

# IBA Council Meeting

## AGENDA

For the meeting to be held on  
Saturday 21 May 2022  
0900 – 1300  
Room: Alpha  
Radisson Blu  
Vilnius, Lithuania

Sign in from 0830



the global voice of  
the legal profession®

# IBA COUNCIL AGENDA

Saturday 21<sup>st</sup> May 2022

09:00 – 13:00

Room: ALPHA

Radisson Blu, Vilnius

	<b>Time</b>			<b>Page</b>
<b>1</b>	<b>09:00</b>	<b>SIGN IN, WELCOME AND APOLOGIES</b>	<i>Sternford Moyo</i>	<i>1</i>
<b>2</b>	<b>09:01</b>	<b>IN MEMORIAM</b>	<i>Sternford Moyo</i>	<i>11</i>
<b>3</b>	<b>09:02</b>	<b>MINUTES OF THE COUNCIL MEETING HELD VIRTUALLY ON 27 OCTOBER 2021</b>	<i>Sternford Moyo</i> <b>(voting cards)</b>	<i>12</i>
<b>4</b>	<b>09:05</b>	<b>MANAGEMENT BOARD</b>	<i>Sternford Moyo</i>	
		a) Virtual meeting, May 2021 (Executive Summary)		<i>27</i>
		b) Virtual meeting, October 2021 (Executive Summary)		<i>39</i>
<b>5</b>		<b>OFFICER REPORTS</b>		
	<b>09:10</b>	a) IBA President	<i>Sternford Moyo</i>	<i>53</i>
	<b>09:20</b>	b) IBA Vice President	<i>Almudena Arpon de Mendivil</i>	<i>oral</i>
	<b>09:25</b>	c) IBA Secretaries-General	<i>Jaime Carey / Claudio Visco</i>	<i>oral</i>
<b>6</b>	<b>09:45</b>	<b>REPORT FROM THE EXECUTIVE DIRECTOR</b>	<i>Mark Ellis</i>	<i>To be circulated</i>
<b>7</b>	<b>09:55</b>	<b>UPDATES FROM THE EXECUTIVE DIRECTOR TO THE MANAGEMENT BOARD</b>	<i>Mark Ellis</i>	<i>56</i>
<b>8</b>	<b>10:00</b>	<b>ADDRESS BY UKRAINIAN BARS</b>		
<b>9</b>	<b>10:20</b>	<b>FINANCES</b>		
		a) Financial management report	<i>Daniel del Rio / Lucie Risley / Mark Ellis</i>	<i>91</i>
		b) 31 December 2021 IBA Audited Report and Financial Statements		<i>97</i>
		c) 2022 Budget		<i>117</i>
		d) Report of the Audit Committee		
<b>10</b>		<b>MEMBER ORGANISATIONS</b>		
	<b>10:40</b>	a) Applications for Organisational Membership	<i>Steven Richman</i> <b>(voting cards)</b>	<i>123</i>
		b) Member Organisations for suspension (non-payment)	<i>Mark Ellis</i>	<i>124</i>
<b>11</b>	<b>10:50</b>	<b>IBA STRATEGIC PLAN WORKING GROUP REPORT</b>	<i>Jaime Carey / Claudio Visco</i>	<i>oral</i>
<b>12</b>		<b>REPORTS FROM IBA DIVISIONS</b>		
	<b>11:05</b>	a) Legal Practice Division	<i>Peter Bartlett</i>	<i>126</i>
	<b>11:10</b>	b) Section on Public and Professional Interest	<i>Jörg Menzer</i>	<i>138</i>
	<b>11:15</b>	c) Bar Issues Commission	<i>Kitoshi Yabuki</i>	<i>149</i>

	11:20	d) Human Rights Institute	<i>The Hon Michael Kirby AC CMG / Anne Ramberg</i>	156
<b>13</b>		<b>REPORTS FROM STANDING COMMITTEES</b>		
	11:25	a) Nominations Committee	<i>Horacio Bernardes Neto</i>	176
	11:28	b) Online Services	<i>Clara-Ann Gordon</i>	180
	11:31	c) IBA Foundation	<i>Hansel Pham</i>	180
	11:34	d) Human Rights Institute Charitable Trust	<i>Julia Onslow-Cole</i>	181
	11:37	e) Constitution and Governance Committee	<i>Michael Clancy</i>	182
<b>14</b>		<b>REPORTS FROM MANAGEMENT BOARD COMMITTEES</b>		
	11:52	a) IBA Diversity and Inclusion Council	<i>Masako Banno / Chris Watson / Fiona McLeod</i>	186
	11:55	b) Digital Committee	<i>Myra Garrett</i>	189
	11:58	c) Projects Committee	<i>Moira Huggard-Caine</i>	200
	12:01	d) Membership Committee	<i>Pascale Lagesse</i>	207
<b>15</b>		<b>REPORTS FROM DEPUTY SECRETARY- GENERALS</b>		
	12:04	a) African Regional Forum	<i>Babatunde Ajibade / Nankunda Katangaza</i>	208
	12:06	b) Arab Regional Forum	<i>Mohamed Abdel Wahab / Jalal El Ahdab</i>	211
	12:08	c) Asia Pacific Regional Forum	<i>Ramesh Vaidyanathan / Hideaki Roy Umetsu</i>	212
	12:10	d) European Regional Forum	<i>Christine Blaise-Engel / Christopher Owen</i>	217
	12:14	e) Latin American Regional Forum	<i>Juan De los Heros / Estif Aparicio</i>	220
		e) North American Regional Forum	<i>Kelli Sager</i>	223
<b>16</b>	12:16	<b>GENERAL DISCUSSION</b>		
<b>17</b>		<b>FUTURE IBA COUNCIL MEETINGS</b>		
	Late 2022	30 October – 4 November, Miami		
	Mid 2023	Helsinki		
	Late 2023	29 October – 3 November, Paris		
	Mid 2024	Bucharest		
	Late 2024	Mexico City		
	Mid 2025	Milan		
	Late 2025	Chicago**/Indianapolis**/Orlando**/Toronto*		
	Late 2026	Barcelona**/Copenhagen*/Warsaw*/The Hague*/Geneva*/Berlin**/ Glasgow*/Helsinki**/Brussels*		
	Late 2027	Cape Town		
	Late 2028	Asia/Africa/Latin America		
	Late 2029	Europe		
	Late 2030	North America		
	Late 2031	Asia/Africa/Latin America		
	Late 2032	Europe		

\* letters of interest from local bar association

\*\* letters of inquiry from convention centre / bureau

° shortlisted for site visit

† subject to conditions being met

# 1. SIGN IN FOR THE IBA COUNCIL MEETING, VILNIUS, 21 MAY 2022

OFFICE	NAME	COUNTRY
<b>IBA Officers</b>		
President	Mr Sternford Moyo	Zimbabwe
Vice-President	Ms Almudena Arpon de Mendivil	Spain
Secretary-General	Jaime Carey	Chile
Secretary-General	Claudio Visco	Italy
LPD Chair	Mr Peter Bartlett	Australia
LPD Vice Chair	Ms Carola van den Bruinhorst	The Netherlands
LPD Secretary-Treasurer / IBA Treasurer	Mr Daniel Del Rio	Mexico
LPD Assistant Treasurer	Ms Pascale Lagesse	France
IBAHRI Co-Chair	Ms Anne Ramberg	Sweden
IBAHRI Co-Chair	Mr Mark Stephens	England
BIC Chair	Mr Kimitoshi Yabuki	Japan
BIC Senior Vice Chair	Mr Ken Murphy	Ireland
SPPI Chair	Mr Jorg Menzer	Romania
SPPI Secretary-Treasurer	Ms Myra Garrett	Ireland

## Honorary Life Members of Council and Association

Chief Sena Anthony	Nigeria	Mrs Madeleine May CBE	England
Mr Keith Baker	England	Mr David Moroney	England
Mr Wolf-Rainer Bentzien	Germany	Mr John H Morrison OBE	USA
Mr Lalit Bhasin	India	Mr Francis W Neate	England
Mr Giuseppe Bisconti	Italy	Mr Alejandro Ogarrio	Mexico
Mr Jacques Buhart	France	Mr Sam Okudzeto	Ghana
Dr Willem Calkoen	Netherlands	Mr Fernando Pelaez-Pier	Venezuela
Ambassador Emilio Cárdenas	Argentina	Mr Steven B Pfeiffer	USA
Mr Nicholas Cowdery AO QC	Australia	Mr Timothy Powers	USA
Mr L Thomas Forbes QC	Canada	Mr Andrew H Primrose	Scotland
Justice Richard Goldstone	South Africa	Mr Michael Reynolds	Belgium
Mr Michael Greene	Ireland	Mr David W Rivkin	USA
Mr Bernard L Greer Jr	USA	Mr J William Rowley QC	England
Professor J Ross Harper CBE	Scotland	Mr John R Salter	England
Mr Paul Hoddinott	England	Mr Martin Solc	Czech Republic
Mr Akira Kawamura	Japan	Mr Robert A Trevisani	USA
Ms Dianna P Kempe QC	Bermuda	Mr Philip Zeidman	USA
Mr Charles H Lawton	England		

## Immediate Past Officers of the Council

Past President	Mr Horacio Bernardes Neto	Brazil
Past Chair LPD	Mr Jon Grouf	USA
Past Chair SPPI	Ms Sarah Hutchinson	England
Past Chair BIC	Ms Margery Nicoll	Australia

## **Deputy Secretary Generals**

African Regional Forum	Mr Babatunde Ajibade	Nigeria
	Ms Nankunda Katangaza	England
Arab Regional Forum:	Mr Mohamed S Abdel Wahab	Egypt
	Mr Jalal El Ahdab	France
Asia Pacific Regional Forum:	Mr Ramesh Vaidyanathan	India
	Mr Hideaki Roy Umetsu	Japan
European Regional Forum:	Ms Christine Blaise-Engel	France
	Mr Christopher Owen	England
Latin American Regional Forum:	Mr Juan Carlos De los Heros	Peru
	Mr Estif Aparicio	Panama
North American Regional Forum:	Ms Kelli Sager	USA

## **Standing Committee Chairs**

Constitution and Governance Committee	Mr Michael P Clancy	Scotland
Credentials Committee	Mr Steven Richman	USA
Nominations Committee	Mr Horacio Bernardes-Neto	Brazil
Online Services Committee	Mr Jorg Menzer	Romania
IBA Foundation	Mr Hansel Pham	USA
IBA HRI Charitable Trust	Ms Julia Onslow Cole	England

## **IBA LISTED PRESIDENTS/CHAIRPERSONS AND COUNCIL MEMBERS**

Listed Presidents/Chairpersons and IBA Council Members as submitted on the 2022 annual membership forms.

<b>COUNTRY</b>	<b>ASSOCIATION</b>	<b>VOTES</b>	<b>IBA COUNCIL MEMBERS</b>
<b>Afghanistan</b>	Afghanistan Independent Bar Association		
<b>Antigua and Barbuda</b>	Antigua and Barbuda Bar Association	1	
<b>Argentina</b>	Colegio de Abogados de la Ciudad de Buenos Aires	2	
	Colegio Público de Abogados de la Capital Federal	1	
<b>Australia</b>	Law Council of Australia	10	Mr Tass Liveris Ms Margery Nicoll
	Law Institute of Victoria		
	Law Society of South Australia		

<b>Australia</b>	The Bar Association of Queensland		Mr Thomas Sullivan QC
	The Law Society of New South Wales		Ms Kelsey Rissman
	The Victorian Bar		
<b>Austria</b>	Austrian Bar	7	
	Rechtsanwaltskammer Wien (Bar Association of Vienna)		
<b>Bahamas</b>	Bahamas Bar Association	2	Mr Kahlil Parker Mr Jacy Whittaker
<b>Bangladesh</b>	National Bar Association of Bangladesh	5	
<b>Barbados</b>	Barbados Bar Association	1	
	Organisation of Commonwealth Caribbean Bar Associations		
<b>Belgium</b>	Nederlandse Orde van Advocaten bij de Balie te Brussel	4	
	Orde van Vlaamse Balies	10	
	Ordre Francais des Avocats du Barreau de Bruxelles	4	
<b>Bermuda</b>	Bermuda Bar Association	1	
<b>Bosnia-Herzegovina</b>	Bar Association of the Republic of Srpska	1	
<b>Botswana</b>	The Law Society of Botswana	1	
<b>Brazil</b>	Ordem dos Advogados do Brasil	5	
	Centro de Estudos das Sociedades de Advogados (CESA)		
<b>Bulgaria</b>	The Supreme Bar Council of Bulgaria	6	
	Sofia Bar Association		
<b>Cambodia</b>	Bar Association of the Kingdom of Cambodia	3	
<b>Canada</b>	Canadian Bar Association	10	Mr Stephen Rotstein Ms Tamra Thomson
	Federation of Law Societies of Canada	10	Mr Nicolas Plourde Mr Jonathan Herman
	Law Society of British Columbia		

<b>Cape Verde</b>	Ordem dos Advogados de Cabo Verde	1	
<b>Channel Islands</b>	The Law Society of Jersey	1	
<b>Chile</b>	Colegio de Abogados de Chile	9	
<b>China</b>	All China Lawyers Association	10	
<b>Colombia</b>	Camara de Servicios Legales - ANDI	1	
<b>Costa Rica</b>	Colegio de Abogados de Costa Rica	10	
<b>Croatia</b>	Croatian Bar Association	5	Mr Josip Surjak Mr Zoran Vukic
<b>Cyprus</b>	Cyprus Bar Association	5	
<b>Czech Republic</b>	Czech Bar Association	10	Mr Robert Nemeč Ms Dagmar Dubečka
<b>Denmark</b>	Danish Bar and Law Society Association of Danish Law Firms	7	
<b>England</b>	Bar Council of England and Wales The Law Society of England and Wales City of London Law Society European Young Bar Association	5 7	Ms Giulia Guagliardi Ms Chiara Palombi
<b>Estonia</b>	Estonian Bar Association	2	
<b>Ethiopia</b>	Ethiopian Lawyers Association	1	
<b>Fiji</b>	Fiji Law Society	1	Mr William Wylie Clarke Ms Maopa Wati Seeto
<b>Finland</b>	The Finnish Bar Association	3	Ms Hanna R��ih��-M��ntyharju Mr Eero-Pekka Uotila
<b>France</b>	Conseil National des Barreaux Ordre des Avocats de Paris Association Fran��aise des Juristes d'Entreprise	10 10	
<b>Gambia</b>	Gambia Bar Association	1	

<b>Georgia</b>	Georgian Bar Association	6	Mr David Asatiani Mr Giorgi Tshekhani
<b>Germany</b>	Deutscher Anwaltverein	10	Ms Edith Kindermann Mr Stefan von Raumer
	The German Federal Bar	10	
<b>Ghana</b>	Ghana Bar Association	4	
<b>Gibraltar</b>	Law Council of Gibraltar	1	
<b>Greece</b>	Bar Association of Thessaloniki	5	
<b>Guyana</b>	Guyana Bar Association	1	
<b>Hong Kong</b>	Hong Kong Bar Association	2	
	Law Society of Hong Kong	10	Mr C M Chan Mr Amirali B Nasir
<b>Hungary</b>	Budapest Bar Association	10	
	Hungarian Bar Association	10	
<b>Iceland</b>	Icelandic Bar Association	2	
<b>India</b>	The Bar Association of India	4	
	The Bar Council of India	10	
	SILF-Society of Indian Law Firms		
<b>Indonesia</b>	Indonesian Advocates Association (PERADI)	10	
<b>Iran Islamic Rep</b>	Iranian Central Bar Association	5	
	Nationwide Union of Iranian Bar Associations	10	
	Isfahan Bar Association		
	Kerman Province Bar Association		
	Mazandaran Bar Association		
<b>Iraq</b>	Iraqi Bar Association	6	
	Kurdistan Lawyers Association		
<b>Ireland</b>	Law Society of Ireland	10	Ms Michelle Ní Longáin Mr Simon Murphy
<b>Ireland</b>	The Bar of Ireland	3	



<b>Israel</b>	Israel Bar Association	10	Mr Avi Himi Mr Leon Amiras
<b>Italy</b>	Consiglio Ordine Avvocati di Roma L'Ordine Avvocati di Milano	10 10	
<b>Jamaica</b>	The Jamaican Bar Association	2	
<b>Japan</b>	Japan Federation of Bar Associations  The Japan Bar Association Daini Tokyo Bar Association The Tokyo Bar Association	10  2	Mr Tadashi Ara Mr Kimitoshi Yabuki  Mr Kimitoshi Yabuki Mr Kazuma Higuchi
<b>Jordan</b>	Jordan Bar Association	3	
<b>Kazakhstan</b>	Kazakhstan Bar Association	1	Mr Zhumageldy Yelyubayev Ms Olga Chentsova
<b>Kazakhstan</b>	The Republican Collegium of Advocates	5	
<b>Kenya</b>	Law Society of Kenya International Federation of Women Lawyers	10	
<b>Kosovo</b>	Kosova Chamber of Advocates	2	Mr Behar B Ejupi Mr Besim Curri
<b>Kuwait</b>	Kuwait Bar Association	5	
<b>Latvia</b>	Latvian Council of Sworn Advocates	2	
<b>Liechtenstein</b>	Liechtensteinische Rechtsanwaltskammer	1	
<b>Lithuania</b>	Lithuanian Bar Association	3	
<b>Luxembourg</b>	Barreau de Luxembourg	3	
<b>Malawi</b>	Malawi Law Society	1	
<b>Malaysia</b>	Bar Council of Malaysia Sabah Law Society	10	Ms Karen Cheah Yee Lynn
<b>Maldives</b>	Bar Council of the Maldives	2	Mr Maumoon Hameed Ms Al-ha Ali Rasheed

<b>Malta</b>	Chamber of Advocates - Malta	2	Mr Louis de Gabriele Mr Stefan Camilleri
<b>Mauritius</b>	Mauritius Bar Association	2	
<b>Mexico</b>	Barra Mexicana Colegio de Abogados AC	6	
	Asociacion Nacional de Abogados de Empresa, Colegio de Abogados, AC (ANADE)	2	
<b>Mongolia</b>	Mongolian Bar Association	6	
	The Mongolian Association of Advocates	4	
<b>Mozambique</b>	Ordem dos Advogados de Moçambique	2	
<b>Namibia</b>	Society of Advocates of Namibia	1	Ms Natasha Bassingthwaighte Mr Unanisa Hengari
	The Law Society of Namibia	1	
<b>Nepal</b>	Nepal Bar Association	10	Mr Chandeshwor Shrestha Mr Bijay Prasad Mishra
	The Nepal Law Society	1	
<b>Netherlands</b>	Netherlands Bar	10	Mr Robert Crince Le Roy Ms Raffaele Van Den Berg Mr Evert-Jan Henrichs
	Amsterdam Bar Association		
<b>New Zealand</b>	The New Zealand Bar Association	2	
	The New Zealand Law Society	10	
<b>Nigeria</b>	Nigerian Bar Association	10	
<b>Norfolk Island</b>	Norfolk Island Bar Association		
<b>Northern Ireland</b>	Law Society of Northern Ireland	2	Ms Brigid Napier Mr John Guerin
	Bar of Northern Ireland	1	
<b>Norway</b>	The Norwegian Bar Association	10	
	Norwegian Association of Lawyers		

<b>Pakistan</b>	Pakistan Bar Council	1	
<b>Papua New Guinea</b>	The Papua New Guinea Law Society	1	
<b>Paraguay</b>	Paraguayan Bar Association	4	
<b>Peru</b>	Colegio des Abogados de Lima	10	Mr Luis Enrique Palacios Mr Jose Olaechea
<b>Philippines</b>	Integrated Bar of the Philippines	10	
<b>Poland</b>	Polish Bar of Legal Advisers	10	
	The Polish Bar Council	10	Mr Przemyslaw Rosati Mr Tomasz Wardynski
	Warsaw Bar Association		
<b>Portugal</b>	Ordem dos Advogados Portugueses	10	
<b>Romania</b>	National Association of Romanian Bars Baroului Bucuresti	10	
<b>Russian Federation</b>	Russian Federal Bar Association	10	
	International Union (Commonwealth) of Advocates	1	
	Moscow Chamber of Advocates		
<b>Rwanda</b>	Rwanda Bar Association	1	
<b>Scotland</b>	The Faculty of Advocates	1	
	The Law Society of Scotland	4	Ms Diane McGiffen Mr Kenneth Dalling Mr David Fiske Mr Michale Gallen
	The Glasgow Bar Association		
<b>Serbia</b>	Bar Association of Serbia	8	
<b>Sierra Leone</b>	The Sierra Leone Bar Association	1	
<b>Singapore</b>	The Law Society of Singapore	7	Mr Adrian Tan Mr Gregory Vijayendran SC
<b>Slovak Republic</b>	Slovak Bar Association	6	Mr Viliam Karas Ms Katarina Cechova

<b>Slovenia</b>	Slovenian Bar Association	2	Mr Janez Starman
<b>South Africa</b>	General Council of the Bar of South Africa	3	
	The Law Society of South Africa	10	
	The Law Society of Northern Provinces		
<b>South Korea</b>	Korean Bar Association	10	
<b>Spain</b>	Consejo General de la Abogacia Espanola	8	
	Ilustre Colegio de Abogados de Madrid	1	
	Ilustre Collegi d'Advocats de Barcelona	1	
	Ilustre Colegio de Abogados de Malaga		
	Ilustre Colegio de Abogados de Valencia		
<b>Sri Lanka</b>	The Bar Association of Sri Lanka	4	
<b>Sudan</b>	Darfur Bar Association	1	
<b>Sweden</b>	The Swedish Bar Association	7	Ms Eva-Maj Mühlenbock Ms Mia Edwall Insulander
<b>Switzerland</b>	The Swiss Bar Association	10	
	Ordre des Avocats de Genève		Mr Philippe Cottier Ms Myriam Fehr-Alaoui
	Zurich Bar Association		
<b>Taiwan</b>	Taipei Bar Association		Ms Jui-Hua Fan Ms Yichu Chen
<b>Tanzania</b>	The Tanganyika Law Society	5	
	East Africa Law Society		
<b>Thailand</b>	Thai Bar Association	10	
<b>Trinidad and Tobago</b>	The Law Association of Trinidad and Tobago	5	
<b>Turkey</b>	Ankara Bar Association	10	
	The Union of Turkish Bar Associations	10	
<b>Turkey</b>	Istanbul Bar Association		
<b>Uganda</b>	Uganda Law Society	3	

<b>Ukraine</b>	Ukrainian Bar Association	5	
	Ukrainian National Bar Association	10	
	Odessa Regional Bar Association		
<b>Uruguay</b>	Colegio de Abogados del Uruguay	3	
<b>USA</b>	American Bar Association	9	
	District of Columbia Bar		
	New York State Bar Association - International Section		
	Ohio State Bar Association		
	State Bar of California		
	State Bar of Michigan - International Law Section		
	The Association of the Bar of the City of New York	1	Ms Sheila S Boston Mr Richard Langan
	South Asian Bar Association of North America Inc (SABANA)		
National Association of Attorneys General		Mr Albert Lama Ms Jeanette Manning	
<b>Vietnam</b>	Vietnam Bar Federation	10	Mr Do Ngoc Think Mr Quynh Anh Thi Nguyen
<b>Zambia</b>	The Law Association of Zambia	2	
<b>Zimbabwe</b>	Law Society of Zimbabwe	1	

## **In memoriam – Bettina Plevan**



Long time IBA Council member and former president of the New York City Bar Association, Bettina Plevan, passed away on 29 October 2021 at the age of 75. She was at Proskauer Rose for nearly 50 years and the first woman to become partner in their litigation department. According to the *New York Times*, Bettina was ‘a top litigator who made her name defending employers in sexual harassment and gender discrimination cases, and who helped pave the way for women to advance in the legal profession after shattering glass ceilings herself.’

## **Minutes of the meeting of the IBA Council**

**Thursday 21 October 2021 – virtual meeting**

### **1. Welcome and apologies**

**Sternford Moyo (IBA President)** brought the meeting to order at 11:00 BST and thanked everyone for joining the virtual Council meeting.

**Rowan Paterson (IBA Corporate Secretary)** read the notice of the meeting and referred to the link containing the agenda.

**The President** explained that questions could be entered into the platform's Q&A box or any participant could raise their hand to be promoted to make a comment or ask a question. Voting would be conducted via the Zoom polling function. He reminded the Council that only those participants with voting rights should participate in the polls and only one representative of each voting Member Organisation should vote.

He referred to the link in the chat box containing the list of Voting and Non-Voting Council Members. He noted that there had not been a request for a weighted voting system to be used for this meeting, so each vote would be counted as one vote. He explained that the outcomes displayed on the screen would be indicative of the result and the votes would be reviewed after the meeting to ensure there was no erroneous participation. The Council will be informed should any outcome be altered because of that review.

### **2. In memoriam**

**The President** asked that a minute of silence be observed for Blaise Pasztory, colleague and Honorary Life Member of the IBA, who served the Association with distinction and passed away on 10 August 2021.

### **3. Minutes**

**Myra Garrett (SPPI Vice Chair/Treasurer)** noted that she had submitted a small edit for page 23 under the Digital Services Committee report, which had been acknowledged.

The minutes of the last meeting were approved.

**THE COUNCIL APPROVED.**

### **4. Management Board**

**The President** noted that the executive summary of the Management Board meetings of February 2021 were included in the agenda papers. There were no further comments.

### **5. Officer reports**

*President*

**The President** noted that his written report was included in the agenda, which outlined his recent activities and communications. He added that he had recently participated in the IBA's launch of the *Strengthening the International Criminal Court and the Rome Statute System: A Guide for States Parties* publication and spoke to encourage our members to campaign for the adoption of domestic legislation to implement the ICC system in their jurisdictions. This is of critical importance because it contributes to the end of impunity for some serious crimes against humanity. He also participated in the Opening of the Legal Year event for England and Wales, at which he contributed to a discussion about the impact of Covid-19 on the rule of law and human rights. He met with the International

Association of Young Lawyers to discuss strengthening their relationship with the IBA. He participated in a roundtable organised by civic society under the auspices of the University of Cape Town to discuss judicial appointments as a gatekeeper for observance of the rule of law. He spoke at an introductory webinar for Iranian lawyers – our colleagues in Iran are doing a remarkable job of trying to protect human rights and the rule of law under difficult circumstances.

The President spoke at the annual July meeting of the Uganda Law Society on the independence of the legal profession, rule of law and human rights. They presented an award to the IBA in recognition of its commitment to access to justice. He spoke at a roundtable organised by the HRI focused on attacks within Zimbabwe and threats to the independence of the legal profession. He thanked the Vice President for representing the IBA when we were presented the 2021 Aptissimi Award for Contribution to the Legal Sector and Society, organised by the ESADE Alumni Law Club in Spain.

#### *Vice President*

**Almudena Arpon de Mendivil (IBA Vice President)** highlighted some areas of interest for the Association since the last meeting of the IBA Council. The first, which is increasingly important in the context of the difficult times that we are going through, is internal functioning. This is going very well – the terms cohesion, cooperation and coordination appropriately express the operation of the different parts of the Association amongst themselves and with our executive team. The sense of unity continues growing, and she believed there will be no point of return.

The second area is the implementation of the strategic plan. There will be a special report by the Secretaries General on this. The three goals of the strategic plan are preparing the legal profession for the future by defending and supporting the rule of law, human rights and the core values of the legal profession; improving membership; and improving governance. The Divisions have done amazing work to make practical proposals to implement these goals and many of those project proposals across the Association bear out with what she mentioned regarding the functioning of the Association.

Regarding the improvement of membership, the activity of the IBA during recent months has been very good. Despite the digital fatigue of online events, the committees have continued preparing excellent programmes, and that has allowed the IBA to continue being relevant for our members. Group Member numbers have gone up and Corporate Members and Member Organisations are in good shape. Individual membership is more of a challenge given Covid-19, but the IBA is paying careful attention to that. The overall excellent picture presented corresponds to the extraordinary activity of the Association and to the work done by the Membership Committee, led by Pascale Lagesse working together with the London office.

The IBA has returned to in-person specialist conferences in this quarter, which has been a prudent but successful approach. The IBA is aware of the challenges faced by in-person meetings, Covid-19 related and otherwise, so we continue studying the development of our digital activity. The IBA is also looking at hybrid events and how to make them effective and monetise them.

The IBA Global Showcase is taking place from 25 to 29 October and that is very different from what we had last year. The Management Board thought that it was important for the IBA to keep a global profile.

The Constitution and Governance Committee, under the leadership of Michael Clancy, has proposed a solution to the discrepancy issue by unanimous consensus and the Vice President congratulated Michael Clancy for his leadership and the entire committee. The focus will now shift to governance matters.

The Vice President said that it was wonderful that a leading academic institution, the ESADE Alumni Law Club, has recognised the contribution of the IBA to the legal sector with its 2021 Aptissimi Award for Contribution to the Legal Sector and Society. These are well known awards in Spain, and it was a privilege for the Vice President to attend the ceremony, representing the IBA.



### *Secretaries-General*

**Jaime Carey (Secretary-General)** reported that he and Claudio Visco continued their cooperative work. Being on two continents in a virtual world has been positive given travel restrictions and time zones, but he looked forward to in-person meetings. They have focused mainly on coordinating the implementation of the strategic review process amongst the different constituencies of the Association which will be discussed later in the agenda.

The Risk Committee reviewed at its last meeting the major risks facing the Association, the main one being the financial risk arising out of the pandemic and its consequences. With all the measures taken by the London office and with the help and support of the IBA leadership, committee officers and members in general, we have been able to cope with a very difficult situation quite well. Membership has maintained a very satisfactory level, specifically with group member firms. The introduction of in-person events has begun, which is very encouraging.

The Management Board, through the London office, with the help of the committees and professionals as may be necessary, is analysing different possibilities for hybrid events. This may be necessary to expand the offering to our members going forward. This is a key element to assessing what will be the future of the IBA and it will be part of the strategic planning process as well.

We are also reviewing the IBA tax structure, which has not been done for a long time, to determine what changes may be necessary or recommendable going forward considering all the recent changes in the world.

We have been very concerned with the situation in Afghanistan and how it is affecting members of the Afghan bar, judges, especially women, and lawyers in general. Jaime congratulated Helena Kennedy, Romana St Matthew-Daniel and the London office for their work on this. Hopefully the bars will embrace and help in this endeavour in any way possible.

Jaime admired the spirit of cohesiveness and cooperation that is present throughout the whole Association, which is encouraging and a crucial turning point in these difficult times.

**Claudio Visco (Secretary-General)** began with Afghanistan because it is the most important issue with which the organisation could be involved in the current times. There is a lot still to be done to assist Afghan people still in the country fighting to survive and for those who hopefully arrive in Europe. Money is desperately needed. We are asking the Member Organisations to make a big drive to support this cause. We can guarantee that we will look at the way this money will be used, we will not give the money without any control, and we will be dedicated to the purpose for which the donations have been made. The Executive Director will be reporting in more detail on what is happening, but we still have 13 persons plus their families from the Afghanistan Independent Bar Association who are trapped in Afghanistan. We will continue monitoring the situation.

He reported that he had been to the first in-person conference in 18 months in Florence, which was a big success. He paid tribute to the Executive Director and the whole organisation for restarting in-person activities. All rules were followed and there was a lot of enthusiasm from the participants. We are on the right track to go back to our normal activities, but we will not forget the benefit of virtual offerings to our members unable to attend in person due to travel or financial restriction. Hybrid options are being explored to make it possible for delegates to participate remotely.

We are opening discussions with the Association of Corporate Counsel to see whether we can build cooperation with them. The initial response has been positive, and they have requested that we provide a tentative business plan of joint efforts/activities.

We participated in the consultation launched by the Financial Action Task Force in August, the aim of which was to gather comments on the possibility of applying certain concepts which have been developed in the framework of money laundering, reporting obligations and customer obligation. We agreed to participate because we wanted to make very clear that there is no way to apply those concepts to lawyers. We stressed the core values of the legal profession, which must be protected, and

the importance of confidentiality. It was positive that the consultation was taken under Chatham House Rules, so the responses could be used on an anonymous basis.

Claudio mentioned a question that was raised early in this meeting regarding in-person Council meetings. The May 2022 Council meeting is being planned as in-person in Vilnius. This will continue to be reviewed with the financial implications and travel restrictions kept in mind.

**Jaime Carey (Secretary-General)** added that in Latin America, bars and law firms have been looking to see if they can hire one or more lawyer/judge coming from Afghanistan and support them financially because getting a work visa is much easier in any country than getting the refugee visas.

**Lalit Bhasin (Honorary Life Member)** explained that the Bar Association of India and the Indian legal profession had played a very important role in setting up the bar association in Afghanistan in late 1980s and 1990s. He offered support for whatever can be done to strengthen the bond in Afghanistan. The Society of Indian Law Firms or the Bar Association of India would be very happy to be a part of any initiative that the IBA may take in this regard.

The President thanked the Honorary Life Member for his interest in our colleagues in Afghanistan, where the situation is a threat to the rule of law, human rights, and the core values of our profession. We actively participated in setting up the bar and he was pleased to see that the profession in India also played a part in establishing a bar. A lot of progress was achieved during the last 20 years that is unfortunately now lost.

## **6. Report from the Executive Director**

**Mark Ellis (Executive Director)** reported that the focus over the past 20 months has been to extend our survival baseline and now that is focused on next year, to continue to try to align our expenses and our revenue knowing there will still be challenging times in 2022. We have been in a position of having to make very dramatic and at times difficult changes to our operational structure during this period, but we have done so to ensure that our reserves last. Our collateral asset is our reserves. That is why our singular focus has been on the reserves and ensuring that we can cut expenses and try to keep the revenues that we can.

Throughout the crisis, Mark met every two weeks with the Head of Finance, Deputy Executive Director, IBA Treasurer and Assistant Treasurer to not only monitor the financial state of the Association, but also to make necessary adjustments. The loss in 2020 was approximately £1.4 million, which was dramatically less than what we expected. That did provide us a healthy financial base at the end of 2020 with about £29.8 million in reserve. The investment gains made have helped us significantly this year alone and in June we were up £850,000. In 2015 we went into investment for the Association, which has resulted in about a 70% increase in our overall portfolio. That has helped dramatically during this crisis time.

The projection for the end of 2021 is approximately £24 million, though this could change but we remain optimistic. We have been focusing on reducing our contractual liabilities, which have moved down to about £2 million (primarily with hotels and venues for our in-person conferences). We are in negotiations with Miami to further reduce those liabilities.

There have been 157 virtual events this year alone, and if you add those to what was done last year, in a period of 19 months the IBA has put on 290 virtual events, not including the virtual Annual Conference last year or the Global Showcase this year. This is extraordinary and Mark commended the committees, the officers, and the staff. The collaboration across the IBA during this crisis period has been remarkable and shows the strength of the Association.

Our hope and our intention to move that forward with in-person conferences this year in Q4 has come to fruition. The numbers are strong and the conference in Paris has sold out. We are cautiously optimistic and are seeing good returns. We are already structuring specialized conferences for early next year.

Total membership revenue from last year to September this year has declined, but only by 7.2%. When we started looking at this last year, we were looking at a potential loss that could have been as high as 40%. There has been a dip in Individual Members by 12.2%, but we believe that we can gain that back. Our focus during this time has been on Group Members and it should resonate with all of us that the Group Member firms have stuck with us and seen the value of what we have been able to provide.

The Member Organisations from September to September is down 4.5%, but we are hoping that stabilizes by the end of the year. Overall, membership has held up this year, which is a huge achievement for all of us.

We are in new temporary offices, which allowed us to save nearly a million pounds. Last year we made fairly dramatic cuts to staffing and we do not anticipate any additional cuts. The staff has done extraordinary work through really difficult situations, they have not received any pay increases for all this time, and yet they still held firm in their commitment to the Association. The PPID, LPD and Special Project Funds were reduced. We have requested greater involvement from committee members, when money is allocated, and a more targeted impact. There will also be a dramatic reduction in the use of consultants, which was getting a bit out of hand.

We have not been able to allocate any pre-tax profit to our two charities, the HRI and EyeWitness, so no transfer occurred in 2020 nor will it occur in 2021, which is troubling. The Management Board has agreed to transfer some of those monies on account, splitting between the two charities, so that they have some funding. We hope, by next year, to be able to allocate this funding again.

We have done 290 virtual events over the past 18 months and this will continue to be a staple of the Association going forward. Committees will engage in virtual events next year alongside in-person events. Approximately 50 virtual events should be possible without an additional cost base.

Hybrid activities are more challenging as there is a huge cost associated.

We have to make sure that the business model works financially and we are looking at every possible way of doing this. We will experiment with it, but every Association in the world is trying to figure out how do this.

Finally on Afghanistan, we have bifurcated the approach through the London office and the HRI. The HRI approach has been primarily focused on women judges to try to secure their transfer out of Afghanistan. The IBA approach has been focussed on the Afghanistan Independent Bar Association (AIBA), as we assisted in establishing this association which is unfortunately no longer left. There are, however, 13 representatives of the association and their families trapped in Afghanistan who desperately need financial support. Our approach has been to continue to seek tried to secure their passage out of Afghanistan, but that is extremely complicated. In the meantime, we felt it was important to create a small fund to provide them with basic assistance as they are in safe houses and not working. Romana St Matthew-Daniel is coordinating this effort and communicates with every single one of these individuals and their families, so that due diligence that is ongoing. The request to our Member Organisations was important because having established the AIBA, the IBA must show that we will support the AIBA leadership in these extremely extraordinarily difficult times. It is to try to showcase to the world the fact that the IBA and its Member Organisations support our colleagues, whatever the amount. Mark thanked the Law Society of Scotland, the Hong Kong Bar Association, the Tokyo Bar, Japan Federation of Bar Associations, the Law Society of Ireland and the Law Society of Northern Ireland. Approximately £13,000 has been contributed, which is excellent. Member Organisations that have not yet participated were encouraged to do so.

**The President** commended the Executive Director for his leadership and thanked the staff for outstanding work under very difficult circumstances. It is also quite evident that the Association would be in peril if it were not for the careful management of the reserves.

**Hans-Michael Giesen (German Federal Bar)** asked regarding the expected loss for 2021 if there was an update available, as the estimate of roughly £4.5 million shown in the report that is in the materials on page 40, looks a bit high.

**The Executive Director** noted that the Treasurer would address the financial report next and could show some updated figures on this. Looking at the cost factor and the expenses, we project those out so, for instance, in June we may have expenses that are less than what we project for the following quarters, and that is why you would get some differences. We do the same with income.

We always knew that the £1.4 million that we lost in 2020 (which was significantly less than what we thought) would increase because we projected that, for instance, the membership would go down and we would not have that type of income coming in. At the time we put this report together our feeling was it would be lower than the estimated 7.8 and we projected at 4.5, but that can change and likely will. It will be impacted by the in-person conferences that are returning in Q4 and the investments that did much better than we thought to date. It allows us to stretch those reserves even further and as much as we hope that we are coming out of the crisis, there are so many uncertainties. Hopefully this year will have given us better than expected achievements and that will give us a stronger reserve starting next year, which we may very well need.

## **7. Updates from the Executive Director to the Management Board**

**The Executive Director** noted that these updated reports were included in the agenda papers.

## **8. Finances**

**Daniel del Rio (IBA Treasurer)** noted this report would be based on the overview of the finances to 30 June 2021. The Association continues to face challenging times, but thanks to the great efforts of the London office, together with the work of the Officers, Divisions and Committees, we are on the right path for 2022. The financial position is currently better than anticipated.

Prudent assumptions will continue to be used to reflect the current environment as the IBA begins to emerge from Covid-19 and consider internal and external variables, which can impact the Association. Cash and liquidity continues to be at the forefront of our discussions and internal reviews of landing positions for cash are being monitored routinely. The re-introduction of in-person conferences in Q4 is now underway. Revenue is £2.3 million, of which membership revenue has exceeded the budget by £1 million, which is excellent. Operating costs have been £3.9 million, the main elements of which are employment, rent and computer facilities. There is an operating loss of £1.6 million, but this operating loss is reduced by the investments, which are doing well. There is a gain of £645,000. The investment gain is dependent on market strengths.

In the second half of the year, revenue is expected to increase due to the return of in-person conferences. Each specialist conference is carefully considered using set risk criteria to ensure that the financial and non-financial risks are evaluated. 2022 is anticipated to be a year of recovery, which will stabilise the IBA. We are still facing challenging times and the ongoing reduction of the reserves, however, in 2023 we hope to begin to rebuild the reserves as the IBA solidifies its hybrid model.

If 2021 does not go as anticipated, management are acutely aware of the restructuring that may be required with consideration to staff costs. Further diversification of revenue streams and relevant investments of money and resources will be considered as the IBA regains its footing.

The balance sheet remains stable at £30.2 million, mainly due to the timely cash flow with membership renewals being in Q1. Negotiations with venues regarding deposits currently totalling £1.9 million have been successful, which will assist cash flow in future years. Money on account continues to be focused with members being contacted. As per the policy agreed, any requests for these funds to either EyeWitness or HRI Trust will be dealt with in November of this year.

The off-balance sheet of noncancellable commitments will be reduced to £2 million at the end of 2021.

This is made up of £1 million each from the Paris Annual Conference liabilities and the SAP licenses, which have a five-year term.

Cash of £6.7 million continues to be managed with daily account reviews and monthly cash flow forecasts. Rates are low, but this compliments the investment pots establishing the overall picture of cash and investments. Cash will continue to reduce as the year end draws near, although Q4 conference are expected to take place, which we hope either break even or bring in a surplus. This also impacts the board discussion on establishing the prices for the Miami conference next year.

Operating expenses are anticipated to be £9 million at the end of the year, therefore, the £13 million static monitoring level would be considered too high in the current operational climate. This will be reviewed within the remit of the committee at the appropriate time. The IBA may go below the £13 million by the end of the year and if this were to happen, the IBA would be operating in the upper range that we have set. This would be expected to be rectified with the membership fee timing in early 2022 as well as registrations for the in-person events taking place early 2022.

There is an Italian VAT rebate for €320,000. This is making progress and thanks to Claudio Visco and his team, we hope to put in place the guarantees available in order to receive these funds.

**The Executive Director** reiterated that the investment of £645,000 that the Treasurer mentioned was as of June, whereas the £850,000 figure that he had mentioned was as of September. That indicates an increase that will benefit our year end result. Membership income is received throughout the year, so if it comes in stronger than expected, the year-end result will be higher.

**The Treasurer** noted that RSM continue to be our IBA auditors and proposed that they be re-appointed for another year.

**THE COUNCIL APPROVED**

## **9. Member Organisations**

### **a) Pending applicants awaiting approval**

**Steven Richman (Chair, Credentials Committee)** reported that the following organisations were being reviewed by the Credentials Committee:

#### **Full**

1. Azerbaijani Bar Association (Azerbaijan)
2. The Saudi Bar Association (Saudi Arabia)
3. Bar Council of the Maldives (Maldives)

#### **Sustaining**

1. Centre of Attorneys, Judicial Experts and Family Advisors of Alborz Province (Iran)
2. The Center of Attorneys, Judicial Experts and Family Advisors of Fars Province (Iran)

Regarding the Center of Attorneys, Judicial Experts and Family Advisors, the Credentials Committee has received notification from the Iranian Central Bar Association, an existing Full Member Organisation of the IBA, that they oppose these applications. This relates to a concern about the impact on lawyer independence. They have advised that these bar associations that are applying are part of a parallel set of associations, set up by recent law under the direct supervision of the judiciary. We are still waiting for the response from the Nationwide Union of Iranian Bar Associations, the other Full Member Organisation in Iran.

The application of the Azerbaijani Bar Association was considered and the Credentials Committee recommends that the application be denied. We have received various letters from the IBA Human Rights Institute (HRI) expressing concerns and suggesting that the Credentials Committee object until

the Azerbaijani Bar Association reasonably demonstrates more convincingly that it respects human rights and international rules and standards regarding independence of the legal profession. This has been the subject of several meetings and back and forth with the Azerbaijani Bar Association asking them to respond to the human rights concerns. Given the last response we received from them, and the response to that, from HRI, the Credentials Committee recommend that the application be declined at this time.

**THE COUNCIL APPROVED.**

The Credentials Committee recommended the approval of the application of the Bar Council of the Maldives. One of the concerns we had raised was the involvement of the Attorney General as we wanted to make sure there was no impact on the independence of the bar association. We received a satisfactory response from the Bar Council of the Maldives and therefore we are recommending that they be approved for full membership.

**THE COUNCIL APPROVED.**

There is a continuing application by the Saudi Bar Association with significant back and forth with them. There are concerns in that application over certain requirements affecting certain groups, and we want more detail regarding their Women's Committee, whether the Saudi Bar is in the process of allowing more private interventions and whether the government is losing its hold on it. We have decided to continue discussions with them on the basis that we think we can assist in developing this bar so no action is required at this time – it is ongoing and will report further as we go along.

#### **10. Proposal to increase annual membership fees for Member Organisations**

**The President** explained that the recommendation of the Management Board was to defer any increase to the annual membership fees for Member Organisations, resulting in no increase for 2022.

**THE COUNCIL APPROVED.**

#### **11. IBA statement in defence of the principle of lawyer-client confidentiality**

**Deborah Enix-Ross (Chair, Policy Committee)** reported that the Policy Committee has been kept informed of progress of this document and reviewed it in its final stages. We had the opportunity to provide feedback to the working group and then at our Policy Committee meeting on October 12, we voted to recommend that the document be included in the agenda for approval by the Council. Therefore, as Chair of the Policy Committee, Deborah moved at the document be approved and called on Stephen Revell to provide additional background on the document, including recent comments that he received.

**Stephen Revell (Chair, Working Group)** provided background information on why the paper was produced. It was to reinforce principles of conduct relating to confidentiality and to do so, particularly considering the statements being made by a variety of bodies, including those affiliated to the UN, that were both critical of lawyers and of privilege. We felt we needed a statement that was very clear in its support of privilege and confidentiality and its fundamental position in the underpinning of the rule of law. We also wanted to create through this statement a basis for a dialogue with those bodies who are critical of privilege.

It was a diverse working group from a wide range of jurisdictions, including both common law and civil law jurisdictions. In addition, we received many helpful comments, but we felt it was right to draw a line and to publish the statement in the agenda pack. The comments that we continue to receive are supportive and go to style rather than substance. Stephen recorded special thanks for the support received from the Policy Committee and Sara Carnegie and George Artley, without whose contributions we would not have this paper where it is today.

Assuming Council approves the statement today, we will commence that dialogue with bodies like United Nations and FATF and seek to reinforce the provision in principle, for the importance of confidentiality, and to do so based on our statement which really underscores the fact that privilege

and confidentiality are major underpinnings to the rule of law.

The President thanked both speakers and noted their points were self-evident. The issue at hand deals with core values of our profession.

**Jalal El Ahdab (Deputy Secretary General, Arab Regional Forum)** commented that this is a challenging task and the leadership demonstrated through this statement is impressive. It is becoming even more important that we fight on this front precisely because of what is happening in France, for example.

**The Chair of the Working Group** noted that the speaker was the Co-Chair of the Working Group and his support in this effort should be recognised. He underscores the importance of this statement with his reference to current events in France.

**The President** highlighted that it is inconceivable to have an independent legal profession without confidentiality and privilege. He asked the Council to vote on the approval of this statement.

**THE COUNCIL APPROVED.**

**The President** thanked and congratulated the IBA Council for taking this position. He thanked Stephen Revell, Deborah Enix-Ross and all those who participated in the production of this excellent work.

## **12. Amendments to IBA Constitution**

**Michael Clancy (Chair, Constitution and Governance Committee)** noted that several documents were included in the agenda papers. A representative of Wachtell, Lipton, Rosen & Katz has joined the meeting for this item as this firm has been advising the Constitution and Governance Committee (CGC) on compliance with New York State law and they drafted the amendments to the Constitution.

The Chair hoped that the Council had had an opportunity to review the documents and to reflect upon these changes which follow an in-depth consultation by the CGC with the constituents of the IBA as we were mandated to do by the Council at its March meeting earlier this year.

The draft version of the IBA Constitution included in the materials is marked up with the amendments, which are designed specifically to amend the provisions of the Constitution dealing with meetings of the Council and voting by defining 'in person' to express the permit and regularly voting by attendees and proxies who are present virtually, as well as to permit electronic ballot solicitation for all kinds of decisions and to shorten the lengthy balloting process. They also make provisions of the Constitution to provide for a quorum requirement at Council meetings. This summarises the amendments to the constitution in the marked copy and in the description of those amendments which can be found in the indicative paper.

**The President** suggested that the documents be taken as read. The floor was opened to questions and there were no questions or comments.

**The Chair of the Constitution and Governance Committee** thanked the President. He noted that there were seven recommendations by the CGC addressing the voting discrepancy. No questions were raised. He noted that the Management Board had agreed to recommend that the amendments be put forward to the IBA Council for approval.

**The President** agreed that this had been the recommendation and put forward the motion that the clarification of the Discrepancy Proposal be approved.

**THE COUNCIL APPROVED.**

**The President** put forward the motion that the proposed amendments to the IBA Constitution and the

IBA Bylaws Governing Nominations Committee and Rules of Procedure for Election of Officers be approved.

**THE COUNCIL APPROVED.**

**The President** thanked the Chair and the CGC for their excellent work and said the approvals were a testament to their approach and efforts. They have worked tirelessly, consulted extensively and produced papers that are clear and easy to understand. He also thanked Wachtell, Lipton, Rosen & Katz who undertook this work on a pro bono basis and have done an excellent job.

**The Chair of the Constitution and Governance Committee** thanked the CGC, the Working Group Chairs and Becca Verhagen for all their hard work. He also thanked the President and the IBA leadership for their steadfast support. It has been a pleasure working with Wachtell, Lipton, Rosen & Katz. He thanked the Council for endorsing these proposals.

### **13. IBA Strategic Plan Working Group Report**

**Claudio Visco (Secretary General)** reminded the Council that they had reported on the status of the implementation of the strategic plan at the last Council meeting. Since then, the work has progressed and all the divisions and committees have really taken this onboard. The divisions have developed their individual implementation plans.

The Strategic Plan Review Committee does not limit the freedom of each of the divisions to implement and to elaborate the plan the way that they prefer. Instead, its job is to coordinate the various documents we had received to see whether there were overlaps or areas of cooperation in which the divisions could work together to achieve a goal that they both identified. The Diversity and Inclusion Council was involved in the process and believe that they can play a role in what the other divisions are doing, which has already begun.

Comments have been received and the plans submitted by the divisions and we have seen that there is a lot of cooperation and common goals that could be further developed. The Management Board last week mandated that the Strategic Plan Review Committee continue reviewing the implementation process, ensuring that this dialogue among the various constituents continues and looking at the financial resources that may be needed to implement the goals.

The SPPI presented a very challenging goal as part of its strategic plan relating to the 17 United Nations' goals on sustainable development. They met with the SPPI leadership and agreed that as a first step, we will try to benchmark our Association with the goals to understand where we stand in respect of the implementation of those goals. This is clearly an example in which all the divisions could work together on a single project as this is across the organisation, and we will make sure that is supported.

The Strategic Plan Review Committee will continue to monitor and will likely produce an executive summary. The final plans will likely be presented for final approval to the Council at its meeting in May 2022.

**Jaime Carey (Secretary General)** noted that the Strategic Plan Review Committee is also coordinating with the Membership Committee and the Technology Committee, as well as the Constitution and Governance Committee, so we are bringing the IBA together. He added that the SPPI project would be across the whole organisation and it would be great to get everyone working together again.

**The President** thanked the Secretaries-General for their excellent work and for the spirit of cooperation that has been displayed in working on some of these difficult issues.



## 14. Reports from IBA Divisions

### *Legal Practice Division (LPD)*

**Peter Bartlett (Chair, LPD)** highlighted the cooperation between the divisions as something that we should all be very proud of. There have been 290 webinars since March last year and that really shows the amazing amount of work being done by all of our committee chairs and committee offices. We have also organised 11 in person conferences in Q4 this year and they have been very successful. Considering where the IBA was two years ago, everything is so positive and we are all working well together. He thanked his fellow LPD Officers and Ronnie Hayward.

**The President** thanked the Chair for his outstanding leadership of the Division. The spirit of cooperation working across the IBA has been very impressive.

### *Section on Public and Professional Interest (SPPI)*

**Jörg Menzer (Chair, SPPI)** thanked the other divisions for the support they have shown to the SPPI and highlighted the spirit of cooperation within the IBA. The SPPI has concentrated on its leading themes. Given the importance of diversity and the ESGs, we have been able to move forward with a new approach in the IBA together with the LPD and the BIC to discuss the UN Sustainable Development Goals.

A new committee has been added which addresses the role of public lawyers, as we believe that public lawyers and stakeholders should be embraced. Overall SPPI committees did a great job and they have worked very hard. We had more participants in webinars than ever because there was an outreach to non-members as well.

He congratulated the SPPI Council, especially the Vice Chair, Myra Garrett, who comes with new ideas and fresh perspectives. He thanked Astrid Wargenau and Rebecca Ruler in the London office for all of their support.

**The President** thanked the Chair for his leadership of the SPPI and for their excellent work. Their focus is ambitious and exciting as well as focusing on many of things that the IBA is already working on. The spirit of cooperation that is being displayed is fantastic.

### *Bar Issues Commission (BIC)*

**Ken Murphy (Vice Chair, BIC)** reported on behalf of the BIC and apologised on behalf of the Chair who had been called away on an urgent matter. He emphasised that this is a very active part of the IBA. The Policy Committee met last week, chaired for the last time by Deborah Enix-Ross. He will take over in January 2022 as its new Chair.

Just two days ago the BIC had a meeting of bar leaders from every continent participating. The theme of the open discussion, chaired by Steven Richman, was ‘what keeps you up at night and what gets you up in the morning’. It was an interesting engagement focused on what bar leaders are concerned about and what is on their agendas at the moment.

He emphasised the extent to which the BIC is engaging and seeking to engage at all times with bar leaders from around the world and also on a regional basis. This is a highly participatory part of the IBA and one which welcomes every opportunity to coordinate and cooperate with all the other divisions.

**The President** thanked the BIC for the excellent work that is being done and the activities that are underway. He also expressed gratitude for what the BIC is doing for our colleagues in Afghanistan. It is a pleasure to see the willingness to work across the IBA and abandon the silo mentality that has at times existed in the past. There is no necessity for competition regarding capacity building and he appreciated the cooperative spirit between the divisions.

**The Vice Chair of BIC** thanked the President for his leadership and for meeting with the BIC at the beginning of his presidency. The BIC took much of that discussion to heart in planning their activity

agenda.

*Human Rights Institute (HRI)*

**The Hon. Michael Kirby AC CMG (Co-Chair, HRI)** noted that he was proud to report to the Council with the other division Chairs and to speak on behalf of his Co-Chair, Anne Ramberg, who was unable to join today's meeting.

Led by Helena Kennedy, the HRI is a wonderful institution and never has it been busier than in the last two years during the pandemic. A lot has been said on our work in Afghanistan and a lot could be said on our programmatic work. Our very small team has turned a huge production.

A never-ending challenge for the HRI is continuing media freedom, recognised in recent days by the award of the Nobel Peace Prize to two brave journalists. Climate change, nuclear disarmament, non-proliferation and new issues are coming forward, including the human response, animal welfare and the issues of the treatment of other sentient creatures on the planet. Covid-19 has presented new challenges that are just around the corner relating to intellectual property law.

The HRI is ambitious, exciting and principled, and its strength has been renewed by the President as a moral fulcrum for the IBA. Michael thanked the President for his support of the HRI, which will go on serving the lawyers, judges, prosecutors and attorneys of the world and thereby serving the rule of law, human rights and the peace of our planet.

**The President** thanked the Co-Chair for his leadership and for the leadership of Helena Kennedy. The work of the HRI has been outstanding. He noted it was the Chair's last Council meeting in this role and acknowledged the enormous weight he has added to our organisation. He has served the Association with distinction and we have been honoured to have a Chair of his calibre and international standing. He hoped that Michael would continue to advise and assist the IBA.

## **15. Reports from Standing Committees**

*Nominations Committee*

**Horacio Bernardes-Neto (Chair, Nominations Committee)** reported that the Committee has been meeting and preparing for the nominations procedure. Nominations will be launched today and will close on 5 December. The interviews will be held during the Mid-Year Meetings in Vilnius next year. The full report is included in the agenda papers. He thanked the IBA Officers for the fantastic work they continue to do in these difficult times.

**The President** thanked the Chair for expressing this sentiment. The sign of a good leader is what happens after they leave and the platform that the Chair built as the Immediate Past President continues to benefit the organisation. Being professional and sociably pleasant comes naturally to him and he is a high calibre leader.

*Online Services*

There were no additional comments.

*IBA Foundation*

**Hansel Pham (Chair, IBA Foundation)** reiterated the appreciation for the service and dedication of our former Chair, Tim Powers, who has served with distinction as a trustee for many years. He will be stepping down and has been appointed as Trustee Emeritus.

The President thanked the IBA Foundation for its excellent work and noted his gratitude to Tim Powers for his service to the Association.

*Human Rights Institute Charitable Trust*

There were no additional comments.

