**International Family Law Conference**

**3rd & 4th May 2018 at H Hotel, Dubai**

**Ian Edge (3 Paper Buildings, London)**

**SHARIA LAW FOR INTERNATIONAL FAMILY LAWYERS**

Aims (1) introduction

1. Sharia rules as state law in MENA region

(3) consider some of the problem areas with examples from practice and lessons/observations

(4) some blue sky thinking about the future

1. Introduction

* Who am I?/my experience to opine on this topic
* Compare traditional Sharia and Sharia rules as state law
* What does international stand for in the title?
* More Private International Law courses for Family lawyers?

2. Sharia rules as state law in the MENA region

* Codified law
* Variations on a theme
* Recent Saudi developments
* Treaties and international norms and cooperation
* CEDAW
* CRC
* Hague Convention
* Members of the Hague Conference?

3. Problem areas and practice

* Marriage

Religious v civil marriage

English non-marriage

Common law marriage: making a comeback?

Eritrean Christian marriage in Saudi Arabia case

Albanian Muslim marriage case

* Divorce

Mutual non-recognition?

Juffali cases

Case of Christians in the UAE

* Matrimonial Finances

Maintenance and Dower

* Children

Problems with unmarried and same sex couples

* Succession and wealth planning

Forced heirship

Reforms

Kuwait case on obligatory bequest

Trusts

The Alhamrani case in Jersey

Recent Lebanese case

* Most interesting case?

East Jerusalem case and the Dead Sea scrolls?

Lessons/Observations

* Be prepared for anything
* The issues are always complex so make sure you get the right advice at the right time
* The need to explain/elucidate the issues to the client
* No need to fear the Shari’a courts
* Beware the disappearing client/witness
* The 3 golden rules of litigation: settle, settle, settle

4. The future

* Growth of local tribunals
* ADR
* Local Trusts
* New types of marriage
* Illegitimacy and Adoption