

SAUDI-BRITISH SOCIETY

THE RAWABI HOLDING AWARDS 2016

ACCEPTANCE SPEECH BY ALI ALMIHDAR

Ladies and Gentlemen,

Today is a very important day for me. Not only because of the huge honour of being the first Saudi national to receive the Al Rawabi prize since it was launched by its generous donor, Sheikh Abdul Aziz Al Turki, but also because of the honour and privilege of standing before the singularly distinguished audience that you are, coming as you do from so many walks of life. I am deeply grateful to you all. As I acknowledge my acceptance of this great honour, I am required to tell you something about myself, in particular my connection with this great country, the United Kingdom. The beginning was when I arrived for the first time aged nineteen as a nervous and apprehensive Freshman at Cambridge University to study Law.

My total time at Cambridge was four years, during which I was awarded two degrees, the B.A. in Law and the L.L.M. The subjects I studied ranged from various aspects of English Law, to Roman Law to International Law and, very significantly for me, the Islamic Shariah Law. Indeed, my first learning experience of the glorious Shariah was at Cambridge, where it was one of my elective subjects during my third year. I, and the small group of students who chose to study Islamic Law, were taught by no less than that doyen of Islamic Law and Legal History in the English speaking world, Professor Noel Coulson, may he rest in peace. My College at Cambridge was Churchill, which was founded more than half a century ago by the great man after whom it was named, Sir Winston Churchill.

My first year in England was my first experience of what is commonly described as a cultural shock. It was the first time that I had left my parents' home and it was not easy for me to adapt. In spite of all the kindness I was shown by almost all I came in contact with, I remained shell-shocked for a very long time. My one solace and real pleasure was receiving a letter or a card from my family. In an age with no Internet, Skype or Facetime or even easily audible phone calls arranged by courtesy of the porters once or twice a year, each letter was a cause for rejoicing. I can picture the scene now. Every morning, when I left my room heading for breakfast in hall, I could see from a distance through the large glass panes of the porters' lodge, and in it I could see the panel in which everybody's pigeon holes were arranged in alphabetical order. I was soon able to train my sight to the exact spot of my pigeon hole and so could tell from afar whether a letter had arrived or not. Whenever I could see that something had arrived, my rejoicing would start, pushing all thoughts of breakfast to a backburner. It was only in the second year of my studies that I came out of my shell and started to integrate. Suddenly life became more meaningful as I began to absorb the culture that had appeared so alien to me in my first year.

After Cambridge, I went to London where I spent a year doing a prequalification pupillage at a leading set of Barristers' Chambers, 1 Hare Court. My mentor there was Sir Roger Parker QC, may he rest in peace, a great lawyer and a powerful advocate, and by shadowing him and doing some research for him in his cases, I gained much insight into the workings of the English system.

On completion of my pre-qualification pupillage year, I returned to Saudi Arabia where I soon joined the Ministry of Petroleum and Mineral Resources. I was given the position of Legal Adviser to the Minister of Petroleum, who at that time was Sheikh Ahmad Zaki Yamani. Some of you will still remember Sheikh Yamani as the leading force in the world of oil and energy in that era. He was so influential that, when he arrived at Heathrow airport one day in the tumultuous time of the oil industry in the 1970s, one of the London papers described the crowds of journalists that surrounded him as the largest gathering of journalists that London had ever seen. His illustrious career continues today in his amazing activities in the quest for knowledge and promotion of Islamic scholarship. My work with him meant my getting involved in the negotiations and drafting of the most important Oil

& Gas Agreements, conducted in many countries, ranging from Saudi Arabia to the GCC countries, to countries in Africa and Europe and the Americas. My work in the Ministry took me to places I would never have visited otherwise. Six years later I left the Ministry and set up my own Law Firm in Jeddah. My client base built up nicely in a fairly short time, and very fortunately, the Ministry retained me as their external counsel for more than ten years after that.