### *Constitution and Governance Committee*

**Michael Clancy (Chair, Constitution and Governance Committee)** noted that he had nothing further to add to the report in the agenda papers.

**The President** thanked the Chair and said that knowing he was Chair of this important Committee was a source of enormous confidence.

## **16. Reports from Management Board Committees**

### *Diversity and Inclusion Council*

**Claudio Visco (Secretary-General)** offered to give an update as a member of the Diversity and Inclusion Council. They have done a lot of work also in connection with the implementation of the strategic plan as participants in what has been elaborated by other divisions.

**The President** noted that the Diversity and Inclusion Council is extremely important to what we are trying to achieve because the principle of non-discrimination is at the heart of our profession. There should not be discrimination in the administration of justice. He appealed to everyone to give this work as much support as possible as we would love to see a visible difference. The quality of our commitment must be self-evident. We must encourage diversity in all forms in our leadership.

### *Digital Committee*

**Myra Garrett (Chair, Digital Services Committee)** summarised the Committee's focuses as content communication between the members and conferences with the emphasis on hybrid conferences. We have since our last meeting recruited three new external members to the Committee, each of whom has expertise in these areas, so that is going to be of great help.

The new website is up and running since March and it is working very well. It looks more modern and includes access to publications, which is very important for content. We are looking to further highlight on the homepage content for committee publications and surveys. We want to promote the idea of the website as a go to resource for legal publications to cover rule of law, legal resources and also practice management. We are encouraging all members to update their profiles using MyIBA as this will encourage greater communication and members linking up to like-minded members with the same practice areas and interests.

Regarding member communications, we are trialling a private LinkedIn service for three of the committees. This is to encourage and to give a platform for member-to-member communications, which members have been requesting. Surprisingly, the uptake has been quite slow, but we are looking with those committees for feedback to see how we can improve.

The senior officers of the IBA at this meeting have emphasised that as we move back to in-person conferences, we are going to continue with virtual activities. The Committee is looking at the challenges of hybrid events with a combination of in-person and virtual participation.

A number of the recent in-person conferences, such as the Florence Conference, did have speaker participation virtually and that worked very well. What we are now trying to trial is speakers and delegates participating virtually, and that is a lot more difficult. It is much more costly because we must have audio and film and equipment. We do not want to discourage people from attending in person and we need to ensure it makes sense from a financial point of view. We have to be able to monetize it, so for upcoming conferences we are asking those committees to assist in this because it is only by trialling that we are going to be able to crack this challenge in terms of hybrid conferencing.

We do not have a budget for any of this, so we are trying to do all of these projects using our own resources, both London office and the IBA executive, who are doing a huge amount of work in this area, especially Tim Hughes, Tim Licence and their teams.

**The President** thanked the Chair and noted that digitalisation will enable us to correctly claim to be the global voice of the legal profession.

### *Projects Committee*

**Moira Huggard-Caine (Chair, Projects Committee)** noted that the BIC Chair had requested that George Artley, the BIC Project Lawyer, be designated as a member of the Committee. The full report was included in the agenda papers.

**The President** thanked the Committee for their excellent work.

### *Membership Committee*

**Pascal Lagesse (Chair, Membership Committee)** thanked the Committee members and the London office, especially Mark Ellis, Tim Hughes and Joe Bell, who helped all of us achieve something amazing. We started the year with 90 Corporate Members and we ended the year with £1 million, exceeding the budget. Focusing on revenues was our target for the last months, looking towards the future. As the in-person conferences resume, we will be working probably less on the revenues and more on the offerings to the members. They will keep everyone informed of those initiatives as they develop.

**The President** thanked the Chair and noted that the progress is a testimony to excellent work that the Committee has been doing.

## **17. Reports from Deputy Secretary-Generals**

### *African Regional Forum*

There were no additional comments.

### *Arab Regional Forum*

There were no additional comments.

### *Asia Pacific Regional Forum*

**Hideaki Roy Umetsu (Co-Chair, IBA Asia Pacific Regional Forum)** highlighted that the Forum had two key updates from their region. This first is the activities in the China Working Group and the India Working Group. Although it was impossible to have an in-person meeting, we have quite active webinars especially in China. There was an eight-part series of training sessions with young lawyers and the number of registrants was 5500. Half of them were from China and half of them were from other jurisdictions, which clearly shows that there was a demand for this type of event. There will be a similar project for India as well.

The second update is the outreach project for the jurisdictions where there is IBA membership. This year we are approaching Vietnam and held webinar events last week. Peter Bartlett and Kimitoshi Yabuki attended. This was a session that showed the attractiveness to locals and it was held in coordination with the local bar association. We will continue this type of event in the Philippines or Thailand going forward and we are working together with the Regional Fora Coordination Committee.

### *European Regional Forum*

**Chris Owen (Co-Chair, IBA European Regional Forum)** reported that the focus has been trying to bring a lot of the work that the committees have been doing down into our membership. We have split up into four regional groups so that each of those regional groups will be looking at and working with particular issues in different parts of Europe. We have various working parties dealing with particular issues which are very relevant to the IBA generally and which we are pushing down to our membership.

Our public policy working group is working with the HRI and the Rule of Law Forum to see how we can collect data in relation to the various sort of attacks on independence of the of the legal profession and how we can assist in this area.

We have a mental wellbeing working group which has engaged with the Presidential Task Force on Mental Wellbeing, whose report is due out next week. We also have a diversity and inclusion working

group that has just finished a survey of the members looking at what diversity and inclusion means in the different jurisdictions within Europe. It is our attempt to push down to our 8,000 members some of these issues that have been debated at a higher level within the various committees and to see how we can engage and get feedback from the membership to serve as a connecting point.

#### *Latin American Regional Forum*

**Juan Carlos Rocha (Co-Chair, IBA Latin American Regional Forum)** highlighted that the Forum is going to have its first in-person conference on 6-8 December in Miami held jointly with the North American Regional Forum. The plan is to have around 200 participants and we already have 105 registrations, so there is no doubt that the IBA is a great platform for all Latin American lawyers.

#### *North American Regional Forum*

**Robert Russell (Vice-Chair, IBA North American Regional Forum)** reiterated that there is a lot of enthusiasm being generated for the Miami conference in December. We are looking forward to an in-person conference and see it as one of the first steps to getting back on track. At the last meeting of the regional fora in Seoul, a need to work together more was expressed because the interaction between fora is very important. This conference is not only a first step for in-person conferences, but one of the first steps in working together on common issues.

The Forum is focused on ensuring gender balance in our speakers for all our conferences. Also, technological competency for lawyers is one of the issues that we are going to be addressing on a regular basis. We are pleased to be moving forward on the objectives that we have identified over the last few years and the upcoming Miami conference is a great start.

**The President** thanked the regional fora for their reports and hard work. He also expressed gratitude for their clear efforts to encourage cooperation across the regions.

## **18. General discussion**

**The President** noted that the planned future meetings of the Council were noted in the agenda.

**The Executive Director** added that based on the conversation in the recent Management Board meeting there is a possibility of shifting the 2025 Cape Town meeting to a later year simply to strengthen our financial position. It is not in any way intended to dismiss Cape Town as a venue, but only to alter the date. The IBA also did this several years ago when we were talking about Chicago.

**The President** thanked the Council members for participating in this meeting, for the excellent work that everyone is doing, for the spirit of cooperation and for the tremendous relationships that we are creating and reinforcing. Without those we cannot achieve the objectives of the Association. He thanked the management and the staff for their outstanding work under the leadership of the Association. The staff were commended for their commitment to excellence through the difficult situation of the pandemic. He highlighted the high-quality communications emanating from Romana St Matthew-Daniel.

He thanked the Vice-President for her advice and hard work, and expressed appreciation for his fellow Officers, the division leadership and the committees. We are all working together, despite the challenges. He wished everyone happy holidays and declared the meeting closed.

There being no further business for the Council, the meeting ended at 1349 BST.

*Becca Verhagen  
December 2021*

**Executive Summary – IBA Management Board meeting**  
**Video Call via Zoom**  
**Thursday, 13 May 2021**  
**1100-1500 BST**

**Present:**

<b>President</b>	Sternford Moyo*
<b>Vice President</b>	Almudena Arpón de Mendivil*
<b>Secretaries-General</b>	Jaime Carey* Claudio Visco*
<b>LPD Chair</b>	Peter Bartlett*
<b>IBA Treasurer/LPD Secretary-Treasurer</b>	Daniel del Río*
<b>IBA Assistant Treasurer</b>	Pascale Lagesse*
<b>LPD Representatives</b>	Moira Huggard-Caine* Sunil Abraham*
<b>SPPI Chair</b>	Jörg Menzer*
<b>SPPI Secretary-Treasurer</b>	Myra Garrett*
<b>BIC Chair</b>	Kimitoshi Yabuki*
<b>BIC Vice-Chair</b>	Deborah Enix-Ross*
<b>BIC Past Chair</b>	Margery Nicoll*
<b>HRI Co-Chair</b>	Michael Kirby
<b>Executive Director</b>	Mark Ellis
<b>Invitees</b>	Sarah Hutchinson Ken Murphy
<b>Apologies:</b>	
<b>LPD Vice-Chair</b>	Carola van den Bruinhorst*
<b>LPD Representatives</b>	Jon Grouf*
<b>HRI Co-Chair</b>	Anne Ramberg*

\* Voting member of the Management Board

<b>IBA Staff in attendance</b>	Tim Hughes Susan Burkert Talia Dove Ronnie Hayward Helena Kennedy Rowan Paterson Lucie Risley Becca Verhagen Astrid Wargenau
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**Executive Summary – IBA Management Board meeting  
Video Call via Zoom  
Thursday, 13 May 2021  
1100-1500 BST**

**Discussion**

**1. Welcome and Apologies**

The President welcomed Board Members, especially Ken Murphy, who was attending his first meeting. Apologies for absence had been received from Jon Grouf, Carola van den Bruinhorst and Anne Ramberg.

**2. Approval of Minutes of the meeting online, 26th February 2021 and notifications of any actual or potential Conflict of Interest**

The minutes of the meeting dated 26 February 2021 were approved as a true and correct record, subject to correction of one minor typographical error.

No actual or potential conflicts of interest were declared.

**3. Matters Arising Report**

Consideration of Cape Town as a potential Annual Conference venue, would be deferred until February 2022.

Honorary Life member criteria. There would be a further report at the next meeting.

Paris Convention Centre contract – Update - Mark Ellis (ME) confirmed that there would be no financial penalty and that a significant discount for use of the entire centre, had been negotiated. Contracts had now been signed and an announcement made to members. There would still be back-to-back conferences in Miami and Paris, which from a financial perspective would be significant for the Association.

**4. Report from the President**

The meeting took the report as read.

**5. London Office Report**

ME emphasised that it was important to continue focusing on aligning expenses with revenue. Additionally, considerable attention was being paid to membership and ensuring that the Association provided value to the members. The reserves were the Association's sole collateral asset and provided a £29.8m base as at 31 December 2020, in cash and investments. Even assuming a loss of between £7m and £8m for 2021, there should still be a base of around £22m at the beginning of 2022. The deficit in Q1 was tracking well at around 10% of the overall projected budget. This was positive, although the timing of face-to-face activities were weighted towards Q4. There would be a week-long Virtual Showcase with a dynamic program, provided on a free of charge basis.

Over 64 webinars and 17 virtual conferences had been produced to date in 2021, with over 13k registrants. The webinars had been mostly free of charge, although £300k in fees and sponsorship had been generated. In addition, there had been 102 global Insight articles online, 24 editions of IBA magazines and journals in digital formats, 36

reports, 76 committee e-bulletins and 855 committee articles. The 60 IBA global Insight podcasts, had generated 11k listeners and so the combined number of listeners in 2021 amounted to 46k.

Everything was now focused on the possibility of Q4 permitting in person events. It was noted that the renegotiation of contractual liabilities over the last 10 months alone, had resulted in £3m of contract value, being protected and deferred.

One of the major successes had been the retention of Group Members. Not only had retention been achieved but also the figures were up by 4% over the same period last year. Thanks went to the staff both in London and regionally, and several Board Members led by Pascale. It was noted that Corporate Members had also increased by 20% and as with Group Members, some new firms had been added. Bar membership was also up by 2% over the previous year.

ME noted the success of the Frontline Defenders Program, both from the point of view of engaging with the Group Members, but as importantly, it highlighted the IBA's values in aiding those providing basic legal services, to the most vulnerable.

Operationally, the London office move had just been completed and was working well. Special thanks were due to Lowri Williams, the London Office Manager. This would produce savings exceeding £1m per annum.

Almudena Arpon de Mendivil (AAM) congratulated both the Management Team, the Board Members overall, and those responsible for the 4% increase in Group Membership. As a future focal point however, she encouraged consideration of strategies for optimising utilisation, of the huge amount of digital content now available to members. Many did not make as much use of the website as they could, and the Association needed to address this, through more proactive communications.

ME agreed that there was always more that could be done to drive the membership to the website and its remarkable content. Ideas and suggestions were always welcome.

Moira Huggard-Caine (MHC) suggested that as law firms had to budget for participation in conferences etc., it might be beneficial to actively advise members of the IBA's preparation towards the return of in-person events.

Myra Garrett (MG) asked how sure it was, that in-person events could be undertaken in Q4, and to what extent organised conferences could be abandoned, without materially harming the finances.

ME agreed that there was uncertainty around Q4 and that the best that could be done, was to prepare for it in such a way that the Association could move quickly. This conflicted slightly with the valid aim of issuing early communications and PR, although it was a fine balance. The financial risk still existed and had been the main driver for postponing Paris. There were simply too many eggs in one basket. Conferences and events currently in contemplation, mitigated that risk. However, no commitment would be entered into, until it was established that revenues would meet or exceed expenditure.

There had been considerable focus in Latin America and North America for a Miami-based event. With Miami and Florida having re-opened, it appeared an attractive location for those coming from Latin and North America. It would not be the intention to proceed however, unless there were good grounds to believe that revenues were going to match or exceed expenditure.

The President cautioned the Board that, the Association should not abandon a prudential approach, which attempted balancing all the relevant factors. There was little to be gained in doing otherwise.

MHC suggested that as there would have been two years since the last in-person conference, it was important to steer law firm decision makers towards their budgets, and the need to account for such events. It did not matter whether a budget was in fact used. Once a budget had been adopted however, the absence of factoring in conference attendance, could prove problematic to re-introduce, following certainty as to dates and venues.



The President considered that the message of a return to in-person events was already widely in circulation, albeit those expectations were being managed downward and that the conferences were likely to be smaller.

The President underlined the importance of the Association issuing positive messages. It was the case however, that the organisation's resources should not be depleted through making commitments before it was safe to proceed.

As a final comment, ME confirmed that the attitude of the committees and fora were central to considerations and that events could not proceed, without their positive support. As things stood, committees did not want to proceed with events, unless they believed viable participation would be attracted.

Deborah Enix Ross (DER) advised that Group Members could be great allies as conduits for positive messaging and raising consciousness, of the necessity to budget for in-person conferences.

#### Item 5a - Finance Management Pack YTD March 2021

Daniel del Rio (DdR) commented that there was a continuing "new reality" where the financial model was viewed differently, with cash and liquidity at the forefront of discussions, and ensuring that decisions were made in a timely manner. No forecast had been included in this finance presentation, as this would be reviewed as the year unfolded, when further and better data would be available.

The purpose of the finance management pack was to assist with decision-making and focused on the IBA, as a whole.

The pack was to be taken as read and was for noting.

Following receipt of board members' emailed approvals, the 2020 accounts were duly ratified. The motion was proposed by Jörg Menzer and seconded by Jaime Carey.

**Ratified.**

The e-mail circulation had ensured the signing of the accounts had been completed on schedule and in sufficient time to circulate to Council for receipt and consideration, under Article 4.2.6 of the Constitution. The Council meeting would be taking place on 27 May 2021.

DdR confirmed that the Audit Committee were satisfied with the audit report and noted that the internal objective to present the draft accounts to the Audit Committee earlier in the year, had been achieved. The auditor's report was without qualification. It was noted that in 2020, Finance had implemented new controls and segregation of duties, as well as moving the accounting system to the "cloud", to assist with remote working and moving office.

The accounts would be filed with UK Companies House, on conclusion of the Council meeting.

DdR noted that the Italian VAT refund from the Rome conference had finally been agreed and an amount of €340k should be received by Q3. The IBA was grateful to CV and his firm, Macchi di Cellere Gangemi, for their considerable assistance.

The meeting's attention was drawn to the slides which indicated an operating deficit of £860k, income of £899k and total costs of £1.75m. The deficit was expected to grow through Q2 and Q3 with conferences in Q4, hopefully providing much needed revenue and cash flow. Should this transpire, it would mean that budgeted spending, would increase towards the end of the year, changing the current quarterly spending trend. Based on the prudent budget, it was anticipated that the landing position at the year-end, would be better than the £6.7m operating deficit predicted, although this would be monitored through the forecast. It was noted however, that revenues were based on external variables.

The balance sheet at the year-to-date March 2021, remained stable and supported the IBA as a going concern, with cash and investments of £30.4m. The increase in cash from year to year was due to the timing of membership renewals. Investments were performing well and were up £70k from the year end. It was noted that investments had increased, with a further gain of approximately £373k in April.

As confirmed in previous Board meetings, there remained some liabilities that were “off balance sheet”. These would reduce by the end of 2021, mainly due to the completion of the e-commerce system implementation, and the move to Chancery Lane.

Operating fund sufficiency - As at the year-to-date at 31<sup>st</sup> of March 2021, operating funds exceeded the £13m monitoring level. The September 2020 Audit Committee had agreed a monitoring level of £13m as an amber alert, with cash falling below £5m, constituting a red alert. Senior Management would continue to monitor and discuss with the Audit Committee as appropriate. Based on current data, an amber alert was anticipated in August/September 2021. The monitoring levels were guides only and could be adjusted by the Board if thought necessary.

DdR requested the Finance Director, Lucie Risley (LR), outline the proposed money on account policy.

LR advised that the Auditors had recommended the adoption of an internal money on account policy. The policy had been circulated and LR emphasised that it referred to historic sums on account, rather than new money. With the advent of Covid, many conferences had been postponed, with monies returned to members. Some members had requested the IBA to retain those payments. However, with conferences being postponed for a second time, a decision was taken to refund. There were also older historic balances, which had grown over time, probably since around 2010. The current total was £562k and had been reducing year on year, until the advent of Covid increased the balance, by a further £200k. Most of the historic money was made up of overpayments and foreign exchange gains. These were complex and resource heavy to reconcile. There were however, three main reasons for wishing to remove these sums from the books. Firstly, the introduction of SAP. The new system would not permit the holding of money on account. As soon as an overpayment was received, it was no longer possible to retain it, even should the member wish otherwise. It had to be returned. This would eradicate the problem in the future. Additionally, the e-mango system was being turned off and a position where manual spreadsheets had to be created to record the balances, was far from desirable from an audit point of view. Thirdly, the funds could be used more beneficially. The question was therefore whether the IBA could use the funds to support a project or perhaps more appropriately, donate it to charity. This was the day’s decision. In November, there would be a formal accounting adjustment, which at the current time was thought to be around £196k, allowing the IBA to make a distribution as it saw fit.

It was clarified that the charities envisaged for possible donations were eyeWitness to Atrocities and the International Bar Association’s Human Rights Institute Trust. *[please see below at Item 13 General Business, for the confirmation vote on this item]*

#### *Sponsorship, membership, and the database*

Tim Hughes (TH) confirmed that, given the points made previously, there was nothing further to add in respect of membership.

Sponsorship relied on in-person events. It was encouraging therefore, that approximately £77k virtual event sponsorship, had been generated to date.

The database would be going live within the next few days. The transition would take place over the weekend and possibly through to Monday morning depending on circumstances. There was a complex data mapping exercise to negotiate, involving the transfer of 30 GB of data.

However, there was every expectation of a flawless go live experience.

## **6. BIC Proposal Regarding 2021-2022 Officer Positions**

Kimitoshi Yabuki (KY), summarised the rationale underpinning the proposal to appoint Margery Nicholl to the vacant seat of BIC Immediate Past Chair on the Management Board.

It was also the case, that with Deborah Enix Ross (DER) taking up the post of President Elect of the American Bar Association, the ABA would require her to step down, both from her role as BIC Senior Vice Chair and Management Board Member, in August 2021.

The proposal was for Ken Murphy (KM) to replace DER as Senior Vice Chair, with Steven Richman (SR) in turn replacing KM as Junior Vice Chair.

As required by the BIC Bylaws, the President confirmed that he had been consulted and had agreed these proposals.

DER thanked her colleagues, particularly KM and KY. DER emphasised that she was not leaving the IBA and looked on her ABA appointment as an opportunity to bring the two Associations closer together. DER also offered her thanks to the Management Board for its understanding.

The President thanked all those who had agreed to take up these appointments and assured DER that the circumstances were not of her making. She had made an enormous contribution to the work of the BIC, the IBA in general and its Management Board. The Association was extremely grateful and pleased that she was taking up this important leadership position at the ABA.

## **7. Risk Committee Update**

Risk register - The risk register was split into three sections i.e., strategic, operational, and financial. The Committee then considered the likelihood, impact and appetite or attitude to risk. With that, a gross risk was calculated indicating whether an item was rated as a high risk. This clearly applied to income at the current time. Income, had been at the top of the register for a considerable period. There was then the cost risk and the necessity to preserve the IBA's reserves ensuring the runway was appropriate for the needs of the Association, on exiting the pandemic. This was all updated routinely at the quarterly internal risk group, comprising key heads of departments. LR then liaised with ME and TH, to discuss any necessary changes and then submitted a revised document, to the Risk Committee, prior to each meeting of the Management Board.

Insurances - CV confirmed the IBA's insurance broker was negotiating with insurers in relation to the Association's coverage for the year to come. Overall, there were some positive changes in terms of reducing premium and some negative. However, the overall difference was less than £10k between the premium paid in 2020/2021 which was £178k, and that expected under the new coverage, which was £187k. In terms of new coverage, discussions continued regarding the possibility of pandemic insurance, with an expected cost in the range of £15-£20k. However, this would not include coverage for Covid exposure. The Risk Committee agreed with the recommendation from LR, TH and ME, not to seek savings at the expense of cover, which in any event would be minimal. LR added that negotiations continued, and it was possible that savings might be achieved, otherwise than at the expense of coverage. Renewal was due on 1st June 2021.

The President requested a proposer for the motion that the increase of approximately £10k in premiums be accepted.

Proposed: JC

Seconded: MG

**Agreed.**

JC confirmed that a review of the Conflict-of-Interest policy had been initiated, as the current version appeared to contain some formal inconsistencies with the requirements of the New York Not-for-Profit Corporation Law. A small

subcommittee including himself, CV, and the Secretary would take this forward, seeking help from inside or outside the IBA has necessary.

## **8. Diversity and Inclusion Council (D&I) Update**

Sarah Hutchinson (SH), thanked Ronnie Hayward for being the driving force behind the Diversity and Inclusion Council.

Fiona McLeod and Chris Watson had been leading magnificently over the last two years and had submitted a Special Project Fund application, for the diversity training tool, which subject to minor clarifications, had otherwise been agreed.

All committees now had a Diversity and Inclusion Officer, and that Officer was also a member of the Diversity and Inclusion Council. There was therefore blanket representation across the Organisation, which was a huge step forward. At the next meeting of the D&I Council on 19 May, there would be breakout sessions to establish with the D&I Officers, what they wanted from the D&I Council, and what they needed from the Management Board, to establish a bottom-up perspective, of what mattered to members.

The D&I Council requested senior Management Board representation to lead it. Both Fiona and Chris had expressed a wish to stand down, having chaired it for two years, and therefore succession required consideration.

Sunil Abraham was suggested as a possible candidate, being already on the Diversity and Inclusion Council and a Management Board member.

The President emphasised that the D&I Council was extremely important to the aims of the IBA, and diversity was at the heart of what the Association was trying to achieve.

AAM suggested that SH wrote to the President, together with Fiona and Chris, outlining the desired outcome in terms of composition and the Council's constitutional position etc., so that once seen by the President, it might come to the Board for a final decision.

More generally, AAM updated the meeting on the IBAs 50/50 by 2030 project. Fiona McLeod was leading along with AAM, and the Legal Policy Research Unit (LPRU) in London, in partnership with Lexis Nexis. AAM confirmed there was already a pilot in the UK and that there would soon be two further jurisdictions added. Encouragingly, having reached out to some prominent figures, an extremely positive response had been received from Lady Hale, the President of the UK Supreme Court, and a champion for women's rights.

The President thanked SH and AAM and confirmed that he would reply on the Diversity and Inclusion Council's proposals, promptly.

The President closed the item by thanking SH for her leadership.

## **9. Strategy Implementation Group**

JC confirmed the group was meeting the following day. However, at the previous meeting, it had been agreed, that the divisions were to initiate internal reports setting out their organisation and administration, in relation to implementing the strategic plan. In the meantime, JC had kept in touch with LPD and HRI. HRI had set up a working group headed by Helena Kennedy and assisted by Mark Stephens. CV had kept in touch with the remaining constituents of PPID including BIC and had spoken with JM, who confirmed that the PPID had established 4 working groups. Additionally, there had been contact with the D&I Council. Finally, there had also been discussions with KM on the approach taken by BIC.

JC's overall impression was that LPD were slightly ahead of PPID in terms of progress, and it behoved the implementation group, to establish some milestones and engender consistency, both in the reporting of the initiatives and matters of timing.

The President thanked CV, JC and AAM for their leadership. He summarised by emphasising that the Board would be assessed on what had been achieved. It was important therefore, to establish what could be turned into action, such as around the elimination of discrimination in the practice of law and administration of justice. It was necessary to guide members as to the Association's expectations and inculcate the values of the strategy plan. It was necessary therefore to self-evaluate, not in terms of what was planned to be done, nor the number of documents being produced, but by what had been achieved on the ground.

CV confirmed that he and JC had spoken with Michael Clancy on timing, concerning the governance section of the strategy plan. This was just to note that the Constitution and Governance Committee, had been occupied to date with resolving the issues around the electronic elections and would commence the wider substantive work, as soon as the initial questions had been settled.

## **10. Management Board Committee Appointments**

The President reiterated that there should be diversity in all its forms e.g., gender, regional, age etc., in relation to appointments. Additionally, a person already chairing a division, should not be expected to also chair a committee. Firstly, this could constitute an excessive concentration of power authority and influence in one person and secondly, there would always be a question-mark over the time an individual was able to devote to so many interests.

### **a) Projects Committee**

Moira Huggard-Caine (MHC) thanked PB for facilitating a smooth handover. She acknowledged the huge contribution made by the staff in transferring from one database to another.

From the date of her written report to this meeting, a further 50 projects had been concluded and would be reported on in due course. Two projects had been suspended.

### **b) Digital Services Committee (DSG)**

MG confirmed that she had just taken over as chair from JM. There would be a meeting later in the month and in the meantime, she had been working with Tim Licence and TH to assimilate the background issues. The focus of the DSG in the last year, had been moving the operating system to the SAP platform. That would be discussed at the meeting later in May. The other area now receiving attention, was how to optimise digitalisation for the organisation and particularly, around hybrid conferences. Finally, there would also be a review of social media strategy. MG added that the Committee was looking to recruit new members although, given its external sounding-board "raison d'être", which contrasted it to the Online Services Committee, this would be deferred pending DSG's finalisation of its overall strategy.

The President thanked MG for her report and looked forward to an update on the Committee's strategy in due course.

### **c) Membership Committee**

PL thanked the London office, TH, Joe Bell, all the team members and members of the Committee, for the efforts made to date. In February, there had been 95 renewals from Group Members. The Association now had 201 renewals, which was 4% above the same period last year. JC had been engaging with Latin American law firms to good effect. PL reported that the biographies of three new Committee Members had been sent to the President and been approved. The candidates were from the US, South Africa, and Asia, which would be beneficial in terms of geographic diversity. There would be further discussions with the candidates shortly.

The President thanked PL for her leadership and the positive effects of the work undertaken, not only in maintaining, but also increasing Group Membership.

## **11. HRI Report**

The President confirmed the report of HRI would be taken as read. He thanked Helena Kennedy (HK) and Co-Chairs Anne Ramberg and Michael Kirby for their excellent leadership. He noted that the Chinese Government had imposed sanctions on HK, which he posited, had been done, due to her success and effectiveness. The President asked HK if there was anything she would like to highlight, or any area in which the Association could provide greater support.

HK confirmed that there was nothing specific and that she was very grateful for the Management Board's support to HRI.

HK noted that in the last year or so, Covid had provided cover for many abuses of human rights, at ever more accelerated rates. Much of what the HRI did was an extension of the rule of law e.g., in training and creating a toolkit for protecting lawyers and judges at risk. There was also training for judges in Pakistan and in India e.g., on gender-based violence. Similar work was being undertaken in parts of the Middle East. The rule of law work extended to the independence of the judiciary. One possible initiative would be to find ways of talking to bar associations, who felt under pressure to say nothing, where their governments were undertaking egregious acts to their judiciary. This was perhaps an opportunity to work closely with the Rule of Law Forum.

AAM was supportive and requested HK forward any ideas she had, for further consideration.

HK advised by way of example, that where such things were happening, it might be possible to contact the local bar association and ensure they were aware that a toolkit for lawyers at risk, was available.

The President confirmed that within the IBA there were no functional boundaries around the rule of law, independence of the judiciary, strengthening bar associations to protect the rule of law etc.

HRI should feel free to contact bar associations directly or through collaboration with the BIC. Collaboration with BIC was important, to engender the support of the bar associations more widely. Without that level of activity on the ground, impact would not be optimised.

## **12. Reports from IBA Divisions**

### **a) BIC**

Kimitoshi Yabuki's (KY) report was taken as read. The Bar Leaders Forum would take place on 19 May 2021. There would be a report on activities undertaken and the implementation of the strategic programme. There would be two webinars in June and BIC intended to continue with the webinar series, during the rest of the year. Finally, there would be the bar development project. It was noted that there had been discussions with representatives of the Iranian Central Bar, who had expressed a strong interest in establishing relations with the IBA. Finally, there would be a seminar in Malaysia in June, and discussions were underway for a further seminar this year, in Africa.

The President thanked KY for his report. The President commented that delivery of the Association's objectives would be in proportion to the extent to which, the IBA was able to motivate the bars, to act. There should be training arrangements, communication tools and contact with the bars on a regular basis and not simply in relation to events such as the Bar Leaders' Conferences etc. It was important that there was intelligence gathered on what was happening in individual bars if the Association's impact was to be felt.

### **b) LPD**

The LPD report was taken as read. PB paid tribute to the excellent work of LPD's Committee Chairs particularly in staying in touch with their members. There were 31 webinars planned along with a significant amount of networking

and other events. This activity had undoubtedly assisted both the Membership Committee and the London office in maintaining and improving the membership renewals.

The present thanked PB for the work of the division and his leadership. This had been highly influential in protecting the finances of the Association.

c) SPPI

The report was taken as read. JM highlighted the three themes for the coming year being: the Future of Legal Services, the Rule of Law, and the UN Sustainable Development Goals (SDGs). The SPPI was committed to a cross committee activity plan on the three key areas, as well as a cross divisional approach in considering the SDGs. The President and the Management Board would be updated regularly. Finally, JM had been greatly impressed by the level of activity generated by SPPI committees and in particular, committees like Pro Bono, War Crimes and Access to Justice, which had contributed to attaining the goals of the Presidency, as well as those of members.

The President thanked JM and the wider SPPI, for their excellent efforts

As a general comment, the President requested that each divisional report, contained two standard paragraphs. Firstly, the cross divisional work undertaken, and the nature of the collaboration. Secondly, there should be a paragraph indicating guidance given to the committees under each division, in relation to achieving the priorities e.g., on the Rule of Law, elimination of discrimination in the practice of law and so on.

*[Note the President's connection was lost at this point and the Vice President took the chair]*

### 13. General Business

On taking the chair AAM enquired whether there was any General Business to discuss.

a) Money on Account proposal

The Secretary confirmed that although no objections had been raised on the policy proposal for money held on account, it would be preferable for the Board to record its approval.

LR reminded the meeting that the recommendation was to commence writing off any sums older than six years but that this would not commence until the end of the year, around November. These monies could be recognised for the benefit of the IBA and its various divisions or handed to charity. Any inactive, suspended, or deceased members monies over 2 years old could be written off immediately and utilised as just mentioned. Member transactions of 6 years and under (made up of active/current members) or two years and under for those inactive, would generate communication, until the 6 and 2-year respective limits were reached, and in the absence of responses would be dealt with as above.

LR reminded the meeting that it had supported the general view, that charitable donations created the most favourable impression. This would be fulfilled by donations to eyeWitness to Atrocities and the International Bar Association's Human Rights Institute Trust.

The Vice President requested any further comments and, in their absence, asked if there were any objections to the proposed policy. On none being raised, she declared the proposal unanimously agreed.

**Agreed.**

b) BIC Officer proposal

DER requested the Secretary confirm whether the earlier discussion on BICs Officer proposals required Management Board approval or was it simply for information.

The Secretary advised that the BIC bylaws required discussion by the Management Board, but did not require its approval. The Vice President and the Secretary-General (CV) concurred.

c) Corporate Counsel Association

CV confirmed that Corporate Counsel Association (CCA) wished to co-operate with the IBA.

The Vice President confirmed she was in favour of opening discussions on a without prejudice basis. It would be necessary to consider what benefits accrued to the IBA. She enquired whether there were any other views.

PB favoured opening discussions but maintaining the IBA's independence and the position of its own Corporate Counsel Forum. He believed there was the potential for considerable upsides, however.

ME and PB would also be involved in the preliminary discussion. PB would consider the desirability of a representative from the IBA's Corporate Council Forum, also participating.

*[On restoration of his internet connection, the president reassumed the chair.]*

The Vice President summarised the items discussed in the President's absence.

The President thanked the Vice President for standing in and queried whether there were any UK legal requirements before making distributions under the money on account policy.

LR confirmed that the Limitation Act 1980 applied and where balances exceeded six years, it was permissible to absorb them into the accounts. This had been discussed with the auditors RSM. There was no government fund into which unclaimed amounts had to be remitted.

The President thanked everyone for their contributions including those responsible for its administration, and to the Management Team, for its assistance with some of the communications and statements issued by the President's office.

There being no further business to discuss, the President declared the meeting closed that 14:27 hours BST.

#### **14. Future IBA Management Board and Council Meetings**

Late 2021	Date TBD, Virtual meeting
Mid 2022	18-21 May, Vilnius (M&C)
Late 2022	30 October – 4 November, Miami (M&C)
Mid 2023	Helsinki (M&C)
Late 2023	Paris (M&C)
Mid 2024	Bucharest (M&C)
Late 2024	Mexico City (M&C)
Mid 2025	Milan (M&C)
Late 2025	Cape Town (M&C) TBD
Late 2026	Barcelona**/Copenhagen*/Warsaw*/The Hague*/Geneva*/Berlin**/ Glasgow*/Helsinki**/Brussels* (M&C)
Late 2027	Chicago**/Indianapolis**/Orlando**/Toronto** (M&C)
Late 2028	Asia/Africa/Latin America/Abu Dhabi** (M&C)
Late 2029	Europe (M&C)
Late 2030	North America (M&C)
Late 2031	Asia/Africa/Latin America (M&C)
Late 2032	Europe (M&C)

\*Letters of interest from local bar associations

\*\*Letters of inquiry from convention centre/bureau



°Shortlisted for site visit

†Subject to conditions being met

**Executive Summary - IBA Management Board Meeting**  
**Video call via Zoom**  
**Thursday, 14<sup>th</sup> October 2021**  
**11.00-15.00 BST**

**Present:**

<b>President</b>	Sternford Moyo*
<b>Vice President</b>	Almudena Arpón de Mendivil*
<b>Secretaries-General</b>	Jaime Carey* Claudio Visco*
<b>LPD Chair</b>	Peter Bartlett*
<b>LPD Vice-Chair</b>	Carola van den Bruinhorst* ( <i>arrived 12 Noon</i> )
<b>IBA Treasurer/LPD Secretary-Treasurer</b>	Daniel del Río*
<b>IBA Assistant Treasurer</b>	Pascale Lagesse*
<b>LPD Representatives</b>	Jon Grouf* Moira Huggard-Caine* Sunil Abraham*
<b>SPPI Chair</b>	Jörg Menzer*
<b>SPPI Secretary-Treasurer</b>	Myra Garrett*
<b>BIC Chair</b>	Kimitoshi Yabuki*
<b>BIC Vice-Chair</b>	Ken Murphy*
<b>BIC Past Chair</b>	Margery Nicoll*
<b>HRI Co-Chair</b>	Hon Justice Michael Kirby ( <i>left 12:16 pm</i> )
<b>Executive Director</b>	Mark Ellis
<b>Invitee</b>	Sarah Hutchinson
<b>Apologies:</b>	
<b>HRI Co-Chair</b>	Anne Ramberg*

\* Voting member of the Management Board

<b>IBA Staff in attendance</b>	Tim Hughes Susan Burkert Talia Dove Ronnie Hayward Rowan Paterson (Secretary) Lucie Rislely Becca Verhagen Astrid Wargenau
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**Executive Summary - IBA Management Board Meeting**  
**Video call via Zoom**  
**Thursday, 14<sup>th</sup> October 2021**  
**11.00-15.00 BST**

**1. Welcome and Apologies**

The President (SM) welcomed Members to the meeting.

Michael Kirby (MK) confirmed that Anne Ramberg (AR) had offered her apologies. Carola van den Bruinhorst (CvdB) had previously confirmed she would be arriving at approximately 12 Noon BST.

**2. Approval of Minutes of the meeting - 13th May 2021 and notifications of any actual or potential Conflict of Interest**

A correction to the spelling of “Nicoll” with the letter “h” removed, was noted.

SM declared the minutes a true and accurate record of the meeting.

Any conflicts of interest would be declared as they arose.

**3. Matters Arising Report**

Minutes of 26 February 2021

Item 12d – Review of Honorary Life Membership criteria. On the meeting’s agenda at Item 9.

Minutes of 13 May 2021

Item 5a Filing of the financial statements at Companies House – completed

Item 7a – Risk Report – finalisation of the Insurance renewals – completed

Item 7b – Conflict of Interest Policy – Revised policy document being finalised with Tim Powers. Version for possible adoption by the Management Board, to be circulated by e-mail before the next Board meeting

Item 8 – D&I Council – Item carried forward.

Item13 – Corporate Counsel Association (CCA) – CV was working with Peter Bartlett (PB) and the Vice President to prepare discussion document.

**4. Report from the President**

The President (SM) confirmed that as MK had to leave before the conclusion of the meeting, Item 15 - HRI Report, would be advanced on the agenda.

SM’s report would be taken as read.

The following had arisen post circulation of his report.

SM had spoken at the launch of the Guide for State Parties to the ICC. It had been produced to assist members in encouraging their domestic jurisdictions, to implement legislation promoting the Rome Statute system.

He had participated in a roundtable on the impact of Covid on Human Rights and the Rule of Law, organised by the Bar Council of England & Wales, and the Law Society of England and Wales, marking the beginning of the legal year.

SM had been invited to meet with the International Association of Young Lawyers to discuss areas of possible collaboration.

He had attended a roundtable in Cape Town, and spoken on judicial appointments, as a gatekeeper for observance of the Rule of Law and Human Rights.

SM participated in an IBA introductory webinar, for Iranian lawyers.

SM also spoke at an HRI event, with Zimbabwe Lawyers for Human Rights and Lawyers for Lawyers, discussing attacks on the legal profession.

Finally, SM spoke, on the importance of independence of the legal profession, during the annual meeting of the Uganda Law Society. At the same meeting, the IBA received an award for Access to Justice.

Separately, it was noted that the Association had also been presented with the Aptissimi Award, for Contribution to the Legal Sector and to Society. The ceremony was held in Barcelona and attended by the Vice President.

## **15. HRI Report (b/f).**

MK remarked that HRI's primary issue of concern, was Afghanistan. There had been a creditably early intervention by Phillip Tahmindjis, previous Head of HRI, and one of the founders of an independent bar association in Afghanistan. Afghan Bar members, were in a situation of dire personal peril. Thanks, were also due to CV for his interest and engagement and Mark Ellis (ME) for his support. There was considerable pressure on individuals trying to extricate lawyers and their families from Afghanistan. Women judges, lawyers and prosecutors had been targeted by the Taliban, effectively making the IBA a hub, for the escape of women lawyers and children from Afghanistan. It was not appropriate to disclose further details, currently due to their sensitivity. Thanks were due to Helena Kennedy (HK) in particular, who had taken an active role in pursuing the entitlements of those affected. HK and Emily Foale had presented a petition for emergency visas, to 10 Downing Street.

IBA HRI took part in the 48<sup>th</sup> session of the Human Rights Council, making representations about Belarus, Turkey, and Iran, and participated in a training programme of medico-legal expertise, on torture and its prevention, in Peru.

HRI had also presented the High-Level Panel's first report on the trial of Daw Aung San Suu Kyi and President U Wint Myint. The report concluded that minimum trial standards had not been reached.

The UN High Commissioner for Human Rights, Michelle Bachelet Jeria, had invited IBA HRI to draft an amicus brief on the situation in Belarus.

Programme work included human rights in Tunisia, Turkey, Ukraine, Tajikistan, and Hungary.

MK thanked HK and the HRI secretariat, which was a very small unit, which brought great credit to the IBA.

Finally, MK summarised his thoughts on the position of worldwide distribution of the various covid vaccines and newly developed medicines.

The IBA and HRI could do a service to humanity by taking a strong stand. The steps taken so far did not seem to have to have sufficient sense of urgency, given their life or death nature.

Hopefully the IBA possibly through its Council, would be able to take a position on the right to health and the right of access to the new medications for the least developed countries.

However, as lawyers, the Association should give the long-term solution some impetus, given the problem's origins in the TRIPS Agreement, and the remedies available under it.

PB confirmed the covid task force, would release a report on 27 October. It had asked many of the committees in different areas of the law, to establish what was being done globally; what initiatives had worked and what hadn't. One recommendation was that vaccines be made more readily available to developing countries.

AAM thanked MK, for the work he had done for HRI and the advice provided to the Board on many matters. Concerning access to vaccines, she confirmed that she was working with PB but that this was simply a report with recommendations. She hoped this would be widely disseminated by the IBA. However, she believed that in parallel, there should be consideration of practical approaches by the IBA, to convey the urgency and ignite the required impetus. The report was helpful but additional steps were required.

SM confirmed that he would like to be involved and that he would be lamenting the obvious inequalities the pandemic had revealed, in his President's introduction to the IBA Global Showcase.

SM advised that this was MK's final meeting as he would be stepping down as Co-Chair of HRI at the end of the year. MK had represented HRI with distinction, dignity, and authority, and had given outstanding service to the IBA. He had spoken-out on the Rule of Law, Human Rights, and equality. He was a man whose presence within the Association brought enormous confidence and inspiration.

The Vice President and Executive Director and all present, echoed these sentiments.

## **5. London Office Report**

Ensuring that the Association survived financially and "extending the runway", was the top priority, given the only asset available to the Association, was its reserves. There had been a loss of £1.4m at the end of 2020, which was significantly better than projected, and resulted in reserves of £29.8m at the end of 2020, which had extended the runway.

ME advised that the investment strategy initiated in 2015 had performed well. The portfolio had risen by approximately 70%. As of June, gains were up £645k, and in September £850k. It had declined a little recently although, he did not believe this to be significant. The point was however, that investments had played an important role in the finances of the Association and the Balance Sheet showed £32m as of June.

A loss of £4.5m was currently projected for 2021, against £7.8m originally forecast. If maintained this would produce around £24m at the year-end. The number might fluctuate over the next couple of months but generally, ME considered the Association as being in a relatively good position. Contractual liabilities typically for hotels and venues for specialised conferences, had been substantially reduced. Liability had been brought down to c.£3.6m at the beginning of the year and would be down to £2m by the year end, much of which was accounted for by Miami. Thanks were due to Lucie, Julie, Joe, Tim, and their teams, who had worked hard on this.

The IBA had pivoted quickly 20 months ago, to become a "virtual" environment. That had been a major focus and had demonstrated the Association's relevance to the membership, at a difficult time. Over the same period, the IBA had undertaken 290 webinars and virtual conferences. It was unlikely that any other membership body could match such levels. This was due to the remarkable collaboration of divisions, committees, staff, and officers.

The Association now had 11 in-person conferences for Q4. The Paris event had sold out. The Association remained cautious, however. It was not the same worldwide and some sensitivity, was required to be exercised.

Membership – ME wished to highlight the strong membership retention initiative led by Pascale Lagesse (PL). Thanks, were also due to PB, and JC, and everyone who had contacted Group Member firms. The updated overall membership figures indicated a decline of 7.2%, from September 2020 to September 2021. It had previously been thought that the decline would have been significantly higher. As anticipated individual membership was down by 12% although, this was significantly less than originally envisaged. Corporate Membership was down by only 0.5% and some new member firms had joined. The loss of income from Group Members September 2020 to September 2021, was just 0.6%. a result of which, everyone could be proud. Finally, Bar membership was down 4.5%, but had remained resilient and was creditable in the current environment.

On other matters, ME confirmed that no pre-tax surplus transfers would be made to the charities The International Bar Association's Human Rights Trust and eyeWitness, this year. This meant no transfers for two consecutive years. Hopefully an alternative would be possible in 2022, however. As agreed at the last meeting, there would be approximately £196k held "On Account", which dependent on member responses, might be shared between them.

Post covid, the IBA would retain virtual events as an events-component in the future.

The IBA was also considering hybrid events combining in-person and remote attendance. This was a challenge, not so much technically but more from a financial perspective. There were not many hybrid models which did not involve significant cost to the Association. All possibilities were open. Every event company was undertaking similar exercises. ME emphasised however, that achieving "hybrid" did not justify the Association losing money.

Afghanistan – ME confirmed that the Afghan Bar Association had been built by the IBA, with money from ILAC and the US Government. The work was then transferred to IBAHRI, under Phillip Tahmindjis.

It had been decided that these former Bar leaders needed support and protection, as it was clear they were vulnerable. 13 individuals not counting their families, were involved. This number included a few women judges who were close to the Bar Association. KY had sent out a request to Bar Associations requesting assistance for a bar association in peril, and establishing a fund to provide assistance, to this core group. The bar associations had received two letters, signed by SM and KY. Romana St. Matthew-Daniel, had done a remarkable job in guiding the IBA through this. Donations and pledges had been received from several bars and law societies. The IBA would continue to push for additional funding. JC, CV and KY had made extraordinary efforts to facilitate the extrication of those affected.

There had been a bifurcated approach. IBA had focussed on the 13 people and families. HRI through HK, with support from the IBA, had focussed on a larger number of female judges, sponsored by several other international organisations, with attempting to establish safe passage for the women judges, as well as members of the Afghan Bar Association. The situation changed daily. The IBA would continue to assist, wherever possible.

In closing, ME advised that to date Global Showcase registrations stood at 1773. There were 104 speakers and over 20 sessions, plus 4 "conversations with...".

There was a strong programme for the week, and he hoped Board members would be able to attend.

SM thanked Mark for leading the IBA and for his report.

#### 5a) Year to date June 2021 Finance Management Report

SM advised the papers would be taken as read.

Daniel del Rio (DdR) highlighted the following:

The overall position was better than anticipated. That said, prudent assumptions would continue to reflect the current environment.

Cash and liquidity continued at the forefront. Internally, reviews of landing positions for cash, were being monitored routinely and the Q4 conference plan, had been rolled out.

The purpose of the Finance Management Pack was to assist in aiding decisions and focused strategically on the IBA, overall.

This pack was taken as read and was for noting.

At the last Board the annual accounts had been approved. These had been filed with Companies House.

Revenue of £2.3m, was predominantly made up of membership income of 78% (£1.8m). Membership exceeded budget by £1m for the full year. Operating costs were £3.9m. The largest element was London Office costs at 69% (£2.7m), the main components being employment, rent and computer facilities. This produced an operating loss of £1.6m as of June.

The operating loss was reduced by the investment gain of £645k, resulting in an overall loss of £931k. The investment gain was dependent on market trends, and the budget prudently assumed an investment loss.

In the 2<sup>nd</sup> half of the year, revenues and direct costs were expected to increase due to the reintroduction of F2F conferences. Each specialist conference was carefully considered using set risk criteria, ensuring that financial and non-financial risks, were evaluated.

2022 was anticipated to be a year of recovery, stabilising the IBA and the current reduction of reserves, with 2023 starting to rebuild them. If 2021 did not go as anticipated, management was acutely aware of the restructuring that could be required, e.g. reconsideration of staff costs, further diversification of revenue streams, relevant investment of money and resources.

The Balance sheet remained stable at £30.2m, mainly due to the timing of cashflow, with membership renewals being in Q1. Investments were performing well, albeit carrying a market risk, and deposits of £1.9m were being held with venues. Where negotiations had been successful, these prepaid deposits, would assist cashflow.

The off-balance-sheet non-cancellable commitments, reduced to £2m at the end of 2021. This remaining balance was made up of £1m of Paris conference liabilities, and SAP licenses which had a 5-year term.

The off-balance-sheet cancellable commitments e.g. Miami hotels (circa £2m), remained in discussion, with the ability to release blocks of bookings, as the contracts became due.

Cash of £16.7m continued to be managed with daily account reviews and monthly cashflow forecasting. Rates were low but this complemented the investment pots, stabilising the overall picture of cash and investments. Cash would continue to reduce as the year end drew nearer, although Q4 conferences were expected to breakeven or return a surplus. However, this did not cover the IBA's overall expenses.

Operating fund monitoring showed that the IBA was currently £4m above the £13m set level. Operating expenses were anticipated to be £9m, at year end. Therefore the £13m static monitoring level, could be considered too high in the current climate. This would be reviewed by the Audit Committee.

The IBA anticipated falling below the £13m by the end of the year. Should this happen, the Association would be operating in the amber alert range. This would be expected to be rectified with the membership fees timing in early 2022, as well as ticket sales for F2F events, taking place in early 2022.

Finally, the Italian VAT refund for Eur 320k was making progress, thanks to CV and his team.

DdR asked if there were any questions?

SM declared that no issues had been raised.

## 6. Membership Dues 2022

The Treasurer outlined the recommended increases. He confirmed that the dues were usually increased in line with UK inflation, although there had been no increases for 2020 or 2021. Modest increases were now proposed for 2022, rather than be deferred for a third year.

UK inflation had increased by just over 5% since 2019.

Proposal:

- Individual Full Members to rise by £13 and General Members by £7.
- Group Members to rise by 5% spread over two years (3% in 2022 and 2% in 2023).

Bars recommendation (note: a final decision solely for Council) – a small increase on the following basis (from the agenda pack):

***“The Treasurer notes that the Council approved in 2019 (1) an increase of 1.9% in line with that year’s CPI Annual Rate – deferred for implementation until the CPI Annual Rate exceeds 2%, and (2) that the Council would receive and consider future recommendations in line with the CPI Annual Rate. Accordingly, in line with these Council approvals, the Treasurer advises that the CPI Annual Rate for 2020 was 0.8%, and for 2021 2.4%. The cumulative rise in the rate is therefore 1.9% + 0.8% + 2.4%, totalling 5.1% as the percentage rate of increase of Member Organisation annual dues for the Council to consider. The Treasurer advises that, if approved, the effect of this percentage would be to increase the dues by amounts starting from £2 a year in our lowest price categories, on a range up to £127 a year for the very largest Member Organisations.”***

JM queried the extent of the financial effect of the increases. Additionally, he questioned whether this was the right signal to send? Should the increases be in 2022 or should they wait until 2023? It was not likely to be about the money but was more a perception that members may not have received much for their subscriptions over the last two years.

DdR advised that a report from Thomson Reuters on the position of law firms around the world, had concluded that, at the beginning of 2020, many had experienced a reduction in costs and firms were acting both cautiously and conservatively. Despite this, for many firms the experience of the year had been positive. In 2021, they were now beginning to expand once more. This was an appropriate time to make a small increase, rather than wait another year, therefore. However, this was not “set in stone” and a further deferral could be accommodated, should that be the view of the Board. In essence the same applied to the bars.

ME advised that his position had always been, that small incremental increases discharged the Board’s fiduciary duty, although he had agreed with the idea of a deferral, as appropriate last year, due to the exceptional circumstances of covid. The Association was beginning to exit that crisis, however. Increases could be justified, and value had been given, especially to Group Members. It was only a modest increase, and for the bars, was almost insignificant, as their fees were already very low. From a policy point of view, incremental increases should always be made.

Myra Garrett (MG) agreed with ME’s basic point and coming from a Group Member firm herself, remained supportive. However, she also agreed with JM on the message, which from a Group Member perspective, was potentially not that positive. The issue was timing. Would it be better to defer for a year? The IBA needed to be sensitive to the general membership, which would have had varying experiences. Group Members had not been able to access the same level of benefit from the IBA as previously. It was the right thing to do overall but perhaps, should be deferred for a further year.

SM asked the Board if it was ready to make a recommendation to Council or otherwise?

In response to SM, DdR proposed the recommendation to Council.



There was no opposition to the proposal and SM therefore enquired whether the proposal should proceed as a recommendation to Council.

However, JC asked for clarification whether the Board was otherwise approving the increase for Group members and individuals, as well as the recommendation to Council for the bars. He was not in favour of the Group Member proposal, and suggested the Association should wait for another year. He was more inclined to suggest a 5% increase in 2023.

AAM was supportive of the general policy for regular small, incremental increases. However, the last 20 months had been extraordinary and whilst she did not feel very strongly, she wondered whether it would be better, to wait until 2022 for Group Members and individuals, once the Association was back, with the Annual Conference and specialist in-person conferences?

KM supported incremental increases although noted that the Law Society of Ireland and others, were reducing their member subscriptions. He was anxious to avoid the organisation being perceived as “out of touch”. Once the IBA was back with a full suite of activity, it would be a different matter.

SM advised that consensus on fees had emerged.

The proposed increase for the bars would be deferred and not recommended to Council.

Increases for the Group and individual Members would also be put on hold.

b) Miami pricing and early launch

ME confirmed that generally, the launch was undertaken in/ around February each year. However, it was recommended that Miami be done earlier, as it presented a better opportunity to engage the interest of the members and promote the IBA, as being back.

The Association was still protected by force majeure, although the current expectation was that Miami would proceed.

The demand clearly existed, based on current uptake in Q4, and the Miami fee was proposed as US\$ 3100, for early bird participants.

AAM endorsed the proposal.

ME requested agreement to the early launch of the Miami Conference and the suggested pricing.

CV asked whether there would be arrangements for members to cancel without penalty, given the launch was over a year in advance of the event?

ME confirmed that it had been necessary to obtain the Board’s approval to proceed first, before decisions of that sort could be addressed. However, the IBA always had the members’ interest in mind. This would be discussed internally, although his expectation was that the Association would be accommodating, especially should covid still be prevalent.

SM confirmed that as there did not appear to be any objection either to the early launch or the pricing of US\$3100. The proposals were therefore **AGREED**.

## 7. Future Annual Conference – Cape Town

ME confirmed that no contract had been signed. He believed, holding an Annual Conference in a venue, where a financial surplus, was unlikely, was inadvisable currently. The MB had a responsibility to continue creating

demand, as that would bring the IBA back financially. This was not to abandon Cape Town but strategically to reposition Cape Town, to the medium term.

AAM advised that Cape Town had been discussed after several consecutive successful years. The requirement to make a positive return, had not been paramount at the time. Cape Town should remain on the agenda but was clearly not an option for the present, given the overriding need to return to financial stability.

ME observed that the finances might not have been an issue pre covid but had now become so. The decision had to be made soon, as it was necessary to start discussing 2025 . Planning was undertaken 5 years in advance. If it was being suggested that the IBA was returning at “full steam” and that it was possible to pick up in 2025, where it had been previously left, then he did not consider that likely. The IBA was not financially stable. Although the Association was exiting the crisis, this would be a huge financial investment. Cape Town was not being abandoned. The financial stability of the IBA, was the issue.

AAM believed that the priority was to ensure that the IBA was financially healthy. The decision on when to go, should be taken when things were more certain.

SM suggested there was general agreement for Cape Town be retained as a venue, but that it would be delayed a little, to allow the IBA sufficient recovery time.

The London Office was requested to make a recommendation, as to the date.

#### **8. Special Project Fund Criteria for Use**

AAM confirmed that the item related to small changes in the SPF criteria. These highlighted, that projects required the support of a constituency; that further involvement of members was desirable and to ensure that external input was not utilised, before it had been established whether the same resource was available internally.

There was no opposition to the proposal. The changes were **APPROVED**.

#### **9. Review of Honorary Life Membership criteria**

SM confirmed that the Secretary’s recommendation, was that the Constitution should not be changed for the time being. The paper was good, although it was necessary to keep at the back of everyone’s mind, that any future decision recommending a candidate for Honorary Life member, would also have to consider the wider policy aim of increasing inclusion, diversity, and gender etc. These were very important issues.

