

IBA President's Report on 2019 Activities

I am delighted to share with you a selection of highlights of our plans for the year ahead in my first year as President of the International Bar Association (IBA).

Our Annual Conference this year will be hosted in Seoul, South Korea, taking place from 22-27 September 2019. The conference will be a platform for discussion of topics relevant to bars across the world, including several exciting sessions planned by the IBA's Bar Issues Commission (BIC).

My Presidential Task Forces and priorities will be the focus of my tenure as President:

- **The Future of Legal Services:** This Task Force, chaired by the IBA Vice-President, was established to address anticipated dramatic changes in the manner in which legal services are provided (eg due to use of artificial intelligence and the impact new technologies will have on client needs and behaviour). All the IBA entities are participating in these efforts to address these challenges and to compile resources to be made available to IBA members to assist them in facing the issues that will define our profession moving forward. Given the important and ever-evolving subject matter, our aim is to establish this as a permanent commission within the IBA.
- **The Role of Lawyers in Transactions involving Offshore Structures:** Following on from the London Anti-Corruption Summit, which took place in May 2016, the IBA and the Organisation for Economic Co-operation and Development (OECD) agreed to form a task force to develop professional conduct standards and practice guidance for lawyers involved in establishing and advising on offshore structures and recommended actions for governments. The task force expects to deliver its final report/recommendations during the first part of 2019.
- **Refugee Crisis Initiative:** The focus of the task force will be to deal with legal and humanitarian aspects of this global tragedy. They will outline a model law and humanitarian visa as well as examine the accompanying humanitarian issues. Their findings will be the subject of an IBA Showcase session at our 2019 Annual Conference in Seoul.
- **Open/closed legal markets:** I am also planning an IBA Showcase at our 2019 Annual Conference in Seoul in which this task force will examine open and closed legal markets.
- **Bullying and Sexual Harassment in the Legal Profession:** The IBA's Inclusion and Diversity Council is working with the IBA's Legal Policy and Research Unit to develop an IBA Showcase session at our 2019 Annual Conference in Seoul to address this important topic.
- **IBA Rule of Law Education Project:** The IBA will continue to educate non-lawyers regarding the importance of Rule of Law, utilising tools including the Rule of Law videos launched in 2018.
- **Digital Hub:** The IBA will continue to develop a new line of its operations enabling those who cannot attend events in person to participate online in the life of the Association. At the same time, the IBA will carry on expanding its offering of multimedia content, serving both its membership and the general public around the world.

Finally, a new working group, the Strategic Plan Working Group, chaired by the IBA Vice-President, has been authorised by the IBA Executive Committee to oversee the creation of the IBA's Strategic Plan, using external professional resources. Work is already underway.

I also want to bring to your attention some key projects undertaken by IBA entities that I believe will be of interest to your organisations:

- The IBA's Bar Issues Commission (BIC) will be hosting its annual Bar Leaders' Conference in Budapest from 22-23 May 2019. This key event will bring together delegates from around the globe to discuss the latest developments and issues affecting the profession of law today.