Eventually, I came to the conclusion that in order to be of more effective assistance to my clients, I needed to be qualified to practise in another jurisdiction. My natural choice was London, and so I returned to my studies in the UK. My Cambridge degrees had by this time become dated, or in the words of the Bar Council, stale. This meant that I had to supplement them with a newer academic qualification. This came in the form of a Post Graduate Diploma in Law, which I obtained from Middlesex University, over a two year distance-learning course. The final academic stage before being called to the Bar of England & Wales was a one year, Bar Vocational Course, the BVC, which meant a year's study at the College of Law, now proudly renamed the University of Law, in Bloomsbury.

In the meantime during those long years, I benefited from two more houses of legal scholarship, the Middle Temple in the heart of legal London and the University of Alexandria in Egypt. In order to become a barrister, one had to join one of the four Inns of Court, and my choice was the Middle Temple. In its Great Hall, replete with its regal embodiments of English history, I ate my mandatory legal dinners, and I was called to the English Bar. Before one could become a Barrister, one had to eat a number of dinners, 36 in my days but only 12 now. At Alexandria University, I studied the Islamic Shariah in far greater depth than I had done at Cambridge. I first obtained a Diploma in the Shariah, and then started a long and tortuous journey towards a PhD in Law. My thesis was on the idea of Fairness in Contracts or, in other words, the application of equitable principles in the interpretation and enforcement of contracts. This was a comparative study of the subject in three great legal systems, the Common Law, the Civil Law of the European countries and the Islamic Shariah.

After qualifying as a Barrister, I needed to set up a practice in London, and my good fortune led me to Outer Temple Chambers, where I have been practising for the last six years. My clients are mostly British Companies or individuals with interests or cases in Saudi Arabia or Saudi entities or individuals with interests or disputes in England. My work is therefore trans-jurisdictional and in its variety and need for reconciling the requirements of more than one jurisdiction, it has proved to be particularly interesting.

But enough of my war stories. I must now turn to what is more important which is the matter of the relations between our two countries. Happily I can say they are, on the whole, good and to the satisfaction of both sides. There is mutual respect and many varied interests for each in the other. There have been of course, periods when these relations became somewhat strained, as often happens between good friends, but these have fortunately been few and far in between. The reasons for these periods of strained relations have been varied, some plausible but many more others the result of misunderstandings, often triggered by hostile media reports. The plausible reasons are understandable, for our two countries have different cultures and sometimes, different values. In other words there are gaps, albeit sometimes imagined to be much bigger than they actually are. In a recent conversation with a lady professional colleague of mine I discovered the extent to which negative reporting could distort the facts. She said to me, after all I have heard about your country I do not feel I would like to visit it, and if I find I have to go for compelling reasons, I would do so holding my nose.

We had a good laugh about her animated gesticulation, but I was curious to know more. I wanted to find out what exactly it was that made her feel that way about us and our country. It soon became clear that she had been exposed to the negative media deluge of often grossly distorted or plainly wrong information being propagated, wilfully or not from time to time. A woman in your country is forced to wear a burka, she is not allowed to drive and is treated as the equivalent of half a man in matters of inheritance, she said. I see, I said, so that is what is troubling you. Well let me explain.

First of all no one in Saudi Arabia is forced to wear a burka; it is a matter of purely personal choice. The fact is that there is a small minority of women who choose to wear burkas in the presence of non-family males, just as there is such a minority in the Muslim community in the UK and elsewhere in the West. Just have a look at the Saudi television channels and you will see the many female broadcasters and guests with no covers on their faces. As for the driving restriction, it is true that it currently exists, but it is not because there is a law or religious principle banning it, but rather because it is a vestige of some die-hard social customs or phobias. These are eroding and are expected to be wiped out in time, just like the prejudice against female education was wiped out half a century ago. Hostile media reports thrive on conveying disturbing news or non-news like this, I said, while they knowingly conceal favourable information, or tuck it in the darkest corners of their devices and in the smallest print they can get away with. Otherwise, you would have known about some of the achievements that Saudi women have now secured:

For example

- Did you know that there are now more female university graduates than male graduates in Saudi Arabia?

