discussion on the use of technology and central databases for e-KYC, privacy law issues and the various burdens on companies.

Next Generation Committee Top 40 Under 40

How can young lawyers become 'Top 40 Under 40'? How can they develop their practice and what 'unconventional' steps can they take to stand out among peers?

Centred on these questions, a lively panel discussion hosted by the Next Generation Committee took place on 8 March 2023 at the IPBA Conference in Dubai. Together with their moderator, Anna Wyrzykowska (WKB), four panellists with different backgrounds (Hana Al Khatib, Global Advocates; Ji En Lee, Chambers Lab; Yixiao Li, Gleiss Lutz and Arya Tripathy, PSA Legal) spoke openly about how they are building on a successful career in the legal profession and what challenges they are facing.

As the Panel was dominated by 'Generation Y', unsurprisingly, the first question they were asking themselves was why, in the first place, is it important to become 'Top 40 Under 40'? They were quick to agree that external factors such as money or fame will not be sufficient to sustain a long, successful career. A deeper, internal motivation would be necessary. For some it is

the joy of being able to help their clients or customers and for others it is the opportunity to work and connect with so many different people and companies.

The panellists went on to explore the skill sets one needs to become 'Top 40 Under 40' or to put it in their words: 'to evolve from an executor to a rainmaker'. They pointed out that all legal professionals start their career and learn the ropes by following and executing the instructions of their superiors. So how does the shift in their role towards a rainmaker, who is actually bringing in the business, happen? They discussed the importance of networking for the purposes of building a referral base and of having the courage to explore legal areas that are new and not yet 'occupied' by more experienced colleagues (for example, legal tech, blockchain, ESG). They also shared how they have benefitted from pairing their legal practice with non-legal elements. For example, one of the panellists is a trained traditional Hindi singer and another is a certified yoga instructor. They agreed that not giving up on their other passions has helped them to be a better legal professional.

It was clear to the panellists that it would not be possible to discuss a career in the legal profession without raising the topic of mental health. After all, as they pointed out, the legal profession has one of the highest depression rates and according to a global study conducted by the IPBA on mental wellbeing in the legal profession, more than half of all participants had experienced fatigue, disrupted sleep and anxiety at work within the test period. The panellists gave insights on what they consider important to maintain mental wellbeing while pursuing a career in the legal profession. They shared that having a sense of purpose is essential to carry one through challenging and stressful times and, as only few can have a successful career without any help, having a supportive mentor and team is indispensable.

