

INTERVIEW

Haya Rashed Al-Khalifa

By M. Salman Ravala

Haya Rashed Al-Khalifa is a lawyer and diplomat from Bahrain who, amongst other appointments, served as the President of the 61st United Nations General Assembly from 2006–2007 and as Bahrain's first female Ambassador to France from 2001–2004. She currently serves as a Council Member of the American Arbitration Association, as a Member of the Advisory Council of the International Mediation Institute, and as a Chairperson of the Board of Trustees of the AAA-Bahrain Chamber for Dispute Resolution

M. Salman Ravala: You have had an illustrious legal career—from private practice to government service to key leadership roles on the world stage. Tell us how your focus on international law began.

Ms. Haya Rashed Al-Khalifa: It was in the early years of my law practice that I was fortunate to get a few international arbitration cases. That initial stream of cases involved parties from various nations: Bahrain, China, France, Saudi Arabia, and even the United States. Not only did they allow me to have a deeper understanding of international business disputes, but also specifically analyze threshold issues like choice of law and arbitrability. This was exciting for me because I speak three languages, have diplomas in public and comparative law, and I was fortunate to get cases relating my studies.

Ravala: Even within the field of international law, you specialize in several areas. Tell our readers briefly about each of those and what you like most about each such practice area.



Ms. Haya Rashed Al-Khalifa: My primary focus is on arbitration, banking and finance, and contracts law. While each is unique in its own way, the underlying commercial theme of these areas is very interesting to me. Analyzing legal theories, developing case strategies, and helping my clients from that context is rewarding. The law is evolving and is open to many interpretations, which pushes me to keep learning every day. My cases force me to have an understanding of not just local law or statutes but also laws of other jurisdictions and systems—I'm always in comparative analysis mode. A legal concept may exist in common law, and it's my job as the lawyer to translate that concept or set of laws into civil law, for example. It is like a garden with many flowers, and, if you can understand different sets or

principles, or, in our case, legal cultures and set of laws, the end result can be very enriching and fulfilling.

Ravala: Being one of the first women to practice law in Bahrain, what challenges, if any, did you face while pursuing your goals?

Ms. Haya Rashed Al-Khalifa: I come from a very conservative background so when I first presented the idea of going to law school and becoming a lawyer to my family, I was surprised at the level of support they provided me. The system unfortunately was not so supportive, as you can imagine. Whereas it took my male counterparts one or two months to obtain their law license, it took me over a year to do the same. People were

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discouraging and questioning what I was doing thinking of the field of law. I did not know any better at that time, so I remained quiet, politely responding in defense when I could, and focusing my energies on learning the art and practice of law. I wanted to use my actions to show the community that it was not about men or women, but about hard work, talent, and dedication. I still remember when I started my firm. It was just me and another woman. In the beginning, we only had small cases, but we quickly developed a track record of winning and soon bigger clients started coming to us. While practicing, we also observed many marital cases and how decisions by male judges in the cases were inadequately addressing women's needs. That is when we decided that, in addition to practicing law, we have to do something for our community and society. We started presenting lectures and offering workshops, which eventually reached local legislators and even judges. The government of Bahrain took notice of my efforts and has been extremely encouraging. We were able to pass milestone legislation affecting women's rights, and the government has even appointed me to various positions representing the country on the world stage.

Ravala: How did you come about your role at the United Nations?

Ms. Haya Rashed Al-Khalifa: The perception about the Middle East remains disquietingly negative. The King and the government leadership wanted meaningful change to showcase to the world that Bahrain is committed to inclusivity and pluralism. I had already served as Ambassador to France, Belgium, Switzerland, and Spain, and, with my previous appointment as Bahrain's Permanent Representative to UNESCO, the combination of experience, preparation, and some good luck all fit in perfectly to help me become the first Arab and Muslim woman to serve as the President of the United Nations General Assembly.

Ravala: Give us some insights into the job duties and day-to-day work responsibilities of the President of the General Assembly.

Ms. Haya Rashed Al-Khalifa: As many readers will be familiar, the United Nations General Assembly debates and related meetings run from approximately 10:00 a.m. to 7:00 p.m. every weekday starting in late September and ending in early October for about four weeks. The President also has to attend meetings with the Assembly's many Vice Presidents, Chairs of the six Main Committees, and members of the United Nations Security Council. The President and her team start the day very early, planning for that day and week, dividing work, attending committee meetings, preparing and presenting reports, delivering speeches, and ensuring all targets are met within allotted deadlines. Of course, working diplomatically and fairly with each Head of State and their country's delegation is also an important part of the job. Managing cultures and personalities of 192 different member nations, networking with world leaders, and attentively listening, all with the end result of producing tangible results that could positively impact our world, was difficult at times, but we made significant progress during my term.

