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## DO POLITICAL DEVELOPMENTS THREATEN INTERNATIONAL LEGAL COLLABORATIONS?

BY MUGENAL BASER

As a lawyer who started her career in the Ankara office of a global law firm in the early 2000s, international collaborations have always been my norm.

Energy investments I worked on extensively required the application of laws from many different countries from a project's development stage to its completion and commercial life. This required knowing many legal systems simultaneously, particularly the law of the project country and different laws that would apply to financing agreements, EPC contracts, O&M contracts, and agreements between project partners.

To enter legally valid and binding contracts and avoid actions that violate any legal systems, reaching out to colleagues who will cooperate with you in each legal system is crucial. This has also become increasingly straightforward thanks to the rapid technological developments since the 1980s.

Nowadays, however, we are forced to confront the question of "is globalization at risk?". This, of course, poses the issue of whether international legal collaborations are also at risk. It is alarming that international collaborations may be under threat because it is impossible to succeed in some matters without colleagues in other jurisdictions. Take the following case as an example.

My firm recently represented clients in a shareholders' dispute between a Turkish company and two US companies, who were partners of a project. It started with an arbitration case in Switzerland. But lawsuits in New York, Amsterdam, and Moscow followed

due to the contracts between the parties. We hired law firms in the relevant countries with expertise in such disputes and law firms in countries with laws that govern the disputed contracts. We stayed up day and night developing strategies with colleagues in six different legal systems and time zones and working word-for-word on each petition, declaration, or piece of evidence. Since each case involved matters that would affect the other, we prepared for all cases together as a big team. Although this practice required us to be accessible 24/7, e-mail and teleconference technologies allowed us to follow these cases together.

If there were a similar case or project today, we would not be able to conclude it with such optimal time and resource management. Current political developments in the world signal that there may be changes in the models of collaboration that we are accustomed to and take for granted.

In this context, it is a severe development that many international and respected law firms, such as Allen & Overy and Morgan Lewis, closed their offices in Russia due to Russia's full-scale invasion of Ukraine in the Russo-Ukrainian War. These law firms have been in Russia for almost thirty years. Even if their clients leave Russia, they will need legal support to wind up. The same is true for clients with pending cases and local clients. Although transferring projects, cases, or other matters to different colleagues is always possible, one should not forget that a client-lawyer relationship is like a patient-physician relationship; one does not prefer to end if they are content.

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Nevertheless, although we face the adverse effects of a major land war in Europe, I do not think that international legal collaborations will end. I say this as a Eurasian lawyer who closely felt the effects of the Gulf wars, the Bosnia war, NATO's intervention in Libya, the Syrian civil war, and lastly, the current Russo-Ukrainian War, due to my geographical proximity to them. In the past, despite all the turmoil in the Middle East, I *could reach out to* a colleague in Iraq to consult on Iraqi law for a client's project. Even now, I am still able to reach out to colleagues in foreign countries. It is like keeping the friendship of Turkish people and Greek people separate and the international legal relations between the governments of the Republic of Türkiye and the Hellenic Republic. Lawyers in states that are in conflict with one another do not necessarily suddenly become hostile because of their governments' policies or actions.

Yet, given our changing world, we can expect a transformation in legal collaborations. In the past, when one required foreign legal advice, international law firms based in the US, UK, or Europe were the first ones that came to mind. Now, if working across international borders becomes harder, perhaps it will be to local law firms that clients will turn in their reluctance to hire an international firm that may suddenly leave the relevant market. Such transformation may even result in positive outcomes, eliminating unfair competition from some international law firms that are subject to more flexible regulations, particularly in countries where local law firms are subject to strict advertising bans.

In a more extreme scenario, on the other hand, for international legal collaborations to disappear completely, projects, cases, or matters that give rise to this requirement must disappear first.

Is it possible? We can find the answer in international trade and investments. For instance, will the US stop selling technology to the world? Will Germany stop exporting machinery? Will the UK stop lending money? Will developed countries stop investing in developing or underdeveloped countries, importing cheap labour from those countries, or extracting natural resources from those countries.

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