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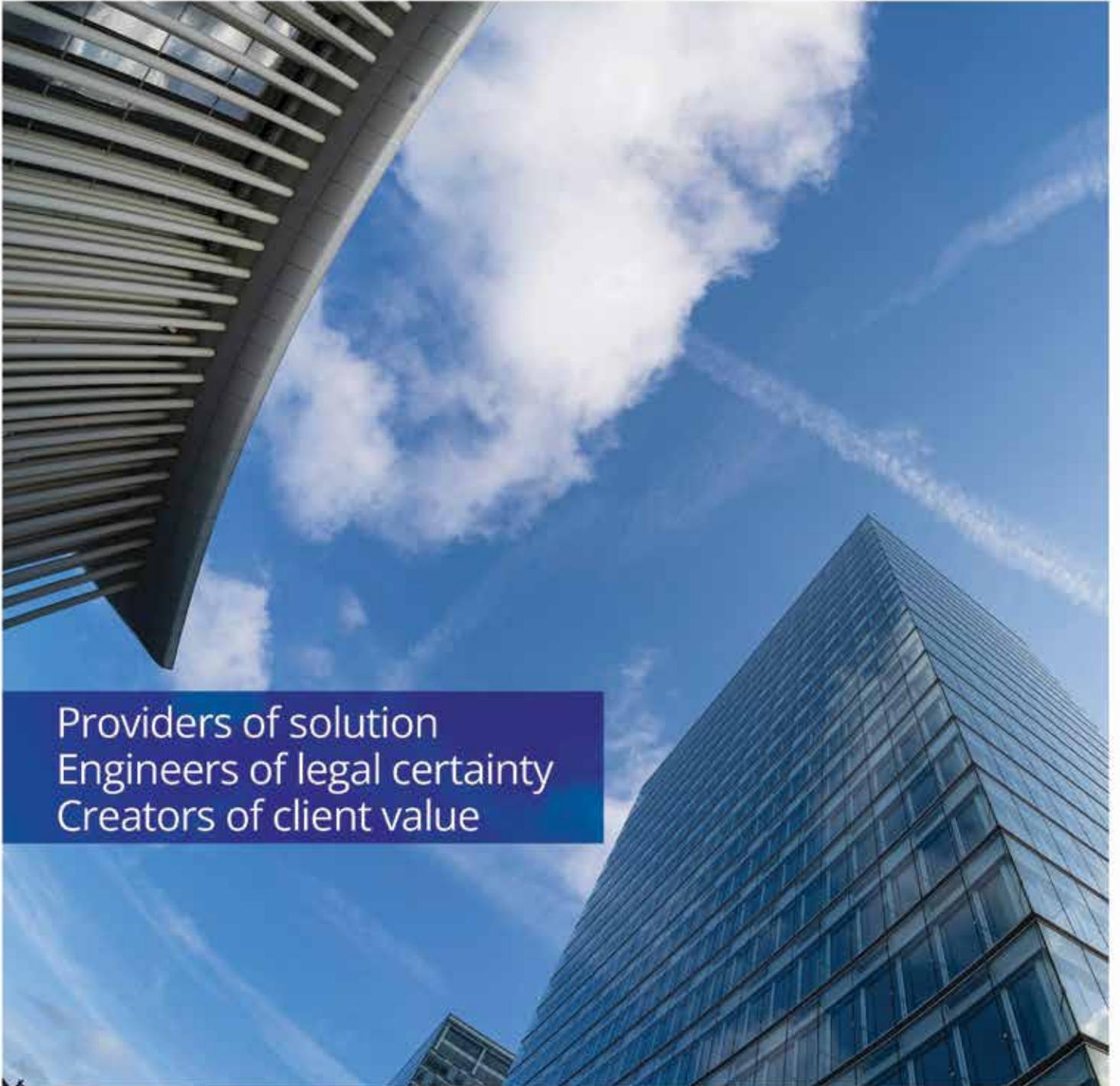
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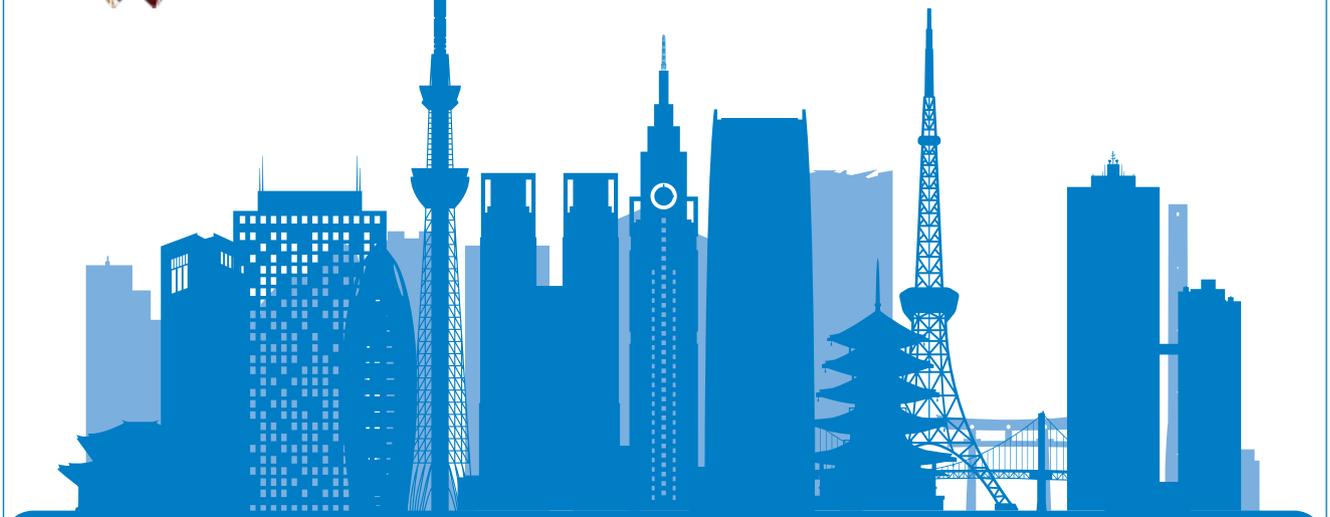
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Q&A with: Ali Al Hashimi

Tell us about your years growing up, such as interests, hobbies and causes that you are passionate about. What are some of the childhood experiences that shaped you?