There was no opposition to the proposal. **APPROVED**

## 10. Update on Audit Committee

### a. Audit Plan

DdR confirmed the Audit Committee had met with the Audit Partner on 27 September and went through the plan for the year end December 2021. The key risk areas of focus would be management override, going concern and capitalisation of software costs, as well as testing the system. The fees remained reasonable at £31k. This would be RSM's 3<sup>rd</sup> audit of the IBA.

### b. Investments. (This item was taken as read)

The investments had increased from £12.8m in Dec 20 to £13.4m in June 21 and more recently £13.5m. An annual review of investments had taken place, attended by 2 volunteers (Alistair Wilson and Kirstene Baillie) who guided the questions to the portfolio managers, Alliance Bernstein and Sarasin. Alistair and Kirstene presented to the Audit Committee on 27 September.

Both portfolios had performed and been managed well, with Sarasin's ESG policy being robust and fitting the needs of the IBA. Alliance Bernstein's ESG policy required further review.

In both portfolios the discussion arose regarding the balance of Fixed Income to Equity holdings.

This led onto the investment strategy presentation and the following recommendations from the Audit Committee:

1. To uphold the Management Board approval of October 2020, that investments were unwound as necessary.
2. To take the £2m (remaining amount from the original Management Board approval of up to £7m, which could be liquidated) and earmark as a minimum for liquidity purposes, in Fixed Income (bonds/gilts). This was to be spread between the two Investment Managers (Sarasin and Alliance Bernstein)
3. To amend the portfolio mix, by moving any surplus to requirements Fixed Income into Equity, up to a maximum of 80% (as per the range given in the investment policy 40% to 80% in Equities). This would reduce the Fixed Income percentage on the policy.

SM asked if there were any opposition or adverse comments in connection with the Proposal?

In the absence of any opposition or other adverse comments, SM declared the proposal **APPROVED**.

## 11. Update on Risk Committee

JC confirmed the two main issues occupying the meeting:

1) Would future conferences accommodate a hybrid model? However, resolving the issue was not felt to be for the Risk Committee, as it was more for the Management Board and London Office, particularly the financial aspects of hybrid conferences. The proposal was for the Management Board through the London Office, along with the most appropriate committee (perhaps Digital Services) to research and report on the format of future conferences and their risks/impact.

MG confirmed the question was how to transition to the "new world". The aim was to develop a solution that worked for members but could be adequately monetised. There were a lot of moving parts. It would be necessary to consider what other organisations were doing and should be maintained on the various IBA agendas, including Risk.

### 2) Differing tax rules and the treatment of VAT in Europe.

CV explained that in accordance with previous advice, the IBA had been registering venues in Europe as a VAT paying, for the long conferences, but not specialist conferences, where it had been treated as not applicable. The EU rules concerning VAT for conferences had changed over the past few years and based on advice requested by

LR, it appeared necessary to reconsider the IBA's position. The principle now was that wherever the event took place, irrespective of duration, VAT would be applicable, subject to the particular rules of the country, in which the conference was taking place. This had several implications, including where conferences were held outside Europe. It was necessary to assess the proper treatment country-by-country, also whether there were other local taxes of which the Association needed to be aware. The issue affected both future events and those past, where potentially, the tax treatment could be challenged. Producing a paper in conjunction with ME, LR and CvdB with a recommendation for the Management Board, would be a priority for the Risk Committee.

JC observed that it was both a tax and commercial issue. Having conferences in the EU for non-Europeans who were not themselves registered for VAT and so unable to reclaim it, would add to their cost.

In view of the above, it was also recommended that the IBA reviewed the position of its regional offices to ensure they were registered correctly; investigate whether they could be deemed permanent establishments and ascertain whether any part of the IBA's overall income, should be attributed to them.

AAM queried whether this matter been discussed with the Auditors, as it had not been raised at the Audit Committee.

LR confirmed that the Auditors were aware, although no UK annual audits (even those undertaken by Deloitte), considered international VAT. The annual audit was concerned with the materiality of the numbers and the processes used e.g., for revenue recognition. RSM's VAT specialists had now been contacted and in turn liaised with other VAT specialists internationally. A supporting view from DLA Piper had also been retained.

ME confirmed that the Auditors were aware of the complexity of the issues affecting the IBA. With Britain no longer in the EU however, it opened the door to some intriguing possibilities for dealing with this in the future. This would take some time, and the work to establish any past liability, had already commenced.

SM agreed that waiting for the report and recommendations, was appropriate.

CvdB confirmed that she would have expected tax compliance to have come within the normal scope of the audit. She acknowledged this was not the case however, and that LR had confirmed this was the norm for a UK external annual audit. CvdB agreed that it was necessary to look at the Association's tax compliance in a broader way, not just the VAT. This was why she had suggested including the regional offices in the review, albeit part of a separate discussion, followed up by JC, CV, ME, LR, DdR and herself.

SM suggested that the Risk Committee handle as a single tax compliance issue, in its future reporting.

## **12. IBA Diversity Council update**

Sarah Hutchinson (SH) confirmed that the list of constituencies was still to be provided to the President. This was work in progress and would be finalised in time for the next meeting.

It was agreed that the paper would otherwise be taken as read.

## **13. Update on Strategy Implementation Group (SIG)**

CV advised that SIG had received reports from the three divisions, concerning their respective views on the implementation of the Strategic Review. The input of the D&I Council had also been received. It was agreed that no separate D&I Plan would be necessary. They would cooperate with the divisions and HRI to ensure that D&I was considered. SIG had shared the plans with the divisions to cover any gaps or overlapping projects or establish whether matters could be developed collaboratively. There would be an overarching Working Group and further discussions would be taking place.

Michael Clancy (MC) and the CGC had completed their work on the Discrepancy Proposal, and procedure relating to electronic ballot solicitation. MC and the committee were now moving to consider the IBS's governance.

JC noted it was gratifying to see everyone working together enthusiastically.

AAM advised that for reasons of good governance, it was necessary to ratify the appointment of the Strategy Implementation group and its change of name to the **Strategic Plan Review Committee**, the designation used in the strategic plan. It would be a permanent committee consisting of the organisation's future leaders and was supported by the London Office.

The proposal was **AGREED**.

#### **14. Management Board Committee updates**

##### **a. Projects Committee**

MHC drew the Board's attention to the appointment of George Artley to the Projects Committee. The report was otherwise taken as read

##### **b. Digital Services Committee**

MG confirmed the Committee's main focus areas were member communication, hybrid conferences and content (i.e. ease of access for members).

Three new external expert members had been appointed.

##### **c. Membership Committee**

Pascale Lagesse (PL) confirmed that most points had been raised earlier in the meeting.

Going forward, the Committee would focus on the strategy to increase individual membership. The Committee had been enlarged with representatives from South Africa and Asia. The group was now very diverse and was generating good ideas and potential strategies.

#### **16 Reports from IBA Divisions**

##### **a. BIC**

KY reported that Deborah Enix-Ross had now stood down due to her appointment as the ABA's President elect. The former President of the Law Society of England and Wales, Cristina Blacklaws had succeeded her in August, following the necessary consent from the IBA President.

BIC now had 10 officers engaged with the promotion of BIC's activities. Through collaborations with HRI, SPPI and LPD, a regional based approach for members, had been established. BIC was working closely with the Regional Fora to expand the Bar Leaders' summit meetings to Africa and Asia Pacific. SPPI had invited BIC to collaborate in the Rule of Law Forum webinar entitled "Equity Before the Law – Bar Perspectives on the Impact of the Covid Pandemic".

##### **b. LPD**

PB praised the cooperation taking place between LPD and other constituencies within the IBA. This was highly positive.

More committees were working with the Young Lawyers Committee; there had been cooperation with the Law Firm Management Committee; KY and PB were speaking at a webinar the following day aimed at lawyers in Vietnam.

Reports had been received from the Competition Conference in Florence, and in the last few days, the Intellectual Property Communications Technology Conference (a cluster conference) from Berlin. In the following week there

would be another cluster conference involving the Corporate M&A Law Committee and the Closely Held and Growing Business Enterprises Committee, which had sold out. PB's view was that a corner had been turned, and with the reintroduction of in-person conferences, the IBA could be confident moving forward.

c. SPPI

JM confirmed the Rule of Law, the Future of the Legal profession, and SDG's/ESG initiatives, were underway. A new Committee for Public Lawyers had been established with assistance from LPD, for which SPPI was grateful. Thanks, were also due to PB for his support.

It was satisfying that cross divisional work had increased, notwithstanding the limitations imposed by covid

Thanks, were also due to the President, Vice President, and the Secretaries General, for raising awareness of SDG/ESG around the IBA's divisions and the wider profession.

The President thanked the divisions for their considerable collaborative efforts.

## 17 General

a. IBA Management Board Resolution Appointing IBA Foundation Trustees

The IBA Foundation Inc. had submitted a resolution to reappoint/appoint members to their Board and additionally, to award Tim Powers the honorary designation of Trustee Emeritus, in recognition of his work for the Foundation and his impending retirement as a trustee.

Resolutions **APPROVED**

b. February Management Board Meeting

SM proposed that the February 2022 Board maintained the virtual Zoom format.

There were no objections

**AGREED**

ME advised that the date would be circulated in due course.

c. Communications Strategy Presentation – For information

Taken as read.

AAM suggested that the presentation be reprised at a future Board meeting

ME agreed that the presentation could be repeated for the Board and or Council, at a more appropriate time.

**AGREED**

d. Council Resolutions.

The President confirmed that two documents had been subjected to extensive consultation. There was overwhelming acceptance of the ideas propounded.

The CGC was aiming to put form to the substance of what was already agreed i.e., by amending Constitutional provisions and making consequential changes to the bylaws.

SM asked the Board if it was content to support the position of the CGC and happy to support and recommend the proposal to Council.

The Secretaries General fully agreed that the Management Board should support the proposal, as did the Executive Director.

MHC abstained from the vote as she had been a member of the CGC, framing the proposals.

The President confirmed that there were no objections and that the proposal had therefore been endorsed by the Board. The documents would be put for Council's consideration.

**AGREED**

## **18 Future IBA Management Board and Council**

ME enquired whether to have the May Council/MB meeting in Vilnius – cost approximately £165k. There could be a cost to cancel it, although the team might be able to negotiate a further deferral. The Board agreed to consider this further, based on a London office recommendation.

Mid 2022	18-21 May, Vilnius (M&C)
Late 2022	30 October – 4 November, Miami (M&C)
Mid 2023	Helsinki (M&C)
Late 2023	29 October – 3 November, Paris (M&C)
Mid 2024	Bucharest (M&C)
Late 2024	Mexico City (M&C)
Mid 2025	Milan (M&C)
Late 2025	Cape Town (M&C) TBD
Late 2026	Barcelona**/Copenhagen*/Warsaw*/The Hague*/Geneva*/Berlin**/ Glasgow*/Helsinki**/Brussels* (M&C)
Late 2027	Chicago**/Indianapolis**/Orlando**/Toronto** (M&C)
Late 2028	Asia/Africa/Latin America/Abu Dhabi** (M&C)
Late 2029	Europe (M&C)
Late 2030	North America (M&C)
Late 2031	Asia/Africa/Latin America (M&C)
Late 2032	Europe (M&C)

\*Letters of interest from local bar associations

\*\*Letters of inquiry from convention centre/bureau

°Shortlisted for site visit

†Subject to conditions being met

## 5. Officer Reports

### a) President

1. The final year of my term as President of the International Bar Association (IBA), will be another challenging year for the Association, as we move out of the pandemic, whilst also focusing on the breaches of international law that we are seeing across the globe.

Since the date of my last report to the IBA Council (October 2021), I have continued to represent the Association and advance its projects and its important work.

- 1.1 On Wednesday 3rd November 2021, I participated in the Presidents' Meeting during the POLA Conference where I spoke about the activities of the IBA during the pandemic and our preparation for a post-covid world. It was an informative discussion with many international attendees.
  - 1.2 I attended the LPD Officers' Retreat on Monday 15th November 2021. It was an informative meeting and I always enjoy meeting with the leadership of the LPD to hear about the fantastic work of the Committees under it.
  - 1.3 In January 2022, I participated in the Presidents' Roundtable for the Hong Kong Opening of the Legal Year for 2022. The topic of discussion was 'How can law and legal professionals help each other to navigate through jurisdictional and international challenges and create opportunities for all?' I also participated in the ceremony to open the legal year in Malaysia.
  - 1.4 I was again invited by the Law Students' Association, National Open University of Nigeria, Lagos State Chapter, to participate in their 2022 International Grand Law Dinner and give a goodwill speech on the topic of 'Rule of Law, Globalisation and the New Normal.' Regrettably the Students' Association had technical difficulties that meant that I was unable to participate in the event.
  - 1.5 On the 25<sup>th</sup> March 2022, I participated in a collaborative effort by the leadership of BIC, SADC and African Regional Forum to encourage the participation of 14 Southern African Bar Associations in the work and programs of the International bar association.
  - 1.6 During the course of last year, I participated as a member and contributor of a high-level panel on Apex and Constitutional Court judge selection criteria. A comprehensive report dealing with the findings of a prominent international panel should be ready for distribution during the course of this year. Work is already at a very advanced stage.
- 2 In addition to the above, I have continued to contribute to numerous press releases and statements on behalf of our Association. These include:
    - 2.1 A news release on the report launch of the IBA's Mental Wellbeing in the Legal Profession' A Global Study.
    - 2.2 Announcing the winners of the IBA Group Member Awards for Europe and Africa, who were Baker McKenzie, Clifford Chance, IMMMA Advocates and DLA Piper.



Their steadfast support enhances the IBA outreach and increases the Association's impact.

- 2.3 In collaboration with the IBA Foundation, announcing the final four charities who received financial assistance from the funding programme set up by the IBA and the Foundation, at the start of the pandemic. The four successful charities were:
- Friendship (Elvinger Hoss) A Social Purpose Organisation that addresses social issues in the communities it serves, such as exclusion from vital services, environmental crisis, extreme poverty, inequality and injustice. Programmes include floating hospitals and access to healthcare for all, disaster relief, capacity building and economic development, climate resilience, education, inclusion and access to rights and cultural preservation.
  - The Legal Aid Project of the Uganda Law Society (AB & David) An organisation that seeks to improve the professional standards of its members and to promote respect for human rights, the rule of law and access to justice. It envisions a Ugandan society where access to justice is possible for all irrespective of gender, age, ethnicity, and religion or socio-economic status. The target beneficiaries are indigent members of society with special consideration to women, children, people with disabilities and other vulnerable persons.
  - Human Rights First (Seward & Kissel) An independent advocacy and action organisation that challenges America to live up to its ideals by pressing the country's government and private companies to respect human rights and the rule of law. When they fail, Human Rights First step in to demand reform, accountability and justice. Programs include protecting refugees, combating torture, and defending persecuted minorities.
  - Mississippi Immigrants Rights Alliance – MIRA (IBA Foundation) MIRA is a formal coalition of immigrant and non-immigrant groups that formed in 2000 in response to the needs of a rapidly growing, largely Latino immigrant population in Mississippi. The group uses advocacy, education, organising and legal services to expand and protect the rights of immigrants and their families in Mississippi. It also trains pro bono lawyers to assist with immigration cases.
- 2.4 A letter to the Secretary-General of the United Nations, as well to the Special Rapporteur on the Independence of Judges and Lawyers, on the Taliban takeover of the Afghanistan Independent Bar Association.
- 2.5 A news release highlighting the IBA's Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) webinar on climate change and its intentions on how it will build on existing IBA climate-related legal instruments to aid legal professionals across the globe, in both domestic and international settings. The news release also highlighted the IBA's Climate Crisis Statement (2020) and the IBA Model Statute for Proceedings Challenging Government Failure to Act on Climate Change (2020).
- 2.6 Announcing the IBA Group Member Awards for the Americas, which were kindly presented by Jaime Carey. The exceptional winning firms were Bomchil, Miller & Chevalier, Pinheiro Neto, TozziniFreire and White & Case.

- 2.7 A news release reporting the launch of the IBA Young Lawyers' Report, based on the international surveys carried out by the IBA's Young Lawyers' Committee and the Legal Policy & Research Unit (LPRU).
  - 2.8 A news release condemning in the strongest terms Russia's invasion of Ukraine
  - 2.9 Emails to both the Ukrainian National Bar Association (UNBA) and the Ukrainian Bar Association (UBA), both who are members of the IBA, to affirm the IBA's solidarity with them and their colleagues.
  - 2.10 Messages to all IBA members in the Ukraine, to reiterate the IBA's support and solidarity during this trying time.
  - 2.11 A news release reaffirming and condemning not only the invasion of Ukraine by Russia but also the disregard for life and the continued breaches of international law.
  - 2.12 A statement condemning the Association of Lawyers of Russia for its vocal support of Russia's war against the Ukraine.
3. I express my gratitude to Almudena Arpón de Mendivil, Claudio Visco, Jaime Carey, the members of the Management Board, and to the London and regional offices' staff for their outstanding support and continuous dedication to the IBA. Special thanks go to Mark Ellis, Tim Hughes, Joe Bell, Romana St. Matthew-Daniel, and Susan Burkert.
  4. I will continue to emphasise to our members, and to the legal profession worldwide, that it is vital that lawyers maintain, defend, and protect the rule of law and human rights, particularly in these times of increasing divisiveness that we are witnessing around the world. The IBA must continue to be at the forefront of these debates, so that we can assist in the creation of solutions, always championing the cause of justice and the rule of law.

I look forward to seeing you all in person at the IBA Mid-Year Meetings in Vilnius.

**Sternford Moyo**  
**President**  
**April 2022**

**b) Vice President**

Almudena Arpon de Mendivil will make an oral report to the IBA Council at its meeting on 21<sup>st</sup> May 2022.

**c) Secretaries-General**

Claudio Visco and Jaime Carey will make a joint oral report to the IBA Council at its meeting on 21<sup>st</sup> May 2022.

## Board COVID Update # 29 September 2021

Dear Board –

### PLEASE REVIEW:

#### I. OPERATIONS

During 2021, I will continue to update the Board each month on operational issues and projects. Ongoing programmatic operations include:

**Climate:** The IBA session in support of the Scotia 26 group will take place this month and cover climate justice and state accountability. We submitted a second proposal for potential inclusion in the Scottish Government programme at COP26 with the support of the Scottish Arbitration Centre.

**Gender project:** The England and Wales pilot continues with the aim to close the survey by mid-September. Data analysis will follow, along with the start of the pilot in Spain and the Ugandan case study. We accepted the invitation to join the UN Global Compact Target Gender Equality Coalition and are also working on panel speakers for the D&I Showcase session.

**Young Lawyers:** Work on the conclusions and recommendations of the Young Lawyers report on wellbeing continues. A session with committee members to discuss the results and links with the mental wellbeing work will occur at the end of this month.

**Mental wellbeing:** The report has been sent to the task force for comments. The report will be edited and presented for publication to content by 14 September. An SPF application is being made to cover translating the report into Spanish. Preparations are also being made for the wellbeing showcase in October.

**Rule of Law:** An initial strategy call has taken place regarding plans for an education/training series on the rule of law to be undertaken for university students (both law and non-law) by IBA members, initially at venues located in the host cities of IBA conferences.

**Cybersecurity:** We have submitted the research information regarding cybersecurity in India required for the cybersecurity project reporting template.

**Technological competency:** The draft report on survey findings for the North American Regional Forum feedback has been finalised. Also, we participated with the advisory group members of the Society for Computers and Law (UK) to discuss issues concerning the use of technology and diversity in the legal industry.

**eyeWitness** continues to support its existing partners and engage with new organisations and activists to form new partnerships. In July, we entered into another new partnership agreement with an organisation in Africa. We also continue to review and catalogue the footage that app users submit.

**Women’s Leadership Session:** A webinar exclusively for partners of Group Member firms will take place next week. The session title is “Empowering women lawyers – experiences, insights, and recommendations.” There are 91 registrations to date.

**Corporate Members Session:** A panel of GCs will discuss the type of advice they would appreciate from external counsel in relation to ESG strategies. Attendance will be restricted to Group Members and Corporate Members.

#### **a. New IT System**

As mentioned in my earlier report, our new SAP operating system successfully went live on 17 May. Our members and other customers appear to have adjusted to the new online screens and processes very rapidly. Our webpages now have a uniform look and are fully responsive to smartphones and linking to social media platforms such as Twitter, Facebook, and LinkedIn.

The entire website is available on smartphones within the IBA mobile app – **you may wish to download it to your phone if you have not already done so.**

Members and delegates can conduct most transactions in less time, using fewer screens than our old system. Members are also starting to expand their profiles on the improved **MyIBA** pages so that other members can read more about their role, background and experience, and find opportunities for referrals and introductions more easily. There are numerous other minor improvements to the online customer experience due to the new system design.

There is also early evidence that members can complete a higher percentage of transactions online, consequently making fewer phone calls and emails to staff.

#### **b. Value Added Tax (VAT)**

As I reported in my last report, we continue to prepare for a new post-Brexit Value Added Tax (VAT) regime in the UK, which will require a change to our internal processes and require affected IBA delegates to follow the new regulations and procedures for paying and, if relevant, reclaiming VAT. In addition, as part of these preparations, we have started to review current tax guidelines and the currently expected incoming guidelines. We are also reviewing the IBA’s past approach when undertaking the short 1 - 2 days specialised conferences in VAT countries to determine whether VAT was applicable. The past approach taken by our financial team, including our audit reviews, was that VAT registration was not needed. We are checking on this issue to determine what steps, if any, might be required.

## **II. Membership**

Membership is one of our most challenging endeavours. It has also been one of our primary focus areas.

Below are the figures for the end of August:

Total membership revenue is lower than Aug 2020 (**£3,781,281 v £4,039,858**). However, this represents a decline of only **-6.4%** as of the end of Aug 2021 v the end of Aug 2020.

#### a. Individual members

Individual membership revenue at the end of Aug 2021 has declined by **-11.3%** from Aug 2020 (£1,888,176 v. £2,128,815). New members to date are down compared to the end of Aug last year (671 v. 924).

#### b. Group Members

The most important membership driver is our **Group Member**. We set out at the start of this year to protect, at all cost, our group member law firms. These efforts have been successful.

Year-to-Date revenues are higher than the end of Aug 2020 (£1,363,483 v. £1,372,659). Currently, **212** out of **226** group members have renewed, and **4** new firms have joined. Revenue has decreased by **-0.7%** as of the end of Aug 2021 compared to the end of Aug 2020, so this is a good result, considering the COVID crisis.

#### c. Corporate Members

For Corporate Members, **31** out of **37** have so far renewed. We have **3** new corporate members. Revenue is **£35,039.00** as of the end of Aug 2021, compared to **£33,709.00** at the end of Aug 2020. There has been an increase of **+4%** in revenue as of the end of Aug 2021 compared to Aug 2020.

#### d. HRI

Revenues (membership fees) to date for HRI is **£382,855.00** compared to **£400,936.00** at the end of Aug 2020. Revenue has decreased by **-4.5%** by the end of Aug 2021 v the end of Aug 2020.

#### e. Bars

To date, revenues (bar dues) are **£111,728.00**, up from **£103,739.00**, at the end of Aug last year.\* Currently, **128** bars of **153** have paid their dues, and **2** new bars have joined. This is an increase in revenue **of+7.2%** in Aug 2021 compared to Aug 2020.

[\*Revenue movement is due to pricing matrix, i.e., Bars are charged according to bar size/number of members per bar.]

### III. SHOWCASE CONFERENCE/Q4 CONFERENCES

#### a. Virtual Showcase Conference 2021

The **2021 IBA Global Showcase** will shortly open for registration. We are completing the last final steps, including:

- An update to the SAP system to enhance the integration with Zoom allows for a single registration for delegates, enabling them to choose the sessions they want to attend throughout the week with a simple tick box. This will significantly improve the registration process and allow confirmations and reminders to be handled directly through Zoom automatically, streamlining the experience for the user. This also has the benefit of reducing the amount of work required behind the scenes by staff.

- Preparations for the Conversation with... sessions are underway. The likelihood is that we will be setting up a studio environment similar to the one for the VT Conference, using a vacant space on the floor above the IBA offices in London.
- Web pages for the GS event are presently under construction and will be ready in time for the launch to provide additional information for users. The programme search is already functioning and available, with full session descriptions being added daily.
- The Zoom Webinar accounts being used to host all the sessions will be expanded from 500 to 1,000 for the duration of the event. This will be monitored after registration opens and increased if demand requires it.

#### b. Q4 conferences

As I have previously reported to the board, we are taking a **two-prong** approach to **Q4**. The first is working with our committees on rescheduling regional conferences scheduled in 2020 and early 2021 to Q4. These will be a series of regional **in-person** specialised conferences potentially using the “**air bridge**” concept and the hybrid "live and online" concept. We will hold these specialist conferences at venues for which deposits/ and contracted liabilities have already been made.

We continue to have monthly meetings to review conference venues, hotels, and other commitment liabilities to determine which ones can be pushed forward, need to be paid, and which ones we will try for *force majeure* to receive deposits back.

To date, we have tentatively scheduled the following conferences:

<b>9 -11 September</b>	<b>Competition / Westin / Florence</b>
<b>11 – 12 October</b>	<b>IP Technology Communications / Berlin</b>
<b>17 – 19 October</b>	<b>Closely Held and M&amp;A / Maison du Barreau / Paris</b>
2 –3 November	Arab Regional Forum / Conrad / Dubai
<b>4 – 5 November</b>	<b>Crime / Westin / Madrid</b>
<b>17 – 18 November</b>	<b>International Sales / Milan</b>
<b>19 November</b>	<b>LFM / Claridges / London</b>
26 November	M&A Moscow (locally organised conference)
<b>28 – 30 November</b>	<b>Insolvency / Balmoral / Edinburgh</b>
2 – 3 December	New era Taxation/ Westin / Dublin
3 December	LFM Moscow (locally organised conference)
2 -3 December	Corporate Governance / Villa Kennedy / Frankfurt
6 – 8 December	LARF and NARF / Miami

As I have reported to you, the seven in-person events that have been, or will soon be, launched are **highlighted** above.

The **second** of the two-prong approach is working with our regional offices to create (in cooperation with relevant committees and regional fora). We were hoping for **at least three** regional conference events, one in Asia, the Middle East, and North America and Latin America combined.

We believe this approach offers us the best opportunity to undertake again in-person conferences but to do so with significantly less risk to our financial base.

The current **paying** registrations for the in-person conferences already launched are:  
*Competition, Florence, September* – 88 payers (this number does not include the 14 Commission / Competition regulators who will be attending)  
*Startup to IPO, Paris, October* – 73 payers  
*International Sales, Milan, November* – 9 payers  
*Law firm management London and IP Comms Tech Berlin* will be launched this week.

The Virtual Conferences continue to be successful. The chart below shows year to date figures.

## Virtual event stats

	2021	2020	2019	2018
<b>No. virtual events</b>	134 <i>webinars = 106 virtual confs = 28</i>	133	7	5
<b>Total registrants</b>	24,683 <i>webinars = 21,189 virtual confs = 3,494</i>	59,034	3,810	2,145
<b>Viewers (live)</b>	14,947 <i>webinars = 8,634 virtual confs = 6,313</i>	26,837	975	728
<b>% registrants viewing live broadcast</b>	48%	45%	26%	34%
<b>Viewers (recorded)</b>	10,369 <i>webinars = 9,448 virtual confs = 921</i>	86,744	1,257	-
<b>Total viewers (live + recorded)</b>	25,316	113,581	2,232	-



Recent webinars include:

- [Justice, the courts and Covid-19: the need for the judiciary to innovate](#) - IBA Judges' Forum. This webinar was held on 2 July and had 119 registrations.
- [Women lawyers supporting women in society](#) - Women Lawyers' Interest Group and the African Regional Forum. This webinar was held on July 6th and had 104 registrations.
- [Electronic Communications and Antitrust roundtable: Challenges of regulating the digital economy](#) - Antitrust Section and Communications Law Committee. This webinar was held on July 7th.
- [Prospects for peace and accountability in Afghanistan as the world withdraws](#) - War Crimes Committee. This webinar was held on July 8th and had 36 registrations.
- [US immigration: an update](#) - Immigration and Nationality Law Committee. This webinar was held on July 8th and had 49 registrations.

- [Brexit and the impact on the banking and financial industries: English law and English courts](#) - Banking Law Committee. This webinar was held on July 12th and had 107 registrations.
- [No job, no job? The Covid-19 vaccination conundrum](#) - Diversity and Equality Law. This webinar was held on July 13th and had 51 registrations.
- [IBA Tax Open Forum - Pillar 2 agreed? A new era of minimum corporate taxation](#) - Taxes Committee. This webinar was held on July 13th and had 82 registrations.
- [IBA North American Regional Office: Environmental, Social, and Corporate Governance: The Role of Lawyers in Advising Clients on Effective, Long-term ESG Strategies](#) - IBA North American Regional Office. This webinar was held on July 14th.
- [Young lawyers' leadership in times of crisis](#) - Young Lawyers' Committee. This webinar was held on July 15th and had 163 registrations.
- [The role of experts in construction disputes: a practical approach to hot topics and issues](#) - International Construction Projects Committee (SEERIL). This webinar was held on July 21st.
- [A game-changer in the making: The pending German Corporate Sanctions Law](#) - Anti-Corruption Committee. This webinar was held on July 28th.

No webinars took place in August due to the summer holidays.

Upcoming events in September include:

- 2 Sept - Hot topics in Technology and Communications Law - Bi-monthly virtual roundtables – Technology Law Committee and Communications Law Committee.
- 7 Sept - [Insolvency Conference Teaser](#) – Insolvency Section.
- 7 Sept - [The post-Covid landscape in hospitality - key considerations](#) – European Regional Forum and the Leisure Industries Section.
- 8 Sept - [ICP Masterclass series: Fundamentals of project establishment](#) - International Construction Projects Committee.
- 9 Sept - [Practical and cultural differences of litigating in Asia](#) - Asia Pacific Regional Forum and the IBA Litigation Committee.
- 9 Sept – [Law firm succession](#) – Law Firm Management Committee.
- 10-11 Sept - [25th Annual Competition Conference](#) – Antitrust Section – our first in-person conference for 2021
- 13 Sept - [Understanding H2: the opportunity for hydrogen to help solve the energy transition, and what lawyers need to know](#) - Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL).
- 14 Sept - [The Accelerated Future and the Post-Covid workplace](#) - Employment and Industrial Relations Committee.
- 14 Sept - [Pre-claim negotiations: skills and techniques and views from around the world](#) - Young Litigators' Forum of the IBA Litigation Committee.
- 15 Sept – [China and Europe: current challenges and future changes of investments](#) - China Working Group of the IBA Asia Pacific Regional Forum.
- 15 Sept - [Transparency and publicity in divorce and relationship breakdown](#) – Family Law Committee.
- 17 Sept - [Navigating international transactions in the new tax world: investments, tax havens, digital tax and the G20 tax deal](#) - Asia Pacific Regional Forum and the Taxes Committee.



- 20-22 Sept - [International Financial Law Virtual Conference](#) - Banking Law Committee and Securities Law Committee.
- 20 Sept - [International Financial Law Virtual Conference - Young Lawyers Session](#) - Banking Law Committee and Securities Law Committee.
- 21 Sept - [Drivers for change in the future of legal services](#) - IBA Future of Legal Services Commission.
- 22 Sept - [Professional Ethics Symposium: a taste of what to expect in Milan 2022](#) - Professional Ethics Committee
- 22 Sept - [ICP Masterclass series: Fundamentals of construction project delivery methods](#) - International Construction Projects Committee (SEERIL).
- 23-24 Sept - [IBA/UBA First International Conference on Agricultural Law](#) - Agricultural Law Section, Project Pravo-Justice and Ukrainian Bar Association (UBA).
- 23 Sept - [Private Equity Transactions Virtual Symposium 2021](#) - Private Equity Subcommittee of the Corporate and M&A Law Committee and the IBA Young Lawyers' Committee.
- 24 Sept - [What is a firm-wide strategy and why do you need one?](#) - Law Firm Management Committee Strategy and Finance Subcommittee.
- 27-30 Sept - [2nd IBA Virtual Legal Business Development & Marketing Conference](#) - Law Firm Management Committee and the Business Development and Marketing Subcommittee.
- 28 Sept - [The evolution and emergence of environmental justice](#) - Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL).
- 30 Sept - [Post-Covid Professional Development in Law Firms](#) - Academic and Professional Development Committee, Young Lawyers' Committee, Law Firm Management Committee and Professional Ethics Committee.

To date, the fees from specialised virtual conferences are **£116,873**. If we add advertising and sponsorship revenue, including online advertising, official corporate supporter sponsorship, annual awards sponsorship, annual conference sponsorship, the total income is **£361,305**.

#### IV. OUTREACH/MARKETING

The proofs of the *Journal of Energy and Natural Resources Law* have been finalised, and the latest edition has been published online and in print. The September edition of *Business Law International* is nearing the typesetting stage, and commissioning has concluded for the September edition of *In-House Perspective*. Chantelle Zemba, General Counsel at Deliveroo, has been interviewed for this next issue. Work on the next edition of *Construction Law International* continues.

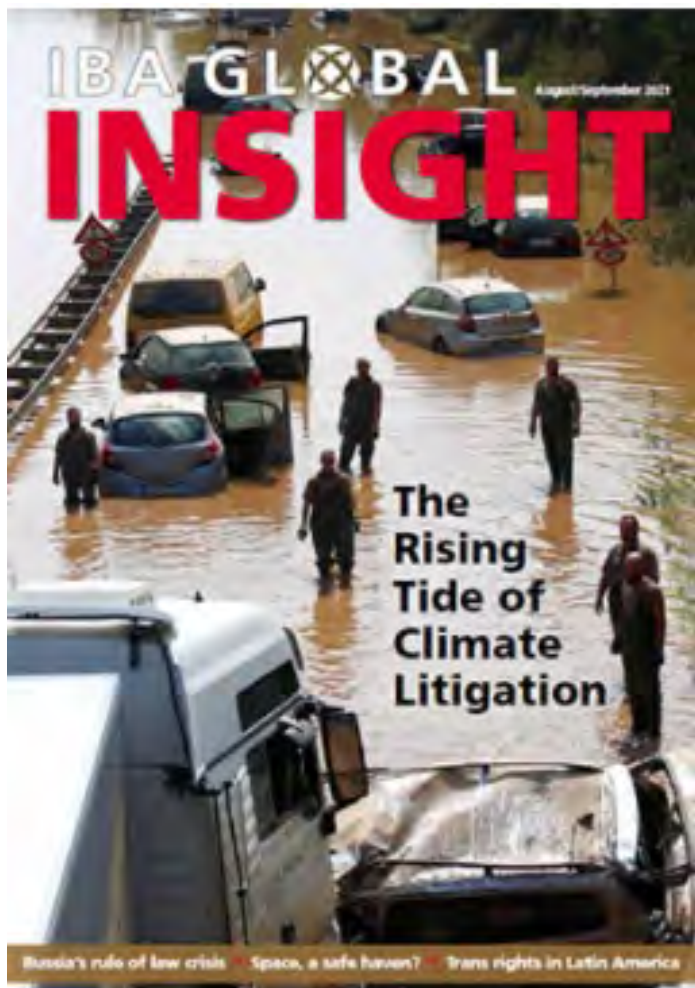
Editing eBulletins and articles have continued, with the team supporting the **Communications Law**, Intellectual Property and Entertainment Law, **Immigration and Nationality Law**, Law Firm Management Committee, the Real Estate Section, Corporate Counsel, and Asia Pacific Regional Forum.

Additional recent committee content includes the Anti-Corruption Committee's Submission to OECD Risk Assessment Toolkit for SMES and the publication of the Poverty and Social Development Committee's book entitled **'Eradicating Poverty Through Social Development: A Practical Guide for Lawyers.'**

The Content Team has also overseen the contractual stage for two books the IBA will co-publish, on behalf of the **Energy, Environment, Natural Resources and Infrastructure Law** and the **Antitrust Section**.

**a. IBA Global Insight**

Over the past month, the Content Team finalized editing and proofing of the August-September issue of *Global Insight*, published online, in the App and promoted on the IBA's social media channels. It includes articles on Climate litigation, covid in Africa, the rule of law in Russia, and the 21<sup>st</sup>-century space race. The team is currently commissioning the October-November edition, with articles addressing aspects of the Covid-19 crisis, including the situation in Latin America and the implications for the pharmaceutical sector and coverage on how law firms are adapting to the green economy and the ongoing migration crisis.



## a. Global Insight News Round-Up



International Bar Association  
the global voice of the legal profession

Over 18 months the Covid-19 pandemic has affected everything from courtrooms to supply chains, creating and exacerbating threats to justice, human rights and the rule of law. Here, we've selected some of the best *Global Insight* coverage assessing these and related issues.



### Column: Covid in Africa

Warm words and a billion doses of the Covid-19 vaccine. This is what poorer countries, including those from Africa, received at June's meeting of G7 countries in England – neither what they'd wanted nor what they'd asked for. When it comes to supplying vaccines, the G7 nations are long on talk and short on action.

[Read here...](#)



### News analysis: Covid-19: Latin America's deepest crisis for a century

Across Latin America and the Caribbean, over one million people have already died from Covid-19, making it the worst-hit region worldwide. The reasons are complex but, undeniably, have exposed deep inequalities across the region. The slow response – or in some instances complete inertia – of many nations has sealed their fate.

[Read here...](#)

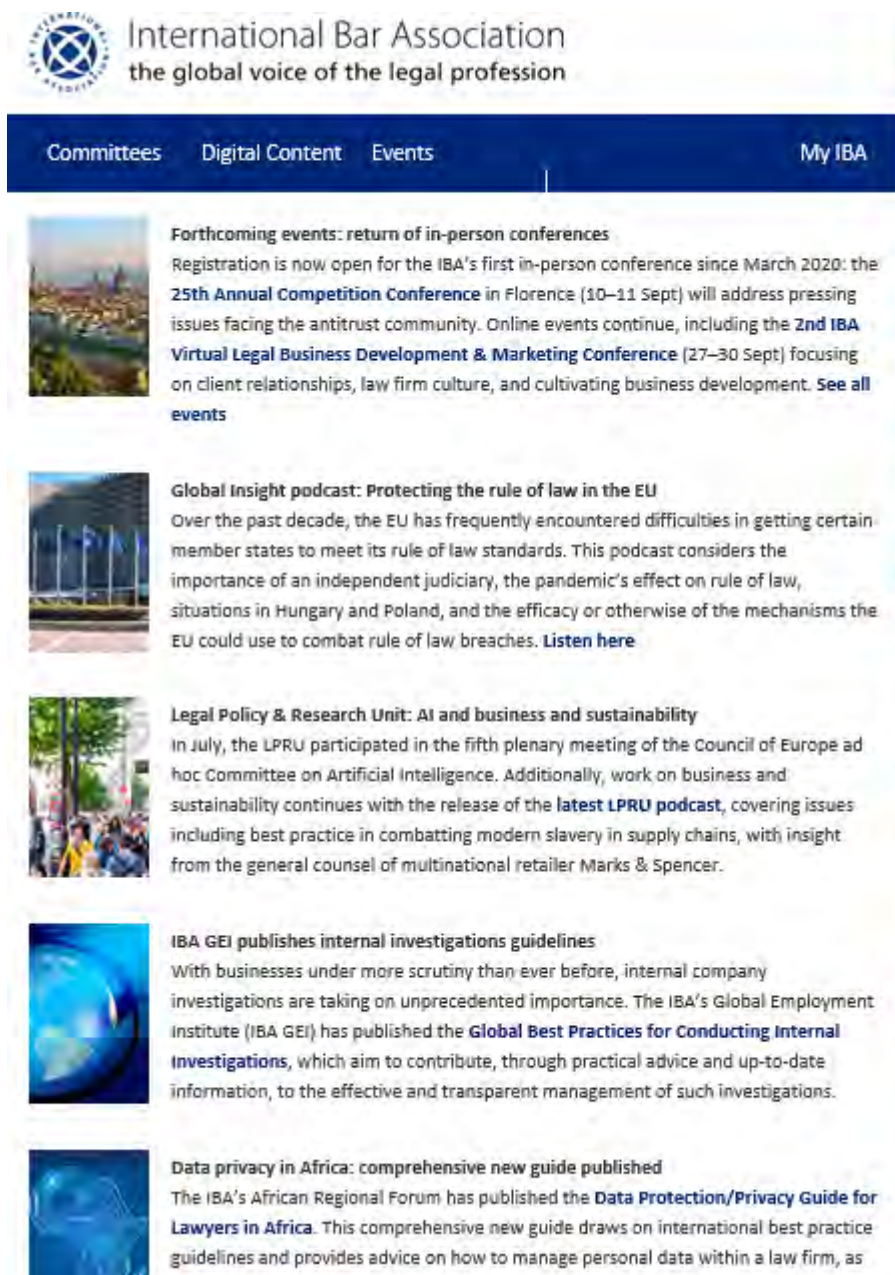


### Podcast: Rule of law in the time of Covid-19

Many states have taken drastic action in response to the Covid-19 pandemic. However, there is clear potential for abuse of the situation and a detrimental impact on the rule of law. Director of the IBA's Human Rights Institute, Baroness Helena Kennedy, and IBA Director of Content, James Lewis, assess developments.

[Listen here...](#)

## b. ENews



The screenshot shows the IBA website's ENews section. At the top left is the IBA logo and the text "International Bar Association the global voice of the legal profession". A navigation bar contains "Committees", "Digital Content", "Events", and "My IBA". The main content area features five news items, each with a small image and a text block:

- Forthcoming events: return of in-person conferences**  
Registration is now open for the IBA's first in-person conference since March 2020: the **25th Annual Competition Conference** in Florence (10–11 Sept) will address pressing issues facing the antitrust community. Online events continue, including the **2nd IBA Virtual Legal Business Development & Marketing Conference** (27–30 Sept) focusing on client relationships, law firm culture, and cultivating business development. [See all events](#)
- Global Insight podcast: Protecting the rule of law in the EU**  
Over the past decade, the EU has frequently encountered difficulties in getting certain member states to meet its rule of law standards. This podcast considers the importance of an independent judiciary, the pandemic's effect on rule of law, situations in Hungary and Poland, and the efficacy or otherwise of the mechanisms the EU could use to combat rule of law breaches. [Listen here](#)
- Legal Policy & Research Unit: AI and business and sustainability**  
In July, the LPRU participated in the fifth plenary meeting of the Council of Europe ad hoc Committee on Artificial Intelligence. Additionally, work on business and sustainability continues with the release of the **latest LPRU podcast**, covering issues including best practice in combatting modern slavery in supply chains, with insight from the general counsel of multinational retailer Marks & Spencer.
- IBA GEI publishes internal investigations guidelines**  
With businesses under more scrutiny than ever before, internal company investigations are taking on unprecedented importance. The IBA's Global Employment Institute (IBA GEI) has published the **Global Best Practices for Conducting Internal Investigations**, which aim to contribute, through practical advice and up-to-date information, to the effective and transparent management of such investigations.
- Data privacy in Africa: comprehensive new guide published**  
The IBA's African Regional Forum has published the **Data Protection/Privacy Guide for Lawyers in Africa**. This comprehensive new guide draws on international best practice guidelines and provides advice on how to manage personal data within a law firm, as

Legal Essential Reading Guide on eLibrary.IMF.org



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Global trends in tax law, labor, banking rules and more...



**IBA GLOBAL SHOWCASE**

25–29 OCTOBER 2021

Official Sponsor of the Conference  


I hope each of you is well. Mark

## Board COVID Update #30, November 2021

Dear Board –

### PLEASE REVIEW:

#### I. OPERATIONS

Since the COVID crisis started 19 months ago, I have updated the board on operational issues and projects each month.

**Attached** is the current departmental report. Please take a look to get a sense of our ongoing programmatic operations, including:

**Summit for Democracy:** The IBA has been invited to participate in US President Biden’s *Summit for Democracy* which will take place over the next two years.

**Bar Work:** A video has been created for the Iranian Central Bar, including contributions from across the London office and the wider Association, detailing the work of the IBA and the potential opportunities for Iranian members to become more involved.

The **IBA Mental Wellbeing** taskforce report was recently published on 26 October during the mental well-being showcase. Early plans are now underway to create a permanent mental well-being body within the IBA.

**Podcast Series:** The LPRU released the fourth [episode](#) of the podcast series **Sustainable Law in Action**.

**Belarus:** The IBAHRI drafted an *amicus curie* to the ICC on behalf of the UN Special Rapporteur on Belarus. The amicus brief is aimed to trigger a Prosecutor’s investigation into the ongoing gross human rights violations and focuses on legal strategies to circumvent the jurisdiction obstacle.

**ICC:** The Hague Office coordinated the virtual launch of the ‘Strengthening the International Criminal Court and the Rome Statute System: A Guide for States Parties’ guide,

**Zimbabwe:** Last month, HRI chaired a webinar for human rights lawyers in Zimbabwe. The IBAHRI co-organised with Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights remarks were given by Sternford.

**UN:** The IBA reaffirmed its support to the United Nations Global Compact and its Ten Principles in the areas of Human Rights, Labour, Environment and Anti-Corruption.

#### a. New IT System

As mentioned in my earlier report, our new SAP operating system successfully went live on 17 May. Our members and other customers appear to have adjusted to the new online screens and processes very rapidly. Our webpages now have a uniform look and are fully responsive to smartphones and link to social media platforms such as Twitter, Facebook, and LinkedIn. Registrations and payments for the new stream of in-person events are all being successfully processed.

The entire website is available on smartphones within the IBA mobile app – **you may wish to download it to your phone if you have not already done so.**

There are numerous other minor improvements to the online customer experience due to the new system design. Members and delegates can conduct most transactions in less time, using fewer screens than our old system. Members are also starting to expand their profiles on the improved **MyIBA** pages so that other members can read more about their role, background and experience, and find opportunities for referrals and introductions more easily.

Early evidence shows that members can complete a higher percentage of transactions online, consequently making fewer phone calls and emails to staff.

#### **b. Value Added Tax (VAT)**

As I reported in my last several reports, we continue to work towards a new post-Brexit Value Added Tax (VAT) regime. We have had several meetings with RSM (our accounting firm) on exactly what needs to change in our internal processes that may require affected IBA delegates to follow the new regulations and procedures for paying and, if relevant, reclaiming VAT. The current assessment provides two options. This first, contingent on the IBA being classified as a B to C entity, is a “one-stop” VAT registration in an EU country. The second is to register (and, if need be, deregistered) in each relevant country. It may be possible to do both if required.

In addition, we are nearing a plan to tackle the IBA’s past approach when undertaking the short 1 - 2 days specialised conferences in VAT countries to determine whether VAT was applicable. The past approach taken by the Association, including our audit reviews, was that VAT registration was not needed. It seems more apparent that this approach was not correct and, thus, we are reviewing the last four years of selected countries to determine any potential liability.

## **II. Membership**

Membership, as you know, has been one of our most challenging endeavours. As I have emphasised, it has also been one of our primary focus areas, particularly for group members.

For instance, this year, Eric is currently working on the fourth Group Member virtual event – a collaborative webinar with the Corporate Counsel Forum on Wednesday, 24 November. Eric is also finalising the details for the Group Member Awards, which was announced during the Global Showcase. The actual trophies will be presented to each award winner during various in-person conferences, including LFM on 18-19 November and LARF/NARF on 6-8 Dec.

The awards recipients by region are:

### **Americas**

1. Bomchil
2. Miller & Chevalier

3. Pinheiro Neto
4. TozziniFreire
5. White & Case

#### **Asia Pacific**

1. Anderson Mori & Tomotsune
2. Clayton Utz
3. JunHe
4. Shin & Kim
5. Trilegal

#### **Europe, Middle East & Africa**

1. Al Tamimi & Company
2. Baker McKenzie
3. Clifford Chance
4. IMMMA Advocates/DLA Piper

Below are the figures for the end of October:

### **I. Membership**

Membership is one of our most challenging endeavours. It has also been one of our primary focus areas.

Below are the figures for the end of October:

Total membership revenue is lower than Oct 2020 (£3,823,234 v £4,412,100). However, this represents a decline of only **-7.7%** as of the end of Oct 2021 v the end of Oct 2020.

#### **a. Individual members**

Individual membership revenue at the end of Oct 2021 has declined by **-12%** from that of the end of Oct 2020 (£1,911,679 v. £2,172,975). New members to date are down compared to the end of Sep last year (834 v. 1144).

#### **b. Group Members**

The most critical membership driver is our **Group Members**. We set out at the start of this year to protect, at all cost, our group member law firms. These efforts have been successful.

Year-to-Date revenues are slightly lower than the end of Oct 2020 (£1,378,178 v. £1,405,441). Currently, **212** out of **226** group members have renewed, and **6** new firms have joined. So, revenue has decreased by **-1.9%** as of the end of Oct 2021 compared to the end of Oct 2020.

#### **c. Corporate Members**

For Corporate Members, **32** out of **37** have so far renewed. We have **3** new corporate members. Revenue is **£35,039.00** as of the end of Oct 2021, compared to **£35,209.00** at the end of Oct 2020. There has been a decrease of **-0.5%** in revenue as of the end of Oct 2021 compared to Oct 2021.

#### d. HRI

Revenues (membership fees) to date for HRI is **£385,448.00** compared to **£409,051.00** at the end of Oct 2020. Revenue has decreased by **-5.8%** by the end of Oct 2021 v the end of Oct 2020.

#### e. Bars

To date, revenues (bar dues) are **£112,891.00**, down from **£119,424.00**, at the end of Oct last year. Currently, **128** bars of **153** have paid their dues, and **3** new bars have joined. This is a decrease of revenue by **-5.5%** in October 2021 compared to October 2020.

### III. SHOWCASE CONFERENCE/Q4 CONFERENCES/MIAMI 2022

#### a. Virtual Showcase Conference 2021

The *2021 IBA Global Showcase* has now ended.

As a reminder, we made a major update to the SAP system to enhance the integration with Zoom that allowed for a single registration for delegates, enabling them to choose the sessions they wanted to attend throughout the week with a simple tick box. This approach significantly improved the registration process and allowed confirmations and reminders to be handled directly through Zoom automatically, streamlining the experience for our members. This also had the benefit of reducing the amount of work required behind the scenes by staff.

The week-long event consisted of the opening ceremony by Sternford, **21** committee sessions and **4** “Conversation With...” sessions. The total number of registrants was **2,299**, with **likely 50%** actual attendees.

#### b. Q4 conferences

As I have previously reported to the board, we are taking a **two-prong** approach to **Q4**. The first is working with our committees to schedule regional conferences in 2020 and early 2021 to Q4. These are a series of regional **in-person** specialised conferences using the “**air bridge**” concept and the hybrid “live and online” concept. We are holding these specialist conferences at venues for which deposits/ and contracted liabilities have already been made.

We continue to have monthly meetings to review conference venues, hotels, and other commitment liabilities to determine which ones can be pushed forward, need to be paid, and which ones we will try for *force majeure* to receive deposits back.

To date, we have scheduled the following conferences **this year**:

<b>9 -11 September</b>	<b>Competition / Westin / Florence</b>
<b>11 – 12 October</b>	<b>IP Technology Communications / Berlin</b>
<b>17 – 19 October</b>	<b>Closely Held and M&amp;A / Maison du Barreau / Paris</b>
<b>2 –3 November</b>	<b>Arab Regional Forum / Conrad / Dubai – rescheduled for early February 2022</b>
<b>4 – 5 November</b>	<b>Crime / Westin / Madrid</b>
<b>17 – 18 November</b>	<b>International Sales / Milan</b>



<b>18 - 19 November</b>	<b>LFM / Claridges / London</b>
26 November	M&A Moscow (locally organised conference) – <b>being organised locally as a virtual conference, not an official IBA conference but supported by Corporate M&amp;A committee</b>
<b>28 – 30 November</b>	<b>Insolvency / Balmoral / Edinburgh</b>
<b>2 – 3 December</b>	<b>New era Taxation/ Westin / Dublin</b>
3 December	LFM Moscow (locally organised conference)- <b>probably being organised locally as a virtual conference, not an official IBA conference but supported by the Law Firm Management Committee</b>
<b>2 -3 December</b>	<b>Corporate Governance / Villa Kennedy / Frankfurt</b>
<b>6 – 8 December</b>	<b>LARF and NARF / Miami</b>

As I have reported to you, the in-person events that have been held or have launched are **highlighted** above.

The final **paying** registrations for completed in-person conferences are :  
*25<sup>th</sup> Annual Competition Conference, Florence*, 10 – 11 September – **99** paying delegates (included 14 speakers and 7 discounted)

*IP, Tech, Communications, Berlin*, 11 – 12 October - **66** paying registrations (included 20 speakers and 4 discounted)

*From Start-up to IPA*, Paris, 17 – 19 October – **222** paying registrations (including 42 speakers and 5 discounted)

The current **paying** registrations for in-person conferences already launched are:  
*Transnational Crime, Madrid*, 4 – 5 November. We currently have **120** payers (includes 30 delegates with money on account and 34 speakers).

*Digitising of International Commerce*, Milan, 17 – 18 November. We currently have **66** paid registrations (includes 21 speakers).

*Law Firm Management*, London, 18 – 19 November. We currently have **82** paid delegates (includes 11 speakers).

*Insolvency and Restructuring, Edinburgh*, 28 – 30 November. We currently have **87** payers (includes 21 with money on account and 10 speakers).

*Corporate Governance*, Frankfurt, 2 – 3 December. We currently have **30** payers.  
*Deals, disruptions and growth areas in the Americas*, Miami, 6 – 8 December. We currently have **167** payers.

Regarding experimenting with bifurcated live/virtual events, the LFM has agreed to stream two sessions and one post-session podcast. The price will be £95 for members.

The Virtual conferences continue to be successful, reaching **299** since the start of the pandemic. The chart below shows year to date figures.

## Virtual event stats

	2021	2020	2019	2018
<b>No. virtual events</b>	166 <i>webinars = 137</i> <i>virtual confs = 29</i>	133	7	5
<b>Total registrants</b>	30,030 <i>webinars = 25,953</i> <i>virtual confs = 4,077</i>	59,034	3,810	2,145
<b>Viewers (live)</b>	17,539 <i>webinars = 10,357</i> <i>virtual confs = 7,182</i>	26,837	975	728
<b>% registrants viewing live broadcast</b>	48%	45%	26%	34%
<b>Viewers (recorded)</b>	11,363 <i>webinars = 10,412</i> <i>virtual confs = 951</i>	86,744	1,257	-
<b>Total viewers (live + recorded)</b>	28,902	113,581	2,232	-



Recent webinars include:

- [The International Commerce, Trade, Franchising and Product Law Section: Hot Topics Digital Round Tables](#) - International Commerce, Trade, Franchising and Product Law Section. This webinar was held on 5<sup>th</sup> October.
- [Asset financing the transportation industry](#) - Maritime and Transport Law Committee and the Aviation Law Committee. This webinar was held 6<sup>th</sup> October.
- [Strengthening the International Criminal Court and the Rome Statute System: the Role of States Parties](#) - IBA ICC & ICL Programme. This webinar was held 7<sup>th</sup> October.
- [The psychological aspects of retirement](#) - Senior Lawyers' Committee. This webinar was held 8<sup>th</sup> October.
- [Virtual fever, the new pandemic? News and Trends in Intellectual Property, Communications, Media, Technology, Art and Outer Space Law Conference](#) - Intellectual Property, Communications and Technology Law Section. This in-person event was held in Berlin on 11-12 October.
- [Adoption of technology by law firms - fact or fiction?](#) - Law Firm Management Committee. This webinar was held 12<sup>th</sup> October.
- [Learning from millennials: are diversity policies and programmes really working?](#) - Women Lawyers' Interest Group. This webinar was held 13 October.
- [From start-up to IPO](#) - Closely Held and Growing Business Enterprises Committee and the Corporate and M&A Law Committee. This was an in-person event in Paris and **sold out**.

- [The Spy Trade: The IBA International Commerce and Distribution Committee's Virtual Tour of the International Spy Museum in Washington, DC](#) - International Commerce and Distribution Committee. This webinar was held 19<sup>th</sup> October.
- [The impact of the European Public Prosecutor's Office on the fight against corruption](#) - Anti-Corruption, Business Crime and Criminal Law Committees. This webinar was held 20<sup>th</sup> October.
- [ESG oil and gas general counsel discuss recent developments and what the future holds](#) - North American Regional Office. This webinar was held 21<sup>st</sup> October.
- [The Future of Law Firms](#) - Law Firm Management Committee. This webinar was held 22<sup>nd</sup> October.

The IBA Global Showcase was held 25-29 October 2021.