Ravala: Our world has changed quite a bit since your service at the United Nations. In your opinion, what is one of the most important issues that the United Nation faces today and how do you think it could be resolved?

Ms. Haya Rashed Al-Khalifa: Our very existence as human beings is at risk, and the United Nations must be present in a clear and efficient way. The United Nations has been at the forefront of global disputes and issues since its inception, but our world is changing and the role of the United Nations must be clarified with it. I believe education can play a vital role and the P5 countries, permanent members of the Security Council, can push the entire global body of nations to come together to nurture talent across boundaries by ensuring young people have access

to basic education. The United Nations is seen as a beacon of hope for everyone—all of us—and it must use its powers to shine its light and help to uplift the people we serve.

Ravala: One of your biggest platforms has been gender equality. What do you believe are important areas that our global community needs to address in order to reach gender equality?

Ms. Haya Rashed Al-Khalifa: We have to look at gender equality from both a global and local lens. No matter how perfect our ideas of gender equality become, if national and local legislation cannot support those ideas in line with the evolving world, we will always be at a loss. Education is another important component. For us in the Gulf, Islam is a way of life for many. It has beautiful teachings about women's rights, but unfortunately our region, which could be leading conversations about gender equality for the entire world, is lagging in spearheading conversation on this topic. I sincerely hope that everyone reading this interview will do their part in this pursuit of justice towards gender equality.

Ravala: You are involved on the board of numerous organizations, including some leading international mediation and international arbitration organizations. How is board membership different than practice of law?

Ms. Haya Rashed Al-Khalifa: I am Chairperson to the Board of Trustees of the AAA-Bahrain Chamber of Dispute Resolution. I serve as Council Member to the American Arbitration Association, a leading conflict management institution globally, and also serve on the Advisory Council of the International Mediation Institute, amongst other appointments. The key focus by service on boards is to observe market trends, share ideas with other leading law practitioners, and provide practical solutions. We live in a mixed legal culture and my service with these leading organizations is focused on studying, developing, and

advocating for the highest standards of international best practices with cutting edge resources for the international business community that can thrive in the 21st century legal landscape.

Ravala: In your opinion, what are some of the upcoming challenges and trends in arbitration?

Ms. Haya Rashed Al-Khalifa: In late 2016, the International Chamber of Commerce and AAA-BCDR updated its Rules, as have other institutions, which are designed to improve efficiency and transparency in the arbitral process. Diversity is also another important trend that both users of arbitration and arbitration institutions are seriously discussing. Of course, national changes like the impact of the Brexit referendum and the election of U.S. President Donald Trump will have to be observed to see how the legislative framework develops to impact international arbitration globally. In the Gulf, we

will have to continue debunking myths in favor of alternative dispute resolution.

Ravala: And, what's next on your list after all these accomplishments?

Ms. Haya Rashed Al-Khalifa: The pursuit of justice and the practice of law have allowed me to take my professional life to new heights. It is really the most noble of professions. I have enjoyed representing my clients and am proud to have served my country regionally and on the global stage. I love my work as a lawyer so I would like to continue working at my law firm to represent my private clients, but service to others is also very important to me. For over 20 years, I fought for gender equality and women's rights, and now I want to fight for youth empowerment and economic stability for the future of our world. Education is very important, and it is our job to equip the less fortunate with tools of success that can make a positive impact on our human race.

Ravala: Diversity in the Bar is growing. What advice do you offer women and minorities who want to challenge the status quo and take leadership roles in their legal careers? Or those young lawyers interested in the field of international law generally.

Ms. Haya Rashed Al-Khalifa: Nothing in the world worth having comes easy, and people will see your talent and hard work over your race, gender, or religion. Focus on your work and practice law with integrity, excellence, and good intentions to reach your goals. There is no elevator for success; you have to take the stairs. Continue reading, writing, and don't wait any longer to start engaging in leadership roles and being physically present in bar associations and the larger legal community. But don't stop when success arrives at your doorsteps. Always remember where you came from and try your best to give back to others. ♦

China's Transition

raw material purchase transactions with other countries.

In so far as the above amendments enable Commerce to reject market based price data, these are detrimental to Chinese exporters. Moreover, these provisions could continue to be used in the future even after China becomes

an ME country, by simply invoking a "particular market situation."

Conclusion

The amendments to US trade law through the Trade Remedies Act of 2015 could potentially be applied to nullify the benefits of an ME country to China should

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it eventually acquire an ME status. In such a situation, China could continue to remain as a de facto NME country, even if it becomes *de jure* an ME country. This specter renders the current debate surrounding proper interpretation of paragraph 15 of WTO-China Accession Protocol mostly academic and moot. ♦



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