The best way to describe my years growing up is talking about the UAE's remarkable transformation over the past few decades. My generation was lucky to experience growth during the most important period in the history of the UAE, where a young country was evolving from a collection of small tribal settlements to a modern and prosperous nation. I have seen it grow as I grew, I developed as the country developed, and I progressed as the country and all its aspects did.

Everyone's passions and interests may vary based on their personal experiences, values and aspirations. For me, a passion that I would like to mention is the passion for building relationships, which is a deep and genuine desire to connect with others on a meaningful and authentic level, which helped me enrich both my personal and professional life over the years.

Like many children, playing football was one of our typical hobbies. For me it was more than just a hobby, it shaped my character, instilled valuable life skills and created a sense of community. From the aspect of physical activity to the camaraderie, the lessons learned on the football field have had a lasting impact, making it an unforgettable and cherished part of my childhood.

Why did you choose to work in the law? Describe your career trajectory.

My dream growing up was being in law enforcement as it involves working in various roles and agencies responsible for enforcing laws, maintaining public safety and upholding justice. After completing my bachelor's degree in law at the Dubai Police College, I achieved my dream by working in the Dubai Police Head Quarters.



Ali Al Hashimi, Managing Partner, Global Advocacy and Legal Counsel, Dubai, UAE

Studying law and working as an officer in law enforcement provided me with a unique combination of legal knowledge and practical experience in the field. This dual perspective was valuable in understanding the intricacies of the law and its application in real-world situations. I was able to experience how lawyers deal with things and had curiosity about the other side of law enforcement, mainly in relation to the defence and arguments side. This is when I made a decision to shift my career and start as a lawyer after a few years of being in law enforcement.

What is the biggest challenge you have faced to date and how did you overcome it?

When you ask me about the biggest challenge I have faced, there is nothing specific that comes to my mind other than the fact that life is full of challenges and obstacles. You don't achieve without passing through challenges and it is through facing and overcoming these challenges that we grow, learn and develop resilience. It is important to note as well that perseverance is key, which involves staying focused on long-term goals, maintaining motivation and not giving up when faced with adversity.

You are enormously passionate about the IPBA. What does the IPBA mean to you and what do you think other people should know about the IPBA?

To many legal professionals, the IPBA represents a valuable platform for knowledge exchange, professional growth and building connections with colleagues from diverse jurisdictions. To me, the IPBA is my second home; I have been a member for more than 12 years and I consider this membership as an important factor in my career path. The IPBA is where I met my friends and colleagues from different parts of the world, it is where I had the opportunity to enrich my knowledge in a collegial environment and understand the several differences in culture around the world. Recently, during the past few years, out of the friendships and connections with my fellow colleagues at the IPBA, I was able to work closely with the IPBA to serve and assist their clients and to better assist my clients with matters related to other jurisdictions or across borders. Dealing with colleagues that you know and trust makes it very easy to serve your clients through IPBA colleagues in different jurisdictions.

The IPBA is defined to collaborate and cooperate, committed to fostering inclusivity and diversity. I describe it as a platform for legal practitioners to connect, learn and contribute to the development of the legal profession, as it plays a vital role in promoting professional excellence, cross-border collaboration and the advancement of the rule of law in the Asia-Pacific region.

As one of the core members of the host organising committee for the IPBA Dubai Conference, did you face any challenges in organising and running the Conference? How do you think the Conference turned out?

Every conference is unique, and the challenges faced may vary depending on several factors. Overcoming these challenges requires effective planning, teamwork and attention to detail, and as everyone is aware, the IPBA Dubai was the first in-person conference after COVID-19. The success of this event was crucial and challenging in itself, as it sets the future of the IPBA's future conferences. I worked closely with the steering committee to bring out the best of this event, attract IPBA members and new members in the region and bring back the IPBA conference to its usual standing. Working for more than a year before the Conference, by the grace of Allah and the steering committee's dedication, the goal was achieved.

