



MENA-CLS Project

The Arab Center for the Rule of Law and Integrity (ACRLI) is a regional, non-governmental and not-for-profit organization that works to strengthen the rule of law and integrity in the region through research, capacity building and advocacy.

With the support of the Middle East Partnership Initiative (MEPI), ACRLI is implementing the MENA Commercial Law Strengthening Project (MENA-CLS) in four MENA project countries: Lebanon, Tunisia, UAE, and Yemen, during the period 2008-2010.

Project activities include the preparation of a thematic study for each project country depending on the reform needs and priorities that have been identified in the earlier phase of the project. Each study is expected to focus on a specific commercial law theme with a view to contributing to related reforms through analyzing existing regulatory frameworks and examining the state of implementation. Ultimately, the study shall put forward a series of reform recommendations.

In order to ensure a comprehensive picture, ACRLI will work with specialized institutions to develop and implement a user-survey on each theme in the project country; this survey will inform the development of the study, and provide it with primary information on the subject matter

In the case of the United Arab Emirates, the study and the survey will focus on "real estate law".

The target audience of the survey will include four different categories: concerned government officials, members of the business community, members of the legal community, and users from the public.

Your response to the below questionnaire would serve as a main source of information to the drafting process of the thematic national report. Any information that you disclose will remain confidential and shall be used solely for professional purposes.



With the support of the Middle East Partnership Initiative



Section 1: Identification Sheet – Interviewer

- | | | | |
|---------------------------|----------------------------|------------------------|-----|
| 1.1. Country: | _____ | 1.2. Country Code: | ___ |
| 1.3. Serial Number: | ___/___/___/ | 1.4. Sub-sample Code: | ___ |
| 1.5. Interviewer Name: | _____ | 1.6. Interviewer Code: | ___ |
| 1.7. Date of completion: | ___/___/2009
DD/MM/2009 | 1.8. Number of visits: | ___ |
| 1.9. Supervisor Name: | _____ | 1.10. Supervisor Code: | ___ |
| 1.11. Data entry officer: | _____ | 1.12. Data entry Code: | ___ |

General comments:

(Please provide any useful information on the interview process: from initial contact until completing the questionnaire)



Section 2: Identification Sheet - Respondent

- 2.1. Name and Title of Respondent: _____
- 2.2. Gender Male
 Female
- 2.3. Address and contacts: _____
(email, telephone, mobile, address: city, street...etc)
Business cards are required
- 2.4. Age of Respondent: less than 24
 [25-34]
 [35-44]
 [45-54]
 55 and above
- 2.5. Highest educational level achieved Doctoral degree (PhD)
 Post-graduate degree(MA/MS)
 Under-graduate degree (BA/BS)
 Other
- 2.6. Nationality: _____
- 2.7. Profession: _____
(provide a detailed description)
- 2.8. Years of experience in this field: ___/___/ years
- 2.9. Sector: Private sector
 Public sector
 Other (NGOs, etc.), specify: _____
- 2.10. Sector of activity of your agency _____
(provide a detailed description)



Section 3: Business/Commercial Laws

3.1. To what extent do you think are people in your country familiar or unfamiliar with Business/Commercial Laws and Regulations?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

3.2. To what extent are you familiar with Business/Commercial Laws and Regulations in your country?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

3.3. Do you consider your country's Business/Commercial laws to be business-friendly?

- Very unfriendly
- Somewhat unfriendly
- Neutral
- Somewhat friendly
- Very friendly
- No Answer or don't know

3.4. In your opinion, how often are Business/Commercial Laws and Regulations enforced?

- Never
- Rarely
- Sometimes
- Often
- Always
- No Answer or don't know

3.5. To what extent do you agree or disagree with the following statements?

Use the coding system presented in the Show Card #1, here below:

Show Card #1

<i>Strongly disagree</i>	<i>1</i>
<i>Disagree</i>	<i>2</i>
<i>Neither agree nor disagree</i>	<i>3</i>
<i>Agree</i>	<i>4</i>
<i>Strongly agree</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>



	Statements	Code
3.5.1	Access to information related to Business/Commercial laws and regulations is easy	___/
3.5.2	Interpretations of Business/Commercial regulations are consistent and predictable	___/
3.5.3	Business/Commercial Law reform is a priority for the national government	___/
3.5.4	Rarely do people have to resort to courts to resolve business disputes	___/