- Responsibility of capacity building for developing bars has now shifted from the IBAHRI to the BIC. Capacity building includes, among other things, governance and leadership structure, strategic planning, financial responsibility, membership services, regulations, professional ethics, disciplinary procedures, risks and compliance, and access to legal aid.
- The BIC was approached in 2018 by the Ethiopian Bar Association for assistance with a capacity building project, the goal of which would be to support the large-scale reform of the legal profession in Ethiopia. This project will continue into 2019 with Ethiopian lawyers relying on the assistance of the IBA in all four phases. With other capacity building projects in the pipeline, this shift will continue to strengthen the IBA as the Global Voice of the Legal Profession and involve IBA Member Organisations in directly assisting developing bars.
- The BIC's 'Programme for Excellence' is continues to be offered as a pilot project to member bar associations. The project allows the Bars to show their commitment to achieving 'excellence,' and, by utilising existing IBA legal instruments, provides an opportunity for the IBA to collaborate with member Bars who are engaged in global legal reform initiatives. This encourages all member Bars to strive towards a strong commitment to excellence, innovation and ethical operations, and provide an opportunity to share knowledge and experience.
- In November 2018, the BIC International Trade in Legal Services Committee (BIC ITLS) organised a one-day IBA conference in Siem Reap, Cambodia to help Asian lawyers address opportunities and challenges they face from the globalisation of legal services. A mix of international and regional lawyers trained a group of local and regional lawyers and the programme was modelled on the three successful conferences previously organised in Africa. Extensive coordination took place in advance with the Cambodian Bar, LAWASIA, the IBA's Asia Pacific Forum, and the IBA's Seoul office. The next conference in the series will take place in Costa Rica, hosted by the Costa Rican Bar Association and for the benefit of lawyers from Central America, on 9 and 10 April 2019.
- The BIC in coordination with the Vietnam Bar Federation (VBF) organised a free seminar on code of ethics and behaviours of the legal profession in adversarial litigation and consultancy that took place in Ho Chi Minh City on 3 January 2019. This seminar follows the successful seminar held in Hanoi in 2017 and continued the dialogue and relationship between the bar associations. The lasting value of this project will be not only engaging with the VBF, but also building a relationship between the Vietnamese legal community and the IBA.
- With its Section on Public and Professional Interest (SPPI), the IBA continues to recognise and support outstanding work and achievements in the field of pro bono work, amongst young lawyers and women in the legal profession, as well as contribution by a legal practitioner to human rights, through the presentation of awards and special training courses annually.
- The SPPI's Access to Justice and Legal Aid Committee is currently working with the World Bank on a project to identify the economic benefits of legal aid and to produce guidance that any jurisdiction can use to calculate the benefits in their own country. The report is jointly funded by the IBA and the World Bank, and will be published at the IBA Annual Conference in Seoul in October 2019.
- The IBA Anti-Money Laundering Forum, the lawyers' guide to legislation and compliance, is currently being revised and updated. Run by the IBA's Anti-Money Laundering and Sanctions Expert Working Group, this platform is an internet-based network, assisting lawyers in dealing with their current responsibilities in connection with new anti-money laundering legislation.
- Once again the Women Lawyers' Interest Group of the IBA will be involved in running parallel events at the UN's sixty-third session of the Commission on the Status of Women, taking

place in March in New York City. Together with the IBA Crimes Against Women Subcommittee, the American Bar Association SIL, the African Women Lawyers Association and Ilaje National Association USA, three events focussed on the theme of 'Women's empowerment and the link to sustainable development' will be organised.

- The IBA's Legal Practice Division (LPD) continues to be most active within Europe and already for 2019; there will be 26 specialist conferences and events covering a diverse range of legal matters.
- The LPD is working jointly with the PPID to strengthen the IBA's presence in the following former CIS states: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Promoting a stronger IBA presence in the region while pleading intensively for rule of law, human rights and stability are the main purposes of the undertaking. The objective is to provide necessary information about the IBA, its committees and usefulness for the legal profession, especially Bar Associations, lawyers and in-house counsels in the CCA region. The project intends to identify important stakeholders and to establish the extent to which IBA's involvement in the region is valuable.
- The IBA GEI and the International Organisation of Employers (IOE) have pooled their expertise to provide companies with further guidance and clarity on an area of increasing importance to business: International Labour Standards (ILS). The ILS are legal instruments, set by the International Labour Organization (ILO) and agreed by ILO tripartite constituents, which protect basic worker rights, taking into account, *inter alia*, the need for sustainable enterprises to create jobs. They are either conventions, which are legally binding international treaties upon ratification, or recommendations, which serve as non-binding guidelines.
- The IBA has strengthened its relationship with the ILO by formalising an agreement between the two organisations. The purpose of the Agreement is collaboration between the parties with respect to contribute from a multidisciplinary legal perspective to the debate on "The Future of Work". This is a remarkable achievement and continues to raise the profile of the IBA within the employment industry.
- The Antitrust Committee is developing its *Advocacy for Regulators* training workshops for practitioners. This will provide advocacy and training for Anti-Trust authorities and anti-trust lawyers in developing countries in anti-trust enforcement principles, such as the importance of the rule of law, due process in agency proceedings, sound economic analysis, independent non-political decisions and working effectively with the parties under investigation.
- The LPD is continuing its work with UNIDROIT to support an updating of the UNIDROIT Principles to harmonise national laws. An outstanding working group was assembled to seek to make the UNIDROIT Principles more user friendly by suggesting the addition of more business orientated illustrations. A report was presented to UNIDROIT at the Rome Conference and a follow up session on the project will be presented in Seoul.
- IBA – European Parliament (EU)
This is a new project for the LPD working with the EU Research Unit in authoring a study on 'building competence on commercial law in the EU Member States.'
- The IBAHRI's UN Programme, based in Geneva, continues to grow. The IBAHRI worked with the Special Rapporteur in producing a report examining the role, composition and functions of bar associations in protecting the independence of the legal profession, access to justice and human rights. IBAHRI, with assistance from the BIC, developed the questionnaire on which the report was based and provided extensive in-depth research, analysis and recommendations. The Special Rapporteur presented this report to the UN General Assembly on 17 October 2018. The report is a culmination of advocacy by the HRI's consultant in Geneva for a report on this specific topic. In addition, in September 2018, the IBAHRI Legal