We were able to welcome more than 750 guests attending the Conference, most of whom came from outside the UAE from different parts of the world, despite COVID-related challenges. The main reason for overcoming this challenge was the fact that Dubai, UAE, emerged as one of the early cities to show signs of recovery and return to a sense of normalcy following the challenges posed by the COVID-19 pandemic. Throughout the crisis, and post-COVID, Dubai implemented various measures to combat the spread of the virus and prioritised the safety and well-being of its residents and visitors.

What is a motto you live by?

'Do what you love, and love what you do', which encapsulates the idea of finding fulfilment and satisfaction in one's work or chosen pursuits. It conveys the importance of aligning your passion and interests with your professional endeavours.

What would you say to your 20-year-old self?

My 20-year-old self is another person, I had several distractions and deviated from achieving my goals. However, I believed in myself, kept chasing my dreams with determination and consistency and embraced my journey.

What is your favourite book?

Long Walk to Freedom by Nelson Mandela. This is a fantastic book that chronicles Mandela's extraordinary life, from his childhood in a rural village to his political awakening, his years of imprisonment and ultimately his role in leading South Africa to democracy and becoming its first black president. The book described the chasing of one's dream and trying everything notwithstanding the challenges, hardship and struggle. Law practice is at the heart of Nelson Mandela's story as he was a lawyer chasing freedom in all its aspects and believing that one day he would achieve his goals, which he did!

If I could be any superhero, I would be ...

If I could be any superhero, I would be a super-lawyer hero who is able to do everything possible to help and assist others—a tireless sort of a superman of the lawyers!

IPBA New Council Members

The following IPBA Council members were approved by the Council at the Mid-Year Council Meeting in Seoul on 25 September 2022 and confirmed by IPBA members at the Annual General Meeting in Dubai, held on 11 March 2023. They began their terms immediately thereafter. Information about all Council members can be found on the IPBA website.

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IPBA New Members February to May 2023

We are pleased to introduce our new IPBA members who joined our association from February to May 2023. Please welcome them to our organisation and kindly introduce yourself at the next IPBA conference.

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Hong Kong , C.M. Chan <i>The Law Society Of Hong Kong</i>	Japan , Ayako Ikeda <i>Mori Hamada & Matsumoto</i>
Hong Kon , Heidi Chu <i>The Law Society Of Hong Kong</i>	Japan , Takashi Koyama <i>Oh-Ebashi LPC & Partners</i>
Hong Kong , Anna Mae Mei Jong Koo <i>Vivien Chan & Co.</i>	Japan , Yuzo Ogata <i>Oh-Ebashi LPC & Partners</i>
Hong Kong , Qi Li <i>New Huo Technology</i>	Japan , Kohei Omi <i>Oh-Ebashi LPC & Partners</i>
Hong Kong , Yi-Shun Teoh <i>Reynolds Porter Chamberlain</i>	Japan , Shunichi Otsuru <i>Nakayama and Partners</i>
India , Sourav Bhagat <i>Fox & Mandal</i>	Japan , Norihiro Sekiguchi <i>Oh-Ebashi LPC & Partners</i>
India , Abhishek Dutta <i>Aureus Law Partners</i>	Japan , Norimitsu Shirai <i>TMI Associates</i>
India , Srishti Gupta <i>Tmt Law Practice</i>	Japan , Cai Wenxian
India , Apoorva Jain <i>MyLawCare.com</i>	Japan , Maria Yaka <i>Kitahama & Partners</i>
India , Sandeep Mehta <i>J. Sagar Associates</i>	Japan , Leo Yamada <i>TMI Associates</i>
India , Humera Niyazi <i>Kochhar & Co.</i>	Korea , Hongjoong Kim <i>Korean Bar Association</i>