Upcoming events in November include:

- 2 Nov - [Enhancing diversity in the legal profession through education and training](#) - Academic and Professional Development Committee.
- 3-5 Nov - [23rd Annual IBA Transnational Crime Conference](#) - Criminal Law Committee and Business Crime Committee (*in-person event*).
- 4 Nov - [Virtual roundtables: Hot topics in technology, communications and intellectual property law](#) - Intellectual Property, Communications and Technology Section.
- 4 Nov - [Hype or Hope: is blockchain technology revolutionising criminal investigations in the US?](#) - Criminal Law Committee.
- 8 Nov - [Masterclass on the overview of the AfCFTA](#) - African Regional Forum.
- 9 Nov - [Fast-tracking the commercial deployment of Carbon Capture Utilisation and Storage \(CCUS\)](#) - Oil and Gas Law Committee.
- 11 Nov - [How does a firm on-board clients? Unworthy clients – who decides? What are the risks?](#) - Regulation of Lawyers' Compliance Committee.
- 12 Nov - [The ethics of charging and collecting fees](#) - Professional Ethics Committee.
- 15 Nov - [Masterclass on understanding the protocol on trade in goods](#) - African Regional Forum.
- 16 Nov - [Time and temperature sensitive transports – how cold is too cold and when is late too late?](#) - Maritime and Transport Law Committee.
- 16 Nov - [The state of LGBT rights in Africa](#) - LGBTI Law Committee.
- 17-18 Nov - [Digitising of International Commerce](#) - International Commerce and Distribution Committee, supported by the Corporate Counsel Forum, European Regional Forum, International Trade and Customs Law Committee and the Technology Law Committee.
- 18 Nov - [Tracking the evolution of safe-harbour law in India: IT rules in 2021 and beyond](#) - India Working Group of the Asia Pacific Regional Forum, supported by the Technology Law Committee.
- 18 Nov - [Is law firm globalisation dead? Perspectives on cross-border practices](#) - Senior Lawyers Committee, supported by the Law Firm Management Committee.
- 18-19 Nov - [IBA Global Immigration Virtual Conference](#) - Immigration and Nationality Law Committee.
- 18-19 Nov - [Building the Law Firm of the Future : 4th London Law Firm Management Conference](#) – Law Firm Management Committee (*in-person*).

- 19 Nov - [A practical guide to the 2020 Revision of the IBA Rules on the Taking of Evidence in International Arbitration \(Part 1\)](#) - Asia Pacific Arbitration Group (APAG), supported by the Arbitration Committee and the Asia Pacific Regional Forum.
- 22 Nov - [Masterclass on understanding the protocol on trade in services](#) - African Regional Forum.
- 23 Nov - [Post-International Competition Network Forum](#) - Antitrust Section and the International Chamber of Commerce
- 24 Nov - [Corporate ESG strategies: the role of lawyers in achieving goals and managing litigation](#) - Corporate Counsel Forum and Group Members only.
- 25-26 Nov - [IBA training initiative for Italian lawyers in business and human rights](#) – LPRU.
- 26 Nov - [Negotiated justice - settlements in bribery enforcement actions across Asia](#) - Anti-Corruption Committee and the Inter-Pacific Bar Association.
- 28 Nov - [26th Annual IBA Global Insolvency and Restructuring Conference](#) - Insolvency Section (*in-person.*)
- 29 Nov - [Masterclass on the protocol on dispute resolution under the AfCFTA](#) - African Regional Forum.

To date, the fees from specialised virtual conferences are **£158,478**. If we add advertising and sponsorship revenue, including online advertising, official corporate supporter sponsorship, annual awards sponsorship, showcase conference sponsorship, the total income is **£420,195**.

### C. Miami 2022

We have reduced the contracted liabilities with the Miami hotels but have arranged for JLICS to add extra bedrooms for sale, under their auspices, in case demand for extra hotel rooms increase. In this arrangement, we have cancelled the IBA contracts with the following hotels: Eden Roc, Nobu, Fontainebleau, Grand Beach and the Mondrian. All other hotel contracts remain with the IBA: Lowes, The Palms, Royal Palm, The Gale, Delano, 1 South Beach, Ritz Carlton, and the Kimpton.

## IV. Afghanistan

Following the United States' and allies' withdrawal from Afghanistan and the Taliban assuming power, the IBA continues to work on evacuating from the country a focused cohort of Afghanistan Independent Bar Association personnel, women judges, and human rights defenders at risk. More broadly, HRI, under the enthusiastic sway of Helena, is working extensively on evacuating women at risk in the judiciary.

**IMPORTANT: None of the names below are to be (further) placed in the public domain.**

### A. Full list of individuals to evacuate:

- **Personnel of the Afghanistan Independent Bar Association (AIBA) and women at risk**
  1. **Mr Ruhullah Qarizada**, AIBA President
  2. **Ms Najla Rahil**, AIBA Vice President
  3. **Mr Nesar Ahmad Noori**, AIBA Executive Secretary
  4. **Mr Abdul Mobin**, AIBA Communications Officer

5. **Mr Abdul Wahid Samadi**, AIBA Training co-ordinator
6. **Ms Rahima Siddiqi**, AIBA Wife of Hameed Siddiqi, translator
7. **Mr Nangialai Ibrahimi**, AIBA Translator
8. **Mr Mukhtar Aqeel**, AIBA Database officer
9. **Mr Ajmal Hamdard**, AIBA Grants and Media Officer
10. **Ms Judge Monasa Naseri**, Court for Violence against Women and Child Abuse in Kapisa Province
11. **Ms Judge Farida Hashemi**, Senior judge and Head of the Children's Court in Kabul
12. **Ms Humaira Rasuli**, prominent women's rights lawyer and activist, and co-founder of the Women's Justice Organisation in Afghanistan.
13. **Ms Fawzia Koofi**, Afghan politician and women's rights activist.

## **B. Individuals out of Afghanistan**

- **Country evacuated to is bracketed**

1. **Mr Ruhullah Qarizada**, AIBA President [**IRAN**]
2. **Ms Najla Rahil**, AIBA Vice President [**ALBANIA**]
3. **Ms Rahima Siddiqi**, AIBA Wife of Hameed Siddiqi, translator [**GREECE**]
4. **Mr Nangialai Ibrahimi**, AIBA Translator [**GREECE**]
5. **Mr Ajmal Hamdard**, AIBA Grants and Media Officer [**DUBAI**]
6. **Ms Judge Monasa Naseri**, Court for Violence against Women and Child Abuse in Kapisa Province [**GREECE**]
7. **Ms Judge Farida Hashemi**, Senior judge and Head of the Children's Court in Kabul [**PAKISTAN**]
8. **Ms Humaira Rasuli**, prominent women's rights lawyer and activist, and co-founder of the Women's Justice Organisation in Afghanistan [**DUBAI**]
9. **Ms Fawzia Koofi**, Afghan politician and women's rights activist [**QATAR**]

## **C. Individuals still in Afghanistan**

- **Personnel of the Afghanistan Independent Bar Association (AIBA)**

1. **Nesar Ahmad Noori**, AIBA Executive Secretary
2. **Abdul Mobin**, AIBA Communications Officer
3. **Abdul Wahid Samadi**, AIBA Training co-ordinator
4. **Mukhtar Aqeel**, AIBA Database officer.

## **D. Donations received:**

- Law Society of Scotland
- Hong Kong Bar Association
- Faculty of Advocates (Scotland)
- Japan Federation of Bar Associations and Tokyo Bar (Individuals led by Kimitoshi Yabuki)
- Law Society of Northern Ireland
- Lithuania Bar Association
- New Zealand Bar Association
- Individuals
- 01 November 2021 TOTAL = USD 19,000.

**E. Donations pledged:**

- Law Society of Ireland

**F. Bars/Law Societies that have circulated the fundraising appeal to their members:**

- The Law Society of South Australia
- Asociación Nacional de Abogados de Empresa (Mexico)

**G. Fundraising for:**

- Provisions, including food, water, medicines
- Shelter: safe houses
- Transportation
- Visa costs
- Flight costs
- Mobile phone credit

**H. Payments made to our colleagues [Total £1,590]:**

- 01 November 2021 – MoneyGram transfer  
£190: Abdul Wahid Samadi  
Rent, food, cooking gas, water
- 23 October 2021 – Western Union transfer  
£190: Nesar Ahmad Noori  
Rent, food, cooking gas, water
- 23 October 2021 – Western Union transfer  
£189.89: Nesar Ahmad Noori  
Rent, food, cooking gas, water
- 15 October 2021 – MoneyGram transfer  
£360: Rahima Siddiqi & Abdul Wahid Samadi  
Rent, food, cooking gas, water
- 14 October 2021 - Western Union transfer  
£189.36: Abdul Matin Mohammed Nabi (for Abdul Mobin)  
Rent, food, cooking gas, water
- 20 September 2021 – Bank transfer (Hawala)  
£150: Rahima Siddiqi & Abdul Wahid Samadi  
Transportation costs, Kabul to Mazara-i-Sharif
- 16 September 2021 – Western Union transfer  
£73: Abdul Hamid Sadiq (for Abdul Wahid Samadi)  
Provisions: Food, cooking gas, water
- 16 September 2021 – Western Union transfer  
£73: Mohammad Farid Shaieq (for Najla Raheel)  
Provisions: Food, cooking gas, water

- 16 September 2021 – Western Union transfer  
£73: Nesar Ahmad Noori  
Provisions: Food, cooking gas, water
- 16 September 2021 – Bank transfer (Hawala)  
£100: Ahmad S. Shahriar (for Ruhullah Qarizada)  
Provisions: Food, cooking gas, water

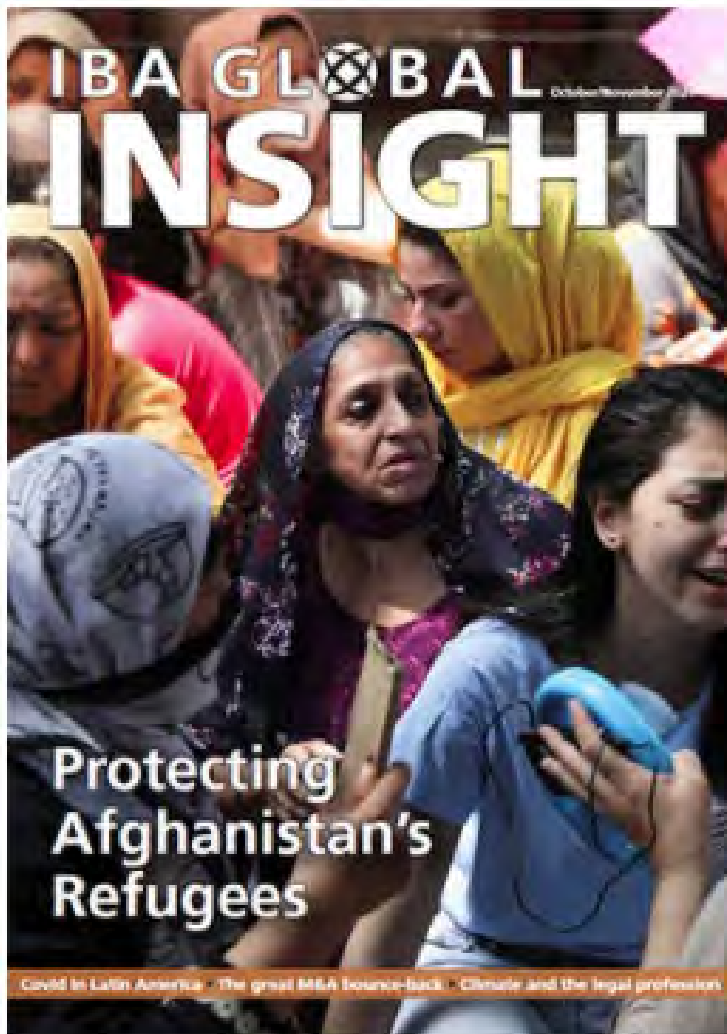
## V. OUTREACH/MARKETING

*Business Law International* has been published, and work continues on various other issues of the IBA's journals: *Insolvency and Restructuring International*, *Dispute Resolution International* and *In-House Perspective*. A number of other committee articles from Mining Law, Business Crime, Healthcare & Life Sciences, Law Firm management, Antitrust, Aviation Law, Taxes, Corporate and M&A and Criminal Law committees have also been published.

We have worked on a wide range of Global Insight podcasts. One was released ahead of COP26. Another podcast, on the attacks on US democracy, has been fully prepared and reviewed ahead of release. Work has begun on a podcast on the chronic delays in the justice system in England and Wales and another on the challenges facing the International Criminal Court has been finalized

### a. IBA Global Insight

The publication of the October/November edition of *Global Insight* (GI) has been published. GI was distributed to the IBA's members and the wider reading audience via the *Global Insight* app and the IBA's social media channels. Commissioning of features, columns and news analysis for the December 21/January 22 edition is well under way with coverage to include COP 26, the China-Uighurs tribunal, cyber security, global tax reform, Crimes Against Humanity, and Facebook.





## a. Global Insight News Round-Up

News analysis articles have been published regularly online, covering a diverse range of issues such as global calls for an International Anti-Corruption Court, the challenges of bridging the “digital divide,” freedom of expression in Cambodia, and the EU’s carbon border levy. Work continues on further articles, including law firms adopting flexible resourcing models, and the impact of Spain’s new Rider Law on the wider European gig economy.



Download the IBA Global Insight app

Download on the App Store

GET IT ON Google Play

 International Bar Association  
the global voice of the legal profession

As COP26 gets underway in Glasgow on 31 October, the threat of the climate crisis looms large. There will be significant attention paid to the action promised by governments and companies – and on how they deliver. We've selected some of the best *Global Insight* coverage assessing these and related issues:

 **Podcast – Focus on COP26**  
COP26 in Glasgow aims to accelerate movement towards the targets set in the 2015 Paris Agreement and the UN Framework Convention on Climate Change. With Covid-19 delaying 2020's talks, the world will be watching closely – not only the immediate outcomes, but longer-term efforts made by states and the private sector.  
[Listen here...](#)

 **Feature – Climate crisis: 'green' transition underway in legal sector**  
While fossil fuel companies and financial institutions have been making headlines with their net zero pledges and promises to change the way they do business, the legal sector has quietly been undergoing its own transition. For example, alliances intended to drive change in their places of employment and industry have formed globally.  
[Read here...](#)

## b. ENews

The editing of the eBulletins and articles has continued, focused on the Mining Law; Healthcare and Life Sciences, Aviation Law, Class Actions; Criminal Law, Asset Management, Business Crime Committees, and the Leisure Industries Section.



The screenshot displays the International Bar Association (IBA) website. The header includes the IBA logo and the tagline "International Bar Association the global voice of the legal profession". A navigation bar contains links for "Committees", "Digital Content", "Events", and "My IBA".

The main content area features three articles:

- IBA Global Showcase**: A free virtual conference held from October 25-29, 2020, with over 2300 registrants. It included 21 working sessions, 16 networking sessions, and four 'conversation with' sessions. The showcase addressed global legal issues and challenges. [Watch sessions here.](#)
- Forthcoming in-person events**: The IBA's upcoming conference programme includes the **23rd Annual IBA Transnational Crime Conference**; **Digitising of International Commerce**; **Building the Law Firm of the Future: 4th London Law Firm Management Conference**; and the **26th Annual Global Insolvency and Restructuring Conference**. [Find more information on all IBA events here.](#)
- Global Insight: Afghanistan, climate crisis and more**: The latest issue of IBA *Global Insight* examines the impact of the international refugee protection regime on those fleeing Afghanistan; pandemics and profits; the great M&A bounce back; Latin America at Covid crisis point; how the climate crisis is changing the legal profession; the tragedy of Tigray; the changing faces of biometric privacy; and Afghanistan and the US withdrawal.

The right sidebar contains a green box for the **LLM TRANSNATIONAL COMMERCIAL PRACTICE** program, listing benefits:

- ✓ 50% tuition grants for IBA members
- ✓ 15 of 21 credits available online
- ✓ 2-week optional residential sessions
- ✓ Optional Zoom courses

Below the sidebar, the website provides contact information for the Center for International Legal Studies: [WWW.LEGALEDU.NET](http://WWW.LEGALEDU.NET), [office@ails.org](mailto:office@ails.org). At the bottom right, a partial image of a person's face is visible, with the text "Translate your international experience into the Canadian legal market."

I hope each of you is well. Mark

## Board COVID Update #31, December 2021

Dear Board –

### PLEASE REVIEW:

#### I. OPERATIONS

Since the COVID crisis started 19 months ago, I have updated the board on monthly operational issues and projects.

**Attached** is the current departmental report. Please take a look to get a sense of our ongoing programmatic operations, including:

**The US Summit for Democracy:** The IBA took part in a group of Civil Society Organisations consulted by the US State Department in connection with their Summit for Democracy, which took place virtually on 9-10 December. There were three focus areas for the Summit – human rights, corruption and authoritarianism. The IBA received the US State Department's endorsement to conduct one of a handful of 'unofficial' side events connected to the Summit. The one-hour IBA webinar presented by the IBA NARF, IBA Anti-Corruption Committee and the LPRU, with the title "The Role of Lawyers in an Era of Evolving Ethical Expectations: Ways Forward Within a Democratic Society", took place 8 December. The recording of the webinar is available [here](#).

The panel addressed the role of lawyers in a democratic society, from defending human rights and fundamental freedoms to facilitating arguably unethical wealth accumulation and illicit financial flows. The discussion counted with the presence of Grace Pérez Navarro, Deputy Director of Tax at the OECD, Deborah Enix-Ross, President-Elect of the ABA, Diego García-Sayán, UN Special Rapporteur on the Independence of Judges & Lawyers, Nicola Bonucci, Partner at Paul Hastings LLP (Paris), and Rajat Khosla, Senior Director of Amnesty International. LPRU Director, Sara Carnegie, moderated the session.

**BHR Training in Italy:** The BHR Training in Italy ended with a final roundtable session, which was hosted online on December 3. Claudio Visco co-moderated two panels with Maria Pia Sacco. High-profile speakers from group members, the UNODC and the UN intervened during the event.

**Sustainable Law in Action Podcast:** The LPRU has released the new episode of the podcast series Sustainable Law in Action. In this episode, Sara Carnegie and Maria Pia Sacco spoke with Michelle Edkins and Ariel Smilowitz (Head of Stewardship and associate with Blackrock) about the role of stewardship in promoting sustainable finance.

**eyeWitness** co-hosted a well-attended virtual side event in the context of the 20<sup>th</sup> annual meeting of the International Criminal Court Assembly of States Parties. The event addressed the use of digital technology for war crimes documentation and accountability and highlighted how one of our partner organisations in Ukraine uses eyeWitness in their work. More information is available in the news article here: <https://www.eyewitness.global/Using-digital-technology-for-war-crimes-documentation-and-accountability>

**HRI** is currently working on moving to the second phase of the *media freedom project* and implementing with states the reports' recommendations.

**HRI** continues its work in Malawi with key partners in the area of Torture Prevention and Enforced Disappearances

Planning for the 2022 Annual Conference **scholarship** programme, the **SEERIL Studies Scholarship** and the **IBA Awards 2022** has commenced.

## **II. Financial Status Year-end**

As indicated in my early report, our loss for 2020 (including investment returns and associated-wide investments) was **-£ 1.4 million**, which was below even the low end of our first projections in March 2020. Thus, our reserves (cash + investments) were **£29.8 million** at the end of 2020.

However, our challenge is to **navigate** the next year – 2022- through balancing expenses and revenues to allow us to undertake specialised conferences and the Miami Conference.

Investments have again helped us immensely. Investment gains as of September was approximately **£727,000**.

The balance sheet shows **£29.7million** as of September v. **£31.1million** as of December 2020.

I indicated early our desire to move forward with "in-person" specialised conferences in Q4 of 2021. That plan was implemented and is discussed below. A total of 9 in-person conferences took place. We are currently reviewing 2022 conferences in light of the Omicron variant.

Our current projection for 2021 would show a loss of approximately **£4.5million** (the earlier estimate was **£7.8 million**). This would mean reserves (cash + investments) at the end of 2021 at least **£26 million** (the earlier estimate was **£22 million**).

As of the end of September, our deficit was **£1.4million**. This represents **18%** of the full-year projected deficit (**£7.8 million**), so we are trending well.

To survive through 2022 and gain the hopeful financial benefit of the Miami Conference (and beyond), we will continue to adjust our cost base and revenue base.

We also continue to maintain programmatic relevance by engaging in the virtual world. Although we continue to experiment with hybrid conferences, we do not expect a significant revenue stream for hybrid events.

### **a. Value Added Tax (VAT)**

As I reported in my last several reports, we continue our internal review and work towards a revised post-Brexit Value Added Tax (VAT) regime. We have had several meetings with RSM (our accounting firm) on exactly what needs to change in our internal processes that will require affected IBA delegates to follow the regulations and procedures for paying and, if relevant, reclaiming VAT. The current assessment provides two options. This first, contingent on the IBA being classified as a Business to Consumer entity, is a "one-stop" VAT registration in an EU country. The second is to register (and, if need be, deregister) each

relevant country. Our internal subgroup reviewing this issue is leaning towards the second option.

In addition, we are nearing a plan to tackle the IBA's past approach when undertaking the short 1 - 2 days specialised conferences in VAT countries to determine whether VAT was applicable. The past approach taken by the Association, including our auditors' input, was that VAT registration was not needed due to previous good faith assessments concerning an 'Educational Exemption'. It seems more apparent that this approach was not correct and, thus, we are currently reviewing the last four years of selected countries to determine any potential liability.

### **III. Membership**

Membership, as you know, has been one of our most challenging endeavours. As I have emphasised, it has also been one of our primary focus areas, particularly for group members.

Membership is one of our most challenging endeavours, and it has also been one of our primary focus areas.

Below are the figures for the end of November:

Total membership revenue is lower than Nov 2020 (**£3,842,753 v £4,481,996**). However, this represents a decline of only **-8%** as of the end of Nov. 2021 v the end of Nov. 2020.

#### **a. Individual members**

Individual membership revenue at the end of Nov 2021 has declined by **-11%** from that of the end of Nov 2020 (**£1,931,506 v. £2,180,485**). New members to date are down compared to the end of Sep last year (**911 v. 1276**).

#### **b. Group Members**

The essential membership driver is our **Group Members**. We set out at the start of this year to protect, at all cost, our group member law firms, and these efforts have been successful.

Year-to-Date revenues are slightly lower than the end of Nov 2020 (**£1,375,058 v. £1,431,498**). Currently, **212** out of **226** group members have renewed, and **6** new firms have joined. So, revenue has decreased by **-4%** as of the end of Nov. 2021 compared to the end of Nov. 2020.

#### **c. Corporate Members**

For Corporate Members, **32** out of **37** have so far renewed. We have **3** new corporate members. Revenue is **£35,039.00** as of the end of Nov. 2021, compared to **£35,209.00** at the end of Nov. 2020. There has been a decrease of **-0.5%** in revenue as of the end of Nov. 2021 compared to the end of Nov 2020.

#### **d. HRI**

Revenues (membership fees) to date for HRI is **£384,898.00** compared to **£414,319.00** at the end of Nov. 2020. Revenue has decreased by **-7%** by the end of Nov. 2021 v the end of Nov. 2020.

#### e. Bars

To date, revenues (bar dues) are **£116,253.00**, down from **£120,486.00** at the end of Nov last year.\* Currently, **128** bars of **153** have paid their dues, and **3** new bars have joined. This is a decrease of revenue by **-3.5%** in Nov. 2021 compared to Nov. 2020.

[\*Revenue movement is due to pricing matrix, i.e., Bars are charged according to bar size/number of members per bar.]

#### IV. Conferences

The Virtual conferences continue to be successful, reaching a staggering **309** since the start of the pandemic. The chart below shows the year to date figures.

### Virtual event stats

	2021	2020	2019	2018
<b>No. virtual events</b>	176 <i>webinars = 145</i> <i>virtual confs = 31</i>	133	7	5
<b>Total registrants</b>	33,128 <i>webinars = 28,858</i> <i>virtual confs = 4,270</i>	59,034	3,810	2,145
<b>Viewers (live)</b>	19,867 <i>webinars = 12,420</i> <i>virtual confs = 7,447</i>	26,837	975	728
<b>% registrants viewing live broadcast</b>	48%	45%	26%	34%
<b>Viewers (recorded)</b>	12,156 <i>webinars = 11,119</i> <i>virtual confs = 1,037</i>	86,744	1,257	-
<b>Total viewers (live + recorded)</b>	32,023	113,581	2,232	-

*Transnational Crime, Madrid*, 4 – 5 November - **117** payers (includes 28 delegates with money on account and 35 speakers).

*Digitising of International Commerce, Milan*, 17 – 18 November - **70** payers (includes 22 speakers).

*Law Firm Management, London*, 18 – 19 November – **91** payers (includes 16 speakers).

*Insolvency and Restructuring, Edinburgh*, 28 – 30 November - **80** payers (includes 12 with money on account and 6 speakers).

*New Era Taxation, Dublin*, 2-3 December – **50** payers (includes 34 speakers)

*Deals, disruptions and growth areas in the Americas*, Miami, 6 – 8 December - 247 payers (includes 29 speakers).

#### **a. Hybrid**

As you know, we experimented with our first bifurcated live/virtual events. The LFM agreed to stream two sessions and one post-session podcast (with Q&A for all three) during their Annual London Conference. There were 120 in-person attendees and 9 virtual registrations. The 9 also received a recording of the three sessions. The price was £95 for IBA members. The cost of the virtual event was approximately £5,000. Only 3 people showed up for the virtual events. If we had not held this event in London, using our London tech staff, we would have lost at least £4,000 on the virtual side of the event.

#### **b. Virtual webinars**

Recent webinars include:

- 2-3 Dec – [The New Era of Taxation](#) – Taxes Committee (*Dublin, in-person*)
- 3 Dec – [IBA training in business and human rights: a roundtable discussion](#) – LPRU
- 6 Dec – [Masterclass on understanding the protocol on investment](#) – African Regional Forum
- 7 Dec – [Beyond Covid-19: impact on construction contracts and projects](#) – International Construction Projects Committee
- 7 Dec – [Next steps after COP26: assessing the path forward for achieving climate emergency goals](#) – Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)
- 8 Dec – [The role of lawyers in an era of evolving ethical expectations ways forward within a democratic society](#) – North American Regional office, the Anti-Corruption Committee and the LPRU
- 10 Dec – [Human rights in the maritime industry](#) – Human Rights Law Committee
- 10 Dec – [Best practice in access to justice: lessons from the pandemic](#) – Human Rights Law Committee
- 10 Dec – [Media relations for lawyers involved in international human rights matters](#) – Human Rights Law Committee
- 13 Dec – [Masterclass on the proposed protocols on intellectual property, competition and digital trade/e-commerce](#) – African Regional Forum
- 14 Dec – [Liability of directors and owners in insolvency: new challenges accepted?](#) – Insolvency Section
- 14 Dec – [Corruption and the threat to the Rule of Law: How democracy is endangered?](#) – Anti-Corruption Committee, the Young Lawyers' Committee, and the Rule of Law Forum
- 15 Dec – [Creativity in the pro bono sector: a response to international crises](#) – Pro Bono Committee

At year-end, the total fees from specialised virtual conferences were **£158,478**. If we add advertising and sponsorship revenue, including online advertising, official corporate supporter sponsorship, annual awards sponsorship, showcase conference sponsorship, the total income was **£441,195**.

### c. Miami 2022

We have announced our Annual Miami Conference.

Official Corporate Supporter 



<a href="#">Sponsorship</a>	<a href="#">Website</a>	<a href="#">Register interest</a>
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The IBA 2022 Annual Conference will be held in Miami, a major US centre and leading city for finance, commerce, culture, entertainment and international trade.

Miami is also known as the 'capital of Latin America' and houses the headquarters of Latin American operations for more than 1,400 multinational corporations, including; AIG, American Airlines, Cisco, Disney, Exxon, Kraft Foods, Microsoft, Yahoo, Oracle, Sony and Walmart.

Downtown Miami has one of the largest concentrations of international banks in the United States, and is home to many large national and international companies, including Bacardi, Burger King and Telefonica. Miami is also the world's busiest cruise port. As a result, Miami has become a major international business hub.



Miami is well known as a premier vacation destination, with beautiful beaches, great weather, multicultural neighbourhoods, art deco delights, sports and a lively arts and nightlife scene.

With an abundance of business and networking opportunities on offer, this modern metropolis will be a fantastic location for the largest and most prestigious event for international lawyers.



As reported earlier, we have reduced the contracted liabilities with the Miami hotels but have arranged for JLICS to add extra bedrooms for sale, under their auspices, in case demand for additional hotel rooms increase. In this arrangement, we have cancelled the IBA contracts with the following hotels: Eden Roc, Nobu, Fontainebleau, Grand Beach and the Mondrian. All other hotel contracts remain with the IBA: Lowes, The Palms, Royal Palm, The Gale, Delano, 1 South Beach, Ritz Carlton, and the Kimpton.

### V. Afghanistan

The IBA continues to work on evacuating from Afghanistan a focused cohort of Afghanistan Independent Bar Association personnel, women judges, and human rights defenders at risk. More broadly, HRI is now working extensively on resetting the women judges that were evacuated earlier. They continue to support the 104 female Judges, lawyers and prosecutors evacuated to Athens in finding final destinations. As for our work with the AIBA, the following is an update on the project.

**IMPORTANT: None of the names below is to be (further) placed in the public domain.**

#### A. Complete list of individuals to evacuate:

- **Personnel of the Afghanistan Independent Bar Association (AIBA) and women at risk**
  1. **Mr Ruhullah Qarizada**, AIBA President
  2. **Ms Najla Rahil**, AIBA Vice President



3. **Mr Nesar Ahmad Noori**, AIBA Executive Secretary
4. **Mr Abdul Mobin**, AIBA Communications Officer
5. **Mr Abdul Wahid Samadi**, AIBA Training co-ordinator
6. **Ms Rahima Siddiqi**, AIBA Wife of Hameed Siddiqi, translator
7. **Mr Nangialai Ibrahim**, AIBA Translator
8. **Mr Mukhtar Aqeel**, AIBA Database officer
9. **Mr Ajmal Hamdard**, AIBA Grants and Media Officer
10. **Ms Judge Monasa Naseri**, Court for Violence against Women and Child Abuse in Kapisa Province
11. **Ms Judge Farida Hashemi**, Senior judge and Head of the Children's Court in Kabul
12. **Ms Humaira Rasuli** is a prominent women's rights lawyer and activist, and co-founder of the Women's Justice Organisation in Afghanistan.
13. **Ms Fawzia Koofi**, Afghan politician and women's rights activist.

## **B. Individuals out of Afghanistan**

- **Country evacuated to is bracketed.**

1. **Mr Ruhullah Qarizada**, AIBA President [**FRANCE – final destination**]
2. **Ms Najla Rahil**, AIBA Vice President [**ALBANIA**]
3. **Ms Rahima Siddiqi**, AIBA Wife of Hameed Siddiqi, translator [**GREECE**]
4. **Mr Nangialai Ibrahim**, AIBA Translator [**GREECE**]
5. **Mr Ajmal Hamdard**, AIBA Grants and Media Officer [**DUBAI**]
6. **Ms Judge Monasa Naseri**, Court for Violence against Women and Child Abuse in Kapisa Province [**GREECE**]
7. **Ms Judge Farida Hashemi**, Senior judge and Head of the Children's Court in Kabul [**PAKISTAN**]
8. **Ms Humaira Rasuli**, prominent women's rights lawyer and activist, and co-founder of the Women's Justice Organisation in Afghanistan [**DUBAI**]
9. **Ms Fawzia Koofi**, Afghan politician and women's rights activist [**QATAR**]

## **C. Individuals still in Afghanistan.**

- **Personnel of the Afghanistan Independent Bar Association (AIBA)**

1. **Nesar Ahmad Noori**, AIBA Executive Secretary
2. **Abdul Mobin**, AIBA Communications Officer
3. **Abdul Wahid Samadi**, AIBA Training co-ordinator
4. **Mukhtar Aqeel**, AIBA Database officer
5. **Nasir Ahmad Nadiri**, AIBA Executive Director
6. **Sayed Maruf Hashimi**, AIBA spokesperson

## **D. Donations received [TOTAL = USD 25,000]:**

- Law Society of Scotland
- Hong Kong Bar Association
- Faculty of Advocates (Scotland)
- Japan Federation of Bar Associations and Tokyo Bar (Individuals led by Kimitoshi Yabuki)

- Law Society of Northern Ireland
- Lithuania Bar Association
- New Zealand Bar Association
- Taipei Bar Association
- Law Society of Ireland

**Donations pledged:**

- Malaysian Bar Council

**Bars/Law Societies that have circulated the fundraising appeal to their members:**

- The Law Society of South Australia
- Asociación Nacional de Abogados de Empresa (Mexico)

## VI. OUTREACH/MARKETING

December 2021 has been one of the busiest seen in the Production team. The volume of committee articles and conference promotional materials has been the most noticeable, alongside the usual work on IBA Global Insight, BLI, CLInt, IHP, IRI and JERL – all of which completed their production cycle this month.

Over the past month, the team has completed the December/January edition of *Global Insight*. The latest edition has been published on the Association's website, disseminated by email, and made available via the *Global Insight* App, as well as being promoted on social media channels.

In addition, a climate crisis special edition has also been curated, bringing together all the articles previously published on the subject into one 155-page volume that is available through the app.

The team also curated some of the IBA's best human rights-focused content and distributed it as a 'highlights email bundle' marking Human Rights Day on 10 December. Work has also continued creating a climate crisis special edition of *Global Insight* magazine, pulling together some of the best *Global Insight* coverage from the past ten years for publication via the *Global Insight* app.

### a. 2022 IBA ICC Moot Court Competition

The registration for next year's competition has now closed, and the initial tally of the universities and countries shows an increase compared to last year: **102 universities from 51 countries**. In addition, the organising committee is giving out **14 IBA scholarships** in the form of a fee waiver. It is exciting to see that the numbers have increased again, despite the competition being virtual for 2022.

### b. Joint IBA-Kings College Distance Learning Course

The proposed plan for 2022 for the joint IBA-Kings College Distance Learning Course is to launch a series of 5 academically credited modules. The subject areas would be determined in conjunction with the IBA focussing on the core commercial subjects such as Arbitration, M&A, Competition etc. IBA practitioners will again participate in teaching and developing

the modules. In 2023, we will launch a further group subject to the success of the 2022 launch. If everything goes well, the idea would be to launch 8 more modules to increase the total number of modules taught to 12.

If there are 12 modules, this will provide sufficient academic credits to achieve the level required for an LLM.

Kings has been experimenting with teaching modules on other courses over the past year and has decided it has to be delivered entirely in-person or fully online. What is happening with Covid will have an impact, and in-person is considered by far the better option. King's has experimented with hybrid course delivery and found them unsatisfactory, i.e., it is a poor learning experience.

### **c. IBA Global Insight**

The December/January edition of *Global Insight* (GI) has been published. The edition includes features on the next steps following COP26, marking ten years since the Arab Spring with a focus on the democratic backsliding in Tunisia, the historic agreement on a global minimum rate of corporation tax, accountability for atrocity crimes, and a conversation with the World Bank GC, Sandie Okoro. The edition also includes columns on the threat to the rule of law and the separation of powers due to lobbying and attacks on the judiciary, how to deal with the power and influence of Facebook/Meta, and China's worst excesses. News analysis coverage tackles employment law issues and the gig economy, legacy Brexit issues, the climate crisis, and specifically despoiling the Amazon as a potential case for the ICC.



## d. Global Insight News Round-Up

News analysis articles have been published regularly online, covering various issues.



International Bar Association  
the global voice of the legal profession

On 10 December each year the UN observes Human Rights Day, marking the adoption of the Universal Declaration of Human Rights in 1948. In 2021, human rights face a multitude of challenges -- among them the disregard of the rule of law in some countries, the climate crisis and technological innovations, such as digital surveillance. We've selected some of the best *Global Insight* coverage assessing these and related issues.



### Feature: Protecting Afghanistan's refugees

The fall of Afghanistan to Taliban forces in mid-August led to a mass exodus from the country as many citizens sought to escape the new regime. *Global Insight* examines how threats to, and gaps within, the international refugee protection regime may undermine the assistance owed to those who have fled.

[Read here...](#)



### Podcast: Protecting media freedoms

Attacks on journalists and the press are growing exponentially. *Global Insight* examines the challenges and why media freedoms are so fundamental to a transparent and progressive society. The podcast features members of the High Level Panel of Legal Experts on Media Freedom, to which the IBA's Human Rights Institute is Secretariat.

[Listen here...](#)



### Film: UN Special Rapporteur on poverty and human rights, Philip Alston

In his role as United Nations Special Rapporteur on extreme poverty and human rights, Philip Alston challenged governments around the world on their lack of political will to address poverty. In this filmed interview, he spoke to Michael Goldhaber about the injustice of wealth inequality in the US.

[Watch here...](#)

## e. ENews

**International Bar Association**  
the global voice of the legal profession

Committees Digital Content Events My IBA

**Conferences in December 2021 and early 2022: Dublin, London and Paris**  
The IBA's forthcoming in-person conferences include: **The New Era of Taxation**, 2-3 December, Dublin; the **11<sup>th</sup> Annual IBA Finance & Capital Markets Tax Conference**, 17-18 January 2022, London; and the **10<sup>th</sup> IBA European Corporate and Private M&A Conference**, Paris, 3-4 February 2022. Further conferences are planned for 2022 in locations including New York and Singapore. [See all conferences and IBA events.](#)

**Upcoming webinars: African free trade; corruption; creativity**  
The IBA's webinar programme continues with the final sessions of the African Regional Forum's series on the African Continental Free Trade Area agreement on **6 December** and **13 December**; **Corruption and the threat to the rule of law: how is democracy endangered?** on 14 December; and **Creativity in the pro bono sector: a response to international crises** on 15 December. [See all webinars.](#)

**Journals online: Dispute Resolution International**  
The latest edition of **Dispute Resolution International** is now available. Authored by Neva Cirkveni and Per Neuburger, '**Clash of the Titans: GDPR and International Arbitration – a Look at the Future**' serves as a commentary on the Task Force on Data Protection's recommended roadmap, drafted in response to pertinent issues regarding GDPR and international arbitration.

**Legal Practice Division: recent online articles**  
Latest content from the Legal Practice Division's Committees includes: **Premium conditions for significant foreign investments in Ukraine** from the Corporate and M&A Law Committee, **Civil forfeiture – an effective mechanism or just a waste of time?** from the Anti-Corruption Committee, and **Scientific research aboard the International Space Station: EU and French Law Perspective** from the Space Law Committee.

**Climate Change Essential Reading Guide on IMF eLibrary**  
Trends and policy on mitigation, emissions and energy, social impact, and more  
**FREE** research from the International Monetary Fund

Start your legal career in Canada with an LLM from Osgoode

## VII. Interns

Our IBA interns, who play such an indispensable role for us, have published their regular *Intern Newsletter*, which is attached. You will be impressed with their background and knowledge. Please take a look at the publication.

I hope each of you is well. I wish you each a very special holiday and hoping for a more prosperous new year. All the best, Mark



# Introduction to the Finance Management Pack

Contains:

Annual setting the scene

Year ending 31 December 2021 pre-audit

For Council – May 2022 – to receive and consider

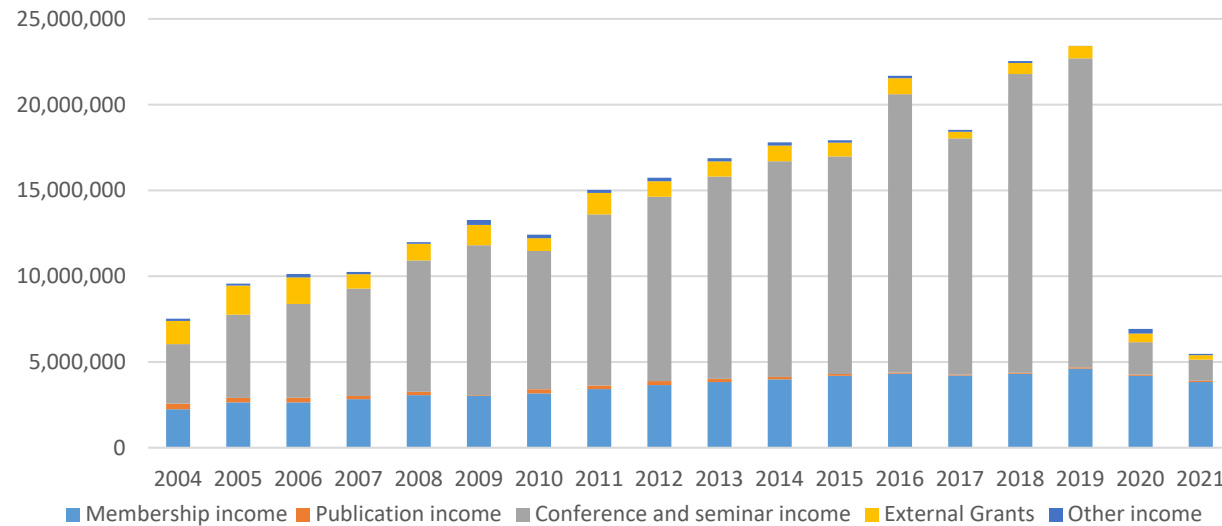
Prepared by Finance and presented to the February 2022 Management Board

The following information has been reviewed with the Executive Director, Deputy Executive Director, Treasurer and Assistant Treasurer.

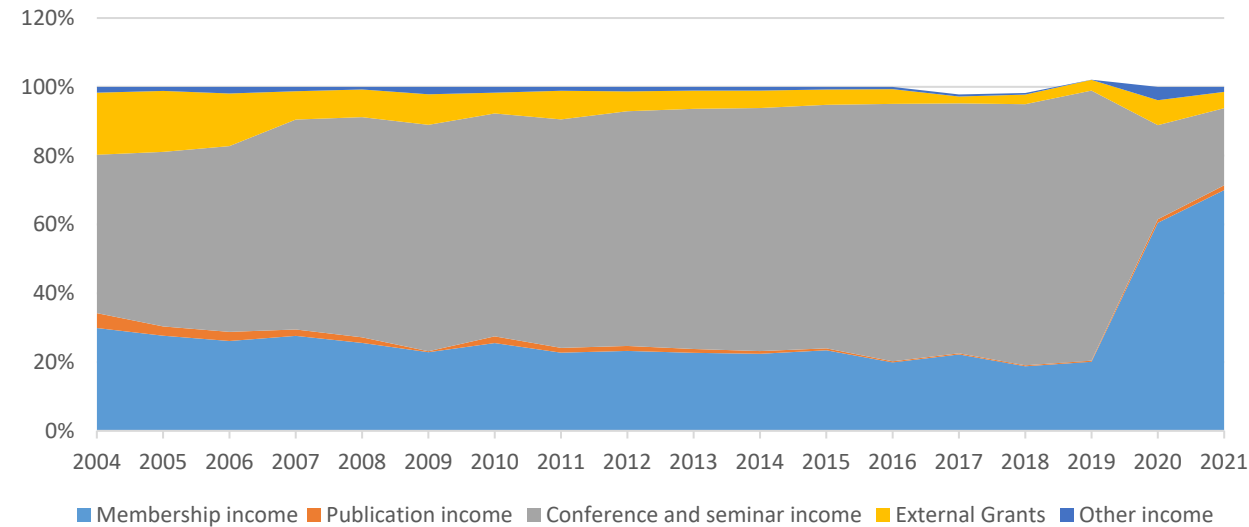
**\* All 2021 Figures are Pre-Audit 2021 Estimates and may be subject to change as Finance continue to review and prepare the IBA Annual Branch Accounts**

# Setting the scene - Financial review over 18 years

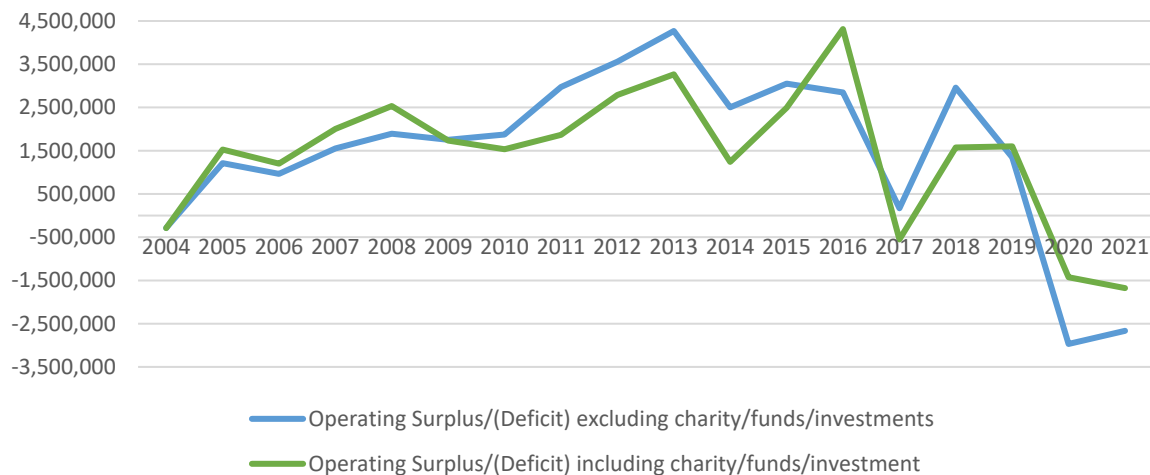
Income 2004 to 2021



Revenue mix 2004 to 2021



History of surplus/(deficits)



**Key messages:**

IBA revenues show successful growth over a 16-year period, averaging growth of 6% as a baseline, the main contributor being the expansion of specialist and annual conferences. 2019 was the highest income received on record. In 2020 and 2021, due to the nature of IBA revenue drivers, the pandemic caused a severe drop-in revenues. This has reinforced the need for holding substantial reserves, which will need to be sustained and rebuilt as the IBA moves forward. Mitigating revenue streams are being performed with online events, but this doesn't hold the same financial gain as face-to-face events.

Previously, an average surplus (excluding charity donations and funds) of 15% (or not less than £1m) was achieved. In 2020 and 2021 due a large fall in revenues, costs were reviewed and direct costs relating to revenues reduced through renegotiation of contracts. All London office and activity costs were cut where possible, whilst the IBA stabilized its structure.

Membership income, and the continued support and engagement of members is crucial to the business model objectives and strategy. The investment gain has once again attributed to reducing the overall deficit. IBA continues to support ESG initiatives eg reducing carbon footprint, working from home and a paperless office, alongside commencing a governance review as part of the strategic review.

The surpluses used to donate to HRI Trust and eyeWitness were not available for 2020 or 2021 donations. Although, a new policy passed at the May 21 Board allowed historic monies on account to be donated to the IBAHRI Trust and eyeWitness (totaling £146k).

The history of surpluses has put the IBA, and its members, in a good position to see the pandemic through with a cautious strategy.

# Key messages from the Treasurer

- Overview of Pre-audit draft Finances including full year 2021 Report
- **P&L revenue £5.7m, cost £8.3m, operating deficit £2.6m, overall deficit (after investments/AWI) £1.7m**
  - Efforts undertaken have resulted in a reduced deficit and impact on the reserves. The IBA remains in a **crisis situation**, but the horizon is being cautiously viewed. Quarter 4 was successful with a launch back into in-person events, this gave the IBA a much needed £420k boost to the surplus and cash.
  - The budget deficit of £7.8m has been mitigated down to £1.7m due to the additional membership income of £1.2m, reduced direct costs of £1.3m primarily as no deposits were lost, London office and activity costs not being spent £1.5m, and an investment swing against budget totaling £1.9m. The strategy of careful spending, a focus on group membership engagement, and careful management of the investment portfolio in an active market have attributed to this success.
  - **Balance sheet £29.4m. Cash at bank £13.8m.**
  - The balance sheet now includes the full e-commerce asset at £1.5m as the system went live in May 2021. This amount will be amortised over 5 years. All conference deposits are being utilised or have been moved for a third time. It is important to note that hotels are becoming stricter with the transfer of deposits, and this is a consideration of management (among other risk criteria) when deciding to move forward with a specialist conference.
  - Off balance sheet commitments **£3.6m in non cancellable liabilities, reduced to £2.3m** at the end of 2021.
  - **Operating fund £15.1m against a historic monitoring level set at £13.0m to cover 12 months operational expenses.** IBA is currently above the monitoring level by £2.1m. This variance is £0.8m in cash and £1.3m in investments. Cash will increase with membership in early 2022.
- Investment portfolio – values and future strategy
  - **£14.0m, with a £1.2m gain** from year end (Dec 2020 £12.8m). Equities averaging 64.8% of the total portfolio, fixed income 31.5% and 3.7% cash. Investments can increase and decrease depending on market conditions.
- Money on Account balance of £343k
  - A donation was made to IBA HRI Trust and eyeWitness in Dec 2021 of £146k
- All tax returns were filed in a timely manner. The year end audit has commenced and the Annual Accounts are being prepared.



# Executive Summary – Treasurer's overview – Draft figures to 31 Dec 2021

## Membership Renewals Timing End of 2021 Vs 2020

- Individual members, 6,966 out of 8,800 renewed by Dec 2021 and 969 new members have joined
- Group Member renewals by Dec 2021 were 212 out of 226 group members and 6 new firms have joined.
- 128 Bars of a total of 153 have paid their dues and 3 new firms have joined.
- Corporate Members, 32 out of 37 have so far renewed with 3 new corporate member
- **Membership cash receipts of £3.83m for the full year are above budget by £1.2m**

Members

P&L  
Outcomes

- **Operating Deficit excl. Investments -£2.6m v -£6.7m full year budget ( compared to Dec 2020 deficit of -£3.0).**
- Overall Deficit is -£1.7m which represents 22% of full year budget Deficit of -£7.8m (v a deficit of -£1.3m in Dec 2020)
- Gross income £5.7m which is 128% of full year budget at £4.5m (v £7.1m in Dec 2020)
- Operating expenses £8.3m represents 75% of full year budget at £11.2m ( v £10.1m in Dec 2020)
- Investment gain £1.3m compared to prudent full year budget loss of -£623k (v £1.5m gain in Dec 2020)

- Revenue from Webinars is £410k (of which £195k is from sponsorship) v £150k full year budget.
- £818k revenue from Specialist conferences which went ahead virtually in first half of year and in-person in Q4 (compared to the specialist conferences £945k in 2020 which were virtual).
- Webinars' staff cost £190k v £100k full year budget
- Balance sheet assets - Deposits held for future specialist conferences is at £856k. These costs will be moved to the P&L as an expense once these events go ahead, of which £790k is planned for the first half of 2022, £58k is for the rest of 2022 and £8k for 2023. (And £949k for future annual conferences, of which £431k is for Miami, £270k for Paris and £248k for Mexico)

Year-To-Date  
Specialist  
conference  
& webinars

Balance  
sheet

- **Balance sheet £29.4m (v £31.1m Dec 2020)**
- Cash £13.8m (v £17.04m Dec 2020), the decrease is due to refunds to delegates as conferences have been cancelled or postponed as well as paying operational expenses.
- Investments £14.0m (v £12.8m Dec 2020),.
- Liabilities £2.8m (v £3.2m Dec 2020) The decrease in liability is due to exercise of clearing of members money-on-account in 2021 and paying of suppliers.

# IBA Summary of draft results to 31 Dec 2021 Results v Full Year Budget

I B A	Dec 2021 ACTUALS				Full Year Budget 2021		DEC 2020 ACTUALS
	LPD	PPID	HRI	TOTAL	TOTAL	%	TOTAL
	£	£	£	£	£		£
<b>TOTAL REVENUE</b>	<b>3,929,692</b>	<b>903,449</b>	<b>862,480</b>	<b>5,695,620</b>	<b>4,452,413</b>	<b>128%</b>	<b>7,113,050</b>
<b>TOTAL DIRECT COSTS</b>	<b>803,596</b>	<b>144,776</b>	<b>399,233</b>	<b>1,347,606</b>	<b>2,624,344</b>	<b>51%</b>	<b>2,536,688</b>
<b>TOTAL LONDON OFFICE COSTS</b>	<b>4,081,116</b>	<b>1,006,623</b>	<b>470,111</b>	<b>5,557,850</b>	<b>6,193,581</b>	<b>90%</b>	<b>5,558,522</b>
<b>TOTAL ACTIVITIES</b>	<b>1,129,884</b>	<b>234,144</b>	<b>69,461</b>	<b>1,433,489</b>	<b>2,349,656</b>	<b>61%</b>	<b>1,989,374</b>
<b>TOTAL COSTS</b>	<b>6,014,597</b>	<b>1,385,543</b>	<b>938,805</b>	<b>8,338,944</b>	<b>11,167,581</b>	<b>75%</b>	<b>10,084,583</b>
<b>OPERATING SURPLUS/(DEFICIT) BEFORE AWI EXCLUDING INT/INVESTMENTS</b>	<b>(2,084,905)</b>	<b>(482,094)</b>	<b>(76,325)</b>	<b>(2,643,324)</b>	<b>(6,715,168)</b>	<b>39%</b>	<b>(2,971,533)</b>
Gain/(loss) on exchange	(166,944)	(26,814)	0	(193,758)	0	0%	137,379
Bank and investment income/(loss)	956,604	239,151	76,325	1,272,079	(622,800)	-204%	1,484,752
Profit/(Loss) on disposal FA	(19,133)	(4,629)	0	(23,762)	0	0%	0
Corporation Tax	0	0	0	0	0	0%	0
<b>OPERATING SURPLUS/(DEFICIT) BEFORE AWI INCLUDING INT/INVESTMENTS</b>	<b>(1,314,379)</b>	<b>(274,386)</b>	<b>(0)</b>	<b>(1,588,765)</b>	<b>(7,337,968)</b>	<b>22%</b>	<b>(1,349,401)</b>
Charitable /Donation - Legal Aid Defense	117,474	29,368	0	146,842	100,000	147%	90,000
<b>ASSOCIATION WIDE INVESTMENT (AWI)</b>							
<b>ACTIVITY FUNDS</b>							
Special Projects/Eligible Fund	(47,140)	(11,785)	0	(58,924)	125,000	-47%	46,155
LPD Conference Quality Fund	344	0	0	344	100,000	0%	(24,400)
PPID (SPP/BIC/HRI Activity Fund)	0	29,546	0	29,546	100,000	30%	(22,100)
Rapid Response Fund	0	0	0	0	0	0%	0
\$1m Project -2019 cost	0	0	0	0	0	0%	0
SEERIL Scholarship Fund	(4,183)	0	0	(4,183)	18,000	-23%	23,375
SPPI Projects Fund	0	3,000	0	3,000	15,000	20%	(10,806)
Post Bar Development Fund	0	0	0	0	0	0%	0
<b>TOTAL AWI</b>	<b>(50,979)</b>	<b>20,762</b>	<b>0</b>	<b>(30,218)</b>	<b>358,000</b>	<b>-8%</b>	<b>12,223</b>
<b>SURPLUS/(DEFICIT) after Fund Allocations</b>	<b>(1,380,874)</b>	<b>(324,516)</b>	<b>(0)</b>	<b>(1,705,390)</b>	<b>(7,795,968)</b>	<b>22%</b>	<b>(1,451,624)</b>

# Draft Balance sheet Dec 2021

## Summary

	Dec-21 £	Dec-20 £
<b>Fixed Assets</b>		
Tangible assets	48,484	151,725
Intangible assets	1,372,479	853,750
Investments	14,041,138	12,769,058
	<hr/>	<hr/>
<b>Current assets</b>		
Debtors	2,958,398	3,481,284
Cash at bank and in hand	13,787,493	17,044,304
	<hr/>	<hr/>
	16,745,891	20,525,588
	<hr/>	<hr/>
<b>Current liabilities</b>		
Creditors and accrued expenses	(2,081,131)	(2,860,342)
Conference seminar income in advance	(574,573)	(304,721)
Subscription income in advance	(159,637)	(65,949)
	<hr/>	<hr/>
	(2,815,341)	(3,231,012)
	<hr/>	<hr/>
<b>Net current assets</b>	13,930,550	17,294,576
	<hr/>	<hr/>
<b>Net assets</b>	29,392,651	31,069,109
	<hr/>	<hr/>
<b>Capital and reserves</b>		
Accumulated reserves	28,542,831	30,248,221
Special Project fund	500,000	500,000
Human Rights reserve fund	349,820	320,888
	<hr/>	<hr/>
Capital and reserves	29,392,651	31,069,109
	<hr/>	<hr/>

- **The Balance sheet is at £29.4m as at 31<sup>st</sup> of Dec 2021 (versus £31.1m in Dec 2020).**
- Tangible assets have reduced with the move from St Brides.
- There is £1.4m worth of intangible asset, E-Commerce system. The new E-Commerce platform launched in May 2021. The total cost of the project is £1.6m (excluding VAT) The asset will be amortised for 5 years from June 2021, and the auditors have been made aware of this IBA policy during the Audit of year end.
- Investments, now valued at £14.0m v £12.8m at year end. The change is due to a gain in valuation of £1.2m .
- Debtors of £3.0m monies include £1.8m for conference costs/deposits paid in advance (Current asset).
- Cash of £13.8m is currently held in 4 banking institutions, NatWest UK, NatWest Jersey, Lloyds and Barclays Jersey. This is reviewed and monitored to reduce concentration risk and ensure the Natwest UK operational account has a sustainable amount of funds. Cash flow is being monitored to ensure payments are made at the contractual point and not earlier. Cash flow meetings are held monthly with the Executive Director and Deputy Executive Director. All payments are going through the Finance Director and Operational Director.
- Creditors includes £470k for Grant payments in advance (Current Liability) of which £373k is restricted. It also includes £343k of Money on Account.
- Conference/seminar income in advance at £574k has increased compared to Dec 2020 as in-person events for 2022 have been launched in 2021.
- Subscription/membership income at £160k is held on the balance sheet and will be released throughout 2022 as the membership service is provided.
- The HRI reserve fund has increased due to a proportion of the investment gain.

