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Lawyer

MALAYSIAN LAWYER HERBERT MORAIS READY FOR NEW CHALLENGE

By: Salmy Hashim

WASHINGTON, Jan 16 (BERNAMA) -- After 27 years as a top legal counsel in three major multilateral banking systems, Malaysian Dr Herbert V. Morais, is ready for a new challenge.

Recently made partner of Dewey Ballantine LLP, a leading international law firm here, Morais is charged with providing advice to governments in addressing legislative reform issues.

"Any legal reforms to be successful must be gradual -- a scorched earth approach that does not suit local needs would just fail miserably," said Morais in a recent interview here before he departed for Sri Lanka to deliver a keynote address on legal reforms at the country's annual National Law Conference.

"You can't pluck a law in France, for instance, and plant it in Malaysia because there are local customs, property rights at work - if these factors are not taken into account the new laws would not be understood or accepted and the locals will see it as an alien transplant," he said.

International legal reforms, especially in international finance, is a relatively new field.

The international financial crises which hit emerging Latin American and Asian economies created a strong movement for legal reforms to improve corporate governance, to strengthen regulatory agencies that supervise corporate and financial institutions as well as judicial institutions to arbitrate commercial disputes effectively.

Dewey Ballantine, which has 500 lawyers and about 130 partners in offices in New York, London, Hong Kong, Budapest, Krakow and Warsaw, has 25 other practice groups.

The law firm is one of the first in the world to set up an international legislative reform practice group to assist emerging countries in their efforts to improve and update laws involving finance, business, banking, bankruptcy, accounting and securities regulations.

Morais is not a "new kid on the block" in this field. He has after all served almost 30 years beginning with the Asian Development Bank as Assistant General Counsel then on to Chief Counsel at the World Bank and recently as Assistant General Counsel at the International Monetary Fund.

His experiences in Manila and Washington involved advising foreign governments in several legal reform projects in Asia, the Middle East, North Africa and Latin America, especially in business, commercial and financial laws.

"I'm from a developing country. Having spent 27 years in international developing institutions, I understand what developing countries want. Every government should be in the driver's seat in designing the laws - we give advice and policy options," said Morais, a product of the Harvard Law School.

"We must not repeat the mistakes of several foreign experts who blindly apply Western legal models without adapting them to local needs," he said.

"Ultimately the country will decide for themselves the kinds of laws they want. Our business is not to export American laws," said this father of three grown-up children.

Morais, who was raised in Ipoh and Kuala Lumpur, is one of five children of the late John Victor Morais, known for his biographies of Malaysian leaders Tunku Abdul Rahman, Tun Abdul Razak, Tun Hussein Onn and

Datuk Seri Dr Mahathir Mohamad. John Morais was also editor and publisher of Who's Who in Malaysia.

"I think international legal reform is a nice, exciting challenge to cap my career in law. I've lived outside the country for the past 35 years - I would like to contribute something to Malaysia," he said as he made preparations to leave for Colombo with stopovers in Manila, Hong Kong, Singapore and Kuala Lumpur.

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