- Did you know that we now have Saudi lady doctors, surgeons, engineers, university deans and lately, rather terrifyingly for us male lawyers, rapidly growing numbers of lady lawyers? These are graduates of not just the Saudi universities, but of universities from all over the world, some PhDs from places like MIT, Harvard, London, Oxford and Cambridge?

- Did you know that the biggest and most state-of-the-art University for women in the whole world, Princess Noura University, is in Riyadh? Its campus is so vast that it has its own internal automated metro rail system with 4 lines and 14 stations.

- Did you know that there is a significant number of Saudi businesswomen, ranging from owners of vibrant home industries to owners and CEOs of supersized corporations that trade internationally?

- Did you know that the Saudi Inheritance Law, which is fully derived from the Shariah, is arguably the most favourable to women than any other Succession Law anywhere in the world?

I could see the expression on her face gradually change as I explained, so I added:

- Professor Coulson, in his book "Succession Law in the Muslim Family" said of the Islamic Law of inheritance:

"Juristically, the Law of Succession is a solid technical achievement, and Muslim scholarship takes a justifiable pride in the mathematical precision with which the rights of the various heirs, in any given situation, can be calculated"

In fact, there are 40 situations in which a female can inherit, of which only 9 involve the female getting half the share of a male counterpart. In the remaining 31 situations, a female gets an equal or greater share than a male counterpart or in some cases she may even completely debar him from inheriting.

- Did you know that where a male gets double the share of what a female gets, he takes it with a load of obligations while she takes it obligations free? He is responsible for family needs ranging from looking after parents and children, and a number of other relatives who might be in need of financial support. When he marries he has to pay a dowry to his bride and bear all the costs of setting up a home and raising a family. She gets none of these obligations, and when she gets married, she receives a dowry from the husband. The simplest analogy of Muslim male and female inheritance is that of two persons earning unequal incomes, but while one's income is double that of the other, the greater income earner is liable to pay taxes that could exceed 50%, while the other's income is tax exempt. The net result could well be that the person with the lower income would end up richer than her counterpart with double her income.

Of course, my good humoured colleague had not been aware of these facts, and I could see that her worst concerns were allayed. To put her mind completely at rest my last words of comfort to her were: Do not worry, you have nothing to fear if you come, no one will force you to wear a burka, and no one will annoy you for looking or being different. However, once you are there: "Of two things you must beware – Don't drink the water, and don't breathe the air".

Before I conclude I will share with you my thoughts on the money side of this award. I do not wish to spend it on my or my family's needs. My wish is to emulate the spirit, if by no means the extent, of giving, exemplified by Sheikh Abdul Aziz's noble gesture, or Judy Houry's lifelong service to the

needy. By right, Judy should be awarded both prizes today; but here we are... and I propose to divide the amount of money involved into five equal parts and send it on its way to capture some of that spirit. It will be given in aid of needy students of Law in the five houses of learning and scholarship in which I learned most of what I know about the Law. I shall mention them in the chronological order of when I first came into contact with them. They are:

1. Churchill College, Cambridge.
2. My Inn of Court, the Middle Temple.
3. The Law Faculty of Alexandria University in Egypt.
4. The Law Faculty of Middlesex University.
5. The College of Law, or as it is now called the University of Law.

I am fully aware that the amounts involved will not begin to scratch the surface of the financial needs of these great institutions, but I am certain they will see it for what it is, a token of a gesture to say thank you to them all.

I do not propose to delay you any further, for the best part of this event, food glorious food, is about to start. So I will conclude by thanking you again, each one of you, for the honour you have bestowed upon me, by awarding me this precious prize, Sheikh Abdul Aziz and the Saudi British Society, and all of you who came from near and far to make this event a truly happy hour.

Thank you.