**INTERNATIONAL BAR ASSOCIATION**  
**REPORT AND FINANCIAL STATEMENTS**

**For the year ended**

**31 DECEMBER 2021**

# INTERNATIONAL BAR ASSOCIATION

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# INTERNATIONAL BAR ASSOCIATION

## REPORT OF THE DIRECTORS

The Directors present the audited financial statements for the year ended 31 December 2021. The International Bar Association (Association) is incorporated in the State of New York as a Not for Profit organization under section 501(c)6.

The principal aims and objectives of the Association are to encourage the discussion of problems relating to legal and professional organisations and status, to promote the exchange of information between legal associations worldwide, to support the independence of the judiciary and the right of lawyers to practise their profession without interference, to keep abreast of developments in the law and help with improving and making new laws.

### Statements of responsibilities

The Directors are required to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the Association and of the surplus or deficit for that period in accordance with United Kingdom Accounting Standards, including FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" (United Kingdom Generally Accepted Accounting Practice and applicable law). In preparing those financial statements, the Management Board is required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in business.

The Directors are responsible for maintaining proper accounting records which disclose with reasonable accuracy at any time the financial position of the Association. The Directors have general responsibility for taking such steps as are reasonably open to it to safeguard the assets of the Association and to prevent and detect fraud and other irregularities.

By order of the Directors



Sternford Moyo  
President  
Date: 31 March, 2022

## **INTERNATIONAL BAR ASSOCIATION**

### **NON-STATUTORY INDEPENDENT AUDITOR'S REPORT TO THE DIRECTORS OF INTERNATIONAL BAR ASSOCIATION**

#### **Opinion**

We have audited the financial statements of International Bar Association (the 'Association') for the year ended 31 December 2021 which comprise Income and Expenditure Account, the Balance Sheet, the Statement of Changes in Reserves, the Cash Flow Statement and notes to the financial statements, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" (United Kingdom Generally Accepted Accounting Practice).

In our opinion, the financial statements:

- give a true and fair view of the state of the Association's affairs as at 31 December 2021 and of its deficit for the year then ended;
- have been properly prepared in accordance with United Kingdom Accounting Standards.

#### **Basis for opinion**

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK)) and applicable law. Our responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of our non-statutory report. We are independent of the Association in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK, including the FRC's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### **Conclusions relating to going concern**

In auditing the financial statements, we have concluded that the directors' use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Association's ability to continue as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

Our responsibilities and the responsibilities of the directors with respect to going concern are described in the relevant sections of this report.

#### **Other information**

The other information comprises the information included in the annual report, other than the financial statements and our non-statutory auditor's report thereon. The directors are responsible for the other information contained within the annual report. Our non-statutory opinion on the financial statements does not cover the other information and, we do not express any form of assurance conclusion thereon.

Our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## **INTERNATIONAL BAR ASSOCIATION**

### **NON-STATUTORY INDEPENDENT AUDITOR'S REPORT TO THE DIRECTORS OF INTERNATIONAL BAR ASSOCIATION**

#### **Responsibilities of the Management Board**

As explained more fully in the directors' responsibilities statement set out on page 1, the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the directors determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the directors are responsible for assessing the Association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

#### **Auditor's responsibilities for the audit of the financial statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

#### **The extent to which the audit was considered capable of detecting irregularities, including fraud**

Irregularities are instances of non-compliance with laws and regulations. The objectives of our audit are to obtain sufficient appropriate audit evidence regarding compliance with laws and regulations that have a direct effect on the determination of material amounts and disclosures in the financial statements, to perform audit procedures to help identify instances of non-compliance with other laws and regulations that may have a material effect on the financial statements, and to respond appropriately to identified or suspected non-compliance with laws and regulations identified during the audit.

In relation to fraud, the objectives of our audit are to identify and assess the risk of material misstatement of the financial statements due to fraud, to obtain sufficient appropriate audit evidence regarding the assessed risks of material misstatement due to fraud through designing and implementing appropriate responses and to respond appropriately to fraud or suspected fraud identified during the audit.

However, it is the primary responsibility of management, with the oversight of those charged with governance, to ensure that the entity's operations are conducted in accordance with the provisions of laws and regulations and for the prevention and detection of fraud.

In identifying and assessing risks of material misstatement in respect of irregularities, including fraud, the audit engagement team:

- obtained an understanding of the nature of the industry and sector, including the legal and regulatory framework that the Association operates in and how the Association is complying with the legal and regulatory framework;
- inquired of management, and those charged with governance, about their own identification and assessment of the risks of irregularities, including any known actual, suspected or alleged instances of fraud;
- discussed matters about non-compliance with laws and regulations and how fraud might occur including assessment of how and where the financial statements may be susceptible to fraud.

As a result of these procedures we consider the most significant laws and regulations that have a direct impact on the financial statements are FRS 102. We performed audit procedures to detect non-compliances which may have a material impact on the financial statements which included reviewing financial statement disclosures.

The most significant laws and regulations that have an indirect impact on the financial statements are those in relation to General Data Protection Regulation (GDPR). We performed audit procedures to inquire of management and those charged with governance whether the Association is in compliance with these law and regulations and read board minutes.



## **INTERNATIONAL BAR ASSOCIATION**

### **NON-STATUTORY INDEPENDENT AUDITOR'S REPORT TO THE DIRECTORS OF INTERNATIONAL BAR ASSOCIATION**

The audit engagement team identified the risk of management override of controls as the area where the financial statements were most susceptible to material misstatement due to fraud. Audit procedures performed included but were not limited to testing manual journal entries and other adjustments and evaluating the business rationale in relation to significant, unusual transactions and transactions entered into outside the normal course of business and challenging judgments and estimates.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: <http://www.frc.org.uk/auditorsresponsibilities>. This description forms part of our auditor's report.

#### **Use of our report**

This non-statutory report is made solely to the Directors, for their confidential use, in accordance with our engagement letter dated 15 October 2019. Our non-statutory audit work has been undertaken so that we might state to the Association's directors those matters we are engaged to state to them in a non-statutory auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Association and the Association's directors, for our non-statutory audit work, for this non-statutory report, or for the opinions we have formed.

*RSM UK Audit LLP*

RSM UK Audit LLP  
Chartered Accountants  
St Philips Point  
Temple Row  
Birmingham  
B2 5AF

4 April 2022

## INTERNATIONAL BAR ASSOCIATION

### INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 DECEMBER 2021

	Notes	2021 £	2020 £
<b>Income</b>			
Total income from all activities	2	5,859,545	7,286,565
Cost of Sales		<u>(897,155)</u>	<u>(1,580,646)</u>
<b>Gross Surplus</b>		4,962,390	5,705,919
<b>Expenditure</b>			
Administrative expenditure		<u>(7,610,677)</u>	<u>(8,627,852)</u>
<b>Operating (Deficit)</b>	3	(2,648,287)	(2,921,933)
Bank interest		352	24,048
Revaluation of investments		<u>1,260,296</u>	<u>1,484,752</u>
<b>(Deficit) for the year on ordinary activities before taxation</b>		<u>(1,387,639)</u>	<u>(1,413,133)</u>
Taxation	6	<u>-</u>	<u>-</u>
<b>(Deficit) for the year after taxation</b>		<u><u>(1,387,639)</u></u>	<u><u>(1,413,133)</u></u>

The notes on pages 9 to 18 form part of these financial statements.

## INTERNATIONAL BAR ASSOCIATION

### BALANCE SHEET AS AT 31 DECEMBER 2021

	Notes	2021 £	2020 £
<b>Fixed assets</b>			
Tangible assets	7	48,484	151,726
Intangible assets	8	1,372,479	853,750
Investments	9	14,029,355	12,769,059
		<u>15,450,318</u>	<u>13,774,535</u>
<b>Current assets</b>			
Debtors	10	3,052,789	3,432,633
Cash at bank and in hand		13,770,164	17,044,304
		<u>16,822,953</u>	<u>20,476,937</u>
<b>Current liabilities</b>			
Creditors: amounts failing due within one year	11	(2,579,965)	(3,170,527)
<b>Net current assets</b>		<u>14,242,988</u>	<u>17,306,410</u>
<b>Net assets</b>		<u>29,693,306</u>	<u>31,080,945</u>
<b>Capital and reserves</b>			
Accumulated reserves		28,470,733	30,062,495
Special Projects fund		500,000	500,000
Human Rights reserve fund	13	722,573	518,450
		<u>29,693,306</u>	<u>31,080,945</u>

These financial statements were approved by the Directors on 31 March 2022 and were signed on its behalf by:



Sternford Moyo  
President



Daniel Del Río  
Treasurer

The notes on pages 9 to 18 form part of these financial statements.

## INTERNATIONAL BAR ASSOCIATION

### STATEMENT OF CHANGES IN RESERVES FOR THE YEAR ENDED 31 DECEMBER 2021

	<b>Accumulated reserves</b>	<b>Special projects fund</b>	<b>Human Rights Reserve fund</b>	<b>Total</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
At 1 January 2020	31,699,847	500,000	294,231	32,494,078
Deficit for the year after taxation	(1,413,133)	-	-	(1,413,133)
Transfer between reserves	(224,219)	-	224,219	-
At 31 December 2020	<u>30,062,495</u>	<u>500,000</u>	<u>518,450</u>	<u>31,080,945</u>
Deficit for the year after taxation	(1,387,639)	-	-	(1,387,639)
Transfer between reserves	(204,123)	-	204,123	-
At 31 December 2021	<u>28,470,733</u>	<u>500,000</u>	<u>722,573</u>	<u>29,693,306</u>

The notes on pages 9 to 18 form part of these financial statements.

## INTERNATIONAL BAR ASSOCIATION

### CASH FLOW STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2021

	Notes	2021 £	2020 £
<b>Net cash (outflow) from operating activities</b>	14	(2,670,326)	(4,788,793)
<b>Taxation</b>		-	-
<b>Cash flows from investing activities</b>			
Interest received		352	24,048
Proceeds from the disposal of investments		-	5,000,000
Payments to acquire tangible assets		(6,137)	(51,902)
Payments to acquire intangible assets		(462,000)	(470,000)
<b>(Decrease) in cash and cash equivalents</b>		<u>(3,138,111)</u>	<u>(286,647)</u>
Cash and cash equivalents at beginning of year		17,044,304	17,179,004
Effect of foreign exchange rate changes		(136,029)	151,947
<b>Cash and cash equivalents at end of year</b>		<u>13,770,164</u>	<u>17,044,304</u>

#### Statement of bank and cash balances

	2021 £	2020 £
Current and call accounts	13,722,082	17,036,335
Deposit accounts	48,082	7,969
<b>Total cash at bank and in hand</b>	<u>13,770,164</u>	<u>17,044,304</u>

#### Analysis of change in net funds

	Brought forward £	Net Cash flows £	Exchange rate movements £	Carried forward £
Cash at bank and in hand	17,044,304	(3,410,169)	136,029	13,770,164

The notes on pages 9 to 18 form part of these financial statements.

# INTERNATIONAL BAR ASSOCIATION

## NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

### 1. Accounting policies

The International Bar Association is a private organisation registered and incorporated in New York, United States of America. The address of the registered office is International Bar Association c/o Capitol Services, Inc., 1218 Central Avenue, Suite 100, Albany, New York 12205. The principal place of business is 4<sup>th</sup> Floor, 5 Chancery Lane, London, WC2A 1LG. The principal activities are to promote and facilitate an interchange of information and views among members with respect to laws, practices and professional responsibilities, by way of organised conferences and seminars, training programs and producing wide varieties of publications and on-line content, covering many areas of legal practice.

The following accounting policies have been applied consistently in the current and prior year in dealing with items which are considered material in relation to the International Bar Association's financial statements.

#### **Basis of preparation**

The financial statements have been prepared under the historical cost convention, modified to include certain items at fair value, and in accordance with Financial Reporting Standard 102 (FRS 102) issued by the Financial Reporting Council and section 396 of the Overseas Companies Regulations 2009. These financial statements were audited in accordance with ISAs (UK).

The Association meets the definition of a public benefit entity under FRS 102.

#### **Going concern**

The Directors, having made appropriate enquiries, and reviews of business plans and forecasts consider that adequate resources exist to continue in operational existence for the foreseeable future and that, therefore, it is appropriate to adopt the going concern basis in preparing the financial statements for the year ended 31 December 2021.

The Directors have considered the effects of COVID-19 on the business activities of the Association. Based on plausible worst-case forecast, and considering available cash and investment reserves, the Directors are confident that the strong reserve position will support the Association during the foreseeable future. During these unprecedented times the Directors will continue to monitor the situation and will take appropriate steps to ensure the Association can remain a going concern.

#### **Subscription income**

Subscription income is recognised on an accruals basis.

Subscriptions received relating to future years are treated as deferred income.

#### **Conference and seminar income and expenditure**

Conference and seminar income and expenditure are in respect of conferences and seminars held during the year. Amounts received and costs incurred in advance of conferences and seminars are treated as deferred income and expenditure.

#### **Publication and other income**

Income from publications or other sources, including administrative charges, interest and other sundry income, is recognized on an accruals basis and represents income on services provided in the current year. Any receipts relating to future years are treated as deferred income.

#### **Grant income**

Grant income is recognized when the resources are received or receivable where there are no specified future performance-related conditions. Where there are future performance-related conditions, income is recognised only when the performance-related conditions are met.

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 1. Accounting policies (continued)

##### Government grants

Government grants are recognised based on the accrual model and are measured at the fair value of the asset received or receivable. All grants received relate to revenue and are recognised in income over the period in which the related costs are recognised.

As at 31 December 2021 there were no unfulfilled conditions or contingencies attached to the grants that have been recognised in income.

##### Tangible fixed assets

Tangible fixed assets are initially measured at cost and subsequently measured at cost less accumulated depreciation and any impairment losses.

Depreciation is on a straight-line basis over their estimated useful economic lives as follows:

Fixtures and fittings	-	10 years
Leasehold improvements	-	remaining life of lease
Computers and other equipment	-	3 years

##### Intangible fixed assets

Intangible fixed assets are initially measured at cost and subsequently measured at cost less accumulated amortisation and any impairment losses. Intangibles in the course of development are carried at cost less any identified impairment loss. Amortisation commences when the assets are ready for their intended use.

Amortisation is on a straight line basis over 5 years.

##### Foreign currencies

The functional currency of the Association is considered to be pounds sterling because that is the currency of the primary economic environment in which the Association operates.

Transactions in currencies other than the functional currency are recorded using the rates of exchange ruling at the dates of the transactions. Monetary assets and liabilities denominated in currencies other than the functional currency are translated using the rates of exchange ruling at the balance sheet date, and the gains or losses on translation are included in the income and expenditure account.

##### Leased assets

Expenditure on operating leases is charged to the income and expenditure account on a straight-line basis over the life of the lease.

##### Pension scheme

The Association operates a defined contribution pension scheme. The assets of the scheme are held separately from those of the Association in an independently administered fund. The pension charge represents the contributions payable by the Association to the fund and amounted to £381,629 (2020: £439,057).

##### Taxation

The Association is incorporated in the state of New York, USA. As a not-for-profit organisation there is no charge to taxation in the USA. Within the United Kingdom, the office which continues to carry on the administrative functions principally carries on mutual trading. However, to the extent that it has identified that sponsorship income has exceeded cost for a number of events, giving rise to a non-mutual trading surplus, a tax provision has been provided.

##### Designated reserves

###### *Special Projects Fund*

The Special Projects Fund, previously named Eligible Fund, was established with the objective of giving value back to members and to build the international presence of the Association through projects agreed from time to time by the Management Board.

# INTERNATIONAL BAR ASSOCIATION

## NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

### 1. Accounting policies (continued)

#### Designated reserves (cont.)

This reserve is set and capped at £500,000, any shortfall in the reserve being made good by an annual transfer not exceeding 20% of the operating surplus for the year. Exceptionally the Management Board can vote for further transfers to the Fund.

#### *Human Rights reserve fund*

The International Bar Association's Human Rights Institute (HRI) works to promote, protect and enforce human rights under a just rule of law. This reserve represents the trading surplus held from time to time by this division of HRI.

#### Liquid resources

Liquid resources are readily disposable assets. They include money market deposits of varying terms broadly between overnight and six months that, although immediately accessible, can only be withdrawn without penalty on maturity.

#### Financial instruments

Financial assets and financial liabilities are recognised when the Association becomes a party to the contractual provisions of the instrument.

All financial assets and liabilities are initially measured at transaction price (including transaction costs), except for those financial assets classified as at fair value through profit or loss, which are initially measured at fair value (which is normally the transaction price excluding transaction costs), unless the arrangement constitutes a financing transaction. If an arrangement constitutes a financing transaction, the financial asset or financial liability is measured at the present value of the future payments discounted at a market rate of interest for a similar debt instrument.

Financial assets and liabilities are only offset in the balance sheet when, and only when there exists a legally enforceable right to set off the recognised amounts and the Association intends either to settle on a net basis, or to realise the asset and settle the liability simultaneously.

Financial assets are derecognised when and only when a) the contractual rights to the cash flows from the financial asset expire or are settled, b) the Association transfers to another party substantially all of the risks and rewards of ownership of the financial asset, or c) the Association, despite having retained some, but not all, significant risks and rewards of ownership, has transferred control of the asset to another party.

Financial liabilities are derecognised only when the obligation specified in the contract is discharged, cancelled or expires.

#### *Investments*

Investments are measured at fair value through profit or loss.

Fair value of investments is evidenced by the quoted price for identical assets held in an active market.

#### Critical accounting judgements and key sources of estimation uncertainty

In the application of the Association's accounting policies, which are described above, the Directors are required to make judgements, estimates and assumptions about the carrying amounts of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the year in which the estimate is revised if the revision affects only that year, or in the year of the revision and future years if the revision affects both current and future years.

The Directors do not consider there to be any key assumptions concerning the future, and other key sources of estimation uncertainty at the balance sheet date, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.



## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 2. Income

	2021	2020
	£	£
Subscription income	3,834,125	4,194,408
Publication income	75,959	68,955
Conference and seminar income	1,229,239	1,894,900
Grants		
- Government grants	393,218	481,160
- Other grants	259,336	397,509
Other income	67,668	249,633
	<u>5,859,545</u>	<u>7,286,565</u>

#### 3. Operating deficit

This is stated after charging/(crediting):

	2021	2020
	£	£
Depreciation of owned tangible assets	83,936	165,500
Amortisation of intangible assets	181,271	-
Operating lease rentals	203,727	448,052
(Loss)/Gain on foreign exchange	(168,301)	137,379

#### 4. Auditor's remuneration

	2021	2020
	£	£
The analysis of auditor's remuneration is as follows:		
Amount payable to the auditor in respect of audit services	31,000	30,000
Fees payable to the auditor for other services:		
Tax services	34,720	38,620
Other	3,575	475
	<u>38,295</u>	<u>39,095</u>

#### 5. Donations made/scholarships

	2021	2020
	£	£
<b>Charities</b>		
IBA Human Rights Institute Trust	79,563	-
eyeWitness	73,510	-
Legal Aid Fund	(6,231)	90,000
	<u>146,842</u>	<u>90,000</u>

Of the £90,00 legal Aid Fund, only £83,770 was utilized in 2021.  
The balance of the fund (£6,231) was returned to the Association.

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 6. Taxation

##### a. Current tax

	2021 £	2020 £
UK corporation tax on non-mutual activities	-	-
Total current tax credit	-	-

##### b. Factors affecting tax charge for the year

The tax assessed for the year is higher (2020: higher) than the standard rate of corporation tax in the UK of 19% (2020: 19%). The differences are explained below:

	2021 £	2020 £
Deficit for the year on ordinary activities before taxation	(1,387,639)	(1,413,133)
Add surplus relating to mutual activities	1,063,840	1,063,995
Deficit taxable for the year	(323,799)	(349,138)
Deficit for the year multiplied by standard rate of corporation tax in the UK.	61,522	66,336
Non recognised deferred tax asset	(61,522)	(66,336)
Tax credit for the year	-	-

The Association is incorporated in the state of New York, USA. As a not-for-profit organisation there is no charge for taxation in the USA.

Within the United Kingdom, the office which continues to carry on the administrative functions principally carries on mutual trading. However, to the extent that it has identified that sponsorship income has exceeded cost for a number of events, giving rise to a non-mutual trading surplus, a tax provision has been provided as above.

No deferred tax asset has been recognized on unused tax losses as no taxable surplus is expected against which the losses could be relieved.

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 7. Tangible fixed assets

	Leasehold additions £	Fixtures and fittings £	Computers and equipment £	Total £
<b>Cost</b>				
At 1 January 2021	673,245	183,017	769,428	1,625,690
Additions	-	-	6,137	6,137
Disposals	-	(51,042)	(5,222)	(56,264)
	<u>673,245</u>	<u>131,975</u>	<u>770,343</u>	<u>1,575,563</u>
At 31 December 2021	673,245	131,975	770,343	1,575,563
<b>Depreciation</b>				
At 1 January 2021	633,929	146,706	693,329	1,473,964
Charge for year	39,316	6,204	38,416	83,936
Disposals	-	(29,043)	(1,778)	(30,821)
	<u>673,245</u>	<u>123,867</u>	<u>729,967</u>	<u>1,527,079</u>
At 31 December 2021	673,245	123,867	729,967	1,527,079
<b>Net book value</b>				
At 31 December 2020	<u>39,316</u>	<u>36,312</u>	<u>76,098</u>	<u>151,726</u>
At 31 December 2021	<u>-</u>	<u>8,108</u>	<u>40,376</u>	<u>48,484</u>

#### 8. Intangible assets

	Intangibles £	Total £
<b>Cost</b>		
At 1 January 2021	853,750	853,750
Additions	700,000	700,000
	<u>1,553,750</u>	<u>1,553,750</u>
At 31 December 2021	1,553,750	1,553,750
<b>Amortisation</b>		
At 1 January 2021	-	-
Charge for year	181,271	181,271
	<u>181,271</u>	<u>181,271</u>
At 31 December 2021	181,271	181,271
<b>Net book value</b>		
At 31 December 2020	<u>853,750</u>	<u>853,750</u>
At 31 December 2021	<u>1,372,479</u>	<u>1,372,479</u>

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 9. Investments

The sums invested and movements in fair value of investments for the year ended 31 December 2021 are detailed below:

	<b>Listed Investments £</b>	<b>Total £</b>
At 1 January 2020	16,284,306	16,284,306
Additions	2,441,423	2,441,423
Disposals	(6,931,077)	(6,931,077)
Exchange rate movement	(510,345)	(510,345)
Movement in the fair value of listed investments	<u>1,484,752</u>	<u>1,484,752</u>
At 31 December 2020	12,769,059	12,769,059
Additions	2,046,265	2,046,265
Disposals	(1,635,746)	(1,635,746)
Movement in cash	(243,776)	(243,776)
Exchange rate movement	(166,743)	(166,743)
Movement in the fair value of listed investments	<u>1,260,296</u>	<u>1,260,296</u>
At 31 December 2021	<u>14,029,355</u>	<u>14,029,355</u>

The fair value of listed investments was determined with reference to the quoted market price at the reporting date.

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 10. Debtors

	2021	2020
	£	£
Trade receivables	122,415	41,353
Conference and seminar prepayments	1,798,989	2,420,367
Other prepayments	115,626	423,281
Other debtors	1,015,759	547,632
	<u>3,052,789</u>	<u>3,432,633</u>

At the year-end, the International Bar Association HRI Trust owed the Association £223,344 (2020: £35,875). EyeWitness owed the Association £259,904 (2020: £83,158). These balances are included within other debtors and are due to be repaid in 2022.

#### 11. Creditors and accrued expenses

	2021	2020
	£	£
Trade payables	11,675	480,535
Deferred Membership revenue	159,929	65,949
Other creditors	640,450	984,754
Accruals and deferred income	1,767,911	1,639,289
	<u>2,579,965</u>	<u>3,170,527</u>

#### 12. Financial commitments, guarantees and contingent liabilities

The Association's activities include the hosting of seminars and conferences in territories around the world, operating under local tax arrangements, which included a consideration of the VAT registration criteria in each territory and account for VAT on the activities undertaken, where appropriate.

The directors are currently reviewing the position in respect of events due to be and previously held and while there is uncertainty as to whether this will result in any historical liabilities crystallising the directors acknowledge that the local legislation in each territory is open to interpretation and that the Association's position could be subject to challenge by local tax authorities.

Uncertainty exists over the tax position taken at the reporting date as it is possible that additional liabilities, which are not provided in these accounts, could become payable when this uncertainty is resolved. It is not possible to quantify at this point the value of any additional liabilities which could become payable at the conclusion of the director's review.

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 13. Human Rights reserve fund

	2021	2020
	£	£
Uncommitted reserves	546,673	320,916
Committed reserves	175,900	197,534
	<u>722,573</u>	<u>518,450</u>

The Association has recognized £175,900 of non government grant income in 2021 as per the terms of the grant requirements. There is a commitment on the Association to perform the activities in relation to the grants, at which time the related costs will be incurred. The timing of which will be in future years.

#### 14. Reconciliation of (deficit) for the year after tax to net cash outflow from operating activities

	2021	2020
	£	£
(Deficit) for the year after taxation	(1,387,639)	(1,413,133)
Depreciation/Amortisation	265,207	165,500
Bank Interest	(352)	(24,048)
Revaluation of investments	(1,260,296)	(1,484,752)
Effect of foreign exchange rates	136,029	(151,947)
Decrease/(increase) in debtors	379,844	(360,313)
Decrease in creditors	(803,119)	(1,520,100)
Net cash (outflow) from operating activities	<u>(2,670,326)</u>	<u>(4,788,793)</u>

#### 15. Financial commitments

Total future minimum lease payments under non-cancellable operating leases are as follows:

	2021	2020
	£	£
within one year	123,780	112,013
between one and five years	30,945	-
	<u>154,725</u>	<u>112,013</u>

The lease commitment is in relation to the operating lease on the Association's head office.

## INTERNATIONAL BAR ASSOCIATION

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 DECEMBER 2021

#### 16. Financial instruments

The carrying values of the financial assets and liabilities are summarised by category below:

	2021	2020
	£	£
<b>Financial assets at fair value</b>		
Measured at fair value through profit or loss		
Fixed asset listed investments (see note 9)	14,029,355	12,769,059
	<u>14,029,355</u>	<u>12,769,059</u>

#### 17. Related party transactions

Total remuneration for key management personnel for the year amounted to £516,902 (2020: £450,587).

#### 18. Capital Commitments

At the year end the Association had capital commitments of £nil (2020: £700,000) in relation to the ongoing development of the software intangible asset.



# Introduction to Budget 2022

**Approved by the Management Board  
24 February 2022**

Prepared by Finance

Reviewed by Mark Ellis, Tim Hughes, Daniel del Rio, Pascale Lagesse



# Budget process and review

## Key points

As per previous years, the budget process commences in November and runs until January.

The budgeting process involves discussions with each IBA department, Committees, Board and Councils (circa 50+ people).

The 2021 draft figures are reviewed and the budget assumptions prepared based on prudence, IBA strategic objectives, and the current economic climate.

A number of reviews took place with accountable Department Heads, the Executive Director, Deputy Executive Director, Treasurer and Assistant Treasurer. Further information was gathered as necessary to ensure a full understanding of the figures and assumptions.

# Budget 2022 – Summary

	2019	2020	2021	2022
£'m	Actuals	Actuals	Pre-Audit	Budget
<b>Total Revenue</b>	<b>23,926,324</b>	<b>7,133,748</b>	<b>5,695,620</b>	<b>16,967,327</b>
<b>Operating Expenses</b>	<b>22,582,717</b>	<b>10,168,989</b>	<b>8,338,945</b>	<b>18,329,156</b>
Direct Expenses	13,565,240	2,536,564	1,347,606	9,454,564
London Office	5,668,790	5,630,458	5,557,850	5,570,494
Activities	3,348,687	2,001,967	1,433,489	3,304,098
<b>Operating Surplus/(deficit)</b>	<b>1,343,607</b>	<b>(3,035,241)</b>	<b>(2,643,325)</b>	<b>(1,361,829)</b>
Net exchange differences	(234,073)	137,379	(193,758)	-
Bank and investment income	2,158,870	1,484,752	1,272,079	-
Profit/(Loss on disposal of FA			(23,762)	-
<b>Surplus / (deficit) after Interest/Investment/tax</b>	<b>3,268,404</b>	<b>(1,413,110)</b>	<b>(1,588,766)</b>	<b>(1,361,829)</b>
ACTIVITY FUNDS				
Special Projects/Eligible Fund	362,825	46,155	(58,924)	125,000
LPD Conference Quality Fund	148,182	11,874	344	125,000
PPID (SPPI/BIC/HRI Activity Fund)	206,930	74,033	29,546	125,000
SEERIL Scholarship Fund	13,180	26,125	(4,183)	18,000
SPPI Projects Fund	20,056	(5,806)	3,000	15,000
<b>Surplus / (deficit) after Assoc Wide Investment</b>	<b>2,500,960</b>	<b>(1,565,490)</b>	<b>(1,558,549)</b>	<b>(1,769,829)</b>
Donations	900,000		146,842	
<b>Overall Surplus / (deficit) after donation</b>	<b>1,600,960</b>	<b>(1,565,490)</b>	<b>(1,705,391)</b>	<b>(1,769,829)</b>

## Summary

2022 is seen as a year of stabilization for the IBA

Budgeted operating income £17.0m, operating expenses £18.3m. This gives an operating deficit of £1.4m and overall deficit of £1.8m. No routine donations have been included due to the deficit position. ((This will be reviewed during the year).

Divisional deficits are LPD £1.0m, PPID £505k and HRI £213k., primarily due to prudent revenue assumptions.

The largest revenue stream is £9.0m for the Miami Annual Conference, direct costs are budgeted at £6.5m, albeit inflation may increase costs further. This assumes 3,700 delegates and gives a contribution (net surplus) of £2.5m.,

The annual conference is the biggest spend for the IBA. Large contracts will need to be paid commencing in July 2022. A stress scenario has been considered with regards to the impact should this not go ahead. This indicates that IBA remains a going concern but would have to conservatively manage funds/business model.

Minimal revenue is anticipated from hybrid events as these have proven to be making a loss in recent trials.

Direct expenses have increased with specialist and annual conference spends. Prior paid deposits can start to be utilized and will assist cash flow.

London office costs include staff pay increase of 4% after 2 years of a pay freeze and amortization of the e-commerce system. This is countered by lower rent from being in a smaller office.

Activities costs have increased with Committee budgets, travel and operational increases in connection with conferences.,

There is an assumed no gain/loss position on investments.

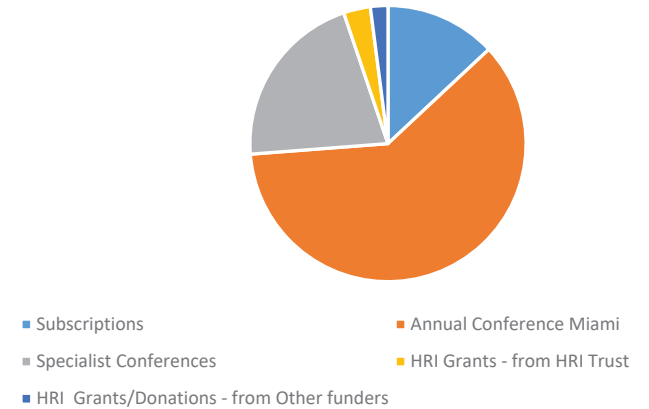
Association Wide Investment has increased budget albeit this is being carefully prioritised.

This indicates that spending should be monitored although in previous years spending has been under budget on a number of key areas.

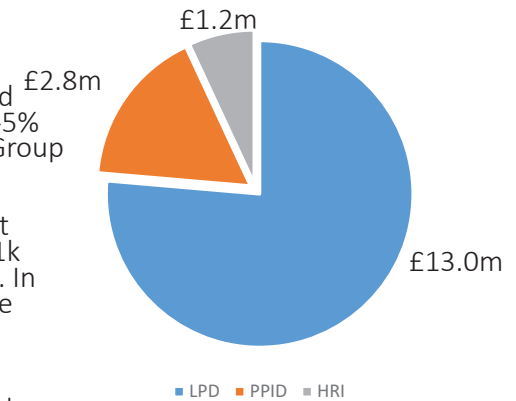
# Revenue

I B A	BUDGET 2022	Draft 2021 Actuals	Variance
	TOTAL IBA	TOTAL IBA	
	£		
<b>INCOME</b>			
Bar Associations	113,678	113,678	0
Individual members	1,977,237	1,919,460	57,777
HRI	146,508	142,429	4,079
Corporate Members	37,709	35,914	1,795
Group members	1,671,323	1,622,644	48,679
Income from publications	76,000	75,959	41
Annual Conference Miami	8,996,296	68	8,996,228
Specialist Conferences	3,114,000	817,752	2,296,248
Webinars	65,000	410,284	- 345,284
HRI Grants - from HRI Trust	465,806	157,192	308,614
HRI Grants/Donations - from Other funders	303,769	319,462	- 15,693
Admin. Recoveries & other income	0	80,778	- 80,778
<b>TOTAL REVENUE</b>	<b>16,967,327</b>	<b>5,695,620</b>	<b>11,271,707</b>

Budget 2022 revenue by revenue streams £16.9m



Budget 2022 revenue split between divisions



Total membership subscriptions are £3.94m. No dues are being increased for members in 2022 as the Board agreed this could impact engagement due to the full IBA activities not being available in 2020 and 2021. Membership is targeting between a 3-5% increase in 2022 as increasingly 'normal' activities are anticipated. It is hoped the Miami Annual Conference helps gain new Group Members.

The Annual Conference is in Miami in 2022. Previous US annual conferences have attracted circa 4,750 delegates. This budget prudently assumes a revenue of £9.0m based on 3,700 delegates and £500k in sponsorship. The early bird ticket price of \$3.1k was approved by the Board in October 2021, the ticket launch is anticipated for March. Costs may increase as inflation grows. In previous US conferences, paying delegate numbers reached 4,969. Risks are being monitored by management throughout the year to ascertain any covid or environmental impacts.

Specialist Conference income is budgeted at 46% of 2019 revenues. Although circa 34 conferences are anticipated, delegate numbers are assumed to be lower. Also, the location of some conferences are historic due to deposits but may not be the best location for delegates in light of the pandemic. Events will change through out the year depending on Covid restrictions.

Grant income has been budgeted to increase in 2022 with more funds from the Trust and Media Freedom (£150k) and the Phillippines (100k). No new external grants are budgeted. HRI are working on a pipeline of circa 17 opportunities.

# Direct Costs

I B A	BUDGET 2022	Draft 2021 Actuals	Variance
	TOTAL IBA	TOTAL IBA	
Costs for Specialist Conferences (incl scholarships)	1,654,000	397,558	1,256,442
Costs for annual conference (incl scholarships) - Miami	5,962,753	1,040	5,961,713
Staff costs for Specialist Conferences (emp costs)	328,995	95,011	233,984
Staff costs for Webinars (emp costs)	20,000	209,282	- 189,282
Staff costs for Annual Conference (emp costs)	500,000	29,581	470,419
Costs for Webinars	20,000	0	20,000
Cost of publications	214,241	215,900	- 1,659
Costs for HRI activity - Other Funders	228,769	162,577	66,192
Costs for HRI activity - HRI Trust	465,806	157,192	308,614
Costs for HRI activity - HRI Gen	20,000	8,644	11,356
Staff costs for HRI grant activity - Other Funders	75,000	105,820	- 30,820
PPID Contributions to HRI	(35,000)	(35,000)	-
<b>TOTAL DIRECT COSTS</b>	<b>9,454,564</b>	<b>1,347,606</b>	<b>8,106,959</b>

## Annual conference £6.0m

Fixed and variable costs have previously ranged between £6.5m to £7.5m, in the last 5 years, depending on conference location. The 2022 budget has removed unnecessary items and the variable elements are based on 3,700 delegates. Judy Lane ICS and the London conference department engage with suppliers and receive quotes for all services required. IBA then agree contracts with individual supplier companies. A budgeted exchange rate is applied which can impact figures depending on fluctuations and timing of costs and income. Costs are reviewed and best prices negotiated by the consultant and the in-house conference team. If delegates increase, the variable cost element will increase although so will revenue with ticket sales. Staff time is moved from London office costs to direct costs depending on the amount of hours staff spend on a specific event/revenue stream. Costs are budgeted but can be impacted by external factors eg inflation.

## Specialist conference £1.7m

The fixed and variable costs are prepared in house. An example of the detail has been provided. Each conference will have costs calculated and the schedule will form the basis of the budget. The officers choose the city and venue for each event. The costs, and potential surplus, drive the price charged per conference. Careful planning and contract management is applied to ensure any liability risks are managed. The 2022 budget trend is based on circa 50% of 2019 costs with a small buffer for loss of deposits.

## Staff costs

These are a proportion of payroll employee costs for those staff that are utilised for activities directly related to revenues. There is an expectation of increased costs for conferences as the IBA uses internal resources rather than external suppliers, as well as additional risk mitigation work. Staff costs against these revenues streams will increase as the volume of events increases.

## Cost of publications £214k

These directly relate to membership. Although circulation of material such as Global Insight has increased, there continues to be a focus on carbon footprint. The IBA has an embedded digital strategy which is evolving continually. Consequently, there is no budget to move back to printing and postage, previously this was circa £450k per annum.

**HRI activity** – All Trust monies are spent on external activities as the IBA supports 6.6FTE within the HRI department. External grants are anticipated to support external activities, staff and a proportion of overheads, often this depends on each grants guidelines of what can be included in the application.

## Example of schedule of fixed costs

Fixed Costs		£	\$
<b>1 IBA Office Expenses</b>			
a	Staff time	15,000.00	18,750.00
b	Signage	1,000.00	1,250.00
<b>2 Marketing/printing/mailling</b>		2,000.00	2,500.00
<b>3 Staff Travel &amp; Accommodation</b>			
a	Flights	4,000.00	5,000.00
b	Accommodation		7,554.00
c	Per diem	600.00	750.00
d	Transfers	640.00	800.00
<b>4 Room Hire</b>			19,888.00
<b>5 Speaker Expenses</b>			
a	Breakfast meetings x 16 pax		2,000.00
b	Dinner x 30 pax		8,000.00
c	Travel and accommodation	3,500.00	4,375.00
d	Waived per person cost (10 speakers)		5,340.00
<b>6 Audio visual equipment</b>			46,000.00
<b>7 Freight (inc. excess baggage charges)</b>		1,200.00	1,500.00
<b>8 Cloakroom /coat check</b>			5,900.00
Total Conference expenses			129,607.00
5% Contingency			6,480.00
<b>TOTAL COSTS</b>			<b>136,087.00</b>

# Budget - estimate of Year End Financial position

£'m	Actuals	Actuals	Pre-Audit	Budget
Tangible/intangible Assets	265,324	1,005,476 ▼	1,420,963 ▼	1,060,963 ▼
Investments	16,284,307	12,769,059	14,041,138	14,041,138
Cash	17,179,004	17,044,304	13,787,493	13,147,483
Debtors	3,072,320	3,432,633	2,958,398 ▼	3,015,717
Creditors	(4,206,047)	(3,104,773)	(2,655,704) ▼	(3,542,479)
Subscription income receiv	(100,829)	(65,949)	(159,637)	(100,000)
<b>Net Assets</b>	<b>32,494,079</b>	<b>31,080,750</b>	<b>29,392,651</b>	<b>27,622,822</b>

	2019	2020	2021	2022
<b>Reserves (Cash + Investm</b>	<b>33,463,311</b>	<b>29,813,363</b>	<b>27,828,631</b>	<b>27,188,621</b>

<b>Current ratio</b>	4.70	6.46	5.95	4.44
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<b>Debt to equity ratio</b>	13%	10%	10%	13%
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KPIs

- The financial position of the IBA remains stable (based on the assumptions of the budget using historic trends as guidance) with net assets of £27.6m. The IBA has a strong asset position and does not rely on debt. The investment position is not risk free but has in the past assisted in stabilizing the IBA balance sheet. The current value of investments has been included in the budget rather than attempting to predict a different end of year value. Acceptance of risks attached to holding investments should be routinely considered.
- The cashflow closing balance budgeted for 2022 of £13.1m is slightly decreasing from 2021 and is linked to the IBAs deficit. This indicates increasing costs and larger outflows of cash. There are business reasons for this with prudent assumptions for revenues for Specialist and Annual Conferences. The timing of cash spending will be reviewed to ensure there is enough available for operations.
- A consideration remains with regard to the sustainability of a larger cost base and the impact on the monitoring level for Business Continuity Planning situations. This means costs will be continually monitored as the IBA stabilizes after the full impact of Covid and adjusts operations to fit revised business trends as they emerge.
- 2022 is a year of stabilization with the IBA hoping to grow surpluses in 2023 and onwards. Hotel liabilities have been removed with a change of business model.

Current ratio –analyzes the company's liquidity by using current assets to pay current liabilities. The IBA has high coverage. Potentially too high as the cash could be made to work harder. The IBA keeps high cash reserves historically and remain prudent due to covid impacts.

Debt to equity ratio – analyses the companies financial leverage which indicates how much debt the company uses comparing to its total assets. This is low as the IBA pays debts and does not borrow.

## **10. Member Organisations**

### **a) Pending Applicants awaiting approval**

The following organisations have submitted applications to join the IBA and are pending a recommendation from the Credentials Committee to the Council.

#### **Full**

1. The Saudi Bar Association (Saudi Arabia)

#### **Sustaining**

1. Centre of Attorneys, Judicial Experts and Family Advisors of Alborz Province (Iran)
2. Center of Attorneys, Judicial Experts and Family Advisors of Isfahan Province (Iran)
3. Center of Attorneys, Judicial Experts and Family Advisors of Fars Province (Iran)

## b) Member Organisations for suspension

# Memo

**To:** IBA Council  
**From:** Mark Ellis, Executive Director  
**Date:** 1 April 2022  
**Re:** Member Organisations to be suspended  
**Cc:** IBA Management Board

I am attaching a list of three Member Organisations from whom the IBA has received no payment, nor had any other correspondence for the past four years. There has been no response to emails nor to hard copy correspondence during this time. A letter was sent to each organisation in February to warn them that they are in danger of suspension due to non-payment of fees.

Based on this information, I now propose to the Council the following:

1. If any IBA Council member has direct contact with one or more of these bars, then please follow up personally and have the bar(s) contact the IBA by **1 August 2022**.
2. If there is no response from either a Council member or one or more of the mentioned bars as of 1 August 2022 then these bar associations will be duly suspended from IBA membership under article 3.20.1.2 of the IBA Constitution which states:

### 3.20 Suspension or Expulsion

3.20.1 Any Member Organisation may be suspended or expelled:

3.20.1.1 By the Council on receiving a report from the Credentials Committee recommending suspension or expulsion of that Member Organisation;  
or

3.20.1.2 By the Council for non-payment of any sum due to the Association which is three years in arrears.

Member Organisations unpaid for 4 years as at April 2022

<b>Country</b>	<b>Member Organisation</b>	<b>Dues (per year)</b>
Antigua and Barbuda	Antigua and Barbuda Bar Association	£75
Barbados	Organisation of Commonwealth Caribbean Bar Associations	£60
Gambia	Gambia Bar Association	£45
Iran	Kerman Province Bar Association	£100
Papua New Guinea	The Papua New Guinea Law Society	£150
South Africa	Law Society of Northern Provinces	£300
Tanzania	Tanganyika Law Society	£300



## **12. Reports from IBA Divisions**

### **a) Legal Practice Divisions**

It is a pleasure to deliver my report to IBA Council and IBA Management Board as Chair of the Legal Practice Division. This report covers the varied activities of the LPD undertaken in recent months.

#### **Ukraine**

The LPD strongly supports the united and persistent condemnation by the IBA of the Russian invasion of Ukraine.

We congratulate BIC , HRI , SPPI , LPD Committees and Fora and Group Members for the initiatives they are taking to support all Ukrainians.

#### **IBA Strategic Plan / Achieving Presidential Priorities**

The LPD has continued its attention on the IBA Strategic Plan working with the LPD Strategic Plan Implementation Group to set priorities for the Division that will be achievable alongside the Association wide objectives, which are still under discussion.

Our continued thanks goes to Lawrence Teh and the members of the LPD Strategic Plan Implementation Group, Carola van den Bruinhorst, Patricia Hoet-Limbourg, Harvey Cohen Thomas Kaiser-Stockmann for their efforts in reviewing the plans of each of the Divisions to address common goals and identify opportunities for collaboration.

The LPD plans to work towards:

- i) increasing focus on preparing our members for cutting edge developments in their specialities,
- ii) elimination of all forms of discrimination and bias within the legal profession and the IBA. Increased diversity and inclusion in each committee,
- iii) an increased emphasis on examining particular areas of law , to identify inefficiencies in international cross-border law and propose projects for better harmonisation and / or application of international , cross-border law to improve the membership offering,
- iv) seek to attract new members,
- v) seek to increase the involvement of young lawyers and focus on attracting increased talent from global member firms,
- vi) where appropriate , collaborate with relevant International organisations,
- vii) play an active role in contributing to law making processes by submitting consultation papers and participating in public discussions , with a view to assisting in the drafting of efficient and effective legislation.

Much of the above is evident in the work and activities already being undertaken within the LPD Committees, further information of which can be found in the following sections of this report.

One of the key presidential priorities communicated to the LPD at the beginning of the year is the need for guidelines within the extractives industries to balance the interests of investors and the developmental rights of the communities in which investments take place. In this regard I reached out to the Mining Law Committee who recently completed a project on *Extractives Hub Special Project* in collaboration with CEPML University of Dundee. I am pleased to report that the Mining Law Committee and SEERIL Officers have now submitted a project application to the IBA Special Projects Fund Committee to develop a set of guidelines as outlined in the Presidential Priorities circulated in early 2021. Unfortunately the funding of this project has not been agreed however the format and structure for implementing the initiative remains under review and as such one of the IBA Presidential Showcases to be held in Miami will focus on this topic and led by the SEERIL Working Group.

Also in 2021 the IBA President prioritized the formation of a new Presidential Task Force on Cyber Security to leverage the strength of the IBA in bridging the legal, compliance, business, and management perspectives into a new global, IT secure cyber resilient world. In this regard the LPD continues to play a leading role through its Technology Law Committee in leading the project together with the valued contribution and leadership of the IBA LPRU. We are delighted that the Task Force has also been invited to be one of the IBA Showcase sessions during the Annual Conference later in the year.

### **Collaboration with other divisions**

In 2022 the LPD has continued to work more collaboratively with other parts of the Association. We are already seeing Committees working together across the Divisions as planning for the Annual Conference sessions intensifies.

The LPD is also committed to contributing to the cross-IBA Working Group set up under the SPPI to stimulate and identify cross-divisional projects to support the 17 UN Sustainable Development Goals (SDGs). I am pleased that Caroline Berube and Shane Frietag will be representing the LPD and look forward to tracking the progress on this important initiative.

The LPD Regional Fora are also working with the Bar Issues Commission to support and expand the Bar Leaders' summit meetings to Africa and Asia Pacific.

Most recently the African Regional Forum have been working with the SPPI Pro Bono Committee conducting a survey aimed at gathering information concerning the state of pro bono on the African continent and the extent to which our African membership is engaged in performing pro bono work. The results of the [survey](#) will be published in a report to be compiled and published by the Pro Bono Committee in due course and which we hope can be presented at relevant IBA conferences.

The Asia Pacific Regional Forum together with the SPPI's Young Lawyers' Committee will again be running a training webinar series as part of an on-going programme devised by the IBA's Section on Public and Professional Interest (SPPI) to assist young lawyers and junior members of the profession with their understanding of the fundamentals of international legal practice. This series of trainings will be supported by the India Working Group aimed at providing young Indian lawyers with practical training on a range of international business practice issues.

In 2021 the APF's China Working Group attracted over 5300 attendees to a similar series of webinars.

### **Projects/Activities**

I and my fellow Officers thank the LPD committees and fora for their dedication to ensuring activity for their members through offering projects, webinars, requests for articles, surveys, newsletters and virtual meetings and sessions.

To assist Committees interacting directly with their members the LPD welcomed the decision of the Digital Services Committee in 2021 to trial Linked-In Groups. I understand the trial has been extended and extended to a further three Committees including the Technology Law, International Construction Law and Immigration and Nationality Law committees in the LPD. We look forward to receiving feedback once the trial period has concluded.

Increasing the number of projects within the LPD continues to be a focus of the Division especially during this challenging period. The quality of projects coming from the Committees has been outstanding and we work more closely with the Projects Committee of the Management Board, of which I was Chair between 2019-2020, to ensure there is greater transparency and coordination across the Association.

Some noteworthy projects recently completed within the LPD are:

- Most recently a number of LPD Committees have contributed to the IBA Covid-19 Legal Policy Task Force of which Co-Chaired alongside Almudena Arpon de Mendivil and Harry Rubin. The Task Force launched its report, which included suggestions for improvements and reform in legal regimes and policy to avert failures and deficiencies in pandemic control, at a Showcase Session held during the Global Showcase in October 2021. The report is available on the IBA website.
- The IBA GEI published an internal investigations guidelines *Global Best Practices for Conducting Internal Investigations* which aim to contribute, through practical advice and up to date information to the effective and transparent management of such investigations;
- The African Regional Forum has published the Data Protection / Privacy Guide for Lawyers in Africa. This comprehensive new guide draws on international best practice guidelines and provides advice on how to manage personal data within a law firm, as well as easy-to-implement sustainable protocols and controls that adhere to privacy laws. The guide will give vital support for practitioners navigating this complex area;
- The Debarment and Exclusions Subcommittee of the Anti-Corruption Committee in collaboration with The World Bank's Office of Suspension and Debarment launched the Global Suspension & Debarment Directory, the first ever consultative resource on exclusion systems from around the world. It summarizes the exclusion systems of 23 jurisdictions and serves as a resource for anyone interested in learning how these countries and organizations employ exclusion.
- The IBA Working Group on Lawyer-Client Confidentiality had its paper approved by the IBA Council in October 2021.

The following is just a small selection of projects recently approved within the LPD:

- The Oil and Gas Law Committee joint with the Association of International Energy Negotiators has started work on developing model contracts and clauses to help facilitate decarbonization and energy transition of the oil and gas sector and help companies across the sector meet their decarbonization goals and to encourage participation from young lawyers and negotiators.
- The Oil and Gas Law Committee has also commenced work on a project to develop a set of principles/best practices/guidelines to support legislators and regulators to design laws and regulations that fully contribute to the SDGs and UNFCCC goals, considering a balanced and diverse approach towards development, environmental, and energy access objectives.

The document developed as a result of this working group/task force will:

- a. Identify key guiding global policies for the drafting of environmental, energy access, and development-related laws and regulations.
  - b. Analyze a sampling of relevant national and international examples of law and regulations related to the energy transition, and their different outcomes.
  - c. Recommend regulatory best practices and guidelines.
- The International Commerce and Distribution Committee is working with the Healthcare and Life Sciences Law Committee conducting a survey with the aim to produce a report on the global approach to distribution and storage of medicines. The aim is to launch the report during a session at the Annual Conference in Miami.
  - The International Constructions Project Committee is working with the organisation African Construction Review to develop a joint report on construction law in Africa via detailed chapters covering each jurisdiction in the region.
  - The ICP Committee is also co-organising with the European Centre of Arbitration and Mediation a Construction Arbitration Training Course. The aim of the project is to expand the knowledge of arbitration in the context of construction disputes and provide a service to members in terms of delivery of high quality material by experts in their field. The course will consist of a series of lectures.
  - The Environment Health and Safety Committee have launched and are collating responses to a survey dealing with challenges faced in reactivating economies across the globe following the pandemic. According to the information provided by the United Nations Environment Program - UNEP, within the next six to 18 months, around US \$ 20 trillion will be required to recover the rhythm of the global economy, and the decisions made on the matter are taken, they will have important consequences on our societies, including our ability to respond more efficiently to the environmental and social challenges of the future.

## The future

Since the start of the pandemic crisis the LPD has contributed to over 300 webinars.

We are pleased to see that committees continue to organise virtual meetings for members including networking opportunities and updating the membership on their activities.

I am delighted to report that despite the latest set of challenges presented by Covid, a number of LPD Committees forged ahead with their plans for in person Conferences, which took place in the last quarter of 2021. The following events were all a resounding success for the Division and demonstrated the appetite of our members for the return to meeting friends and colleagues face to face as soon as possible:

- 25<sup>th</sup> Annual Competition Conference, 10-11 September, Florence
- Virtual fever, the new pandemic? News and trends in intellectual property, communications, media, technology, art and outer space law conference, 11-12 October, Berlin
- From Start-Up to IPO, 17-19 October, Paris
- 23<sup>rd</sup> Annual IBA Transnational Crime Conference, 3-5 November, Madrid
- Digitising of International Commerce, 17-18 November, Milan
- 26<sup>th</sup> Annual IBA Global Insolvency and Restructuring Conference, 28-30 November, Edinburgh, Scotland
- The New Era of Taxation, 2-3 December, Dublin
- Deals, Disruptions and Growth Areas in the Americas, 6-8 December, Miami

Unfortunately at the start of 2022 we had to postpone several events as a result of the new Omicron variant disrupting travel around the globe and restrictions being reintroduced in Europe.

However, despite these challenges our Committees continued to adapt and respond to the situation with new and exciting activities for the members.