Korea , Hyunchai Isabelle Sohn <i>Interlex</i>	Singapore , Kia Meng Loh <i>Dentons Rodyk & Davidson LLP</i>
Kuwait , Abdulrahma Alhouti <i>Dar Al-muhama</i>	Switzerland , Martin Busenhart <i>Walder Wyss Ltd.</i>
Macau , Sok Hei Rosita Vong <i>Vong Hin Fai Lawyers & Private Notary</i>	Switzerland , Dorothee Schramm <i>SwissArbitrator.com</i>
Malaysia , Kiat Ching Hoh <i>Shook Lin & Bok, Malaysia</i>	United Arab Emirates , Ali Alraeesi <i>Alsuwaidi & Company LLC</i>
Pakistan , Muhammad Farrukh Irfan Khan <i>IRFAN & IRFAN</i>	United Arab Emirates , Sadaff Habib <i>Equanimity Arbitration</i>
Philippines , Maria Paola Bunyi <i>Cochingyan & Partners Law Offices</i>	United Arab Emirates , Karl Masi <i>Charles Russell Speechlys LLP</i>
Philippines , Dino De Leon <i>De Leon Arevalo Gonzales</i>	United Arab Emirates , Nasreen Osman <i>Pinsent Masons LLP</i>
Philippines , Julius Raboca <i>Veralaw</i>	United States , Kabir Darshan Singh Choudhary <i>Wikimedia Foundation</i>
Portugal , Rogério Fernandes Ferreira <i>RFF Lawyers</i>	United States , Zhengtian Hao Ogletree Deakins
Singapore , Darius Chan <i>Breakpoint LLC</i>	Vietnam , Hong Manh Pham <i>Apolat Legal Law Firm</i>
Singapore , Alexandra Geiger <i>Rajah & Tann Singapore LLP/MME Legal AG</i>	

IPBA Scholarship Programme

The Inter-Pacific Bar Association (IPBA) is pleased to announce that it is now accepting applications for the IPBA Scholarship Programme to enable practising lawyers to attend the IPBA Annual Meeting & Conference to be held in Tokyo, 24–27 April 2024.

What is the Inter-Pacific Bar Association?

The Inter-Pacific Bar Association is an international association of business and commercial lawyers with a focus on the Asia-Pacific region. Members are either Asia-Pacific residents or have a strong interest in this part of the world. The IPBA was founded in April 1991 at an organising conference held in Tokyo attended by more than 500 lawyers from throughout Asia and the Pacific. Since then, it has grown to become the pre-eminent organisation in respect of law and business within Asia with a membership of over 1,000 lawyers from 65 jurisdictions around the world. IPBA members include a large number of lawyers practising in the Asia-Pacific region and throughout the world that have a cross-border practice involving the Asia-Pacific region.

What is the Inter-Pacific Bar Association Annual Meeting and Conference?

One of the highlights of the year for the IPBA is its annual conference, which has become the 'must-attend event' for international lawyers practising in the Asia-Pacific region. In addition to plenary sessions of interest to all lawyers, sessions are presented by the IPBA's 24 specialist committees and one Ad Hoc committee. The IPBA Annual Meeting and Conference provides an opportunity for lawyers to meet colleagues from around the world and to share the latest developments in cross-border practice and professional development in the Asia-Pacific region. Previous annual conferences have been held in Tokyo, Sydney, Taipei, Singapore, San Francisco, Manila,

Kuala Lumpur, Auckland, Bangkok, Vancouver, Hong Kong, New Delhi, Seoul, Bali, Beijing, Los Angeles, Kyoto/Osaka, Shanghai and Dubai.

What is the IPBA Scholarship Programme?

The IPBA Scholarship Programme was originally established in honour of the memory of M.S. Lin of Taipei, who was one of the founders and a Past President of the IPBA. Today it operates to bring to the IPBA Annual Meeting and Conference lawyers who would not otherwise be able to attend and who would both contribute to, and benefit from, attending. The Scholarship Programme is also intended to endorse the IPBA's mission to develop the law and its practice in the Asia-Pacific region. Currently, the scholarships are principally funded by The Japan Fund, established and supported by lawyers in Japan to honour the IPBA's accomplishments since its founding; the Host Committee of the Annual Meeting and Conference in Vancouver, Canada, 2014; and a generous donation by the family of M.S. Lin, a Past President of the IPBA.

During the conference, the Scholars will enjoy the opportunity to meet key members of the legal community of the Asia-Pacific region through a series of unique and prestigious receptions, lectures, workshops and social events. Each selected Scholar will be responsible to attend the Conference in its entirety and to provide a report of his/her experience to the IPBA after the conference. The program aims to provide the Scholars with substantial tools and cross-border knowledge to assist them in building their careers in their home country. Following the conference, the Scholars will enjoy three years of IPBA membership and will be invited to join a dedicated social networking forum to remain in contact with each other while developing a network with other past and future Scholars.



Who is Eligible to be an IPBA Scholar?