Consultant in Geneva delivered a statement at the UN HRC session on Azerbaijan's UPR outcome, Geneva, Switzerland.

- In 2018, the IBAHRI trained delegations of lawyers from a number of jurisdictions in international human rights and relevant UN mechanisms, and facilitated the attendance of human rights lawyers from across Eastern Europe and Central Asia to several international meetings, Conferences, and UPR sessions in order to discuss the difficulties facing their jurisdictions. The IBAHRI took part at the OSCE's Human Dimension Implementation Meeting in Warsaw, Poland where an oral statement at the HDIM plenary session was delivered on the situation of lawyers in Azerbaijan and Tajikistan. In addition, the IBAHRI, together with the French and German representations to the OSCE, ICJ and Paris Bar Association, held a side event, Next target: Legal profession, which aimed to discuss the regional trends targeting the independence of legal profession addressed by speakers from Azerbaijan, Tajikistan, Kazakhstan, Belarus and Russia. The IBAHRI hopes to continue this aspect of its work through its UN Programme in 2019 and to promote international human rights standards amongst the legal profession and support lawyers at risk.
- In September 2018, the IBAHRI launched its first ever Law Essay Competition and second Mentorship Programme in Azerbaijan. The Mentorship Programme aimed at providing students/junior lawyers to work alongside the guidance of senior lawyers in Azerbaijan. The mentorship took place in Baku and is planned to last for six months. The Competition was aimed to encourage new ideas, approaches and discussions among the Azerbaijani students and youth community in the field of human rights and legal profession. The IBAHRI aims to continue its work to increase the capacity of human rights lawyers in Azerbaijan and the involvement of young lawyers in human rights litigation in the country in 2019.
- In October 2018, the IBAHRI addressed the European Human Rights Court with a request for leave to intervene in the case of Mammadov v Azerbaijan (Application no 43327/14). The case concerned the independence of legal profession, the freedom of expression and the association of lawyers. The European Court of Human Rights granted this request and in December 2018, the IBAHRI submitted its first Third-party intervention before the ECtHR.
- In November 2018, the IBAHRI held a ToT workshop on Article 9 of the ICCPR, i.e. a right to liberty and security of person, for 20 Kazakh lawyers in Almaty. As excessive detention is a significant problem in Kazakhstan, lawyers were interested in exploring innovative ways and possibilities to defend the rights of their detained clients. The trained lawyers will have to deliver the training in their regions for their fellow colleagues. The IBAHRI hopes to continue this aspect of its work through its UN Programme in 2019 and to promote international human rights standards amongst the legal profession and support lawyers at risk.
- Outside of the region, in 2019 the IBAHRI will continue its longstanding torture prevention training programme with defence lawyers, public prosecutors and judges in Latin America. The IBAHRI will continue its training programme for Syrian lawyers on international and national human rights and accountability mechanisms and series of trainings for Tunisian judges, lawyers, and human rights activists on the enforcement of ESC rights in Tunisia as well as its global project on increasing knowledge on importance of gender parity across justice related institutions.

The IBA remains unwavering in its dedication to championing the cause of justice and the rule of law. I look forward to continuing to strive towards these goals with you in our joint spirit of cooperation.

Horacio Bernardes-Neto
President, International Bar Association