Outlined below are the webinars, virtual conferences and in person events that have or will take place in 2022:

<b>2022 Webinars</b>	
Hot topics in compliance part three – Antitrust compliance issues in the digital economy	19 Jan
A practical guide to the 2020 Revision of the IBA Rules on the Taking of Evidence in International Arbitration (Part 2)	21 Jan
The fundamentals of international legal business practice part 1: Building your profile and network at the IBA	3 Feb
The fundamentals of international legal business practice part 2: Resolution of cross border disputes	4 Feb
The revised OECD Anti-Bribery Recommendation and what it (could) mean for the private sector and enforcers	7 Feb
Global regulatory challenges of CAR T-cell therapies	8 Feb

The fundamentals of international legal business practice part 3: Cross border investments, M&A and joint ventures	10 Feb
The fundamentals of international legal business practice part 4: Data privacy	11 Feb
The fundamentals of international legal business practice part 5: Law firm of the future	17 Feb
The fundamentals of international legal business practice part 6: International outreach vs. protectionism	18 Feb
Cybersecurity and medical devices	24 Feb
Decarbonising supply chains in the oil and gas sector	15 Mar
Anti-corruption and ESG: how ethics and integrity compliance may help corporations achieve their ESG goals and attain better ratings	31 Mar
Current restructuring and bankruptcy regimes: case studies from Canada, the Cayman Islands and Poland	22 Apr
Setting up data centres and logistics projects: a real estate and regulatory view	27 Apr
What does Metaverse mean for e-commerce	5 May
<b>2022 (Virtual) Conferences</b>	
11th Annual IBA Finance & Capital Markets Tax	17 Jan – 4 Mar
IBA/ABA Virtual 22 <sup>nd</sup> Annual US and Europe Tax Practice Trends	28 Mar
Sustainability in insurance: The post-Covid landscape	30-31 Mar
<b>2022 In-Person Conferences</b>	
5th Mergers and Acquisitions in the Technology Sector Conference, Barcelona	17-18 March
23rd Annual International Arbitration Day, Istanbul	24-25 March
10th IBA European Corporate and Private M&A Conference, Paris	11- 12 April
31 <sup>st</sup> Annual IBA Communications and Competition Conference, Madrid	25-26 April
Annual Litigation Conference, London	27-29 April
Mergers and acquisitions in Latin America in a challenging world, Sao Paulo	2-4 May
Pre ICN / Antitrust, Berlin	3 May
37th International Financial Law Conference, Venice	11 - 13 May
4 <sup>th</sup> IBA French Spanish Day, Paris	12 May
6th IBA Global Entrepreneurship Conference (CHGBE), Amsterdam	16-17 May
SEERIL Biennial Conference, Milan	16 - 18 May
24 <sup>th</sup> Annual IBA Transnational Crime Conference, London	18 - 20 May
31st Annual Conference on the Globalisation of Investment Funds, New York	22 May - 24 May
16th Annual IBA Competition Mid-Year Conference, Stockholm	2 - 3 June
8th Annual World Life Sciences Conference, Paris	3-4 June
IBA Maritime and Transport Law Committee Mid-Year Conference: The new world of shipping post Covid, Singapore	6 - 8 June
27 <sup>th</sup> Annual Insolvency Conference, Montreal	12-14 June
27th Annual International Private Client Conference, London	13-14 June

19th International Mergers and Acquisitions Conference, New York	14 - 15 June
18 <sup>th</sup> Annual IBA Anti-Corruption Conference	14-15 June
12th Annual Real Estate Investments Conference, Amsterdam	15 - 17 June
IBA/ ABA Cartel Workshop, Lisbon	27-29 June
11 <sup>th</sup> Balkan Legal Forum, Vienna	30 June – 1 Jul
IBA European Fashion and Luxury Conference, Paris	6-7 Jul
Asia Litigation, Singapore	1-2 September
Employment and Discrimination and Equality Law Committee Conference, Madrid	7-9 Sept
26 <sup>th</sup> Annual Competition Conference, Florence	9-10 Sept
3 <sup>rd</sup> European Automotive and Mobility Services Conference, Munich	14-15 Sept
Private Equity Transactions Symposium, London	29-30 September

I include below the full list of webinars and virtual conferences held in 2021 to give a more detailed view of the activity that has taken place in the past 12 months:

<b>2021 Webinars</b>	
Brexit and the International Role of the CMA	19-Jan
Bribery and corruption: what to do when it strikes?	25-Jan
<u>Current legal developments in European private M&amp;A</u>	4 Feb
Business Human Rights (BHR) Issues for Mining Pursuits	11 Feb
Online Intellectual Property Threats and Best Practices amid Covid 19 in (Asia Pacific)	24-Feb
<u>Mergers and FDI - what to expect in 2021</u>	25 Feb
The ever-evolving role of the General Counsel: from legal advice to risk manager to potential COO, and everything in between!	2 Mar
<u>The art of the virtual pitch: what GCs really want</u>	3 Mar
<u>Foreign Corrupt Practices Act enforcement: 2020 and beyond</u>	9 Mar
<u>Covid-19 and criminal liability</u>	15 Mar
<u>Developing your brand and maximising client care in lockdown: tips and lessons for remote connections</u>	16 Mar
<u>Barcelona general counsel roundtable: a discussion on the challenges of the last two years</u>	18 Mar
<u>Tax Open Forum Discussion: what next for Pillar One?</u>	30 Mar
<u>General counsels discuss diversity, equity, and inclusion: best practices and the perils of standing still</u>	7 Apr
<u>Introducing the IBA Arbitration Committee's Toolkit on Insolvency and Arbitration</u>	8 Apr
<u>Water as a commodity: merchandising water?</u>	15 Apr
<u>A comparative study of lawyers' ethics in the PRC and other countries</u>	20 Apr
<u>Electric vehicles: regulatory challenges</u>	22 Apr
<u>Immigration and Brexit: an update</u>	26 Apr

<u>Brexit, criminal justice and the future for cross-border cooperation</u>	27 Apr
<u>Time to focus on resilience – supply chain lessons from Covid-19</u>	28 Apr
<u>Reminding of Madrid: A virtual tour of the Prado Museum</u>	29 Apr
<u>New challenges in multi-jurisdictional litigation</u>	4-25 May
<u>ESG in shipping: ‘Greenwashing’ or are challenges being met?</u>	5 May
<u>International Construction Projects Masterclass Series</u>	12-14May
<u>Best practices in intellectual property licensing agreements</u>	13 May
<u>Data Protection Guide for Bar Associations and Regulators in Africa: key issues</u>	17 May
<u>ICP Masterclass series: practical aspects of cross examination techniques</u>	24 May
<u>Exclusions and debarments in Europe</u>	25 May
<u>How to opt out of climate-unfriendly food: consumer action or regulatory restrictions?</u>	25 May
<u>Supply chain of Covid-19 vaccines and the immunisation process</u>	27 May
<u>Patterns of regulatory initiatives amid funding stimulus and preservation of resilience</u>	28 May
<u>Open Forum: immigration practice management during Covid-19</u>	3 June
<u>The spring IBA Private Client Tax Conference talks: Hot topics for private clients and their advisors</u>	7 June
<u>Remote healthcare: how to better take care of patients throughout the whole healthcare pathway</u>	8 June
<u>Interactive workshop on the European fashion and luxury industry: a industry transformed?</u>	14 June
<u>Growing revenue through an international network – a step-by-step guide</u>	15 June
<u>Maintaining judicial integrity and ethical standards in practice: an IBA study on criminal and disciplinary measures</u>	21 June
<u>Mediation of IP disputes: a new era</u>	22 June
<u>The fundamentals of international legal business practice: global trends in changing times</u>	22 June-11 August
<u>Innovation in mining – carbon reduction and the circular economy</u>	29 June
<u>Teaser event for the IBA 7<sup>th</sup> Annual Corporate Governance: Executive Compensation Update in the Age of Covid-19</u>	29 June
<u>Indigenous rights to water and the competition for resources</u>	29 June
<u>M&amp;A in Latin America: challenges and opportunities in trying times</u>	30 June
<u>Electronic Communications and Antitrust roundtable: challenges of regulating the digital economy</u>	7 July
<u>US immigration: an update</u>	8 July
<u>Brexit and the impact on the banking and financial industries: English law and English courts</u>	12 July
<u>No jab, no job? The Covid-19 vaccination conundrum</u>	13 July
<u>IBA Tax Open Forum: Pillar 2 agreed? A new era of minimum corporate taxation</u>	13 July
<u>The role of lawyers advising clients on effective, long term ESG strategies</u>	14 July
<u>The role of experts in construction disputes: a practical approach to hot topics</u>	21 July



and issues	
A game changer in the making: The pending German corporate sanctions law	28 July
Insolvency Conference Teaser	7 September
The post-Covid landscape in hospitality – key considerations	7 September
ICP Masterclass series: fundamentals of project establishment	8 September
Practical and cultural differences of litigating in Asia	9 September
Understanding H2: the opportunity for hydrogen to help solve the energy transition, and what lawyers need to know	13 September
The accelerated future and the post-Covid workplace	14 September
Pre-claim negotiations: skills and techniques and views from around the world	14 September
China and Europe: current challenges and future changes of investments	15 September
Transparency and publicity in divorce and relationship breakdown	15 September
Navigating transactions in the new tax world: investments, tax havens, digital tax and the G20 tax deal	17 September
ICP Masterclass series: Fundamentals of project delivery	22 September
IBA/UBA First International Conference on Agricultural Law	23 September
The evolution and emergence of environmental justice	28 September
The International Commerce, Trade, Franchising and Product Law Section: Hot topics digital roundtable	5 October
IBA Global Showcase	25-29 October
Beyond Covid-19: impacts on construction contracts and projects	7 December

<b>2021 (Virtual) Conferences</b>	
10 <sup>th</sup> IBA London Finance and Capital Markets Virtual Tax Conference (to be held virtually across 7 dates in January and February)	18 Jan – 24 Feb
2 <sup>nd</sup> European Automotive and Mobility Services Virtual Conference: <u>The coming of age of mobility services in Europe</u>	25-Feb
26 <sup>th</sup> International Private Client Virtual Conference: <u>Advising real clients in a virtual world</u>	1-3 Mar
<u>Virtual IBA Asset Management and Investment Funds Conference</u>	8-10 Mar
<u>Virtual IBA Insurance Conference – Beyond Covid</u>	16-19 Mar
2 <sup>nd</sup> IBA Virtual Entrepreneurship Conference: <u>Innovation and entrepreneurship in the next normal</u>	22-25 Mar
<u>IBA/ABA Virtual 21st Annual US and Europe Tax Practice Trends Conference</u>	22-25 Mar
<u>Art disputes and how to avoid them</u>	14, 28 Apr & 12 May
<u>IBA Virtual Start Up Conference ‘Eye of the Tiger’ – emerging trends post Covid</u>	5-6May
36 <sup>th</sup> Annual IBA-IFA Joint Conference, Washington DC	18-19 May
<u>The arbitrator’s duty of impartiality and obligation to make disclosure in the wake of Halliburton v Chubb</u>	2 June
9 <sup>th</sup> IBA European Corporate and Private M&A Virtual Conference	17-18 June
International Financial Law Virtual Conference – Young Lawyer Session	20 September

International Virtual Law Virtual Conference	20 September
Private Equity Transactions Virtual Symposium 2021	23 September

### **The 2022 Annual Conference, Miami**

Despite the absence of their being an Annual Conference since 2019 this has not dampened the enthusiasm of the LPD Committees who again have planned an impressive range of sessions for Miami with over 190 sessions to be held across all 5 days of the conference week. As with the specialist conferences and webinars, it is the scope of such sessions that is so outstanding. There is no legal development in any area of law that is not covered by one of the sessions.

The LPD Showcase in Miami will be led by the Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) and will focus on the Climate Crisis. I look forward to sharing further details as we get closer to the Conference.

I am also pleased to announce that the LPD has launched its scholarship programme for the Miami conference,

Scholars will receive attendance at the annual conference and 2 years' membership in the IBA, and are matched with mentors from the relevant section to help them gain the most benefit from their conference experience.

A number of former scholars have maintained their interest in our work and have taken up positions in the leadership of our committees and we are delighted that we can again as an organisation offer this opportunity to the next generation of lawyers.

### **Educating through content**

#### **Journal publications**

The LPD maintains the quality and substantive depth of the following journal publications, which are available to members online:

- Business Law International
- Competition Law International
- Dispute Resolution International
- Insolvency and Restructuring International
- The Journal of Energy & Natural Resources Law (also available in print)

#### **Magazine publications**

In-House Perspective has moved online and to e-magazine format with a view to greatly increasing its circulation, working with the membership team to support the new category of IBA membership for corporate counsel/in house lawyers.

## **Podcasts**

Four *Global Insight* podcasts were published between August–December 2021, bringing the total to nine for the year. These covered Russia’s rule of law crisis, the chronic delays plaguing UK court cases, the COP26 climate summit and the evolution of the International Criminal Court. The Human Rights Law Committee released the first in a podcast series focusing on various aspects of litigating and documenting torture. Elsewhere, the LPRU continued its series on sustainable law with podcasts addressing mining and finance.

## **Website**

The Digital Content hub at <https://www.ibanet.org/IBA-Digital-Content> allows visitors to access the full range of IBA content online, including *Global Insight* magazine, journals, podcasts and more.

## **Committee content**

We have continued the initiative of recent years: producing and disseminating Committee and Fora content through online and digital publications. In 2021, 378 articles from 41 committees were published online, and 48 e-Bulletins were circulated.

167 webinars were organised and broadcast by committees during 2021 (outside of virtual conference replacements). These covered a wealth of topics, from blockchain to diversity and from the impact of Brexit on banking to a series of six webinars exploring Africa’s new free trade agreement.

Committees published 19 projects in 2021. These included over thirty jurisdiction updates to the Private Client Tax Committee’s estate planning guides, the results of a form requirements survey from the Securities Law Committee and an ESG toolkit from the Law Firm Management Committee.

## **Books co-published in 2021 or approved for publication in 2022**

*Information exchange and related risks: a practical guide* – Q1 2022. Concurrences and Cartels Working Group.

*Competition Law Treatment of Joint Ventures: A Jurisdictional Guide* – Q3 2022. Concurrences and Mergers Working Group.

*Resilience in Energy, Infrastructure, and Natural Resources Law: Examining Legal Pathways for Sustainability in Times of Disruption* – TBC 2022. SEERIL (AAG) & OUP.

## **Influencing rules, procedures and legislation in specific areas**

Our Committees continue to engage with global, regional or national authorities to help shape the dialogue and the changes or reforms being considered. Several papers have been submitted to the EU European Commission in the context of consultation processes in areas such as Tax, Antitrust and Insolvency.

Most recently the IBA Healthcare and Life Sciences Law Committee made a submission to a EC public consultation regards the Revision of the EU general pharmaceuticals legislation.

All submissions can be found on the relevant Committee webpages of the IBA Website.

I am also delighted to report that as a consequence of the Non Trial Resolutions of Bribery Cases Subcommittee's ( a subcommittee of the IBA Anti-Corruption Committee) *Project Roll Out* initiative and their advice and guidance given to the OECD regards broadening the understanding and implementation of the new OECD guidelines, it was announced in December 2021 by Drago Kos, Chairman of the OECD Working Group on Bribery, the adoption of this new guidance.

A key goal of the OECD guidance, the revised *Recommendation of the Council for OECD Legal Instruments Further Combating Bribery of Foreign Public Officials in International Business Transactions*, is to make negotiated settlements of international bribery cases easier to accomplish and more common, and to have a significant effect on the investigation, prosecution, and resolution of international bribery cases. Among other things, the guidance includes direction on the use of non-trial resolutions (NTRs). More than 80 per cent of foreign bribery cases are now resolved through negotiated settlements or NTRs. This percentage is growing as more countries accept, formally or informally, the desirability of resolving complex and costly investigations through these mechanisms.

The new OECD guidelines follow the publication of the 2018 IBA report, *Structured Settlements for Corruption Offences Towards Global Standards?* – the outcome of a global two-year project with contributions from 66 countries, which mapped regulations and best practices regarding settlements in foreign bribery cases.

We are also pleased to continue our support of the Insolvency Section's participation in the UNCITRAL Working Group V meetings where their comments and contributions have been formerly recognised and are highly valued by UNCITRAL that the Section now actively participates in two annual meetings and drafting sessions. We firmly support the strengthening and development of this important relationship between the IBA and UNCITRAL.

### **LPD Structure**

The LPD leadership has also agreed to extending a number of Committee Officer terms through 2022 to ensure continuity of knowledge and participation as required for the successful planning of Committee specialist conferences and activities through this year.

### **Leadership Meetings**

Despite having not been able to meet in person since February 2020 the LPD Officers continue to meet monthly via Zoom.

However we are all very much looking forward to the 2022 Mid-Year Council Meetings when we will be able to meet again in person with our Council and our Committee Officers and plans are underway to ensure a productive few days together.

The LPD Officers will also hold an in person Retreat in Paris from 6-8 July which is much needed time to consider and facilitate planning for 2023 and beyond.

I would like to take this opportunity to thank my fellow LPD Officers, Carola van den Bruinhorst, Daniel Del Rio and Pascale Lagesse for their continued support and hard work towards ensuring the success of the Division.

And on behalf of the LPD I thank Ronnie Hayward, Divisions Director and Katie Howie, LPD Administrator for their invaluable support.

**Peter Bartlett**  
**Chair, Legal Practice Division**  
**April 2022**

**b) Section on Public and Professional Interest**

The start of my second year as SPPI Chair has seen committees and officers once again step up and rise to the occasion, and I am proud to present to you the latest report and updates from the Section on Public and Professional Interest (SPPI), also on behalf of my Vice Chair Myra Garrett, and the SPPI Council.

1. Collaborations across the IBA

More than ever in these times, do we see that collaboration and communication with the committees, sections and divisions across the IBA are crucial and absolute key to the success of the association and all its activities and initiatives.

Many SPPI Committees have established direct links to other committees by appointing liaison officers and are connecting to other committees for their webinars, conferences and projects. I would like to highlight the following great examples of this:

- Professional Ethics Committee, Women Lawyers' Committee and Young Lawyers' Committee involved in the upcoming 6th IBA Global Entrepreneurship Conference by the Closely Held and Growing Business Enterprises Committee;
- The Pro Bono Committee's project (see more details further down) jointly with the African Regional Forum and a number of bar associations;
- The Young Lawyers' Committee having been part of a six-part webinar series, organised by the India Working Group of the IBA Asia Pacific Regional Forum, looking at *The fundamentals of international legal business practice: revisiting best practices to navigate through changing times*.

The importance of collaboration and support by all entities of the IBA is also visible in the work on the SPPI Themes (see on the next page), and as part of this it has been especially beneficial to have Eduardo Sanguinetti as the LPD representative on all SPPI Council calls, who now is also joins the Rule of Law Forum. This liaison role has strengthened the links and ensures that the SPPI Council

and Advisory Board also has regular updates from the LPD, and can feed this back to the committees.

The association-wide collaboration is also reflected in the sessions planned for the IBA Annual Conference in Miami, with many sessions jointly organised, and we are looking forward to seeing the great programme that the IBA committees and sections are putting together.

As ever, we are very grateful to the leadership of BIC, HRI and LPD, who not only support the SPPI and our strategies, but continue to be great partners in moving the association forward together.

## 2. Supporting the Presidential Priorities

With the IBA Strategy and the President's Priorities closely connected to not only the remit of the SPPI and its committees, but also the three strategic themes, we continue to work towards supporting these in all our endeavours, as will also be outlined under the respective themes in this report.

The Presidential Priorities and the IBA Strategy are at the core of the strategic plans for all three groups leading the SPPI Themes, as you can read in the next section of my report, and also reflects in the strategic plan of the Future of Legal Services Commission.

Myra has been very involved in the IBA Strategic Implementation Working Group to align the SPPI Strategy, Themes and work of the committees with that of the overall IBA Strategy and Presidential Priorities.

### SPPI Strategy

The work and focus on the three SPPI themes set last year (**Future of Legal Services, Rule of Law and UN Sustainable Development Goals (SDGs)**) still very much continues and are really gaining momentum, also in light of the overall IBA Strategy and presidential priorities. I am very thankful to all the officers from across the IBA who agreed to lead, support and drive these, dedicating additional time resources to these undertakings of the IBA.

As mentioned above, an essential part for all three themes continues to be the support of, input from and collaboration with the BIC, HRI and LPD, as we believe the success of our undertakings, and with that the success of the association as a whole, is closely connected to ensuring all parts of the association are aware of each other's plans and support these.

### Rule of Law

While the work of the Rule Law Forum still very much continues along the five major projects outlined below, much of the focus of the committee these past months has been on the war in the Ukraine. As part of this, the Rule of Law Forum has organised a two part webinar together with the Law Firm Management Committee, titled *The Russian invasion of Ukraine – how law firms and lawyers are responding and what the international legal community can do to help*. The first part took place on 29 March, and focussed on the response of lawyers and law firms, and the recording will be available on

the IBA website shortly. Part 2 will take place on 6 April and will bring together senior Ukrainian lawyers, War Crimes experts and representatives of various IBA entities to discuss how the international legal community is responding to the Russian invasion of Ukraine; what practical help and support do Ukrainian lawyers most want; how are pro bono efforts best focused in these circumstances; how can atrocities best be documented in a war zone; and how can accountability for violations of international law be ensured.

The Rule of Law Forum has also been instrumental in the IBA setting up a dedicated page regarding all activities, initiatives and statements on the war in the Ukraine, which can be found at <https://www.ibanet.org/Russia-Ukraine-Crisis-2022>.

In preparing their committee plan, the ROLF reviewed the IBA's Reference Document and discussed the core elements of the ROL that should form the basis of the "Current State and Challenges", which form the five pillars that the activities and objectives of the forum are focussed on (details also outlined in the below graphic). These five are

**1. Access to Justice**

led by Adam Goodman, Vice Chair, and Rob Bernstein, North American Region Representative, the focus of this project has been to gain a better understanding of best practices in access to Justice and what lessons can be learned from the pandemic.

**2. Independence of the Legal Profession**

Jo Weller, Co-Chair, with the active support of Emily Foale, IBAHRI Programme Coordinator is leading this project, with the focus being to highlight, based on data, where attacks on the independence of the legal profession are occurring and present findings in the form of published data as to the nature of the attacks broken down by country. The project will conduct research on the most prevalent attacks against the legal profession and identify priority areas of focus in response, with the underlying emphasise on the critical need to protect the ROL. The output of this project is envisaged to be a written research report. It is also planned to hold a panel session at an IBA conference/webinar to report on the findings.

**3. Enhancing Understanding and Respect for the Rule of Law**

This project is being led by Sarah Hutchinson, Vice Chair, with the support of Paul Usoro, African Region Representative and Elif Goksen, Eastern Europe Region Representative.

The aim of this project is to protect the ROL by enhancing understanding and highlighting the importance of it to the next generation of law leaders. It will focus on working through networks of universities, law, and business schools, to create an educational course or workshop aimed at Higher Education students to develop an understanding of and respect for the ROL. The priority student group has been identified as those students within the faculties (not law) most likely to move into influential political and business fields e.g., business/management schools etc.

The first (pilot) workshop is planned for Vilnius in May 2022, and the next one in Miami as part of the IBA Miami Annual Conference week.

**4. Equality before the Law**

This project is being led by Stephen Denyer, Co-Chair. The initial product of this project was a webinar as the ROLF Symposium which was held on 27 October during the IBA’s Virtual Conference dealing with the positive and negative impacts of COVID on EDI, from the perspectives of five Bar Leaders from around the world. This was a well-attended and vibrant session chaired by Stephen Denyer and speakers included President Sternford Moyo, Deborah Enix-Ross and representative from various international bars.

**5. Thought Leadership 2022**

This project is being led by Federica D’Alessandra, Intergovernmental Organisations & HRI Liaison.

The focus of this project is to produce a series of webinars positioning the ROLF as providing an authoritative and IBA wide focus on contemporary and emerging global ROL issues. Three webinars are planned to take place in 2022, and the recording of first one, held on February 2nd, is available online at <https://www.ibanet.org/conference-details/CONF2131>.

Rule of Law Forum: Strategy 2021/22			
	Pillar	Objectives	Activity Examples
1	Access to Justice	Increase the awareness and use of lower cost and more informal routes to justice	Collate examples of best practice where online, alternative and/or community-based systems of justice have succeeded in making justice more accessible and affordable to the many
2	Independence of the Legal Profession	Develop an understanding of the nature of the attacks against the legal profession around the world	Conduct research on the most prevalent attacks against the legal profession and identify priority areas of focus in response
3	Enhancing Understanding & Respect for the Rule of Law	Protect the ROL by enhancing understanding and highlighting the importance of it to the next generation of society’s leaders	Working through networks of universities, law and business schools, create an educational course or toolkit aimed at Higher Education students to develop an understanding of and respect for the ROL. Then expand the use of the IBA’s existing ROL content to university faculties beyond law
4	Equality before the Law	Support the IBA’s work on discrimination and bias, especially in legal systems and processes	Identify and bring together relevant SPPI & IBA constituencies as a joint collaboration to identify a suitable project or activities focused on equality before the law
5	Thought Leadership	Positioning the ROLF as providing an authoritative and IBA wide focus on contemporary Rule of Law issues	Conducting a series of webinars and/or podcasts, bringing together leading and respected members of the legal profession and experts to examine and discuss Rule of Law issues relevant to the legal profession and modern society

It is indeed very impressive to see all the work that is being done on the rule of law theme, as well as the committee’s quick reaction and determination to respond to global crisis situation that require a strong stance.

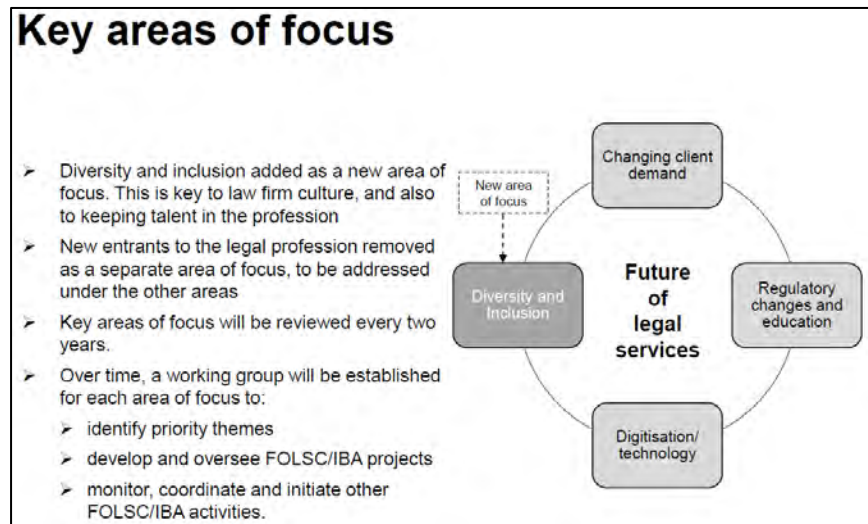
My sincere thanks go to the leadership of the Rule of Law Forum. I would also like to take this opportunity thank Stephen Macliver for not only chairing the Rule of Law Forum for the past four years, but his dedication and commitment to the work of the forum, the IBA and the association’s ambitions and plans.



## Future of Legal Services Commission

With the strategic plan of the Commission finalised, identifying the key areas of focus for the group going forward, all to ensure that the IBA is at the forefront of developments in the legal profession and to support its members and the wider profession to identify, influence and respond to those developments, as a next step, the FOLS Commission is looking at developing projects to support these. A first project is to develop a heatmap of future of legal services items that IBA committees can focus on, and incorporate in their strategies. The Commission is also speaking with the IBA's D&I Council on a diversity related topic. In addition, to giving added exposure to all of work on this topic undertaken across the IBA, the commission is working with the web team to develop a central overview of publications on the topic of future of legal service.

There have also been some changes to the leadership of the commission, and talks are currently underway with Almudena Arpón de Mendivil, IBA Vice President, regarding the work of the Commission. All information on the FOLS Commission can be found online at <https://www.ibanet.org/Future-of-Legal-Services-Commission>



I would like to thank Fernando Pelaez-Piers, for not only his support to the future of legal services as an IBA-wide initiative, but his continued dedication to the IBA and the association's projects and activities. As a result of his initiative, the Future of Legal Services Commission was formally established, and produced a number of important reports. Together with Aster Crawshaw, he set up the leadership of the commission, with representatives from all areas of the IBA. Fernando will continue to be involved as part of the Commission's Advisory Board.

I would also like to thank Aster Crawshaw, who joined Fernando in chairing the group, and has been fundamental in the drafting of the strategic plan, organising the commission's leadership calls and discussions, and planning the succession and leadership of the group going forward.

## UN Sustainable Development Goals

The newly formed working group chaired by Andrew Mackenzie and consisting of representatives from different regions and divisions across the IBA, also with a view to a balanced gender distribution, has now commenced its work.

Following on to the very successful and well-attended Virtual Conference session *Bridging the gap - the UN Sustainable Development Goals (SDGs) and Environmental, Social, and Governance (ESG) issues for the global legal profession*, this group was established and the working group members are as follows: Alison Hook (SPPI/BIC ITILS); Caroline Berube (Asia-Pacific Regional Forum); Fiona McLeod (BIC/IBA Diversity & Inclusion Council); Shane Freitag (LPD); Jörg Menzer (SPPI); Ernst Müller (African Regional Forum); Luis Enrique (Latin Regional Forum); Mark Stephens (HRI); and Sara Carnegie (LPRU/IBA Office).

Thus far the group has focused on assessing work already undertaken, or in process, on the topics of SDGs and ESG within the IBA, to take stock of what already exists within the association. For this big task, the working group is working with IBA's LPRU team. As a next step, the working group will look at tools to better showcase such work for members. It will also develop guidance on coordination of future work and strategies for the organisation on approach to SDGs and ESG.

I would like to thank Andrew Mackenzie for taking on this very significant work and leading the working group.

### **SPPI Project**

To showcase leading individuals in the legal profession, their background, what drives them and what they see as the role of lawyers in society, I developed a new interview series together with Tahera Mandviwala, Strategy Officer of the IBA Law Firm Management Committee, called "Who am I". The aim of this initiative is to look beyond the interviewee's professional image, unveiling their personalities and exploring their life journeys. The interviews are looking to examine what it takes to stand out in the profession and to make a difference, and how to become an exemplary role model in our profession. The aim of these interviews will be for us to learn from and be inspired by some of the real-life heroes of the legal fraternity and to remember why we became legal professionals, what role we have in society, how each of us can contribute, and how important it is to stand up for the independence of our profession, especially in times like ours. The questions are also very much driven by the audience, as everyone is invited to submit questions.

The first part, an interview of the IBA Executive Director Mark Ellis conducted by me, is now available online at <https://www.ibanet.org/SPPI-Who-am-I>. The second one with non-other than the American Bar Association's President-Elect, and long-time IBA member, Deborah Enix-Ross, is currently being planned.

### **SPPI Committee activities**

The following provides a brief overview of activities and initiatives by SPPI Committees, both for the membership, but also showcasing connections made to external entities, to strengthen the recognition of the IBA as a whole. As ever, these are just highlights and I invite you to review the committee webpages and newsletter for more information on the various ongoing activities.

The **Women Lawyer's Committee** (formerly known as Women Lawyers' Interest Group) held its first Virtual WLC Café on 8 March 2022: this is a quarterly event for the committee membership to connect and discuss a different headline topic (i.e., Diversity programmes in practice; Increase resilience in daily work matters; How to attract and to develop young talents). To allow for members to join in their respective time zones, this event was held three times on the same day, once for the Asian members,

once for the European members and finally also for the North and South American members. A second project currently planned by the WLC is a Mentorship toolkit: in order to assist firms to set up successful mentorship programmes, the committee is looking to produce a toolkit, allowing law firms or lawyers interested in mentorship to set up a programme with some ideas and guidelines that will get them started. It will include methodology to establish a mentorship programme in the law firm, information on how to choose the mentors, how to pair mentors with mentees and suggestions for ten initial mentorship sessions. The key for this toolkit is the integration of the best practices of several law firms and ideas, and the committee is working with the LPMC and the Young Lawyer's Committee. As of February 2022, the committee has been renamed into Women Lawyers' Committee (WLC), in line with similar committees (Senior Lawyers' Committee, Young Lawyers' Committee) and most importantly to reflect what they stand for, namely a Committee committed to empowering women lawyers, and to inspire leaders in the legal profession to make changes.

Finally, the WLC is planning its Women Lawyers Conference once again for 2022, with Copenhagen the location of this important event that had been put on hold for a few years. I look forward to sharing more details with you on this event.

The **Pro Bono Committee** started a project to better understand the state of pro bono in Africa, to gain an understanding of where in Africa free legal advice or representation is being given by legal professionals in the public interest and to gather basic information about such contributions. Also, where IBA members are not performing pro bono work, it had been hoped the survey would provide insights as to the reasons why this is so, and opportunities for IBA engagement to foster a culture of pro bono work on the African continent. Unfortunately the response rate has been very low, despite also reaching out to the various IBA bar members on the African continent. The officers are currently reviewing this project to decide how best to proceed.

In addition to continuing an ambitious and very successful webinar programme, the **Law Firm Management Committee** is organising a number of in-person conferences, with the next one scheduled to take place in Stockholm (<https://www.ibanet.org/conference-details/CONF2180>). In addition, a high-profile leadership training course is currently being planned for Q2. Following onto the success of the committee's annual London conference, *Building the Law Firm of the Future: 4th London Law Firm Management Conference*, 18-19 November 2021, with 116 people attending in person, planning for the 2022 edition of this conference is also underway.

As part of the International Human Rights Day on 10 December, the **Human Rights Committee** ran three very successful webinars, each chaired by a different Committee Officer:

- Human rights in the maritime industry <https://www.ibanet.org/conference-details/CONF2129>
- Best practice in access to justice: lessons from the pandemic <https://www.ibanet.org/conference-details/CONF2133>
- Media relations for lawyers involved in international human rights matters <https://www.ibanet.org/conference-details/CONF2130>

As part of the IBA's continued involvement with the European Commission, the **Alternative and New Law Business Structures Committee** submitted their response to the public consultation of the European Commission, on the subject of *Civil liability – adapting liability rules to the digital age and artificial intelligence*. As part of this, the committee created a working group to review the topic at hand and draft their input.

The **Regulation of Lawyers' Compliance Committee** is organising its first webinar this February, titled *Hybrid and remote working: can law firms effectively implement, and thrive through, the new working models?* <https://www.ibanet.org/conference-details/CONF2173> and we are looking forward to this very relevant discussion.

Recruitment for leadership for the new **Forum for Public and Government Lawyers** is underway, targeting public lawyers of the IBA and who attended IBA conferences. As a next step, the aim is to formally launch this committee at the IBA Annual Conference in Miami.

### **Recognising Outstanding Achievements**

The SPPI is proud to continue recognising and celebrating the work of very deserving professionals in the legal community, who have shown immense dedication to the legal profession, also through the continued generous sponsorship from LexisNexis. The 2022 awards are now open for nominations at <https://www.ibanet.org/Scholarships-and-Awards>.

In 2021, we again saw a large number of impressive nominations from all across the globe for all three awards, and I was delighted to present the awards to the following individuals as part of the IBA Global Showcase:



**Young Lawyers' Committee – The Outstanding Young Lawyer of the Year Award**, in recognition of William Reece Smith Jr, distinguishes a young lawyer who has not only shown excellence in their work and achievements in their career to date, but has also demonstrated a remarkable commitment to professional and ethical standards. The 2021 award was presented to Michael Polak, Barrister at London's Church Court Chambers and Director of Justice Abroad, for his commitment to defending human rights across the globe through his professional practice and personal endeavours.



**IBA Outstanding International Woman Lawyer Award - in recognition of Anne-Marie Hutchinson**, is given to those who have demonstrated excellence in their field, influenced other women to pursue legal careers, championed the rights of women in the workplace and advanced opportunities for women in law. The 2021 recipient is Beth Michoma, a Kenyan lawyer who has been recognised for her work advocating for the rights of women, girls and people with disabilities, ensuring that government legislation and policy reform promotes gender equality and economic empowerment for minorities.

**IBA Award for Outstanding Contribution by a Legal Practitioner to Human Rights** is annually received by a Legal Practitioner who is



deemed to have made an outstanding contribution to the promotion, protection and advancement of the human rights of all, or any group of, people, particularly with respect to their right to live in a fair and just society under the rule of law.

The 2021 award was jointly bestowed upon lawyers Ludmila Kazak and Maksim Znak for their commitment to defending democratic principles and human rights in Belarus. The full press release can be found [online](#).



**Pro Bono Committee – Pro Bono Lawyer of the Year Award** annually recognises one lawyer who is leading the profession in building a pro bono culture. This year’s recipient is Geoff Budlender, who has been recognised for his dedication to pro bono causes in South Africa. Over the course of a 45-year career in the law, Mr Budlender’s legal work has helped millions of people in the country, including victims of apartheid-era law, babies born to HIV positive mothers and children affected by school closures during the Covid-19 pandemic.



The full award ceremony can be found online at

[https://www.ibanet.org/Global-Showcase/2021-SPPI-Awards-Ceremony?sap-outbound-id=E10E556D1F7C447C057AE3CBEA73608EC47302F2&utm\\_source=SAPHybris&utm\\_medium=email&utm\\_campaign=642&utm\\_term=PR-2021-10-IBA%20Awards%202021\\_Click%20here&utm\\_content=EN](https://www.ibanet.org/Global-Showcase/2021-SPPI-Awards-Ceremony?sap-outbound-id=E10E556D1F7C447C057AE3CBEA73608EC47302F2&utm_source=SAPHybris&utm_medium=email&utm_campaign=642&utm_term=PR-2021-10-IBA%20Awards%202021_Click%20here&utm_content=EN)

We congratulate all the very worthy honourees and thank LexisNexis for continuing to support these important industry awards.

I look forward to meeting all of the 2022, 2021 and 2020 honourees at the Annual Conference in Miami, when we present the 2022 awards.

**PPID Activity Fund Update**

We continue to encourage BIC, HRI and SPPI Committee to submit suggestions for project funding under the PPID Activity Fund, particularly in light of the IBA’s Strategy, Presidential Priorities and SPPI themes, with the next deadline 1 May 2022. The PPID Steering Group will then review the applications received, during the group’s meeting on 19 May.

At the past meeting in February, one application had been submitted by the BIC International Trade and Legal Services Committee, looking to update the IBA GATS Handbook, which the group approved. In addition, the PPID Steering Group approved a recent funding request from the Law Firm Management Committee. A detailed overview of the current ongoing PPID Activity Fund projects can be found on the last page of my report.

As before, a few projects continue to be on hold or experience delays, in light of the pandemic. In October, we approved an application from the Women Lawyers’ Interest Group, to cover speaking

costs for a speaker at their officer retreat, as we felt it was important to encourage officers with their important work. While usually the Committee's budget can be used to facilitate officers getting together, this is very much focussed on in-person retreats and dinners, and we were delighted that we could find a way of supporting the retreat.

### **Conclusion**

This past year has been an exciting year for the SPPI and myself, and I am immensely inspired by all the driven and dedicated people the IBA brings together. Seeing how not only the SPPI Committees and their officers continue to embrace new opportunities to connect with members, get together and offer value to members and the industry as a whole, but witnessing the sentiment of togetherness across the entire association has been immensely inspiring.

I would like to extend my heartfelt thank you to all the SPPI Committee Officers, the SPPI Council and the SPPI Advisory Board for their continued enthusiasm and dedication. Without each and every one of them, and all our colleagues and friends across the organisation working together, the IBA would not be as strong as it continues to be, despite the odds of these past years and challenges to the rule of law these past weeks.

All our work would not be possible without the guidance, insight, support and dedication of the IBA team, in particular Astrid Wargenau, Rebecca Ruler and Julia Czerniakow and I would like to take this opportunity to thank them.

My final thanks go to Myra Garratt, for her shared vision, thoughtful advice, dedicated commitment and hard work. It is a pleasure working with all my SPPI colleagues, the Council and Management Board, and all our officers and members of the IBA, and I look forward to what we can accomplish in the time ahead.

**Jörg Menzer**  
**Chair, Section on Public and Professional Interest**  
**April 2022**

Ongoing PPID Activity Fund projects:

**2022:**

<b>Committee</b>	<b>Officer</b>	<b>Project title</b>	<b>Amount awarded</b>	<b>Date awarded</b>
Law Firm Management Committee	Hanim Hamzah	Scholarship for LFMC leadership programme	£10,000	March 2022
BIC ITILS	Jonathan Goldsmith	New edition of the GATS handbook	£10,000	February 2022

**2021:**

<b>Committee</b>	<b>Officer</b>	<b>Project title</b>	<b>Amount awarded</b>	<b>Date awarded</b>
Pro Bono Committee	Jacque Cassette / Odette Geldenhuys	Promoting Pro Bono in Africa	£7,300	May 2021

**2020:**

<b>Committee</b>	<b>Officer</b>	<b>Project title</b>	<b>Amount awarded</b>	<b>Date awarded</b>
BIC International Trade in Legal Services Committee	Jonathan Goldsmith	World Trade Organisation: IBA promotion and training Kazakh lawyers – on hold	£25,500	February 2020
War Crimes Committee	Shannon Raj Singh	Written report and side event on the proposed multilateral treaty on mutual legal assistance and extradition for atrocity crimes – on hold	£3,825	February 2020
Human Rights Law Committee	Federica D'Alessandra	Bridging the gap between tech giants and public authorities – on hold	£20,300	October 2020

### c) **Bar Issues Commission**

As my term as Chair of the BIC enters its final year, the opportunity to further advance BIC strategies and outreach remains the commitment of myself and the BIC executive. Over the past two years we have faced incredible challenges, but the effort to improve communication amongst the PPID and with the other divisions has been outstanding. We appreciate the guidance and partnership received from every section of the IBA. The leadership of the President has also reinforced our focus to strengthen our regional connections with our Member Organisations.

Looking ahead, our plans for 2022 are as follows:

#### **1. Collaboration with other divisions**

The BIC is very appreciative of the collaborative spirit demonstrated by the LPD, SPPI and HRI. As described in more detail below, the BIC continues to work closely with the Regional for a and local Member Organisations to expand the bar leaders' summit meetings to Africa and Asia Pacific.

The BIC joined the seminar organised by the LPD for lawyers in Vietnam and this seminar series will continue to be organised in the Philippines and Thailand.

The BIC and HRI met with the Iranian Central Bar Association and provided an introductory webinar for their members. They have been circulating sections of the video on their social media platforms and report that they have been well received by their members.

During the 2021 Virtual Annual Conference, the SPPI invited the collaboration of the BIC in its Rule of Law Forum webinar entitled "Equality Before the Law – Bar perspectives on the impact of the Covid pandemic". In Miami, the BIC and the Judges' Forum will work together on a session that focusses on protecting judges in conflicts, revolutions and times of political oppression

The BIC Committees are also focussed on further developing the cross-divisional relationships with the committees of the other constituents that have some overlapping focus areas. The BIC Project lawyer is also always looking for opportunities to engage the BIC, its Officers, Committee members, and broader membership in wider projects and consultation on major issues affecting the profession, including most recently the presidential taskforce on lawyer-client confidentiality, work with the Afghan Bar in exile, and various other projects connected with legal ethics, the rule of law, climate, and anti-corruption. This wider engagement will be one of the key focus areas of the BIC retreat discussions.

#### **2. Achieving Presidential Priorities**

A small working group comprised of BIC Officers has been formed to oversee the BIC's role in implementing the IBA's strategic plan. This working group finalised a draft document outlining the BIC's role in this process and associated actions, which was circulated to the BIC leadership for review and approval before being submitted to the IBA's strategic implementation group

One of the key presidential priorities communicated to the BIC at the beginning of 2021 was the need for closer support and engagement with its members. Historically this has been attempted by trying to establish 'twinning' programmes between members in the developed and developing world, or via centrally distributed global surveys of BIC members, designed to assess members' needs and requests for capacity building. However, for numerous reasons in no way unique to the BIC, these initiatives have failed to thrive in the past.

Keen to learn from these lessons, the BIC commissioned the Head of BIC and the BIC Project



Lawyer to prepare a proposal for a new form of regional BIC member engagement. The result was a model which mirrors the system used by the Regional Fora of the LPD. The aim would be for regional bar leaders to meet on a more frequent basis to discuss the issues affecting their members, and to facilitate the sharing of knowledge, resources, and support tailored to their geographical and practical needs. The first of these regional groups is being established in Africa with the support of the African Regional Forum, with plans to establish similar groups in the future in Europe, Asia Pacific, and North America.

### **3. BIC Officers**

The BIC Officers will hold an in-person retreat in Dublin from 10-13 April to discuss the continued development and strategy of the BIC, its role within the IBA and its proposed programme of activity. During this retreat the future composition of the BIC will be discussed in addition to the roles of the BIC Officers for 2022.

During our retreat, we will be reviewing and assessing the effectiveness of the BIC's approach to projects and capacity building and how best to move forward. We will also further consider the BIC's role in the Presidential priorities and in the implementation of the IBA's strategic plan. The Law Society of Ireland is hosting the retreat and is generously holding a dinner with its leadership, the BIC Officers and prominent members of the Irish legal community.

The BIC has also circulated a call for nominations to all Member Organisations welcoming nominees to be considered for BIC Officer-at-Large positions for the 2023-2024 term.

### **4. Conferences**

The BIC holds its Annual Bar Leaders' Conference each year alongside the Mid-Year Meetings. Unfortunately, due to the pandemic the conference was cancelled in 2020 and 2021. This year, the Conference will take place in Vilnius on 18-19 May 2022.

The Conference will examine topics such as the bar associations as guardians of the rule of law, old and new challenges to the core values and lawyers' ethical rules, the role of the bar association in training and experiences and lessons to learn from bar associations in crisis.

In Miami, the BIC Showcase will be outlining key questions to be discussed when drafting a new framework on Artificial Intelligence. The BIC and the Judges' Forum will collaborate on a session on protecting judges in conflicts, revolutions and times of political oppression. The BIC International Trade in Legal Services Committee will present a session on the relationship between online cross-border legal services and existing lawyer regulation and the BIC Regulation Committee will lead a session on regulatory innovation and access to justice.

The BIC Forum meeting has been held virtually in 2021 and 2022 with a new structure shifted toward open discussions, which has been very well received. We plan to continue this approach in the return to the in-person meetings.

### **5. BIC Activity Overview**

#### *Latin America Regional Summit Meetings*

As anticipated, the BIC completed two years (2020 and 2021) of virtual summit meetings (9 in total) with Latin American bar leaders from approximately 15 jurisdictions affiliated with the IBA. All virtual meetings were remarkably well attended (average 20/25 professionals) and

several representatives made interesting presentations and discussed topics of particular relevance to them. All presentations and discussions were vivid and dynamic and were recorded and uploaded onto the BIC webpage, as well as shared with the respective bars.

For 2022, we expect to continue this path with four summit meetings taking place on a bimonthly basis beginning on March 30. Once again, all participating bar leaders have been invited to propose topics of particular interest to regional bars. Enthusiasm by all has been a constant and key factor in this BIC initiative.

The first Bar Leaders meeting will take place on Wednesday March 30, an opportunity in which Colombian Bar Representatives, Diego Muñoz Tamayo and Claudia Amore Jimenez are to share the *Cámara de Servicios Legales* experience and advancements made regarding Continuing Legal Education in Colombia. Needless to say, the hottest and of more concern issue for Latin American Bar Leaders nowadays. Many have now confirmed attendance to Alberto Navarro's invitation.

Finally, and along the lines of the IBA strategic plan, BIC Officer, following Alberto Navarro, and LPD representative to BIC, Ira Nishisato meeting held at the end of November 2021 in order to strengthen collaboration between these two IBA constituencies (and further Alberto Navarro's virtual appearance at the IBA's 'Deals, disruptions and growth areas in the Americas conference' in Miami in December 2021) Alberto Navarro is now exploring with Brazilian Bars their possible financial support in order to organize a BIC panel in the morning of next May 2 in Sao Paulo, just before commencement the LPD Latin American Regional Forum (LARF) annual conference. This event solely depends on said kind of financing as the IBA does not count for budget on the occasion, but if finally obtained, the panel (on importance of CLE education in Latam – already drafted) would allow LARF conference participants to attend it.

#### *Other regional summit meetings*

Building on the success of the bar leaders' summit meetings in Latin America, the BIC continues its plans to mirror these meeting in other regions, beginning with Africa and Asia Pacific. Working collaboratively with the African Regional Forum and the Asia Pacific Regional Forum, the BIC is forming leadership working groups to identify topics of local interest and an effective formula to roll out these meetings in an appropriate regional context.

The BIC is working with the African Regional Forum, the Law Society of South Africa and the SADC Lawyers' Association to hold a summit meeting in conjunction with the SADCLA's Annual Conference in March. To build interest and momentum in the lead up to this event, a webinar was held on 23 February on the topic, 'the independence of the legal profession, including the judiciary – an inward and outward focus.'

## **6. Presidential Task Forces**

The BIC, via co-chairs Deborah Enix-Ross and Steven Richman (BIC Senior Officer), and project coordinator George Artley (BIC Project Lawyer), have been tasked with leading a presidential taskforce on mental health and wellbeing within the global legal profession.

The taskforce's report was launched during a showcase session of the IBA Global Showcase week in October 2021, entitled '*The global crisis of lawyer wellbeing. Unsustainable problems, and principles for a better future*'

The report contains a set of 10 principles designed to help guide and develop responses to the issues raised by, and the root causes of, the mental wellbeing crisis in law. Plans are now being developed

for 2022, aimed at assisting members in putting the principles, and recommendations found in the report, into practice.

## **7. Policy Committee Projects**

The Committee is currently focussing on the following projects:

- guidelines for Bar Associations on professional indemnity.

Other projects and documents for review include the following:

- Guidelines and Procedures for Drafting and Approving IBA Resolutions; and
- challenges presented for legal services regulation by trade negotiations in an era of technological change.
- Legal services and climate change

## **8. BIC Committees**

*BIC International Trade in Legal Services Committee (ITILS)*

The Committee's activities continued to be somewhat curtailed in 2021 due to Covid-19.

We had our third meeting of the year on 19 October 2021, very well attended online by members from around the world. Most of the conclusions appear elsewhere in this summary.

The committee will next meet in May /June 2022. We are still in discussion about its format. Not enough of our members are willing to come to Vilnius to make a retreat worthwhile, and so we are considering a hybrid retreat in June 2022 at the same time as the rescheduled WTO Ministerial Conference, which some of our members will in any case attend (see below).

### **Monitor and Influence Trade Policy Relating to Legal Services**

#### Online provision of cross-border legal services

The consultation on the regulation of online provision of services across borders, caused by the increased use of technology, has been circulated to BIC Policy, BIC Regulation and BIC ITILS itself, with a deadline of 25 March. So far, only one response has been received, and a reminder will go out shortly.

This topic will also form the subject of the committee's planned session at the annual meeting in Miami later in the year – 'The relationship between online cross-border legal services and existing lawyer regulation – does anything have to change?' The text accompanying the session title says: 'The rise in the frequency of online cross-border legal services, already in evidence before the pandemic but doubtless increased by home working and travel restrictions during the pandemic, poses challenging questions about whether bars' existing regulation of foreign lawyers, often based on their physical presence, needs to be reconsidered in the light of digital advances.'

#### Climate change and legal services

The committee has published its paper reflecting on this issue on the IBA website, so that it can be cited (following a request). It is a problem affecting both domestic and cross-border services, but major international transactions which affect the climate can be among the most serious. The paper

has been sent to BIC Regulation for comments, in advance of it being considered by BIC Policy at its next meeting.

### New edition of the GATS handbook

The GATS handbook for bars has been one of the committee's longstanding successes and has gone through two editions. Following a discussion, it was agreed that a new edition should be prepared to cover the following contemporary aspects:

- (a) the growth in regional and bilateral trade agreements (and how they affect bars and lawyers);
- (b) negative and positive listing of trade commitments (given changes in approaches to this);
- (c) the impact of the increase in digital cross-border legal services (and its effect on domestic regulation); and
- (d) developments in domestic regulation.

Although an amount for this work was included in the committee's budget for 2022, the committee was advised to seek funding from the PPID Activity Fund instead. The application was submitted to the PPID Activity Fund and approved.

### World Trade Organisation (WTO)

Following the cancellation of the WTO's 12<sup>th</sup> Ministerial Conference, which was due to take place in Geneva during the week of 29 November 2021, a new date has been set for the conference: the week of 13 June in Geneva. We have received reports, though, that it is not certain that this new date will hold, or that it will be a full Ministerial Conference as in the past, not only because of the pandemic, but also because of the Russian invasion of Ukraine (since the presence of a Russian delegation may cause problems for other delegations). For the time being, we are planning to attend through our formerly chosen representatives: Iain Sandford, Alison Hook, Thierry Ngogo and Mickaël Laurans. As stated above, we are considering holding our committee retreat in Geneva around the same time.

### **Globalisation Conference Series**

Due to the pandemic and a restricted budget for 2022, only one conference is in view so far for 2022, which is due to take place in conjunction with the Southern African Lawyers Development Community's Lawyers Association (SADC-LA) on 24-24 March 2022. Their 2022 Annual Conference & General Meeting will be held physically at Birchwood Hotel & Conference Center in Boksburg, Johannesburg over those dates, and three BIC ITILS speakers will participate via an online connection (Alison Hook, Javier Negri and Jonathan Goldsmith). In other words, it is not a full conference in our usual series but has some of our speakers addressing their usual topics.

At the same time, we are exploring holding a half-day conference on some of our conference topics at the same time as the IBA Annual Conference in Miami, aimed at lawyers from Latin America. We still need to assess finally the feasibility of this initiative.

### *BIC Regulation Committee*

The Regulation Committee held a meeting in January 2022. The Committee discussed and offered some comments on the draft consultation prepared by the BIC ITILS Committee and is in the process of providing further input. The Committee also reviewed and approved the draft Executive Summary of its new Directory on jurisdictions' anti-discrimination rules and policies prepared with the assistance of IBA staff.

The Regulation Committee is in the process of providing input to the BIC ITILS Committee on its paper entitled Legal Services and Climate Change. The BIC Policy Committee requested the Regulation Committee's review in advance of its discussion of the paper in Vilnius.

After its January 2022 meeting, the Committee Chair worked with IBA policy staff to arrange logistics for the launch of the Directory and the Executive Summary at the leadership meeting in Vilnius, Lithuania. In addition to the launch of the Directory and Executive Summary on the IBA website, at the recommendation of BIC leadership, the Regulation Committee will participate in session at the Vilnius meeting, entitled "Resources in the fight against bullying, harassment, and discrimination in the legal profession: a regulatory perspective."

The Regulation Committee continued preparation for its program at the 2022 IBA Annual Meeting in Miami, Florida. The session is entitled, "What's All This I Hear About Sandboxes? Regulatory Innovation and Access to Justice." The Committee approved the Chairs suggestions for speakers, which will include Christina Blacklaws, past president of the Law Society of England and Wales. Ellyn Rosen, Chair of the BIC Regulation Committee, will moderate this session. The Committee is pleased that in addition to BIC ITILS Committee, the SSPI Alternative and New Law Business Structures Committee is supporting this program. The Committee is please to collaborate with both entities on this important subject for the profession.

The Regulation Committee will also hold its first retreat at the 2022 Annual Meeting to engage in strategic planning for the future and how it can better interact and collaborate with BIC leadership and other committees.

### *BIC Bar Executives' Committee*

This Committee, formed in 2014, is co-chaired by Merete Smith, Secretary-General of the Norwegian Bar Association and Paul Mollerup, the Managing Director of the Association of Danish Law Firms. The Committee will continue its focus on building the relationships between senior staff at bars and law societies who engage in international work (and range from Executive Directors to International Liaison Officers to Secretary-Generals, depending on the size of the bar). Anyone appointed as the 'Bar Executive Officer' on the Bar Association Annual Membership form will automatically become a member of this Committee.

In 2020, the Bar Executives' Committee was unfortunately not able to hold its two meetings of Bar Executives that normally take place during the Annual Conference and the Mid-Year Meetings. The Committee held its first ever virtual meetings in May and November 2021, which were well attended.

The Committee looks forward to the return to in-person meetings in conjunction with the Mid-Year Meetings in Vilnius and the Annual Conference in Miami. It will also plan to circulate the May and November editions of the Bar Executives Exchange newsletter.

## **9. BIC Capacity Building**

Capacity building remains at the heart of the BIC's project work. It is hoped that 2022 will witness an overhaul of how capacity building work is undertaken, with the hopeful return of in-person events assisting us in this endeavour.

As mentioned above, and in line with current presidential priorities, the BIC is aiming to improve on its levels of engagement with members at the regional level, with the creation of a BIC Regional Forum model, mirroring that found in LPD. A webinar with members in Southern Africa was held on 23 February and was designed to showcase the IBA and BIC's work on matters affecting the independence of the profession, and rule of law challenges in the region.

## **10. Conclusion**

After a very difficult 2020 and 2021, we are all looking forward to a promising year in 2022 and ahead.

We, the BIC, would like to render efforts to tackle the problems that civil societies are facing such as COVID-19, judicial independence, global climate change and disasters and judicial corruption. We are cognizant of the jurisdictions where the lawyers and the bars have faced tremendous pressure, sometimes danger against their own lives, and the BIC is aware of its mission to support such lawyers and bars. Each of our civil societies in the world suffers from these problems and there are huge tasks to which we, the lawyers' organisation, are expected to contribute to solving. We, the BIC, recognise that we did not perform these tasks in the years 2020 and 2021 due to the global COVID-19 pandemic, but have committed to dedicate ourselves, together with our member bars and law societies, to work on the common issues such as independence of lawyers, lawyers' wellbeing and mental health and internationalisation of lawyers' practice.

Moreover, I feel that we, the BIC, need to assist developing bars to get organised and to protect their independence by way of enhancing our outreach programs, such as holding seminars and meetings with them to listen to their voices. We should not leave any of our member bars and law societies in the world behind.

We, the BIC, as one team with our committees, i.e., the Policy Committee, the BIC Regulation Committee, the BIC International Trade in Legal Service Committee, and the Bar Executives Committee, will give our best efforts to achieve our goals.

Lastly, I will work on these tasks with nine experienced and enthusiastic Officers and George Artley, our project lawyer. All of them are committed to the continuing development of the BIC.

**Kimitoshi Yabuki**  
**Chair, Bar Issues Commission**  
**April 2022**



### **International Bar Association's Human Rights Institute**

#### **IBAHRI Report for IBA Council: Activities Update - 1 September 2021 – 15 March 2022**

Baroness Kennedy was named as one of BBC's 100 inspiring and influential Women of 2021. You can see the full list [here](#). As part of this project, the BBC also invited four women leaders to exchange letters with four women from Afghanistan. You can read Baroness Kennedy's letter [here](#).

#### **Afghanistan**

Following the fall of the Afghan Government, the IBA and the IBAHRI released [a statement](#) calling for the international community to hold the Taliban to account for pledges made to citizens. In 2008, the IBA helped to establish the Afghanistan Independent Bar Association, the first independent bar association in the country. The IBA and IBAHRI have working tirelessly to assist those who worked for the AIBA to leave Afghanistan, where they face grave risk of persecution under the new Government. The IBAHRI is particularly concerned about female Judges, lawyers and journalists.

The IBAHRI has been able to be involved in evacuation efforts for women, acting as an operational hub for the evacuation process. One flight successfully went from Afghanistan to Athens in September, relocating 26 female Judges, MPs, lawyers and human rights defenders (114 people including their family members). Two further flights relocating 77 female Judges, lawyers and journalists departed and landed in Athens on the 24<sup>th</sup> October. In total, close to 500 people were evacuated by the IBAHRI. Baroness Kennedy has successfully fundraised for these flights and secured final destinations for all of these families.

The Judges in Athens met with the President of Greece, who allowed the flight to land directly in Athens. Baroness Kennedy has since travelled to Athens herself to meet with the Government officials responsible for allowing the flight and the female Judges too. Currently, 20 families will be resettled in Australia, 4 in Spain, 2 in Iceland, and



the remaining families in Canada. Both Baroness Kennedy and Emily Foale travelled to Athens to meet with various officials to discuss the situation of the women coming to Greece, and meet with all of the women.

Baroness Kennedy chaired a meeting with female parliamentarians around the world to discuss the situation in Afghanistan, in conversation with Dr Sima Samar, former Vice President of Afghanistan and former Chair of the Afghanistan Independent Human Rights Commission.