Using the provided show cards (Show Card #2 and #3), please give importance and satisfaction ratings to each of the factors listed in the table below. Please make sure you complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

3.6. To what extent are these factors important for economic growth and development?

Use the coding system presented in the Show Card #2 here below:

Show Card #2

Very low importance	1
Low importance	2
Average importance	3
High importance	4
Very high importance	5
No Answer or don't know	9

3.7. What is your degree of satisfaction of the status of current these factors in your country?

Use the coding system presented in the Show Card #3 here below:

Show Card #3

Very low satisfaction	1
Low satisfaction	2
Average satisfaction	3
High satisfaction	4
Very high satisfaction	5
No Answer or don't know	9

Factors	3.6. Importance	3.7. Satisfaction
1 Cooperation by central/local government with businesses	___/	___/
2 Simplicity of business licensing procedures	___/	___/
3 Transparency of laws and regulations	___/	___/
4 Enforcement of contractual and property rights	___/	___/
5 Customs (signing trade liberalization agreements)	___/	___/
6 Foreign trade regulations	___/	___/
7 Business friendly labor regulations	___/	___/
8 Business friendly environmental regulations	___/	___/
9 The level of income and profit tax rates	___/	___/
10 Simplicity and coherence of tax regulations	___/	___/



11 Controlling unofficial payments to public officials

___/

___/



Section 4: Thematic Section – Real Estate Law in the United Arab Emirates

4.1. In your opinion, how important is Real Estate law for promoting investment and growth in the UAE?

- Very low importance
- Low importance
- Average importance
- High importance
- Very high importance
- No Answer or don't know

4.2. In your opinion, how familiar or unfamiliar are people working in the UAE with real estate laws?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

4.3. To what extent are you familiar or unfamiliar with real estate laws?

- Strongly unfamiliar
- Quite unfamiliar
- Neither
- Quite familiar
- Strongly familiar
- No Answer or don't know

4.4. In your opinion, how often are real estate laws enforced?

Use the coding system presented in the Show Card #4, here below:

Show Card #4

<i>Never</i>	<i>1</i>
<i>Rarely</i>	<i>2</i>
<i>Sometimes</i>	<i>3</i>
<i>Often</i>	<i>4</i>
<i>Always</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

4.5. Where do you classify your emirate's policy regarding allowing real estate ownership by foreign nationals in comparison to other Arab/neighboring countries?

Use the coding system presented in the Show Card #5 here below:

Show Card #5

<i>Near the bottom</i>	<i>1</i>
------------------------	----------



<i>Below average</i>	2
<i>Average</i>	3
<i>Above average</i>	4
<i>Near the top</i>	5
<i>No Answer or don't know</i>	9

	Factors	Code
4.5.	Real estate ownership by foreign nationals compared to Arab/neighboring	___/

4.6. Please rate your degree of satisfaction regarding the following factors pertaining to each of these entities: the Land Department and the Real Estate Regulatory Agency (RERA).

Use the coding system presented in the Show Card #3 here below:

Show Card #3

<i>Very low satisfaction</i>	1
<i>Low satisfaction</i>	2
<i>Average satisfaction</i>	3
<i>High satisfaction</i>	4
<i>Very high satisfaction</i>	5
<i>No Answer or don't know</i>	9

	Factors pertaining to this structure	LD	RERA
4.6.1	General Performance	___/	___/
4.6.2	Independence from political interventions	___/	___/
4.6.3	Technical competence	___/	___/
4.6.4	Enforcement authority	___/	___/
4.6.5	Human and financial resources	___/	___/

Using the provided show cards (Show Card #5 and #3), please give effectiveness and satisfaction ratings to each of the factors listed in the table below. Please make sure you complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

4.7. To what extent are the factors below effective in promoting real estate investment?

Use the coding system presented in the Show Card #5 here below:

Show Card #5

<i>Very low effectiveness</i>	1
<i>Low effectiveness</i>	2
<i>Average effectiveness</i>	3
<i>High effectiveness</i>	4
<i>Very high effectiveness</i>	5
<i>No Answer or don't know</i>	9

4.8. What is your current degree of satisfaction with each of these factors?



Use the coding system presented in the Show Card #3 here below:

Show Card #3

Very low satisfaction	1
Low satisfaction	2
Average satisfaction	3
High satisfaction	4
Very high satisfaction	5
No Answer or don't know	9

Factors pertaining to Real Estate Law/Policy	4.7. Effectiveness	4.8. Satisfaction
1 Clarity and transparency of procedures	___/	___/
2 Number of procedures	___/	___/
3 Statutory time limits on procedures	___/	___/
4 Reduction and simplification of documentation requirements	___/	___/
5 Expedited service options	___/	___/
6 Computerization of real estate registry	___/	___/
7 Unification of land and building registries	___/	___/
8 Simplification of tax/fee payment (online)	___/	___/
9 Freehold ownership by foreign nationals	___/	___/
10 Various Alternative Dispute Resolution (ADR) mechanisms	___/	___/

4.9. The global economic crisis has had negative repercussions on most national economies with some factors acting to exacerbate the crisis and others acting to mitigate its effects. Using the provided show cards (Show Card #2 and #3), please assess importance and satisfaction ratings to each of the mitigating factors listed in the table below. Please be sure to complete both ratings for each factor, before moving on to the next one (i.e. fill the table row by row).

To what extent are these factors important in mitigating the real estate effects of financial crises?

Use the coding system presented in the Show Card #2 here below:

Show Card #2

Very low importance	1
Low importance	2
Average importance	3
High importance	4
Very high importance	5
No Answer or don't know	9

4.10. What is your current degree of satisfaction with each of these factors?

Use the coding system presented in the Show Card #3 here below:

Show Card #3



<i>Very low satisfaction</i>	1
<i>Low satisfaction</i>	2
<i>Average satisfaction</i>	3
<i>High satisfaction</i>	4
<i>Very high satisfaction</i>	5
<i>No Answer or don't know</i>	9

Crisis mitigating factors	4.9. Importance	4.10. Satisfaction
1 License requirements for real estate brokers	___/	___/
2 Regular and transparent financial statements (international accounting standards)	___/	___/
3 Periodic financial audits	___/	___/
4 Laws discouraging off-plan buying	___/	___/
5 High capital gains tax rates on re-sale of newly built property within a year of purchase	___/	___/
6 Mandatory Escrow regulations	___/	___/
7 Mandatory insurance to protect investors	___/	___/
8 Repealing the capital gains tax on revaluation of assets	___/	___/

4.11. Please rate your degree of satisfaction regarding the following factors pertaining to each of these entities: the Dubai International Arbitration Center (DIAC) and the Arbitration Centre which is a part of FDIC

Use the coding system presented in the Show Card #3 here below:

Show Card #3

<i>Very low satisfaction</i>	1
<i>Low satisfaction</i>	2
<i>Average satisfaction</i>	3
<i>High satisfaction</i>	4
<i>Very high satisfaction</i>	5
<i>No Answer or don't know</i>	9

	Factors pertaining to this structure	DIAC	FDIC
4.11.1	General Performance	___/	___/
4.11.2	Independence from political interventions	___/	___/
4.11.3	Technical competence	___/	___/
4.11.4	Enforcement authority	___/	___/
4.11.5	Human and financial resources	___/	___/
4.11.6	Coordination with the International Chamber of Commerce	___/	___/
4.11.7	Coordination with regional Arbitration Centers	___/	___/

4.12. Thinking about your country's courts and its rental committee, how often do you associate the following descriptions with these institutions in resolving real estate disputes?

Use the coding system presented in the Show Card #4, here below:



Show Card #4

<i>Never</i>	<i>1</i>
<i>Rarely</i>	<i>2</i>
<i>Sometimes</i>	<i>3</i>
<i>Often</i>	<i>4</i>
<i>Always</i>	<i>5</i>
<i>No Answer or don't know</i>	<i>9</i>

	Descriptions	Courts	Rental Committee
4.12.1	Fair and impartial	___/	___/
4.12.2	Honest/Uncorrupt	___/	___/
4.12.3	Prompt	___/	___/
4.12.4	Affordable	___/	___/
4.12.5	Consistent/Reliable	___/	___/
4.12.6	Able to enforce its decisions and verdicts	___/	___/
4.12.7	Specialized and competent	___/	___/