There are two categories of lawyers eligible to become an IPBA Scholar:

1. Lawyers from Developing Countries

To be eligible, the applicants must:

- a. be a citizen of and be admitted to practice in Bangladesh, Cambodia, Laos, Mongolia, Myanmar, Nepal or the Pacific Islands;
- b. be fluent in both written and spoken English (the conference language); and
- c. currently maintain a cross-border practice or desire to become engaged in cross-border practice.

2. Young Lawyers

To be eligible, the applicants must:

- a. be under 35 years of age at the time of application and have less than seven years of post-qualification experience;
- b. be fluent in both written and spoken English, the official language of the IPBA;
- c. have taken an active role in the legal profession in his/her country; and
- d. currently maintain a cross-border practice or desire to become engaged in cross-border practice.

Preference will be given to applicants who would be otherwise unable to attend the conference because of personal or family financial circumstances and/or because they are working for a small firm without a budget to allow them to attend.

Former Scholars will only be considered under extraordinary circumstances.

How to Apply to Become an IPBA Scholar

To apply for an IPBA Scholarship, complete an application form and return it to the IPBA Secretariat in Tokyo no later than 30 September 2023. Application forms are available either through the IPBA website (<https://ipba.org>) or by contacting the IPBA Secretariat (ipbascholarships@ipba.org).

Completed applications should be sent by e-mail attachment to:

The IPBA Secretariat

E-mail: ipbascholarships@ipba.org

What happens once a candidate is selected?

1. The IPBA will notify each successful applicant that he or she has been awarded an IPBA Scholarship. The notification will be provided at least two months prior to the start of the IPBA Annual Conference. Unsuccessful candidates will also be notified.
2. Airfare will be agreed upon, reimbursed or paid for and accommodation will be arranged and paid for by the IPBA Secretariat after consultation with the successful applicants. The Scholar should understand that there shall be no deviation from the conference schedule in terms of flights and accommodation and no family members, friends or colleagues may stay in the accommodation with the Scholar.
3. A liaison appointed by the IPBA will introduce each Scholar to the IPBA and help the Scholar obtain the utmost benefit from the IPBA Annual Conference.
4. Each selected scholar will be responsible to attend all of the Conference and to provide a report of his/her experience to the IPBA after the Conference.

The IPBA Secretariat

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Telephone: +81-3-5786-6796 • FAX: +81-3-5786-6778 • E-mail: ipbascholarships@ipba.org

Members' Notes

Ngosong Fonkem, Seattle



Ngosong Fonkem recently joined Harris Bricken Sliwosky LLP, a Seattle based firm, as one of its international trade lawyers. Ngosong Fonkem will 'provide companies of all sizes with business-practical representation on International Trade Law and Africa matters'.

Publications Committee Guidelines for Publication of Articles in the IPBA Journal

We are pleased to accept articles on interesting legal topics and new legal developments that are happening in your jurisdiction. From time to time, issues of the Journal will be themed. Please send: (1) your article to both **James Jung** at jjung@collaw.edu.au and **Olivia Kung** at olivia.kung@wellingtonlegal.com.hk; (2) a lead paragraph of approximately 50 or 60 words, giving a brief introduction to, or an overview of the article's main theme; (3) a photo with the following specifications (File Format: JPG or TIFF, Resolution: 300dpi and Dimensions: 4cm(w) x 5cm(h)); and (4) your biography of approximately 30 to 50 words.

The requirements for publication of an article in the *IPBA Journal* are as follows:

1. The article has not been previously published in any journal or publication;
2. The article is of good quality both in terms of technical input and topical interest for IPBA members;
3. The article is not written to publicise the expertise, specialization, or network offices of the writer or the firm at which the writer is based;
4. The article is concise (2500 to 3000 words) and, in any event, does not exceed 3000 words;
5. The article must be written in English (with British English spelling), and the author must ensure that it meets international business standards;
6. The article is written by an IPBA member. Co-authors must also be IPBA members; and
7. Contributors must agree to and abide by the copyright guidelines of the IPBA. These include, but are not limited to
 - a. An author may provide a link on the website of his/her firm or his/her personal website/ social media page to the page of the Journal on which the first page of his/her article appears; and
 - b. An author may not post on any site an entire PDF of the Journal in which the article authored by him/her appears.



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