On 7 October, the IBAHRI delivered a petition to No.10 Downing Street, urging for the granting of emergency visas for Afghan female Judges and lawyers at risk. The IBAHRI also met with the office of the UN Special Rapporteur on Human Rights Defenders to discuss the need for emergency visas for human rights defenders from Afghanistan

The IBAHRI met with members of the UNHCR team of the Global Refugee Forum unit to identify potential partners and support on the evacuation, safe passage, and relocation of Afghan women to third countries. A short, medium and long-term strategy was agreed.

On 12 November, four of the evacuated families arrived in the UK, four female judges and one chief prosecutor. The team greeted them at the airport. Two gave interviews to BBC Newsnight which are available to watch [here](#). Further press coverage of the evacuated female Judges is in [ABC News](#), the [Globe and Mail](#), [CTV](#), the [San Francisco Chronicle](#), [Thomson Reuters](#), the [Sunday Times](#), [The Guardian](#), [Sky News](#).

On 7 December, Dr Ewelina Ochab, two judges and the prosecutor evacuated by IBAHRI, and others, participated in a meeting with the Prime Minister's advisors at No 10, to discuss the IBAHRI's work on evacuations from Afghanistan and the needed help. The group briefly met with the Prime Minister as well.

In the first part of 2022, the IBAHRI has been engaged, along with the evacuated Afghan judges in UK, in attending events with possible fundraisers, explaining the risks that judges faced back in Afghanistan, all the efforts behind the evacuation and the current needs of the judges to fully integrate and resettle. The IBAHRI is now liaising with several law firms and chambers to find relevant jobs for the evacuated judges.

The IBAHRI also had two private receptions on Afghanistan at Clarence House with some of the Afghan Judges and Camilla the Duchess of Cornwall.

Francesca Restifo has actively taken part on UN advocacy efforts around the situation in Afghanistan, aimed at the creation of a UN Human Rights Council monitoring and accountability mechanism to collect and preserve evidence on mass atrocities in Afghanistan. The IBAHRI has taken part to a coordination and strategic meetings with partners organisations and contributed to draft a common NGOs position informing the UN Resolution on Afghanistan. Later, Francesca Restifo participated in the Human Rights Council Special Session on Afghanistan, with a joint statement along with Lawyers' Rights Watch Canada. With a view to strengthening the language of the draft UN Resolution proposed by Pakistan, Francesca Restifo has participated in and contributed to the informal negotiations meeting. Francesca Restifo has also advocated with GRULAC countries to ensure they would vote in favour of an accountability mechanism.

### **Belarus**

The UN Special Rapporteur on Belarus, Anais Marin, has reached out to the IBAHRI and asked if it could support the Special Rapporteur's mandate and assist in drafting an Amicus addressed to the



International Criminal Court aimed to trigger an investigation on gross human rights violations carried out by Belarus. The IBAHRI prepared and submitted a draft amicus to the UN Special Rapporteur on Belarus with a view to a submission to the International Criminal Court on Belarus, pursuant to Art 15(2) of the ICC.

Francesca Restifo has also been liaising with UNHCR on Refugees, asylum seekers and forced displaced from Belarus in neighbouring countries.

Francesca Restifo organised a briefing for the UN Special Rapporteurs on the situation of lawyers in Belarus, attacks, judicial harassment, and criminal prosecution, with the direct witness Ilia Saley, attorney who has been arbitrarily detained for 6 months and then released and forcibly deported at the border.

The IBAHRI contributed to the informal consultations on the UN resolution on the “Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath”, under the leadership of the European Union (EU). All IBAHRI’s suggestions on specific paragraphs were endorsed by the EU, accepted by all other states supporting the Resolution, and included in the text. The resolution will be adopted by vote the last week of the Human Rights Council.

The IBAHRI participated in the Interactive Dialogue with the High Commissioner for Human Rights on her report on gross human rights violations in Belarus, aimed at collecting and preserving evidence of gross human rights violations for future criminal proceedings. The IBAHRI delivered an oral joint statement calling for the renewal of the mandate of the OHCHR Examination. The IBAHRI also participated in meeting with OHCHR Experts of the OHCHR Examination Belarus to discuss political challenges encountered by the experts in collective evidence and in drafting the report, as well as the next steps in case of renewal of their mandate. In March 2022, the IBAHRI kept working with Human Rights House Foundations on a joint letter to all member states to renew and empower the OHCHR Examination mandate to collect and preserve evidence of gross human rights violations in Belarus. Given the current dire human rights situation in Belarus, and the ongoing importance and unique nature of the OHCHR examination, the letter calls on the Human Rights Council to renew the mandate at HRC49, and ensure its work is sufficiently resourced and funded.

### **Brazil**

The IBAHRI is continuing its work on challenging the expansion of military jurisdiction in Brazil. On 23 September, the IBAHRI met with the head of the Public Defenders Office in the Brazilian state of Paraná to discuss military jurisdiction over gross human rights abuses in peacetime and the IBAHRI’s proposed in-country programme on this issue. Following that, the IBAHRI has been accepted as amicus curiae in Action for Unconstitutional Review (ADI) No 5901 before the Federal Supreme Court of Brazil. ADI 5901 challenges the constitutionality of Law no 13,491/2017, which expands military jurisdiction by amending the Military Penal Code definition of ‘military crimes in peacetime’.

On 15 March, the IBAHRI participated in an Inter-American Commission on Human Rights (IACHR) hearing on “Military Justice in Brazil”, requested by the IBAHRI, Conectas, Justiça Global, Terra de Direitos and Institute for the Defense of the Right to Defense (IDDD). In its concluding remarks, the IACHR suggested, inter alia, a working meeting with the Federal Supreme Court of Brazil (STF) on this issue. The STF is due to rule on several Direct Actions of Unconstitutionality (ADIs) related to military jurisdiction in the coming months.

As part of the IBAHRI’s continuing work on torture prevention in Brazil, on 2 December, Programme Lawyer Cath Kent and Legal Consultant Fabio Cascardo met with researchers from the Human Rights Center of the Pontifical Catholic University of Rio de Janeiro (PUC-Rio) to discuss publication of the report on "International parameters on the search for missing persons, the management of dead bodies

and family members' right to mourn" and associated advocacy with key regional and international human rights bodies, mechanisms and organisations.

The IBAHRI also published an open intervention letter to the Rio de Janeiro state's attorney general about chronic police abuse in Rio de Janeiro state.

### China

IBAHRI Director Baroness Kennedy continues to lead the work of the IBAHRI concerning human rights violations in China, including the genocide of the Uyghur Muslims.

Dr Ewelina Ochab spoke at a conference 'Responding to the Uyghur Genocide: Assessing Policy and Legislative Options for the US.'. Dr Ewelina Ochab, who provides Secretariat to the All-Party Parliamentary Group (APPG) on Uyghurs, participated in the APPG on Uyghurs meeting preparing the agenda for the next months of the Parliamentary work.

On 26 November, Baroness Kennedy met with the Taiwanese deputy foreign minister and ambassador for Taiwan to the UK.

On 10 November, Baroness Kennedy spoke at the press conference following the Judgement of the Uyghur Tribunal, which found that through the evidence presented the atrocities committed against the Uyghur in China amounts to genocide.

The IBAHRI has also collaborated on a joint statement denouncing China's Government suspension of Lin Qilei's and revocation of Liang Xiaojun's legal practices licenses.

Francesca Restifo, IBAHRI Representative, participated in meeting of the China Coalition to discuss the 2022 UN advocacy strategy. China will be reviewed by the UPR in early 2023 and CSOs reports can be submitted by late 2022. In January 2022, two joint private letters were sent to Michelle Bachelet, United Nations High Commissioner for Human Rights. The letters call on Michelle Bachelet for prompt publication of OHCHR report on the Uyghur region and holding of intersessional briefing ahead of 49th session of the Human Rights Council.

On Friday 17 December, at the invitation of the International Service for Human Rights and the 29 Principles organisation, Zara Iqbal delivered a closed workshop to a group of 20 Chinese Human Rights Lawyers on international standards and instruments for the protection of lawyers, with focus on the UN Basic Principles on the Role of Lawyers and the UN Declaration on Human Rights Defenders.

The IBAHRI also intervened at a roundtable organised by the British Group of the Inter-Parliamentary Union on China's Human Rights Violations and the Beijing Olympics. The IBAHRI met with Canadian lawyers to discuss the legal action in Canada in relation to the Government's response to the Uyghur genocide.

### Ethiopia

The IBAHRI has been very active at the UN level and through its network of partners in raising awareness on the deteriorated situation in Tigray.

The IBAHRI submitted an oral statement for the UN Human Rights Council 48th Session on Ethiopia calling to attention the ongoing atrocities in the Tigray region and called upon the Council to ensure a robust, dedicated and coordinated response, without any further delay, and duly fulfil its mandate to

address and prevent gross human rights violations. On 17 December 2021, Dr Ewelina Ochab intervened at the 33rd special session of the HRC on the situation in Ethiopia and spoke in support of the new mechanism to investigate the violations in the country, collect and preserve the evidence and identify those most responsible. The resolution establishing the mechanism was adopted later that day. Francesca Restifo also participated in an informal meeting organized by Michelle Bachelet, UN High Commissioner for Human Rights, on the current situation in Tigray, Ethiopia, during which she has presented the outcome of her office's report. Again, in March 2022, the IBAHRI submitted a statement to the UN Human Rights Council 49th session on the situation in Tigray, highlighting widespread and systematic sexual and gender-based violence as a weapon of war, recent attacks against IDPs, and the urgent need for humanitarian assistance to civilians.

IBAHRI Programme Lawyer Yassin Osman attended the House of Lords debate on the UK and Sub-Saharan Africa: Prosperity, peace and development co-operation Report highlighting the UK's economic policies in Sub-Saharan Africa and human rights concerns in the region, and, with Programme Lawyer, Dr. Ewelina Ochab, submitted a briefing to speakers. Zara Iqbal also attended the Parliamentary debate on crisis in Ethiopia's Tigray region, led by Chair of the UK International Development Committee, Sarah Champion MP. The briefing followed up on recommendations made in a report on Tigray published by the International Development Committee in April 2021, which called on the UK government to use all diplomatic means possible to end the conflict and use its relationship with Ethiopia to ensure its government protects the population from violence.

On 30 September 2021, the IBAHRI, in partnership with the Raoul Wallenberg Centre for Human Rights (RWCHR), Reporters Without Borders (RSF), PEN Eritrea, PEN Canada, the Committee to Protect Journalists (CPJ), the RWI-70, and the Buxus Foundation hosted a webinar, "20 Years of Dictatorship in Eritrea: A Case Study of the Global Assault on Media Freedom by Authoritarian Regimes".

On 22 October, Baroness Kennedy, Dr Ewelina Ochab, Zara Iqbal and Yassin Osman took part in a meeting with Sally Keeble regarding the conflict in Tigray. Following this, on 14 December, Dr Ewelina Ochab and Francesca Restifo met with a former British politician, Sally Keeble, to discuss the situation in Ethiopia. Sally and Dr Ochab organised a letter on Ethiopia for British Politicians to Liz Truss asking for support to the UN mechanism for Ethiopia.

Francesca Restifo and Dr Ewelina Ochab met with representatives from the Global Responsibility to Protect to discuss joint actions related to the situation in Ethiopia and gross human rights violations in Tigray.

### Kyrgyzstan

In October 2021, the IBAHRI started its activities under the torture prevention project on "Torture prevention – Building the capacity of the National Prevention Mechanism (NPM) and lawyers in Kyrgyzstan", funded by the OPCAT Special Fund and the HRI Trust.

On 19 October, Programme Lawyer Cath Kent and Legal Consultant Zakir Amanbaev conducted a hybrid in-person/virtual needs assessment consultation with the National Preventive Mechanism (NPM) in Kyrgyzstan, its Coordination Council and representatives from the NPM's Register of Experts. On 20 October, they attended a roundtable co-organised by the Coalition against Torture of Kyrgyzstan, OHCHR and the NPM on the Coalition's alternative report to the UN Committee against Torture, in advance of the Committee's review of Kyrgyzstan on November 2021.

On 22 and 24 February, the IBAHRI delivered two workshops for the Kyrgyz National Preventive Mechanism (NPM) on "Media and Communications", following the NPM's request for capacity

building assistance during the IBAHRI's needs assessment consultation in October 2021. The workshop drew on human rights communication theory and best practice approaches to media engagement, including an analysis of risk management strategies.

The IBAHRI also continued preparations for in-person torture prevention activities in Kyrgyzstan, in early April 2022, namely a capacity building training for National Preventive Mechanism staff and experts on 5-6 April and a roundtable for torture prevention stakeholder on 12 April.

### **Malawi**

The IBAHRI continues its work on torture prevention in Malawi with key partners. On 18 October, Programme Lawyer Cath Kent met with Reprieve and Irish Rule of Law International to continue preparations for a virtual seminar on "Preventing Forced Confessions: Theoretical Approaches to the Exclusionary Rule" with High Court judges in Malawi, tentatively scheduled for 2-3 November 2021.

On 2 and 3 November, the IBAHRI, Irish Rule of Law International and Reprieve, in coordination and collaboration with the Malawian judiciary, delivered a virtual seminar on "Preventing Forced Confessions: Theoretical Approaches to the Exclusionary Rule" with 15 High Court judges in Malawi.

On 1 December, Programme Lawyer Cath Kent met with colleagues from Irish Rule of Law International and Reprieve to discuss possible next steps in relation to the admissibility of forced confessions in Malawi following a request from judges for further events on this issue.

### **Peru**

In September 2021, the IBAHRI, in partnership with the National Mechanism for the Prevention of Torture in Peru and together with a team of experts, delivered four virtual workshops on "Investigation and Documentation of Torture: Theoretical Approaches to the Istanbul Protocol" for legal and medical professionals from nine regions in the south of Peru.

Cath Kent has also undertaken a needs assessment consultation regarding further torture prevention activities in Peru and the establishment of an e-network of legal and medical professionals working on torture prevention in the country. On 3 February, the torture prevention e-network of legal and medical professionals in Peru was launched, providing a platform for coordination, collaboration and information sharing. On 25 February, the IBAHRI hosted the second meeting of the e-network, comprised of legal and medical professionals that attended IBAHRI capacity building trainings in 2021 and other interested parties.

Moreover, as a follow up to those needs assessment consultations, Programme Lawyer Cath Kent completed the first draft of a funding application to the 2022 OPCAT Special Fund on "Protection and promotion of the rights and access to justice of LGBTI persons deprived of liberty: Fostering the Peruvian National Preventive Mechanism's collaboration with State bodies and legal professionals", for implementation in 2023 in partnership with the NPM in Peru.

### **Sudan**

Programme Lawyer Yassin Osman joined a coalition group working on the human rights situation in Sudan following the military coup, as part of wider engagement on Sudan in supporting its path towards a civilian-led democratic transition. The IBAHRI has been discussing with Redress collaboration on submissions pushing for targeted sanctions against Sudanese figures responsible for the October military coup, including at the UK parliament, the US senate and UN advocacy avenues.

The IBAHRI has also co-signed a joint letter from various civil society organisations ahead of the 3rd cycle of the UPR on Sudan highlighting the Council's need to take steps to ensure that the UPR process does not legitimise or recognise the military-led administration as the de jure government.

An IBAHRI article on the Sudan coup and its implications on international law and the legal profession was published [here](#) in the UK's Solicitor's Journal.

### **Tajikistan**

The IBAHRI engaged in the Universal Periodic review (UPR) of Tajikistan on lawyers' rights. In October 2021, the IBAHRI and Lawyers for Lawyers also made an intervention before the Permanent Missions to the UN in Geneva to address challenges faced by Lawyers in Tajikistan and asked to endorse those recommendations before the UPR.

### **Tunisia**

The IBAHRI has now completed an extensive training programme with Judges in Tunisia on economic, social and cultural rights. The IBAHRI has been participating in the external evaluation of the work of the Consortium in Tunisia and participated in the evaluation interview on the Tunisia ESCR project to reflect on the programme and on the working relationship of the IBAHRI and the consortium for future projects in the MENA region.

The IBAHRI, ILAC and the UN OHCHR also completed a series of training sessions on economic social and cultural rights aimed at various civil society organisations across Tunisia, as part of the last projects to be implemented in Tunisia.

Programme Lawyers Yassin Osman and Zara Iqbal travelled to Tunis, Tunisia to take part in the final workshop and closing ceremony for the IBAHRI's joint programme with ILAC (11 and 12 December). They took the opportunity to meet with key stakeholders and work on development of future programmes of work in Tunisia. The final report on the joint programme has been submitted in February 2022, covering the outcomes and impact of the training workshops over the last 3 years. One important aspect to note is that Tunisian judges and lawyers that participated in the trainings have indicated that the use of international instruments on Economic, Social and Cultural rights had remarkably increased through its use in local administrative courts, through legal arguments presented by lawyers, and reception to, and adjudication over, such arguments by judges, within the Tunisian Judiciary.

The IBAHRI held some meetings with the ICJ's MENA Legal Advisor to discuss possible joint avenues for collaboration in the region, including on the recent and concerning executive decree in Tunisia affording broad presidential powers in the organisation of the country's top judicial body, Tunisia's upcoming UPR and the prospective counter-terrorism related programme in Turkey.

On 9 March 2022, the IBAHRI sent a letter to the President of Tunisia addressing concerns over the recent presidential decree which replaced the Supreme Judicial Council with a judicial body governed by wide-reaching executive powers and restricted judges' rights to freedom of expression, assembly and association. The letter highlights the deteriorating situation of judicial independence, rule of law and separation of powers in Tunisia. It further calls for a reversal of the decree, and for reformation of the Judiciary to take place through an inclusive process that respects international standards on judicial independence.

### **Turkey**

The IBAHRI continues to monitor the situation of lawyers and human rights defenders in Turkey, in particular through the Trial Observation of the case of Osman Kavala (see more below).

In January 2022, together with other legal NGOs, the IBAHRI has co-signed Urgent action letter to the UN Special Procedures on the treatment of the gravely ill prisoner Aysel Tuğluk held in the Kocaeli Kandıra F-Type prison in Turkey, calling on Turkey to release Aysel Tuğluk and other severely ill prisoners who are not fit to remain in prison immediately in compliance with Turkey's domestic and international law obligations (action letter available [here](#)).

In March 2022, the IBAHRI coordinated with Lawyers' Rights Watch Canada (LRWC) on a joint oral statement delivered during the Interactive Dialogue with the UN Special Rapporteur on Counterterrorism. The statement focused on Turkey and denounced the abuse of anti-terrorism laws to arbitrarily detain human rights lawyers and defenders.

The IBAHRI is also developing a capacity building programme to support lawyers at risk in Turkey and young lawyers in the Africa region.

### **Ukraine**

On Tuesday 5 October, the IBAHRI met with the Deputy Minister for Foreign Affairs of Ukraine H.E. Ms Emine Dzahaparova. The IBAHRI encouraged Ukraine to keep a strong human rights leadership in the Eastern European Group of countries and stressed the importance to ratify the Rome Statute, without delay. Ukraine asked support in raising awareness on torture cases in Crimea and in the East of the Country.

Following the Russian invasion of Ukraine in February 2022, the IBAHRI has been working with the whole IBA and international community towards a prompt response to the aggression. IBAHRI Director Baroness Kennedy QC was among the co-signer of [a letter](#) urging the ICC Prosecutor to proceed with investigations into Ukraine.

The IBAHRI has also contributed to the negotiations of the Human Rights Council Resolution urgently establishing an independent international Commission of Inquiry (COI). The resolution was then adopted with the overwhelming majority of 32 votes in favour, 2 against and 13 abstentions.

The IBAHRI organized a webinar entitled *Harnessing law in Times of War*, to discuss the international law implications of the Russian invasion of Ukraine and explore possible avenues for accountability, a recording is available [here](#). The panel was composed by prominent experts in the field such as Lindsey Hilsum, Gordon Brown, Philippe Sands, Mark Ellis, Stephen Rapp and Jennifer Trahan.

On 19 March, Baroness Kennedy co-signed a letter published on the Times about the perils faced by Ukraine's orphans. The letter urges the government to work with other countries and international bodies, such as the UN and the Council of Europe, to ensure that the orphan children still in Ukraine are evacuated and given help, and to prevent any risk of them being trafficked. The letter is available [here](#).

The IBAHRI coordinated with Lawyers Rights Watched Canada, Lawyers For Lawyers, and The Law Society, to co-draft a joint oral statement on Russian Federation, in the context of the Human Rights Council Agenda. In the oral statement, the organisations addressed flagrant violations of international law, condemning Russia military invasion, ongoing war crimes and violations of rights to freedom of expression, association, and peaceful assembly at domestic level, after the military incursion, with thousands of peaceful anti-war demonstrators being arbitrarily detained in Russia, condemning with numerous reports of torture and ill-treatment, and denial of detainees' access to lawyers. The statement can be watched [here](#)

### **Zimbabwe**

The IBAHRI contributed to a submission made jointly with Robert F. Kennedy Human Rights (RFKHR) and Zimbabwe Lawyers for Human Rights (ZLHR) to the UN Special Rapporteur on the Independence of Judges and Lawyers to call his attention to attacks on judicial independence and growing public mistrust of the judiciary in Zimbabwe. In particular, the IBAHRI raised concerns over the executive's growing influence over the judicial branch, which is inconsistent with international and regional standards and risks the integrity of the judicial system

The IBAHRI, with Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights (ZLHR) organised a webinar on the 'Attacks against Human Rights Lawyers in Zimbabwe', on 21 September 2021.

In February 2022, the IBAHRI took part in an urgent virtual meeting, organised by Zimbabwe Lawyers for Human Rights and Lawyers for Lawyers, to discuss recent developments showing a sustained attack on the independence of the legal profession in Zimbabwe. During the meeting, partners in Zimbabwe provided an update on the current situation, and organisations deliberated on how to provide professional solidarity and support to minimize further attacks. The IBAHRI made a number of suggestions to monitor and document such attacks and will continue to work with partners on a plan of action.

## **Thematic Areas and Specialist Activities**

### ***UN Programme***

Under the UN programme, the IBAHRI continued its activities through the 48<sup>th</sup> and 49<sup>th</sup> sessions of the UN Human Rights Council, the Universal Periodic Review and the cooperation with UN mandate-holders.

#### **48<sup>th</sup> session of the UN Human Rights Council session**

- **Ethiopia:** The IBAHRI delivered a **statement** on the human rights situation in Ethiopia and particularly in Tigray, describing the serious nature of the ongoing crisis, the extent of the atrocities, and the gravity and complexity of the situation, and called on the member states of the Human Rights Council to ensure a robust, dedicated, and coordinated response, without any further delay, fulfilling their mandate to prevent grave human rights violations.
- **Myanmar:** The IBAHRI delivered an video **statement** (at 52min9s) on Myanmar before UN High Commissioner for Human Rights Michel Bachelet, condemning the ongoing repression against civilians since the military coup in Myanmar, including suppression of lawyers' activities and associations in violation of the **UN Basic Principles on the Role of Lawyers**. The IBAHRI urged the due investigation of these abuses and assessment of whether they amount to crimes against humanity, calling on the international community to consider a referral by the Security Council to the International Criminal Court. The IBAHRI also a joint similar video **statement** before the Independent Investigatory Mechanism on Myanmar (IIMM), condemning the violent attacks against peaceful protestors and calling for the immediate cessation of all human rights violations and restoration of the democratically elected civilian government.
- **Belarus:** The IBAHRI delivered an oral **statement** on behalf of several non-governmental organizations on the human rights situation in Belarus during the UN Interactive Dialogue on the human rights situation in the country. The IBAHRI condemned the deterioration of the situation on the ground and emphasized growing and varied attacks against lawyers, including the recent sentencing of lawyer Maxim Znak to a ten-year prison term following a closed-door trial. The IBAHRI emphasized that the Council must take all available actions to prevent further deterioration of the situation. The IBAHRI would particularly welcome full support for the Special Rapporteur on the human rights situation in Belarus through adequate funding, as well as operationalization of the OHCHR examination of the situation without further delay.

- **Philippines:** The IBAHRI welcomed the high commissioner's oral updates and joined Lawyers' Rights Watch Canada (LRWC), and other NGOs on a statement to the Human Rights Council condemning ongoing murders and attacks against lawyers and human rights defenders in the Philippines, delivered by LRWC. The statement expressed regret over the continuing extrajudicial killings in the country despite two HRC resolutions in 2019 and 2020 calling on the Council to establish an international investigative mechanism on human rights violations in the Philippines, to eventually start the long-overdue independent and transparent investigation on the human rights violation in the country. The statement was also reported in national media.
- **Venezuela:** With the International Commission of Jurists (ICJ), the IBAHRI drafted a statement on the human rights situation in Venezuela, presented during discussions with members of the International Independent Fact-Finding Mission (FFM). The ICJ-delivered **statement** addressed the lack of judicial independence in the country and condemned the lack of cooperation by Venezuelan authorities with the FFM. The IBAHRI also co-sponsored a virtual side event on Venezuela entitled 'The Role of the International Community in the Lack of Access to Justice in Venezuela,' featuring the UN Rapporteur on the independence of judges and lawyers and other representatives from the UN and partner organizations.
- **Arbitrary detention of lawyers:** The IBAHRI worked with the Law Council of Australia (LCA) to issue a statement on arbitrary detention of lawyers during the Interactive Dialogue with the UN Working Group on Arbitrary Detention. LCA delivered the joint **statement** condemning the punishment of lawyers for representing human rights defenders and asking the Working Group what actions it intends to take to address this trend.
- **Iran and Turkey:** together with other partner organizations like Lawyers for Lawyers and the Law Society of England and Wales, the IBAHRI delivered a **statement** to express concern over systematic criminalization and imprisonment of lawyers in Iran and Turkey. The statement urged the Council to call on both countries to immediately release all lawyers detained for performing their lawful occupations and to protect lawyers' ability to practice without interference or reprisals.
- Finally, the IBAHRI worked with LRWC and other NGOs to prepare a joint **statement** denouncing China's and Colombia's failures to implement universal periodic review (UPR) recommendations related to the protection and independence of lawyers.

On 05 November, The UN Human Rights Council met in a special session to discuss the human rights situation in Sudan following the military coup which forcibly dissolved the civilian government. IBAHRI Programme Lawyer Yassin Osman delivered an oral statement on behalf of the IBAHRI to the HRC's special session calling for the reversal of the coup, a peaceful transition to civilian rule, the restoration of the internet and network services, the restoration of the Constitutional Document, and urged the HRC to establish an independent mechanism to monitor the situation. The Council adopted a resolution tasking the UN Commissioner for Human Rights with designating an expert on human rights in Sudan, to report on the country "until its civilian-led government is restored."

A report on the key outcomes of the 49<sup>th</sup> Session of the UN Human Rights Council will be provided after its closing, in April 2022.

#### UN Forum on Human Rights, Democracy and Rule of Law

The IBAHRI cooperated with the team of the Rule of Law Unit of the UN Office of the High Commissioner for Human Rights (OHCHR) to define the agenda, chair and panels of the UN Forum on Democracy, Human Rights and the Rule of Law in November. During the 2-day forum, the IBAHRI delivered four oral statements and organized two side events. The two side events were on "Military jurisdiction over gross human rights violations and access to justice for victims - Perspectives from



Latin America” and “The Erosion of the Rule of Law, Democracy and Institutional Checks and Balances - A Case Study” with a focus on Turkey and the Kavala Case.

Following the UN Forum, Francesca Restifo held a strategic meeting with the IDLO UN Representative to discuss follow-up actions. The IBAHRI and IDLO agreed to organize a stock-tacking event following the publication of the Forum Report, along with members of the Core Group on Rule of Law and OHCHR. Key recommendations proposed by the IBAHRI were taken on board by the UN as priorities for its agenda.

#### Other initiatives

Following a joint UPR submission on Hungary (IBAHRI and Lawyers for Lawyers), Francesca Restifo sent out advocacy briefs to a number of Geneva-based Permanent Missions, highlighting challenges in judicial independence as well as attacks to lawyers, ahead of the Review of Hungary in November 2021. Francesca Restifo held a meeting with UPR-Info to discuss strategic partnerships with States and National Human Rights Institutions to enhance engagement of the judiciary in the Universal Periodic Review (UPR) process.

Francesca Restifo liaised with ISHR and other NGOs on a letter addressed to the UN Secretary General about the upcoming elections of the UN ECOSOC Committee on NGOs (April). The 19-member NGO Committee is the UN body that recommends accreditation of NGOs. As accreditation allows NGOs full participation in UN human rights processes, members of the Committee are gatekeepers to full NGO access to the UN. Unfortunately, the Committee is a highly politicized body and members have frequently used their power to block NGO access - in particular for human rights organisations who come to the UN to hold them to account.

The IBAHRI is continuing its involvement as member of the Steering Group for the International Fair Trial Day. A conference to celebrate the Day is being organized in Palermo, on 17th and 18th June 2022, at the Law Faculty.

#### ***Lawyers at Risk***

As one of its main strategic priorities, the IBAHRI is committed to support and step in to protect lawyers at risk worldwide, persecuted for carrying out their professional duties.

The IBAHRI, alongside the IBA Rule of Law Forum, has embarked on an initiative to develop a ‘Lawyers at Risk’ database. This database will house information on attacks made against lawyers, including killings, harassment, threats and disbarments. This will track trends in attacks against lawyers worldwide and enhance the IBA’s ongoing advocacy on this and provide centralised information on such attacks. The IBAHRI and IBA Rule of Law Forum have been having meetings with partner organisations to gather information on such attacks and develop the methodology for the database.

Baroness Helena Kennedy QC successfully established the UK All-Party Parliamentary Group (APPG) on lawyers and judges at risk globally. The APPG was joined by several distinguished QC and experts. Dr Ewelina Ochab and Emily Foale will provide secretariat for the APPG. The meeting of the APPG focused on the situation of female judges and lawyers at risk in Afghanistan and the IBAHRI’s work to help them.

Francesca Restifo and Emily Foale held a meeting with the UN Special Rapporteur on Independence of Judges and Lawyers to define the main lines of his next report (June 2022) on lawyers at risks and to share comments and suggestions (on which all Programme Lawyers have also worked on). The IBAHRI

supported the mandate of the UN Special Rapporteur on Independence of Judges and Lawyers by organising four regional consultations with Lawyers from Africa, Asia, MENA and Central Asia, as well as with providing intellectual inputs to the draft of his next report (June 2022).

Baroness Kennedy chaired the IBAHRI session at the IBA Global Showcase on ‘Law and Lawyers under Attack’, with UN Special Rapporteur on the Independence of Judges and Lawyers, Diego Garcia-Sayan, Special Rapporteur on Freedom of Assembly, Clement Voule, Special Rapporteur on Belarus, Anais Marin, and Chair of the Bar of England and Wales Human Rights Committee, Schona Jolly QC.

Francesca Restifo held a strategic meeting with the director of the centre for the Independence of judges and lawyers of the International Commission of Jurists (ICJ) to discuss partnerships and short-term common interventions at the UN up to early 2022.

The IBAHRI participated in statement condemning the various forms of harassment against lawyer Ivan Pavlov, which have involved multiple violations of his human rights, as well as hindrance of his professional activities. (Recently, authorities of the Russian Federation filed a motion to initiate disciplinary proceedings against Ivan Pavlov seeking his disbarment. He was also labelled as a “foreign agent” by the authorities. Earlier this year, Ivan Pavlov left the Russian Federation due to his fear of prosecution on political grounds).

The IBAHRI has also revised and co-signed a joint letter on arbitrary detention of layers and human rights defenders in Iran (available [here](#)).

The IBAHRI participated in informal consultations on the draft UN Human Rights Council resolution on human rights defenders in conflict and post-conflict situations. A number of the IBAHRI’s language proposals were incorporated into subsequent drafts.

The IBAHRI organized, in conjunction with Doughty Street Chambers, Justice for Anton and Justice for Journalists, the Parliamentary briefing event “Libya, the UK and Ongoing Impunity for Crimes Against War Correspondents: The case of murdered journalist Anton Hammerl”.

### ***Trial observations***

In particular, the IBAHRI continues a trial observation of Osman Kavala, with the final verdict on his case being expected to be issued in April 2022. Baroness Kennedy spoke at an event awarding Osman Kavala, who’s trial the IBAHRI continues to send an independent observer to, for Courage in Public Scholarship.

On 6 December, the High-Level Panel monitoring the trial of political leaders in Myanmar published its press release commenting on the verdicts announced on the day.

### ***Peaceful Protests***

The IBAHRI continues to work closely with the UN Special Rapporteur on Freedom of Assembly and Association, informing his most recent report to the UN Human Rights Council session. The final report is published and available to read [here](#).

On 24 January, in occasion of the Day of Endangered Lawyer, the IBAHRI organized a high-level discussion on the Guidelines for Lawyers in support of peaceful assemblies. The panel included Baroness Kennedy, QC, the UN Special Rapporteur Clement Voule, the United States State Department, as well as Lawyers from Hong Kong and from Colombia to share first-hand information. The IBAHRI partnered with the US delegation, with the High Commissioner for Human Rights, the

Geneva Academy of International human rights and humanitarian law, as well as with the Geneva Bar association. The event was attended by more than 300 participants, mostly lawyers. Following the event, the IBAHRI received excellent feedbacks.

The IBAHRI held some discussions with the New York bar association and with VIKA! to define a roadmap towards the engagement of the legal professions in the Freedom of assembly and to support the mandate. In this context, the IBAHRI is currently developing a plan for engaging lawyers to 'pilot' the practical use of the UN Guidelines for lawyers during peaceful protests. Six countries have been selected to take forward.

The IBAHRI also met with the UN Special Rapporteur on Freedom of Peaceful Assembly, Clement Voulé, to identify priority interventions of the mandate towards enhanced accountability for violations of freedom of peaceful assembly. A sustained collaboration and partnership between the UN Mandate and the IBAHRI was discussed, based on a joint roadmap.

### ***Rule of Law***

On 4th November, Zara Iqbal spoke at a conference hosted by the European Commission on its rule of law report in Brussels.

On 17 November, Baroness Kennedy spoke at the English Bar's annual general Rule of Law webinar.

Francesca Restifo met with the UN Representative of the ICJ to discuss thematic and country-specific interactions and joint actions for the first quarter of 2022, on the Rule of Law, Independence of Judiciary, Protection of Lawyers, and engagement with the legal professions.

### ***Genocide, Atrocity Crimes and Minority Rights***

The IBAHRI is strengthening its engagement towards the protection of minorities and the fight against impunity for genocide and atrocity crimes, with reference not only to the Uyghur in China (see above), but also the Yazidis, the Hazaras and the Rohingya.

The IBAHRI participated in the European Regional Forum on Minority Issues (on conflict prevention and the protection of the human rights of minorities) convened by the UN Special Rapporteur on minority issues Fernand de Varennes.

On 24 November, Dr Ewelina Ochab participated in a UK Foreign, Commonwealth & Development Office event on supporting the inclusion and active participation of vulnerable and marginalised groups in democratic processes. Dr Ewelina Ochab also participated in a Parliamentary meeting organised by the APPG on Freedom of Religious Belief and the Prime Minister's Special Envoy on Freedom of Religious Belief, Fiona Bruce focused on the issue of persecuted minorities, and especially, double vulnerable women and girls - targeted because of their religion or belief and because of their sex.

On 29 November, Dr Ewelina Ochab participated in a UN consultation on religious or belief minorities and conflict, organised by the UN Special Rapporteur on Freedom of Religion or Belief. On 2 and 3 December, Dr Ewelina Ochab participated in the UN Forum on Minority Issues focused on 'Conflict Prevention and the Protection of the Human Rights of Minorities'

On 8 December, the IBAHRI hosted a webinar marking the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, with panellists representing all major UK All-Party Parliamentary Group working on various aspects of genocide.

Dr Ewelina Ochab continued to lead IBAHRI's engagement under the Yazidi Justice Initiative, holding several meetings with partner States and organisations to explore avenues for accountability. Currently, discussions are being held on the launch of the report and follow ups on the work.

Baroness Kennedy agreed to serve as Chair of the UK All-Party Parliamentary Group (APPG) on the Yazidis, with Dr Ewelina Ochab providing secretariat to the APPG. Several meetings and events have been organized by Dr Ewelina Ochab for the APPG.

Dr Ewelina Ochab also participated in meetings with the APPG on Freedom of Religion or Belief (FoRB) and the APPG on Pakistani Minorities, planning the year ahead. With the APPG on Pakistani Minorities, she also discussed an inquiry on the atrocities against the Hazaras in Pakistan and Afghanistan. The IBAHRI held further meetings with experts to discuss the situation of the Hazaras in Afghanistan and subsequently led the weekly session of the Parliamentary inquiry on the Hazaras, preparing the next steps of the inquiry into the situation of the community in Afghanistan and Pakistan. On 13 January, Dr Ewelina Ochab run a working group on genocide with stakeholders of the UK FoRB Forum, and on 19 January, she spoke on the duty to prevent genocide at a roundtable organised by Archbishop Angaelos. Dr Ewelina Ochab also met with the APPG on Genocide and Atrocity Crimes to discuss future cooperation.



The IBAHRI has also been discussing initiatives on justice and accountability for the Daesh genocide with possible partner organisations, among whom the Free Yazidi Foundation.

The IBAHRI had discussions about the situation of Muslims in India and the risk of genocide with the All-party Parliamentary Group on genocide.

The IBAHRI has been invited to participate to the annual meeting of the International Religious Freedom or Belief Alliance in Geneva, hosted by the US State Department. Dr. Ewelina Ochab attended the event (photo from the trip attached).

Finally, the IBAHRI contributed to the informal negotiations organized by the Delegation of Armenia to the UN on the draft UN Resolution on Prevention of Genocide

### ***Equality and Diversity***

The IBAHRI continues to advocate for racial equality, gender equality and LGBTQI equality in all aspects of our work.

Baroness Kennedy has been working on a report as part of a legal forum, on the need to ban all forms of conversion therapy for LGBTQI+ individuals. The report has been launched, and an op-ed from Baroness Kennedy featured in [the Guardian](#). Baroness Kennedy spoke at the launch of the Legal Forum on Conversion Therapy's '[Cooper Report](#)' on legislative recommendations for effectively banning conversion therapy practices.

On 30 September, Baroness Kennedy gave opening remarks to a side event held at the UN Human Rights Council, by UN women, launching the [Global Gender Equality Constitutional database](#). It is a 'repository of gender equality related provisions in 194 constitutions from around the world'. The IBAHRI partnered with UN Women to develop this database. The IBAHRI provided lawyers around the world to populate and work on the database. It is now an immensely useful resource for lawyers and NGOs worldwide to examine the gendered nature of law.

From 29th November – 1st December, IBAHRI Director Baroness Helena Kennedy QC travelled to Helsinki for a meeting of the Women's Parliamentarian Network, bringing together female parliamentarians from the MENA region to strengthen and empower women.

The IBAHRI hosted a panel discussion on Preventing Sexual Violence in Conflict (PSVI) with speakers including the representatives of the UK Foreign, Commonwealth & Development Office, the Prime Minister's Special Envoy on Freedom of Religious Belief, Fiona Bruce MP, and Erin Rosenberg from Dr Mukwege's Foundation. The closed roundtable was attended by several world class experts on PSVI. On the 8<sup>th</sup> of March, in occasion of International Women's Day (IWD), Baroness Kennedy published the report from the Working Group on Misogyny and Criminal Justice in Scotland that she chairs. The report calls for the enactment of a Misogyny and Criminal Justice (Scotland) Act that creates a new Statutory Misogyny Aggravation, operating outside of the hate crime one, and three new offences of: (i) Stirring Up Hatred Against Women and Girls; (ii) Public Misogynistic Harassment; and (iii) Issuing Threats of, or Invoking, Rape or Sexual Assault or Disfigurement of Women and Girls online and offline. The Scottish Government has agreed to introduce Baroness Kennedy's recommendations as legislation. A copy of the report is available [here](#).

To celebrate IWD, Baroness Kennedy has spoken at a variety of events, organized by: Allen & Overy; 2 Temple Gardens; Women of the World; Doughty Street Chambers; The Law Society of England and Wales; the Belarus Free Theatre.

### ***Torture Prevention***

The IBAHRI continues its country-specific work under the torture prevention programme in Brazil, Malawi, Kyrgyzstan, and Peru.

Moreover, the IBAHRI has been able to send an in-person independent observer to monitor the Smith Case in South Africa, the first court case regarding torture in post-democratic South Africa, in collaboration with Redress and Bowmans.

The IBAHRI submitted a contribution to the report of the UN Special Rapporteur on Torture on "Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief".

The IBAHRI submitted a formal expression of support to the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles), which move away from confession-based interrogations, towards rapport-based interviewing associated with legal and procedural safeguards.

### ***Enforced disappearances***

On 13 September, the IBAHRI addressed the UN Committee on Enforced Disappearances in relation to its review of Brazil at a meeting with civil society organisations and national human rights institutions. The briefing focused on the criminal classification of enforced disappearances under Brazilian law, amnesties and statutes of limitation, and the risk of military jurisdiction over such crimes.

On 5 October, the IBAHRI convened a meeting of the UN Working Group of an upcoming report on international and regional human rights law, standards and norms on enforced disappearances and extrajudicial killings, in collaboration with the Human Rights Center of the Pontifical Catholic University of Rio de Janeiro (PUC-Rio). The report is due to be submitted to the Inter-American Rapporteur on Memory, Truth and Justice at the end of October.

On 1 November, the Human Rights Center of the PUC-Rio, in partnership with the IBAHRI, submitted the final report on "International parameters on the search for missing persons, the management of dead bodies and family members' right to mourn" to the Inter-American Rapporteur on Memory, Truth and Justice. The report is part of a project led by PUC-Rio in support of the Rapporteurship under the auspices of the Inter-American Commission's Specialised Academic Network of Technical Cooperation.

### ***Media Freedom***

The High Level Panel on Media Freedom, after finalising the first phase of the work of the High Level Panel of Legal Experts on Media Freedom, with the release of four enforcement reports providing recommendations to States on how to implement and improve legislation on media freedom, is now moving into the second phase of the media freedom project, focusing on encouraging States to take up the recommendations in the reports.

Moreover, the IBAHRI continued its work on reviewing Albanian anti-defamation laws for a potential new request for technical assistance to be made to the High Level Panel of Legal Experts on Media Freedom. The IBAHRI also had a meeting with the UK FCDO team to discuss a new request for technical assistance from the High Level Panel to Somalia.

### **Advocacy**

Zara Iqbal met with Artemiza Chisca, head of the Media and Internet Governance Division and Rodica Ciochina from the Department on Information Society at the Council of Europe (CoE) to discuss follow up to Conference of Ministers responsible for Media and Information Society which took place in June 2021. Zara Iqbal and the team also planned for new collaborations on the topics of media freedom and the safety of journalists, starting with a joint meeting in December 2021 between CoE committee heads and CoE Secretary General Marija Pejčinović Burić and representatives from the High Level Panel of Legal Experts on Media Freedom.

The IBAHRI also met with partner organisation, Free Press Unlimited to discuss joint advocacy initiatives on media freedom issues, including more effective investigations into journalists at risk.

### Global Conference for Media Freedom

The Third Global Conference for Media Freedom took place in Tallinn on 9-10 February 2022. IBAHRI Director Baroness Kennedy, Programme Lawyer Zara Iqbal and Programme Manager Emily Foale attended the Conference. The IBAHRI attended a meeting of the High Level Panel of Legal Experts on Media Freedom, to kick off phase 2 of the High Level Panel's work, as well as the Ministerial meeting of the Media Freedom Coalition of States and related events. Meetings were also held with: (i) the funder of the project, UNESCO; (ii) the State Co-Chairs of the Media Freedom Coalition, Canada and the Netherlands; (iii) US State Department; (iv) the partner organization Free Press Unlimited. Nobel peace prize winner Dmitri Muratov was also in attendance (picture on the right).



Following the Global Conference, the IBAHRI held some debriefing meetings with the leadership of the High Level Panel to plan next steps for High Level Panel work. A press release noting the High Level Panel's participation at the Global Conference was also distributed – read more [here](#). The IBAHRI has mainly been working on following up on the commitments made by states at the Conference, focusing on commitments that take up the recommendations made in the four advisory reports of the High Level Panel.

### Other Events

On 30 September 2021, the IBAHRI, in partnership with the Raoul Wallenberg Centre for Human Rights (RWCHR), Reporters Without Borders (RSF), PEN Eritrea, PEN Canada, the Committee to Protect Journalists (CPJ), the RWI-70, and the Buxus Foundation held a webinar, “20 Years of Dictatorship in Eritrea: A Case Study of the Global Assault on Media Freedom by Authoritarian Regimes”. We are currently working on a follow up joint statement to the event, to be shared next week.

On 2nd November, IBAHRI Programme Lawyer Zara Iqbal attended the People's Tribunal on the Murder of Journalists, with opening remarks delivered by Baroness Kennedy, and expert testimony delivered by High Level Panel member Nadim Houry.

On 22 November, IBAHRI Director Baroness Helena Kennedy QC spoke alongside the High-Level Panel of Legal Experts on media freedom at the Anti-SLAPP conference.

The IBAHRI is currently preparing with the High Level Panel for the upcoming American Society of International Law annual meeting, taking place in early April in Washington DC.

### Press Releases

- [\*\*Rwanda: IBAHRI condemns unfair trial leading to conviction of Paul Rusesabagina, 29 September 2021\*\*](#)

The IBAHRI condemns the numerous violations of fair trial rights leading to the 25-year sentence against Paul Rusesabagina, the exiled Rwandan dissident. The guilty verdict, issued by a Kigali court on 20 September, confirms what his family and legal team have described as their long-held expectations – that a conviction, without credible evidence linking Rusesabagina to any of the crimes of which he was accused, was all but assured from the trial's beginning.

- [\*\*IBAHRI calls for universal abolition on World Day against the Death Penalty, 10 October 2021\*\*](#)

To mark the 19th World Day against the Death Penalty on Sunday 10 October 2021, the International Bar Association's Human Rights Institute (IBAHRI) calls for the universal abolition of legalised killing, ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, and an end to disproportionate and discriminatory realities faced by women sentenced to death.

- [\*\*High Level Panel raises concerns regarding the trials of political leaders in Myanmar, 30 September 2021\*\*](#)

On 30 September 2021, members of the High Level Panel, consisting of prominent lawyers, found that presently, the trials of political leaders in Myanmar fail to meet minimum fair trial standards established under international law. The Panel calls on the Court to cooperate with it to ensure that fair trial standards are met.

- [\*\*IBAHRI calls for universal abolition on World Day against the Death Penalty, 10 October 2021\*\*](#)

To mark the 19th World Day against the Death Penalty on Sunday 10 October 2021, the IBAHRI calls for the universal abolition of legalised killing, ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, and an end to disproportionate and discriminatory realities faced by women sentenced to death.

- [\*\*High Level Panel congratulates Maria Ressa and Dmitry Muratov on Nobel Peace Prize, 12 October 2021\*\*](#)

The High Level Panel of Legal Experts on Media Freedom congratulates journalists Maria Ressa of the Philippines and Dmitry Muratov of the Russian Federation on being awarded the 2021 Nobel Peace Prize. The award is a tribute to both journalists' formidable courage and to their steadfast commitment to fact-based independent journalism; it serves as recognition of the critical importance of safeguarding freedom of expression and press freedom at a time when both are under threat in many places across the world.

- [\*\*International Day to End Impunity for Crimes Against Journalists: The High Level Panel of Legal Experts on Media Freedom calls for creation of international investigative task force, 2 November 2021\*\*](#)

To mark the 8th International Day to End Impunity for Crimes Against Journalists on 2 November 2021, the High Level Panel of Legal Experts on Media Freedom calls on all states, including members of the Media Freedom Coalition, and the international community to strengthen efforts in holding perpetrators of crimes against journalists accountable and for the establishment of an international investigative task force.

- [\*\*Turkey: IBAHRI calls for unconditional and immediate release of the arbitrarily detained Osman Kavala, 27 October 2021\*\*](#)

The IBAHRI calls on Turkey's authorities to release Osman Kavala unconditionally and immediately as per the legally binding decision of the European Court of Human Rights (ECtHR) delivered more than two years ago. The philanthropist, civil society leader and human rights activist has been arbitrarily detained for almost four years. A Turkish court recently further extended his detention until a hearing scheduled for 26 November 2021.

- [\*\*IBAHRI condemns Israel's designation of Palestinian civil society groups as terrorist organisations and calls for immediate reversal, 10 November 2021\*\*](#)

The IBAHRI strongly condemns the military order of Israel's Defence Ministry designating six Palestinian civil society organisations (CSOs) as terrorist organisations and calls on the Israeli Government to reverse the order immediately. Furthermore, the IBAHRI deplores the revelations in recent reports that the mobile phones of Palestinian human rights defenders had been hacked using Israeli technology firm NSO Group's Pegasus spyware.

- [\*\*IBAHRI calls for United Nations action following opening of people's tribunal on Iran atrocities, 13 November 2021\*\*](#)

Following the opening of the International People's Tribunal on Iran's Atrocities of November 2019, the IBAHRI calls for the establishment of a UNHRC independent mechanism to further investigate the



alleged commission of atrocity crimes by Iranian authorities during and following the November 2019 crackdown in Iran.

- [\*\*\*IBAHRI contributes to UN major forum on equal access to justice for all, 18 November 2021\*\*\*](#)

At the conclusion of the third session of the United Nations Forum on Human Rights, Democracy and the Rule of Law, which was held from 16-17 November 2021, the International Bar Association's Human Rights Institute (IBAHRI) reflected on the IBAHRI's contributions, the key discussions held and outcomes of the session.

- [\*\*\*IBAHRI keeps spotlight on key issues raised at 48th session of the UN Human Rights Council, 23 November 2021\*\*\*](#)

At the 48th session of the United Nations Human Rights Council (HRC48), the IBAHRI joined other non-governmental organisations in statements condemning international human rights violations, with a particular focus on lawyers under attack, facing arbitrary detention or suppression of their professional activities.

- [\*\*\*Can Yeginsu and Catherine Amirfar announced to the leadership of the High Level Panel of Legal Experts on Media Freedom, 2 December 2021\*\*\*](#)

The Rt Hon Lord Neuberger of Abbotsbury has appointed Can Yeginsu and Catherine Amirfar to serve as the Deputy Chairs of The High Level Panel of Legal Experts on Media Freedom.

- [\*\*\*High Level Panel reiterates concerns as court in military-ruled Myanmar finds ASSK and other civilian leaders guilty of two offences, 8 December 2021\*\*\*](#)

On 6 December 2021, members of the High-Level Panel, consisting of prominent lawyers, reiterated their concerns regarding the trials of political leaders in Myanmar - State Counsellor Daw Aung San Suu Kyi and President U Win Myint - as failing to meet minimum fair trial standards established under international law.

- [\*\*\*Turkey: IBAHRI welcomes Council of Europe vote for infringement proceedings over failure to release Osman Kavala, 14 December 2021\*\*\*](#)

The International Bar Association's Human Rights Institute (IBAHRI) welcomes the Council of Europe (CoE)'s vote in favour of launching infringement proceedings against Turkey over its failure to release human rights defender Osman Kavala from arbitrary detention.

- [\*\*\*IBAHRI calls on Sudan's General al-Burhan to end security forces' violence and for the international community to impose targeted sanctions, 8 February 2022\*\*\*](#)

The International Bar Association's Human Rights Institute (IBAHRI) calls on Sudan's self-appointed Ruling Council leader, General Abdel Fattah al-Burhan, and the Sudanese military to cease immediately the use of lethal force against peaceful demonstrators.

- [\*\*\*Mark Stephens CBE announced as new IBAHRI Co-Chair, 15 February 2022\*\*\*](#)

Mark Stephens CBE has taken up the position of Co-Chair of the International Bar Association's Human Rights Institute (IBAHRI). He succeeds the Hon Michael Kirby AC CMG, former Justice of the High Court of Australia.

- [\*\*\*High Level Panel of Legal Experts on Media Freedom call for media freedom during Third Global Conference, 17 February 2022\*\*\*](#)

Two years on from its establishment, it is clear that the work of The High Level Panel of Legal Experts on Media Freedom is beginning to have an impact on state practice in the Media Freedom Coalition (MFC).

- [\*\*\*IBAHRI applauds Papua New Guinea's decision to abolish the death penalty, 22 February 2022\*\*\*](#)

The International Bar Association's Human Rights Institute (IBAHRI) commends the National Parliament of Papua New Guinea's decision to repeal the death penalty. Offences such as murder,

treason, piracy and aggravated rape will now be punishable by life imprisonment without parole, or parole after 30 years.

- [\*\*IBAHRI condemns Russia's military invasion of Ukraine and urges the immediate suspension of Russia's membership of the UN Human Rights Council, 25 February 2022\*\*](#)

The International Bar Association's Human Rights Institute (IBAHRI) condemns the ongoing and unjustified military invasion of Ukraine, a sovereign state, by the Russian Federation, as a flagrant violation of international law.

- [\*\*Saudi Arabia's record execution of 81 people in a single day condemned by IBAHRI, 16 March 2022\*\*](#)

The International Bar Association's Human Rights Institute (IBAHRI) strongly condemns the mass execution of 81 people in a single day in the Kingdom of Saudi Arabia. The executions took place over the course of 24 hours on Saturday 12 March 2022, the largest known mass execution in the country's modern period. A reported 41 of those executed belonged to the Shiite minority and had taken part in anti-government protests in 2011-2012.

- [\*\*IBAHRI calls for suspension of extradition treaties with Hong Kong, 23 March 2022\*\*](#)

The International Bar Association's Human Rights Institute (IBAHRI) calls on the international community to suspend extradition treaties with Hong Kong Special Administrative Region of the People's Republic of China (HKSAR or Hong Kong) amid alleged intimidation by Hong Kong authorities of human rights defenders.

#### *Social Media*

As of March 2022, the IBAHRI had **8,652** followers on **Twitter** and over **7141** followers on **Facebook**.



Follow our activities on Facebook:  
[www.facebook.com/IBAHumanrights](http://www.facebook.com/IBAHumanrights)



Follow @IBAHRI on Twitter:  
[www.twitter.com/IBAHRI](http://www.twitter.com/IBAHRI)

*Many of the matters in HRI operate below the radar due to sensitivities and are not included to protect the individual legal professionals at risk*

## 13. Reports from Standing Committees

### a) Nominations Committee

The members of the 2021-2022 IBA Nominations Committee are as follows:

<b>Name</b>	<b>Country</b>	<b>Nominee of</b>	<b>Appointed by</b>
Horacio Bernardes-Neto (Chair)	Brazil	IBA	Sternford Moyo
Sarah Hutchinson	England	IBA	Sternford Moyo
Michael Greene	Ireland	IBA	Sternford Moyo
Dorothy Ufot	Nigeria	IBA	Sternford Moyo
Stephen Denyer	England	SPPI	Jörg Menzer
Geraldine Clarke	Ireland	SPPI	Jörg Menzer
Funke Adekoya	Nigeria	BIC	Kimitoshi Yabuki
Hans-Michael Giesen	Germany	BIC	Kimitoshi Yabuki
Lawrence Teh	Singapore	LPD	Peter Bartlett
Tarja Wist	Finland	LPD	Peter Bartlett
Sergio Sánchez Solé	Spain	LPD	Peter Bartlett
Kelli Sager	USA	LPD	Peter Bartlett

The nominations period for candidates for election to the IBA leadership positions serve from 1 January 2023 to 31 December 2024 was open from 21 October 2021 to 5 December 2021. The IBA Nominations Committee will be interviewing all validly nominated candidates during the Mid-Year Meetings in Vilnius and the recommendation report will be completed within 30 days of the Mid-Year IBA Council meeting.

The deliberations of the IBA Nominations Committee are confidential. The IBA Nominations Committee members will not engage in discussions with the candidates regarding their nominations or campaigns outside of the interview process and will not discuss the candidates with others.

**Horacio Bernardes Neto**  
**Immediate Past President**  
**Chair, Nominations Committee**

### **IBA President**

Almudena Arpon de Mendivil

**First Nominator:** Carola van den Bruinhorst – Vice Chair, LPD

**Second Nominator:** Ken Murphy – Senior Vice Chair, Bar Issues Commission

### **Additional Nominators / Letters of Support**

Myra Garrett – Vice Chair/Treasurer, SPPI

Mark Stephens CBE – Vice Chair, IBA HRI

### **IBA Vice President**

Jaime Carey

**First Nominator:** Alvaro Sánchez González – President / Chairperson, Colegio de Abogados Costa Rica

**Second Nominator:** Héctor Humeres Noguera – President / Chairperson, Colegio de Abogados de Chile

### **IBA Vice-President**

Claudio Visco

**First Nominator:** Antonio Galletti – President/Chairperson, Ordine Avvocati Roma

**Second Nominator:** Vinicio Nardo – President/Chairperson, Ordine degli Avvocati di Milano

### **Additional Nominators / Letters of Support**

Péter Köves – IBA Council Member, Hungarian Bar Association

Jørgen Kjergaard Madsen – President/Chairperson, Association of Danish Law Firms

Paul Møllerup – IBA Council Member, Association of Danish Law Firms

Jonathan Herman – IBA Council Member, Federation of Law Societies of Canada

Derek Sweeting QC – President/Chairperson, Bar Council of England and Wales

Chantal-Aimee Doerries QC – IBA Council Member, Bar Council of England and Wales

Przemysław Rosati – President/Chairperson, The Polish Bar Council

### **IBA Secretary-General**

Peter Bartlett

**First Nominator:** Ken Murphy – Senior Vice Chair, Bar Issues Commission

**Second Nominator:** Carola van den Bruinhorst – Vice Chair, LPD

### **IBA Secretary-General**

Jörg Menzer

**First Nominator:** Ulrich Wessels – President/Chairperson, The German Federal Bar

**Second Nominator:** Babatunde Ajibade – IBA Deputy Secretary-General (Africa)

### LPD Chair

Carola van den Bruinhorst

**First Nominator:** Jörg Menzer – SPPI Chair  
**Second Nominator:** Jaime Carey – IBA Secretary-General

### LPD Vice Chair

Daniel del Rio

**First Nominator:** Jon Grouf – Immediate Past Chair, LPD  
**Second Nominator:** Harvey Coen – LPD Council Member

### LPD/IBA Secretary-Treasurer

Pascale Lagesse

**First Nominator:** Jörg Menzer – Chair, SPPI  
**Second Nominator:** Gunther Mävers – Co-Chair, IBA Global Employment Institute

### LPD/IBA Assistant Treasurer

Sunil Abraham

**First Nominator:** Clare Corke – Co-Chair, Asia Pacific Regional Forum  
**Second Nominator:** Mark Stephens, CBE – LPD Council Member and Vice Chair, IBA HRI

### LPD/IBA Assistant Treasurer

Amir Singh Pasrich

**First Nominator:** Christopher Blake – Co-Chair, International Commerce and Distribution Committee  
**Second Nominator:** Javier Canosa – Co-Chair, International Commerce and Distribution Committee

### SPPI Chair

Myra Garrett

**First Nominator:** Lise Lotte Hjerrild – Senior Vice Chair, Women Lawyers’ Interest Group  
**Second Nominator:** Daniel del Rio – LPD Secretary-Treasurer / IBA Treasurer

### SPPI Vice Chair/Treasurer

Babatunde Ajibade

**First Nominator:** Carola van den Bruinhorst – Vice Chair, LPD  
**Second Nominator:** Kimitoshi Yabuki - Chair, BIC

### **BIC Chair**

Ken Murphy

**First Nominator:** Simon Murphy – IBA Council Member, Law Society of Ireland

**Second Nominator:** Paul Mollerup – IBA Council Member, Association of Danish Law Firms

### **BIC Vice Chair**

Steven Richman

**First Nominator:** Reginald M Turner - President / Chairperson, American Bar Association

**Second Nominator:** Margery Nicoll – IBA Council Member, Law Council of Australia

### **BIC Vice Chair**

Berit Reiss-Andersen

**First Nominator:** Merete Smith – IBA Council Member, Norwegian Bar Association

**Second Nominator:** Jørgen Kjergaard Madsen – President/Chairperson, Association of Danish Law Firms

### **Additional Nominators / Letters of Support**

Kjersti Ringdal – Bar Executive Officer, Norwegian Bar Association

Paul Mollerup – IBA Council Member, Association of Danish Law Firms

## **b) Online Services**

The Online Services Committee has engaged together with IBA staff team to enhance IBA's operating capability. The committee has regular quarterly calls. Special focus was set in the Q4 2021 and Q1 2022 calls on the following:

1. Going paperless at the annual conference and use of the IBA app.
2. LinkedIn trials.
3. Thoughts and suggestions from the committee on future projects. (Based on feedback from their constituents)
4. IBA Digital Roadmap document.

The committee discussed in its quarterly calls together with Tim License and Tim Hughes the above topics, provided input and comments and reported back from user experiences made. In the Q2 2022 call the committee members are requested to provide feedback to the IBA Digital Roadmap document.

**Clara-Ann Gordon**  
**Chair, Online Services Committee**

## **c) IBA Foundation**

The primary focus of the IBA Foundation is to support major rule of law projects initiated by the IBA. A distinguished IBA Foundation Board of Trustees composed of rule of law experts from around the world has been appointed to develop projects and programs on rule of law related issues to further elevate the presence of the IBA in the rule of law arena and as the global voice of the legal profession.

The IBA Foundation's Rule of Law Town Hall series was set to conduct its fourth Town Hall in Miami, Florida, in January 2022, but the surge in Omicron variant cases rendered it impractical to proceed with those plans. Town Hall Moderator, Homer Moyer, and the IBA's North America staff currently are organizing a Town Hall at Miami Dade College in downtown Miami on May 25, 2022. While the format of the Town Hall largely will replicate that of recent Town Halls, for the first time panelists will more directly address some of the thornier issues that divide the country, looking at them through a rule of law lens. In addition to providing the venue for the Town Hall (at no cost), Miami Dade's Institute for Civic Engagement & Democracy will be a co-sponsor of the event and will assist in promoting it among the college's students and professors. Finally, for the upcoming Town Hall, Mr. Moyer and the IBA are attempting to secure the attendance of high school students from underprivileged areas of Miami.

**Hansel Pham**  
**Chair, IBA Foundation**

**d) Human Rights Institute Charitable Trust**

***Report on activities, 1 September 2021 – 15 March 2022***

The current Trustees of the International Bar Association’s Human Rights Institute (IBAHRI) Charitable Trust (‘The IBAHRI Trust’) are:

- Julia Onslow-Cole (Chair)
- Graeme Kirk
- Luz Nagle
- Yasmin Waljee
- Mark Stephens (stepped down in January 2022 after becoming IBAHRI Co-Chair)

Since its last report to IBA Council, covering activities until 31 August 2021, the IBAHRI Trust has continued its work under the objects of the Trust Deed.

Grant applications made from 1 September 2021 to 15 March 2022 are as follows:

**September 2021 – March 2022**

- Enforced Disappearances: Research and advocacy on international and regional law, standards, and norms  
£10,965
- Afghanistan Resettlement  
£196,650
- IBAHRI-Ozanne Foundation project Advancing Equality and Non-Discrimination: Dissemination of the Cooper report on ways to legislate against conversion practices in the UK  
£5,000
- IBA-ILC conference proposal  
£45,000
- Training and advocacy to strengthen and reform new clemency procedure in Pakistan, to limit application of the death penalty  
£29,834
- Torture Prevention: Forced Confessions and the Exclusionary Rule in Malawi  
£26,633
- ICC 2022 Intern Programme funding  
£12,650
- IBA Interns 2022  
£50,000

**Julia Onslow-Cole  
Chair of Trustees**



## e) Constitution and Governance Committee

### *Introduction*

Since the IBA Council last met on 21 October 2021, the Constitution and Governance Committee (CGC) held two further meetings in 2021 and has held two meetings in 2022 with further meetings planned in April and May prior to the 21 May 2022 IBA Council meeting.

### *Governance Review*

The Governance Working Group (GWG) was established by the Constitution and Governance Committee had its first meeting on 20th January 2022. At that meeting the Co-Chairs were confirmed as Moira Huggard Caine and Pieter Steyn. Gerard Tanja of Venturis Consulting has been engaged to guide the GWG. The working group is comprised as follows:

Moira Huggard-Caine (Co-Chair)

Pieter Steyn (Co-Chair)

Oliver Triebold

Michael Kutschera

John Heaps

Ulrikke Krogbeck

Peter Callens

Gabriella Covino (Advisor)

The GWG is focused on the Strategic Plan Goal 3 and the relevant paragraphs of the Reference Paper which detail the approach which the CGC could take in relation to governance matters. The GWG aims to produce a consultation paper in April/May 2022. Following the same approach as the 2021 consultation, this paper will be circulated to the IBA Management Board, the IBA Council, the LPD Council, the SPPI Council, the BIC Officers and the HRI Council. Relevant IBA staff members will also be consulted as part of this process. A report on the consultation will be given to the IBA Council at its meeting in Vilnius.

### *Questions to the Constitution and Governance Committee- IBA Russian Individual Members*

In relation to queries regarding potential complaints against Russian members of the IBA, the Vice President requested the assistance of the CGC with the following questions:

**Question 1.- (i) What is the relevant procedure to be followed for the decision regarding suspension, expulsion, or generally, non-maintenance, of IBA membership by any Individual Member?;**

The CGC responded that the IBA Constitution article entitled *Cessation of Membership* Article 3.20.2 covers the suspension or expulsion of an IBA Individual Member. Non-maintenance of membership (as a concept) is not referred to in nor recognised by the IBA Constitution.

Article 3.20.2 provides the procedure to be followed in the event of a suspension or expulsion of an IBA Individual Member.

A. The Complaint must be sent by the Secretary General to the Chair of the Professional Ethics Committee of the SSPI on the grounds of conduct occurring (either before or after becoming an Individual Member) which is or was professional misconduct or conduct unbecoming of an Individual Member.

B. The Chair of the Professional Ethics Committee must then "promptly form a sub-committee (the "Professional Conduct Subcommittee")". This ad hoc subcommittee must be composed of the Chair and three members of the Professional Ethics Committee (chosen by the Chair for the purpose of considering the complaint).

C. The Individual Member has an opportunity to reply in writing to the complaint and within 28 days from the sending of the complaint to the Member. No oral hearing is permitted.

D. If the Professional Conduct Subcommittee is satisfied that the complaint is justified, it may suspend or expel the Member.

E. The Secretary General must send this decision in writing to the Member.

F. The Member has 28 days to appeal against the suspension or expulsion.

G. There are specific provisions about appeal which I have not set out in this note. They involve the creation of an ad hoc Tribunal chaired by a member of the Judges Forum.

H. Article 3.12 and 3.13 relate to admission to Individual membership of the IBA. The role of the Management Board (MB) is to deal with occasions when an applicant for membership is "not qualified" to be an individual member. This is quite different from the conduct of the member. It depends on the qualifications for membership of the IBA which are likely to relate to whether the individual is a member of a Bar. That is not affected by the existence of sanctions. It would be unsafe to rely on the Admissions procedures to justify action being taken against an existing member not least because there is no constitutional provision terminating membership on such a finding.

**(ii), which is the IBA body entitled to adopt such decision?**

The terms of Article 3.20.2 confirm that it is the Professional Conduct Subcommittee which may suspend or expel the Member. The Secretary General issues the decision.

**Question 2.- Does the IBA Constitution limit the possibility of exceptionally applying an interim measure to the Individual Members Subject to the Procedure during the procedure leading to a decision with the aim of protecting the IBA reputation?**

The CGC was not able to locate any provision of the IBA Constitution which allows for exceptional application of an interim measure to an individual member.

*The IBA President's Discretion to Choose the Format of the Officer Elections*

The CGC was asked to review a proposal raised by the joint Secretaries General that it is necessary for the president of the IBA (President) to direct in accordance with Article 4.8 of the "Constitution of the International Bar Association" (Constitution) whether the election of officers

of the IBA (Officers) is (a) in person or by proxy by those voting at a meeting of the council of the IBA (Council), or (b) by electronic ballot solicitation of the Council.

Consequently, in the opinion of the CGC, Article 4.8 of the Constitution takes precedence over Section B.2.1 of the IBA Nominations and Elections Bylaws and it is therefore the President's duty to exercise his discretion and direct whether the election of the Officers shall be taken either (a) in person or by proxy by those voting at a meeting of the Council, or (b) by electronic ballot solicitation of the Council.

The CGC plans to obtain advice from Wachtell, Lipton, Rosen & Katz to confirm the above assumptions are correctly interpreted under New York law.

### *Meetings*

Please find following this covering summary, the schedule of meetings held with the CGC Chair as well as the minutes of the CGC for meetings held since the report issued in the October 2021 IBA Council agenda.

**Michael P Clancy**  
**Chair, Constitution and Governance Committee**

## **IBA CONSTITUTION AND GOVERNANCE COMMITTEE**

### **Meetings of the Constitution and Governance Committee (CGC)**

- 28 September 2021 Working Teleconference  
Click here to access the minutes:  
<https://ibanet.org/document?id=2021.09.28 IBA CGC working teleconference minutes FINAL>
- 9 November 2021 Working Teleconference  
Click here to access the minutes:  
<https://ibanet.org/document?id=2021.11.09 IBA CGC working teleconference minutes FINAL>
- 15 December 2021 Working Teleconference  
Click here to access the minutes:  
<https://ibanet.org/document?id=2021.12.15 IBA CGC working teleconference minutes FINAL>
- 24 January 2022 Working Teleconference  
Click here to access the minutes:  
<https://ibanet.org/document?id=2022.01.24 IBA CGC working teleconference minutes>
- 29 March 2022  
Minutes not yet available

### **Meetings of the CGC Working Groups**

- The Governance Working Group held meetings on 20/01/2022, 16/03/2022 and 24/03/2022.

### **Meetings of the CGC Chair**

- Meetings held with IBA Office Bearers on 30/07/2021, 5/10/2021, 16/11/2021, 20/12/2021 and 1/02/2022.
- Meetings held with Division Chairs on 6/10/2021, 17/11/2021 and 2/02/2022.

## 14. Reports from Management Board Committees

### a) IBA Diversity and Inclusion Council

- **Aim**

To provide an update for information to the IBA Council and IBA Management Board on behalf of the Diversity and Inclusion (D&I) Council on the progress of the D&I Council and its working groups.

- **Communications Working Group**

Under the leadership of the D&I Council Communications Working Group the second plenary meeting with all Committee D&I Officers was held on 2 November 2021. The D&I Council Members and Committee Chairs were also invited to the meeting if they wished to attend.

During the meeting we heard first from the European Regional Forum as regards best practices; the second part of the meeting was held in breakout rooms hosted by D&I Council Members and D&I Committee Officers.

To facilitate a more focused discussion around the D&I Committee Officer role, the following topics were addressed:

- Does your committee have D&I good practice to be shared with other Committees?
- Have you heard from other Committees regards good practice?
- How is the presentation from the ERF applicable to your Committee or what differences are there with your Committee if any?
- Have you had a meeting with the leadership of your Committee to discuss D&I initiatives?
- If you are planning to meet with them what are you planning to discuss?

The next meeting of the D&I Committee Officers will be held as an in-person meeting at the IBA Mid-Year Council Meetings that are to be held in Vilnius in May.

However, since there has been a number of new D&I Committee Officers assigned to the position we will also schedule an introductory on-line meeting for those unable to be in Vilnius at a time during the summer. Even those who attend in Vilnius will also be welcome to join the online meeting.

- **D&I Training Tool Working Group**

Symmetra has now completed the set up of the Training Tool and the pilot phase commenced in March.

The following timeline to implement the Diversity and Inclusion Training across all IBA Committees has been modified to accommodate new officers:

- By end March 2022 – Pilot scheme implemented and training rolled out across selected officers
- By end May 2022 – feedback received from Pilot Scheme

- May 2022 – Diversity and Inclusion Training to be launched at the IBA Mid-Year Meetings in Vilnius and rolled out across all IBA Committee Officers.
- **D&I Council Strategy Implementation Working Group**  
Ulrikke Krogbeck continues to Chair the D&I Strategic Plan Implementation Group and has had meetings with the IBA Secretary-Generals and the Chairs of LPD and SPPI to gain a better understanding of how they would like the D&I Council to support the plans and objectives of the IBA overall.

Ulrikke is now an advisor to the Constitution and Governance Committee and also a member of the Governance Working Group representing the D&I Council.

A consultation document to be shared with other parts of the Association is currently being prepared by the Governance Working Group. The D&I Council will also give comments in response to the document.

### **Research Project – Women in Law**

The [International Bar Association](#) (IBA) announced on International Women’s Day (8 March 2021) the launch of an ambitious first-of-its-kind, nine-year global project to uncover the root-causes of the lack of gender parity at the most senior levels of the legal profession, identify whether diversity initiatives introduced to address this disparity are having any impact, and to provide practical conclusions and guidance to the profession. Titled ‘**50/50 by 2030**’ – a reference to the aspiration of the [2030 United Nations Sustainable Development Goal No 5 on gender equality](#) – the project is supported by the [LexisNexis Rule of Law Foundation](#).

The overarching goal of the project is to provide a blueprint for achieving gender parity by 2030 in the highest levels of private practice, in-house positions, the public sector, and the judiciary. Research will be undertaken across 16 countries in Africa, Asia, Europe, Latin America, the Middle East, and North America, and will seek to identify the barriers to, and track the progress of, realising equal representation of women in senior legal roles. The project will start with pilot studies in 2021 in the UK, South Africa and Spain using both an online and telephone survey approach. The survey was sent out during the second half of 2021 for the UK pilot.

Data will be collected and considered with more detailed studies of particular initiatives which are innovative or shown to make a significant impact.

We have also received pro-bono support from a PR Communications company who assisted with the launch, including securing an op-ed in The Times newspaper which was authored by Almudena.

The pilot study in England & Wales went live in late May 2021 and closed at the end of September. We received a good response from the private and public sectors but recorded only a lacklustre response from the in-house sector despite significant efforts. We worked with Lexis Nexis to analyse the data and drafted a report – the content of which was discussed at the Diversity and Inclusion Council showcase session on 29 October 2021. We have

finalised the report (now with Content) and it will be published in February. Results were shared with the organisations who engaged.

We have now made contact with the top 100 law firms for the next pilot study in Spain, and are still working out contacts for the other sectors, with the assistance of the Bars and Women in the Legal World (based in Madrid). A separate case study on the profession in Uganda is underway, led by a female judge who is based there and who will report back later in 2022. We are also discussing the study in Nigeria with one of our members in late January.

### **Projects**

The D&I Council is starting to receive more project proposals in which to collaborate or advise. Further information on projects will be provided when available.

### **IBA Annual Conference**

The D&I Council will be leading two sessions during the IBA 2022 Annual Conference to be held in Miami. The session titles are below however the full content is available in the online searchable programme live on the IBA website:

- Men of quality respect women's equality
- Judicial mistakes and accountability: can the judiciary breach the rule of law and, if so, what are the consequences?

### **Succession Planning**

A proposal to formalise the structure and make-up of the D&I Council, ensuring representation within the Council from across the Association as well as bringing all Officer terms on the same rotation as other Management Board Committees, was put to the IBA President who confirmed his full support.

The proposal will now be submitted for approval by the IBA Management Board at their next meeting in Vilnius in May.

However the IBA Management Board, during their meeting in February 2022, approved the Co-Chair positions moving to a staggered term with a new Co-Chair taking over the reigns from Fiona McLeod as of 1 January 2022.

It is great pleasure to announce that D&I Council member, Masako Banno has been appointed as the new Co-Chair in 2022-2023.

Although Fiona's term officially ended in December 2021 the handover of title will be formally acknowledged at the D&I Council Meeting in Vilnius.

**Masako Banno / Chris Watson**

**Co-Chairs**

**Fiona McLeod**

**Immediate Past Co-Chair**

## b) Digital Committee

### 1. Background: who is on the Digital Services Committee (DSC) and what work is it doing?

Members of the Committee are:

Myra Garrett (Chair)	William Fry, Dublin; SPPI Vice-Chair/Treasurer
Martin Šolc	Kocian Šolc Balastik, Prague; Honorary Life Member of Council and Association; Former IBA President
Jason Broughton	Chief Design Officer, Lexis Nexis
Jimmy Vestbirk	Founder, Legal Geek and Conference Geek
Nikhil Anand	Associate Partner/Chief Solutions Architect, Portaltech Reply
Tim Hughes	IBA Deputy Executive Director
Nigel Richards	IBA Information Systems Architect
Tim Licence	IBA Creative Director
James Lewis	IBA Director of Content
Jennie Castro	IBA Marketing Manager

Under the IBA Strategic Plan, the deliverables for the DSC include:

- Develop a road map of further/new digital services of the IBA,
- Report on recommendations to improve membership engagement – including better digital member to member communications,
- Deliver a regular report on digital communications and IT infrastructure of the IBA.

### 2. Delivery of First Digital Roadmap

The DSC is pleased to submit its Digital Roadmap (see separate attachment) to the Board. In developing it, the DSC has drawn on input from the IBA membership, from surveying the wider market and from the expertise of its members.

Several observations can be made about the development of the digital arena and the IBA's readiness to make progress.

First, the digital arena and the market for digital services are moving at unprecedented speed, partly because of technological development and partly because of restrictions in the physical world brought about by responses to Covid-19.

The IBA has been well placed to respond; it has more than 15 years of experience in providing online services and over the past decade has continuously developed its capacity for providing web-based digital multimedia content – whether via webinar, video, audio or written material. It has proved its adaptability by delivering a huge expansion of digital services in the past two years, attracting large numbers of members and non-members to its online output.

The IBA had also prepared the ground to engage more fully in new digital arenas by completing in 2019 all the preparatory work to enter a partnership with SAP, a global market-leading provider of digital service delivery. The Board had demonstrated its commitment to this course of action by approving the expenditure to enable this. During the Covid period, the SAP platform was configured for our needs and brought into full use as our new operating system. This partnership with SAP now gives the IBA future access to SAP's own digital



roadmap and the new digital services it introduces to the market – as well as to the cybersecurity infrastructure within which it operates.

The reduction of in-person events due to Covid-19 and its impact on IBA revenues has unfortunately prevented the DSC from seeking expenditure to implement further material investments in new digital avenues.

The DSC has therefore focused its deliberations primarily on several practical questions of what can be implemented and improved in 2022, using the tools we already have - where progress can be made without material cost. These include a range of improvements for members, from swifter registration for events to auto-renewal of membership and to better targeted and packaged delivery of online content to members based on the personal interests highlighted in their member profiles and specialist activity. The full list is set out in our Roadmap.

The DSC will also during 2022 be closely observing and interpreting two pilots now taking place on digital services each suggested by several members: the first is for a hybrid element to events – where online attendees can link into in-person events; and the second is for member-to-member communications using the LinkedIn platform. While these may look at first sight to be natural developments to make, there are already serious questions arising about whether they have sufficient market demand and/or income potential to justify the level of investment which would be required to make them a full part of the IBA’s membership offering. Our external experts on the DSC are well-placed, from the experience of their own digital businesses, to ask searching questions about the evidence our pilots will produce over the next months, and on which we will report further as evidence grows.

The final element of the Roadmap considers suggestions made for future developments when we have resources to spend again. These have been allocated, tentatively, to 2023-24. However, it is proposed that the DSC will do preparatory thinking and planning this year around the development of more detail about how these might be offered and what they might achieve for us and will be revisited in future reports. New suggestions and market developments will no doubt also arise which we will look forward to considering. We welcome questions any of you may have about the content of the Roadmap.

**Myra Garrett**  
**Chair**

## IBA Digital Roadmap 2022 and beyond

### Executive Summary

This Digital Roadmap, requested in the 2020 Strategic Plan to set out next steps in the development and expansion of our digital services, has been prepared in the Covid-19 environment, in which there has been no budget for new digital development in 2021, and no budget provision can be expected in 2022.

However, in 2021 the IBA also successfully completed a longer-term implementation of a new operating system, in a new partnership with SAP, a global provider of digital data systems.

This combination means that in 2022 the focus of the Roadmap must be to maximise the digital services benefits of the new system, and to run very low-cost or zero-cost pilots of possible future services. Future developments which require financial investment and development must await the time when the Association's ability to earn a surplus of income over costs is re-established: the Roadmap tentatively allocates this to 2023-24.

By the end of 2022 we plan to have achieved the following:

1. All members to be familiar with the new enhanced membership renewal process, and (at the 2022 renewal) to be introduced to the facility to store their card details securely to streamline transactions further with auto-renewal of their membership from 2023 onwards.
2. Significant numbers of members to be familiar with the new enhanced conference registration process.
3. Significant numbers of members to be familiar with the new MyIBA facility, which enables them to upload to our system autobiographical details to enhance their member profile, and which will present to them in a targeted way new events and digital IBA content relevant to their expertise and interests.
4. Significant numbers of members to be familiar with the new enhanced access process for digital events.
5. Significant numbers of members to be familiar with our app on their hand-held device, which provides greater ease of access to all content and transactions on our website.
6. Delivery of more targeted information via the app, relevant to a member's expertise (as in the MyIBA function described above).
7. Further improvement of ease of access to our range of digital content by enhanced menu structures, search facilities and indexing.
8. Significant progress in using our new data analysis tools to improve our marketing and services to non-members, in a wider range of markets, to encourage wider engagement in the IBA.
9. Completion of pilots on member-to-member intercommunication via LinkedIn, and on hybrid events, to assess whether these have sufficient market demand and viability to play a part in our future development.
10. Further detailed examination of possible new avenues for digital development, including those listed in the Category Two section of this paper.

## **Introduction**

The IBA's Digital Services Committee (DSC) has been charged with developing a road map for the future of the association's digital presence. This follows a period where the entire business infrastructure has been transferred to a state-of-the-art SAP platform. Now the Systems migration is complete, we can start to form a picture of the future of customer engagement. With better data-gathering capabilities and an ecosystem of integrated tools, the new environment offers many opportunities that were out of reach until now.

Our digital offering is already in a very good state in many areas. The unprecedented number of virtual events the association has provided over the last two years and the wealth of digital content being created and consumed is a testament to how resilient in a crisis we are as an organisation.

The DSC has discussed and reviewed several ideas over the past 12 months and would like to present the following set of recommendations for the Board's consideration. These have been divided into two categories:

- Category one: R&D phase (2021-22) using tools currently available to test customer appetite and usability.
- Category two: longer-term plans (2023 onwards) requiring further research, budget and development.

## **Category One (R&D using existing tools and services) 2021-22**

### ***Virtual events***

Virtual events have become a key part of the IBA experience and we have managed to create a robust delivery system that combines our existing conference management system and the market-leading Zoom platform. This has enabled us to host single webinars, virtual conferences and both the Virtually Together event in 2020 and Global Showcase in 2021. However, the integration between the systems has been limited, which has meant a lot of behind-the-scenes work to make it happen.

We have now built further integration, which was delivered in September 2021, that allows users to register for a single event on the IBA site and then select individual virtual sessions they would like to attend as part of a virtual conference. Once they have chosen their sessions, all confirmations, links and reminders are handled automatically in Zoom, providing a much more seamless experience for the user and less administration behind the scenes.

We would like to explore what other improvements can be delivered for virtual events now this new feature is in place. For example, we have been using the REMO platform to facilitate online networking alongside working sessions, but the uptake of this has been reducing in recent months. We would also like to explore holding virtual networking events in their own right, without being attached to working sessions, to offer the remote membership the chance to meet in a less formal setting. Other organisations have been doing this with positive results.

### ***Improving the annual conference experience***

The SAP system brings with it numerous improvements in how we navigate and display programme information, how we can search for delegates, how users can manage and upgrade their conference registration and how they can access conference materials. We will be utilising many of these features for the planned 2022 annual conference in Miami, from launch right through to attendance and afterwards. For example, although a seemingly small improvement, the ability to provide 'deep links' into the programme for specific groups or other criteria will allow us to provide more personalised and relevant information for delegates. Having such an improved programme and delegate search online, coupled with the experience over the last two years of purely digital communication and the impact that printed materials have on the environment, the IBA should be working towards a paperless experience for the annual conference and encouraging the membership in this direction too.

We will also be looking to integrate access to session materials and presentations through the programme search and on mobile devices, so that delegates can access and follow along on their device in real-time as well as having reference materials available after the event.

### ***Improving access to content/search***

During the rebuild and migration of the IBA website on the SAP platform, the decision was taken to limit the impact of change on the membership by presenting the site without any visible changes initially. Now that the migration is complete, we will be reviewing the structure, access, and navigation across the site, particularly focusing on presenting committee-created content in a more user-focused way, making it easier for members and the public to access important reports and project information quickly. The IBA is involved in many high-profile international projects and regularly publishes materials as a vital part of its outreach. Making these materials accessible is of the highest priority, along with delivering the established strands of content already on display on the homepage.

The site search also plays an important role in helping visitors find what they are looking for. The search engine provided with the SAP platform is a complex system that requires some bespoke engineering to operate efficiently and deliver results in a digestible format. The IBA team will be upgrading and optimising the search engine throughout January 2022.

### ***Expanded education programme***

Knowledge of what users are searching for and consuming on our site through analytics will help the IBA to provide relevant and useful content for knowledge-sharing and professional development. As we collect more intelligence in this area, we plan to use it as a guide for what we should be providing our membership. This is a further benefit of the improved data collection tools now at our disposal and as we progress through 2022, this will be another primary focus for us.

### ***Improved target marketing***

Another benefit of the SAP platform is the SAP Marketing Cloud. This system offers some of the best data management tools on the market and will allow the IBA to gain more insight into its customer base and deliver more customised communications as a result. The IBA Marketing team will be

exploring these opportunities throughout 2022 and the more intelligence gained through data, the better the optimisation will become.

### ***IBA App***

The IBA app has been part of the annual conference experience for several years already, but due to the cost and complexity of developing bespoke native apps, has been limited to conference functionality only. Therefore, limiting its usefulness throughout the rest of the year.

As part of the SAP delivery, the app has been replaced and improved and now offers a full mobile-first interface for all the tools and resources available through the IBA website, including membership and conference management. This has been achieved by creating a native app on both IOS and Android that, once accessed, delivers the full live website in an optimised format. We do, however, have the ability to focus key tasks onto the landing page of the app that enable users to access conference management and membership tools directly so that they can complete tasks on the move, quickly.

Throughout 2022, we aim to promote use of the app as widely as possible to access web services and effortlessly transact with the IBA. We have already seen a rise in the number of users visiting the website on mobile devices and will be looking to keep this momentum going in the run up the annual conference in November 2022. The more users are familiar with the app, the more likely they will be to use it during conferences enabling us to expand on the functionality available and work towards a paperless conference experience.

### ***Communication between members – exchange ideas, chat within committees***

The IBA has always offered some tools in this area for its membership. From early listservs through to more elaborate discussion forums, and through a mix of off-the-shelf solutions and bespoke platforms. Adoption has always proved to be the biggest challenge. Regardless of the technology used, only a small handful of committees has ever made use of them.

We are now exploring the possibility that private LinkedIn groups could provide a safe space for our members. The ability to create a private, hidden space within LinkedIn is a recent development on their platform, but as it still cannot offer integration with our database, we would have to manage the membership of any group manually. For this reason, we have run an initial trial with three IBA committees (International Construction Projects, Law firm Management, and Immigration and Nationality Law) to explore the popularity of such a service and to establish the required staff resource to support it. The engagement/traction so far has been low. This trial has now been re-invigorated and extended for a further period and expanded to include three additional committees (Women Lawyers Committee, Healthcare and Life Sciences Committee, Technology Law Committee).

The results of this trial (assessing member engagement, and support resource) will determine whether we should roll this out further (An interim data sheet on this trial is attached). A roll out to more members could potentially take the form either of (a) making LinkedIn the standard provider of this service for us, or (b) developing an integrated solution (it is already clear, however, that a fully integrated chat function, although available as a plugin in the SAP environment, is very expensive to implement and would require extensive configuration). Route (b) would move this

rollout into Category two – and if staff support costs are shown to be significant in route (a), again this rollout would move to Category two.

The biggest challenge when providing a platform for interaction is encouraging the intended audience to interact. The hope is that LinkedIn is a familiar space that many of our membership already use regularly and that they will adopt this additional channel naturally. We have asked each committee involved to nominate a moderator who will encourage activity in each space. Early data unfortunately shows a slow uptake in the trial, but we will wait until the end of the six-month period before making a final decision on whether to proceed with offering this to more committees.

### ***Hybrid events***

Hybrid events offer a mix of live attendance and panels with an online audience and potentially remote panellists or speakers who can take part in the programme over video. This mix of live and online seems straightforward at first glance but is costly, has numerous technical challenges and raises several questions to consider.

Leaving the technical setup to one side for now, the following questions need to be considered:

1. How much of an event should be made available to an online audience?
2. How do you keep the online audience engaged?
3. Should you try and facilitate interaction between the live and online attendees? If so, how?
4. What differences are there between the experiences of the two audiences?
5. Which session types would be suitable for both audiences?
6. What will you offer your online audience during breakouts and networking?
7. What would be the difference in cost for live and online?
8. How do you deal with time zones?
9. How do you make your online audience feel as important as your live delegates?
10. How will sponsorship be sold and what additional benefits can be offered?

When we discuss hybrid events, they can be broken down into several scenarios:

1. Live panel, live audience, keynotes streamed.
2. Live panel, live audience, showcase panels streamed.
3. Live panel with one/two online panellist, live audience, online audience.
4. Live panel, live audience, interviews, and highlights webinars from each panel for online audience.

Common to all the above scenarios would be the requirement for in-room AV to capture the audio and video along with a technical team to manage it. There would also have to be a level of stage management for the panel to address the online audience and to present the best experience to both live and online delegates. Additionally, for the online audience there could be the option to offer networking through a platform like REMO while the in-person delegates are networking in the room.

### *Conclusions already drawn*

The DSC has been discussing the above questions and we have also run a test event Building the Law Firm of the Future, London, 19 Nov 2021) where virtual attendance was offered, two live sessions were streamed, and one side discussion was created for the online audience. The committee has reached the following decisions:

- Primarily it is agreed that we should not be streaming an entire live conference to an online audience as we would not expect someone joining remotely to sit at their computer screen for the whole day/two days. We would instead focus on presenting keynote addresses and showcase/plenary sessions only. Another option that is linked to this would be to invite a panel, immediately after their live session, into an on-site studio setup where they could present the content from their session in a discussion format aimed specifically at an online audience where the audience would have the chance to ask questions and interact directly with them.
- The additional setup and resourcing required to make an event hybrid is costly and this varies greatly depending on which country and venue is used to host an event. Typically, hotels do not provide robust enough internet connections or have existing technology to support live streaming, therefore everything needs to be hired in and set up. A dedicated conference venue is more likely to have the services available but is less attractive to a live audience because of the convenience of hotel venues.
- Costs for hired-in services vary dramatically by country, with the US and Eastern Asia having very high costs compared to parts of Europe for example. To keep costs to a minimum, the Law Firm Management 'Law firm of the future' that was held in London allowed us to use IBA equipment and experienced staff to run the trial, which drastically reduced the costs and enabled us to learn first-hand from the experience. We will be running similar trials at other London-based conferences.
- The idea of allowing online delegates the chance to network with live delegates has been discounted because we believe that delegates who are attending in person would much rather network with colleagues in the room rather than online. This means that we will probably have to provide online networking separately to in-person. We will monitor the popularity of this.

The DSC believes that Hybrid events should not form part of the IBA's long-term strategy, and we should not be over-investing members' money in a product that, because of the complexities outlined above, will not see a return on investment and offer a sub-optimal experience for those attending virtually. For the duration of the pandemic and its effects on international travel, Hybrid events could offer some benefit but would need to be limited to events that are already at capacity and that would attract a large enough online audience to make them financially viable. Otherwise, the IBA could lose money quickly through this effort.

Filming live events and capturing them to be repurposed as digital content later should still be a consideration due to the wealth of knowledge and expertise shared at IBA conferences.

## **Looking beyond 2022**

By the end of 2022 the IBA will have built up valuable data on how our members are interacting with us and consuming digital content and services. This knowledge will help us decide where to focus our attention in 2023 and beyond.

During the annual membership renewal drive at the start of 2022, members will be given the opportunity to securely store their card details to streamline transactions even further and offer the ability of auto-renewal of their membership for 2023.

## Category Two (2023/4 development requiring investment)

The results of everything planned for 2022 will have a significant effect on further development plans in 2023 and beyond. There may be areas where investment is required in order to reach full potential and so would be carried over into this phase. Conversely though, there may also be areas that are discovered to be attainable with no investment and so could be delivered within the first year. Therefore, the road beyond the end of 2022 could take several turns especially given the ongoing global pandemic that remains unpredictable. Below are a few items that could be considered part of the picture for the second phase.

### ***Real time chat with customer services staff***

With SAP Service Cloud, ability for members when logged in to chat / question staff while managing their account. Staff would be able to:

- Assist and manage shopping carts
- Answer membership question
- Respond to any queries

In order for this to be of most use to the customer while managing the levels of resource required, this would be targeted to certain campaigns (membership/annual conference/Sponsorship (during UK hours)).

There would need to be significant internal organisational change within the teams who administer the membership so that a single staff member could help with any queries from accounts/membership/conferences etc. This would, however, require significant internal reorganisation of staff and a different way of working. Both of which require careful change management.

### ***Greater technology / App integration for in person conferences***

- Real time questions and polling with Slido or similar services integrated for in-room interactivity
- Ticketed event access, in-app ticket wallet
- Documents for sessions shared and saved as favourites or linked to sessions attended



### ***Sales Integration to the existing site***

There is potential to add cross-selling to a conference registration, where the IBA links to airlines, tour operators and hotel chains to offer an integrated booking experience where all aspects of conference attendance can be managed through a seemingly single transaction. This would allow the user to add the following to their registration:

- Flights
- Hotels
- Excursions
- Add on Items

Research into this possibility will need to be carried out to determine whether it is a viable option for the volumes of delegates the IBA attracts. We also need to better understand how firms book these services for their partners and associates.

### ***Membership surveys***

After we have emerged from the Covid pandemic and business has returned to a form of normality we will conduct membership surveys, taking a new baseline from the developments made already, so find out how we can further improve the digital offering. We last surveyed the membership with this question in December 2020 so it will be useful to review the results side by side.

### ***Membership directory/MyIBA***

The membership directory and MyIBA profiles will be a focus once we are able to secure development budget. While the current profiles, which form the results of the membership search, contain useful information on an individual, this could be expanded with extra fields and options to allow members to add, for example, their independent rankings, links to articles they have written, events they have spoken at, etc. This extra information will add depth to member profiles. Access to the directory for signed-in users of the website will also be addressed so that it becomes a key part of the UX.

### ***Key markets***

Reaching emerging and remote markets and providing relevant content to them has been an aim of the IBA for some time. The enhanced level of data we will be able to collect and examine should help us identify more strategically where these markets are and what they are looking for. Providing value for the remote portion of our membership who will not attend live conferences due to distance, time and budget through targeted content is key to retaining them and even increasing this area of our association.

### ***The IBA Digital Services Committee***

The Digital Services Committee (DSC) was formed as a subcommittee of the IBA Management Board as an outcome of the strategic review and its remit is to advise the Board on matters concerning the IBA's Digital Strategy. The committee comprises members of the board, IBA staff involved in digital content and external experts who have been invited to advise the IBA both in technical matters and business development. The members of the Committee are as follows:

#### *Chair*

<b>Myra Garrett</b>	William Fry, Dublin; SPPI Vice-Chair/Treasurer
<b>Martin Šolc</b>	Kocian Šolc Balastik, Prague; Honourary Life Member of Council and Association; Former IBA President
<b>Jason Broughton</b>	Chief Design Officer, Lexis Nexis
<b>Jimmy Vestbirk</b>	Founder, Legal Geek and Conference Geek
<b>Nikhil Anand</b>	Associate Partner/Chief Solutions Architect, Portaltech Reply
<b>Tim Hughes</b>	IBA Deputy Executive Director
<b>Nigel Richards</b>	IBA Information Systems Architect
<b>Tim Licence</b>	IBA Creative Director
<b>James Lewis</b>	IBA Director of Content
<b>Jennie Castro</b>	IBA Marketing Manager

## c) Projects Committee

### 1. Aim

- 1.1 To provide an update to the IBA Management Board and Council on behalf of the Projects Committee on the progress of the projects database for information.

### 2. Data Collection

- 2.1 The initial iteration of data collection of projects began in 2017 with the preparation of an initial list of 140 IBA Projects produced by the then Chair of the Projects Committee, Peter Bartlett. Known information on projects was also provided with the help of members and internal colleagues.
- 2.2 The support to the Committee and the maintenance of the Projects Database is provided by the IBA Divisions staff and other staff within the organization who work with other project related committees including the Legal Policy and Research Unit.

### 3. Projects Committee

In January 2021 the IBA President appointed new leadership to the Committee and I took over the position of Chair with the following accepting invitations to be Committee members:

- Myra Garrett - SPPI
- Mark Stephens - HRI
- Helena Kennedy – IBA HRI
- Sara Carnegie – IBA LPRU
- Rebecca McDougall – Special Projects Officer , IP & Entertainment Committee , Morgan Lewis Bockius , US
- Deborah Enix Ross – BIC
- Chung Nian Lam – past Chair Communications Committee – Singapore
- Nania Owusi-Ankomah – Arbitration Committee – Ghana
- Ashish Razdan – Khaitan – India
- Stephen Revell – Law Firm Management Committee – London/Singapore

George Artly, BIC Projects Lawyer within the IBA Legal Policy and Research Unit (LPRU), joined the Committee in 2022.

### 4. Project Database Status Update

- 4.1 There are currently 80 active projects contained within the projects database, which list the various activities being worked on in the IBA towards aims and objectives. The list is not exhaustive and is being reviewed on a periodic basis in line with updates and available data. A lot of work is being done to identify every project and list useful information. These activities span all IBA Divisions. Many Projects involve cross-Divisional cooperation. The IBA is also collaborating on a variety of Projects with other international entities on projects that an organisation like the IBA should be working on.
- 3.1. Communication to project leads is ongoing to ensure that updates are provided on each project. Coordination efforts with internal teams including Directors in Washington, Sao Paulo, Seoul and London is in progress to increase information on projects and regional initiatives.

- 3.2. Project updates are requested on a regular basis and on the same schedule as reports being submitted to Council. Since August 2021 a further 32 project updates were submitted and these continue to be provided. Project updates provide further intelligence about which projects are active, projects for which reports have been produced, and other relevant objectives achieved. More work is being done to determine the genesis and developments of remaining projects, which will be deemed dormant or inactive should no update be received and no further information be available.
- 3.3. A summary of project activity since August 2021 is attached to this report.

#### **4. Reporting Mechanisms**

- 4.1. With the implementation of the new membership database in the IBA came the requirement to move the Project Database across to the new system. The Divisions staff have carried out necessary testing on the new system to ensure it meets the standard of the 'old' database and to introduce improvements where possible.
- 4.2. Whilst the new database has now been populated with all known projects, we are still working through a number of glitches to ensure the reports pulled from the database are up to date and referenced correctly.
- 4.3. Since August 2021 there have been thirteen projects approved and / or initiated within the LPD, four projects were approved by SPPI and two by the BIC. There has also been two funding applications approved by the Special Projects Fund Committee.
- 4.4. In total 7 projects were finalized since the last report.
- 4.5. The Divisions Department is continuing to work towards streamlining the project proposal process across the different areas that review and approve projects to ensure consistency and continuity in information that is entered in to the database.

#### **5. Archive**

- 6.1 In the long term, substantive work will continue to establish data on historic information of IBA projects as part of the centralization of legacy data and to work towards supporting new project ideas, ward against the duplication of projects and to help members to build on the historical projects.

**Moira Huggard-Caine**  
**Chair**

#### **Summary of projects since August 2021**

##### **A) Projects approved since August 2021**

*LPD projects:*

1. *Covid-19 Legal Policy Task Force*
2. International Construction Projects Committee: *10 Tips for Project Establishment*
3. Arbitration Committee: *Task Force on the desirability of uniform privilege rules for the purpose of the IBA Rules on the taking of Evidence*

4. Asia Pacific Regional Forum: *Developing SEA membership*
5. Arbitration Committee: *Task Force on the desirability of uniform privilege rules for the purpose of the IBA Rules on the taking of Evidence*
6. Maritime and Transport Law Committee: 50 years Commemorative book
7. International Construction Projects Committee: *Insolvency Ready Reckoner*
8. Latin American Regional Forum: *ESG initiative*
9. Arbitration Committee: *Virtual round tables to discuss ESG (Environmental, Social and Governance issues) Obligations and Related Dispute Resolution Provisions*
10. Arbitration Committee: *Arb 40 stories competition*
11. Oil and Gas Committee: *AIEN/IBA-OGC – Energy Transition Model Clauses Governance document*
12. SEERIL (to be led by Oil and Gas Committee): *Guidelines for regulation of the energy transition to reach the SDG and the UNFCCC goals*
13. European Regional Forum: *ESG awareness among law firms*

*SPPI/PPID projects:*

14. Women Lawyers' Interest Group: *Mentorship toolkit*  
 In Women Lawyers' Interest Group ("WIG"), we strongly believe in the need for mentorship as a tool for empowering young lawyers and especially women in the development of their careers. Many studies reveal that institutionalizing mentorship programs will not only help the mentee but also the mentors to understand the importance of leadership, diversity and inclusion. The toolkit, we propose, will include a methodology of establishing a mentorship program, how to choose the mentors, how to pair mentors with mentees and 10 initial mentorship sessions (the "Toolkit").  
 The toolkit will be prepared by integrating the best practices of several law firms and ideas that the WIG together with the Law Firm Management & the Young Lawyers' Committees will put to the service of IBA members.  
 The purpose of the Toolkit is to allow law firms or lawyers interested in mentorship to commence a mentorship program with some ideas and guidelines that will get them started

15. Pro Bono Committee: *Promoting Pro Bono in Africa (survey & report)*. 7,300 GBP was allocated by the PPID Activity Fund
16. Law Firm Management Committee: *Scholarship for LFMC Leadership Programme. £10,000 awarded from the PPID activity fund.*

B) Special Project Fund projects approved since August 2021

*Presidential Taskforce on Lawyer Mental Wellbeing*. 2070 GBP was allocated for the translation of the report into Spanish and for the printing of flyers.

***Defending the Principle of Lawyer-Client Confidentiality: Understanding the Threats and Enhancing Engagement and it is being run by the Presidential Taskforce on Lawyer-Client Confidentiality.*** It will be finished by the end of the year, and they were approved £20,000.

C) BIC projects entered in the database since August 2021

BIC Regulation Committee project.

The creation of a global table and executive summary outlining which bars, law societies, and regulators around the world have included express language on anti-discrimination in their codes of conduct/ethics for lawyers in their jurisdiction, and the varying types of approach that have been taken when including those provisions across different parts of the world.

BIC International Trade in Legal Services Committee: ***New edition of GATS Handbook (£10,000 awarded from the PPID activity fund)***

D) Projects finalised since August 2021

*LPD Projects:*

1) Anti-Corruption Committee: ***Global Suspension & Debarment Directory.***

Link on Committee webpage: <https://www.worldbank.org/en/about/unit/sanctions-system/osd/brief/exclusion-survey>

2) Latin American Regional Forum: ***Perceptions of legal firms in relation to the issues of diversity, inclusion, pro bono work, non-discrimination and social impact in Latin America***

A report had been submitted in Spanish. We have requested this in English so that the necessary editing can be completed before publishing.

3) European Regional Forum: ***Diversity and Inclusion Survey report***

This has now been circulated to the membership.

*SPPI projects and PPID Activity Fund projects:*

4) War Crimes Committee:

***Viability of a Permanent Investigative Mechanism, with a focus on the accountability needs of particularly vulnerable survivor communities***

*LPRU projects:*

5) ***Young Lawyers project:***

The report is currently with the Content Department and should be published by the end of Jan 2022. It remains unclear as to whether this will mark the end of the project, but if further action is taken, it is likely this will be led by the Young Lawyers' Committee.

6) ***Gender project:***

The report on the pilot in England and Wales is finalised and will soon be sent to Content for editing, ready to be published.

E) Project reports published since August 2021

*LPD reports:*

1) Anti-Corruption Committee: ***Anti-Corruption Toolkit:***  
<https://www.ibanet.org/document?id=Anticorruption-riskassessmenttoolkit-SMEs-2021doc>

2) ***Global Employment Institute: Annual Report:***  
<https://www.ibanet.org/IBA-GEI-report-on-human-resources-trends-includes-COVID-19-analysis>

3) ***IBA European Regional Forum Diversity & Inclusion Survey report: Building active engagement with Diversity & Inclusion:*** <https://www.ibanet.org/building-active-engagement-with-diversity-and-inclusion>

*SPPI reports:*

4) ***Law Firm Management ESG toolkit:***  
<https://www.ibanet.org/medias/ESG-Toolkit-for-Law-Firms-report-2021-LFMC3121.pdf?context=bWFzdGVyfENvbW1pdHRIZS13ZWJzaXRILWltYWdlc3w0OTM4NT18YXBwbGljYXRpb24vcGRmfGhhMC9oYmQvODgzNTY5MzA4NDcwMi9FU0cgVG9vbGtPdCBmb3IgdGF3IEZpcmlzIHJlcG9ydCAyMDIxX0xGTUNfMzEyMS5wZGZ8YmI0MTE2ZjhmYjcxZWJjODRkMTJjYTNmYzk2ODdhZmRlYzgzNDZiYjA1M2NlMGVlMGExN2U3ZDg2ZmRiYzdhNA>

5) ***Young Lawyers' Committee Report:*** <https://www.ibanet.org/document?id=IBA-Young-Lawyers-Report-2022>. Further discussion with Committee on potential next steps and Miami session underway.

*LPRU reports:*

6) ***Mental Wellbeing in the Legal Profession: A Global Study:***  
Report published in October, but work will continue over a much longer-term period.  
<https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>

7) ***IBA Statement in Defence of the Principle of Lawyer-Client Confidentiality:***  
this has been cleared by IBA Council and we will publish it on the website imminently. There is more follow up work on this over the year ahead, so the project is not 'closed.'

*IBA International Criminal Court and International Criminal Law:*

8) ***ICC - A Guide for States Parties to the Rome Statute:***  
<https://www.ibanet.org/document?id=ICC-Report-Rome-Statute-October-2021>

*IBA Covid-19 Legal Policy Task Force:*

9) ***Covid-19 Legal Policy Task Force report (Questionnaire and Recommendations):***  
<https://www.ibanet.org/IBA-Covid-19-Legal-Policy-Task-Force-releases-report-on-optimising-pandemic-management>

**10) 50:50 by 2030 Gender Project:** <https://www.ibanet.org/document?id=IBA-Gender-Disparity-Report-England-and-Wales-2022>

**11) Digital Disruptive Innovation (Tech Competence):** an internal report was prepared (based on survey findings with member bars) to discuss the need for technological competence of legal professionals. It has been shared with the BIC Reg Com, NARF, ERF, APDC.

List of Project Reports 2020/2021			
Name of Associated Report	Committee	Publication date	Access Link
IBA Model Statute for Proceedings Challenging Government Failure to Act on Climate Change	Climate Change Justice and Human Rights TaskForce Report	January 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=47ae6064-9a61-42f6-ac9e-4f7e1b5b4e7b">https://www.ibanet.org/Document/Default.aspx?DocumentUId=47ae6064-9a61-42f6-ac9e-4f7e1b5b4e7b</a>
Perception of legal firms in relation to the issues of diversity, inclusion, Pro Bono work, non-discrimination and social impact in Latin America	LARF Young Lawyers	March/ April 2020	<a href="https://www.ibanet.org/Regional_Fora/Regional_Fora/Latin_American_Reg_Forum/young-council-del-latin-american-regional-forum-march-2020.aspx">https://www.ibanet.org/Regional_Fora/Regional_Fora/Latin_American_Reg_Forum/young-council-del-latin-american-regional-forum-march-2020.aspx</a>
COVID-19 relief measures: tax perspective	Taxes	April 2020	<a href="https://www.ibanet.org/COVID-19/Covid-19-Relief-Measures-Tax.aspx">https://www.ibanet.org/COVID-19/Covid-19-Relief-Measures-Tax.aspx</a>
Covid-19 Relief Measures – Asset Management Perspective	Asset Management & Investment Funds	May 2020	<a href="https://www.google.co.uk/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=&amp;ved=2ahUKewiwhd7XqNXsAhXNRhUIHS7nCbIQFIADegQIBRAC&amp;url=https%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUId%3D3CA4B217-5EDF-41F9-BA31-C681149B0DC4&amp;usg=AOvVaw07zMxjorbOYbuRsrDYVV6S">https://www.google.co.uk/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=&amp;ved=2ahUKewiwhd7XqNXsAhXNRhUIHS7nCbIQFIADegQIBRAC&amp;url=https%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUId%3D3CA4B217-5EDF-41F9-BA31-C681149B0DC4&amp;usg=AOvVaw07zMxjorbOYbuRsrDYVV6S</a>
Business Development book	Co-publication with Globe Law	April 2020	<a href="https://www.globelawandbusiness.com/books/business-development-a-practical-handbook-for-lawyers-second-edition">https://www.globelawandbusiness.com/books/business-development-a-practical-handbook-for-lawyers-second-edition</a>
Impact of Covid-19 on M&A	Corp & M&A	May 2020	<a href="https://www.ibanet.org/Article/NewDetail.aspx?ArticleUId=202750E9-CDC2-49FA-87A9-3732C62C4F15">https://www.ibanet.org/Article/NewDetail.aspx?ArticleUId=202750E9-CDC2-49FA-87A9-3732C62C4F15</a>
Covid-19 relief measures: the public issuer perspective	Securities	May 2020	<a href="https://www.google.co.uk/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=&amp;ved=2ahUKewiw17G3qdXsAhVsVBUiHXdOBbQQFjAAegQIAhAC&amp;url=https%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUId%3D354A476E-62DF-476C-8BB5-E5E8CC70A1FA&amp;usg=AOvVaw362EzPcEng9POWkvM4qgFw">https://www.google.co.uk/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=&amp;ved=2ahUKewiw17G3qdXsAhVsVBUiHXdOBbQQFjAAegQIAhAC&amp;url=https%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUId%3D354A476E-62DF-476C-8BB5-E5E8CC70A1FA&amp;usg=AOvVaw362EzPcEng9POWkvM4qgFw</a>
Covid-19 matrix	Mining	May 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=5CA12025-0D47-45BA-B7E0-D9ABD066DE76">https://www.ibanet.org/Document/Default.aspx?DocumentUId=5CA12025-0D47-45BA-B7E0-D9ABD066DE76</a>
Covid-19 matrix	Environment, Health and Safety	May 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=FDE43D9476D0-4965-989D-652342573FCA">https://www.ibanet.org/Document/Default.aspx?DocumentUId=FDE43D9476D0-4965-989D-652342573FCA</a>
Covid-19 matrix	Litigation	May 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=E9A83AEF-6B17-4A54-815F-1C6E0D600163">https://www.ibanet.org/Document/Default.aspx?DocumentUId=E9A83AEF-6B17-4A54-815F-1C6E0D600163</a>
Covid-19 matrix	Antitrust	May 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=0045B051-0887-4124-BEE5-7E0D25675C1B">https://www.ibanet.org/Document/Default.aspx?DocumentUId=0045B051-0887-4124-BEE5-7E0D25675C1B</a>
Covid-19 matrix	EIRC	May2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=3977C0AF-BC88-45EC-811E-62814F39B9CA">https://www.ibanet.org/Document/Default.aspx?DocumentUId=3977C0AF-BC88-45EC-811E-62814F39B9CA</a>
Covid-19 matrix	Real Estate	May 2020	<a href="https://www.ibanet.org/Covid-19/Home.aspx">https://www.ibanet.org/Covid-19/Home.aspx</a>
Selling restrictions: Argentina update	Capital Markets Forum	June 2020	<a href="https://www.ibanet.org/LPD/Financial_Services_Section/Capital_Markets_Forum/international-sellingrestrictions.aspx">https://www.ibanet.org/LPD/Financial_Services_Section/Capital_Markets_Forum/international-sellingrestrictions.aspx</a>
LPRU UN Model Curriculum in Environmental Law	LPRU	February 2020	<a href="https://www.unenvironment.org/es/node/26946">https://www.unenvironment.org/es/node/26946</a>
ICC & ICL Programme Seeing justice through - short report	ICC/ICL	June 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUId=a78e62d2-515c-47e0-a018-815d34146775">https://www.ibanet.org/Document/Default.aspx?DocumentUId=a78e62d2-515c-47e0-a018-815d34146775</a>



LPRU + BHR paper on contact tracing	LPRU and BHR	June 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUid=98ae7850-48cd-4a0f-8424-c999c5bdde84">https://www.ibanet.org/Document/Default.aspx?DocumentUid=98ae7850-48cd-4a0f-8424-c999c5bdde84</a>
Annual IBA Report	IBA	June 2020	Internal report
Covid-19 matrix	IP and Entertainment Law	June 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUid=4F878193-D5C7-4DFF-A207-2D76F95BF84C">https://www.ibanet.org/Document/Default.aspx?DocumentUid=4F878193-D5C7-4DFF-A207-2D76F95BF84C</a>
Covid-19 matrix	Insolvency	August 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUid=AE4AC5A-E90EA-4104-B420-705F1942B052">https://www.ibanet.org/Document/Default.aspx?DocumentUid=AE4AC5A-E90EA-4104-B420-705F1942B052</a>
Covid-19 matrix	ICDC	August 2020	<a href="https://www.ibanet.org/Covid-19/Home.aspx">https://www.ibanet.org/Covid-19/Home.aspx</a>
Doing Business in Asia Pacific	Asia Pacific Regional Forum	September 2020	<a href="https://www.ibanet.org/Regional_Fora/Regional_Fora/Asia_Pacific_Forum/Doing-business.aspx">https://www.ibanet.org/Regional_Fora/Regional_Fora/Asia_Pacific_Forum/Doing-business.aspx</a>
AI Working Group Report - AI as a professional tool	ANLBS - AI Working Group	September 2020	<a href="https://www.ibanet.org/Article/NewDetail.aspx?ArticleId=A5ECEFC2-6EBF-4431-A79B-7CA44A0DB385">https://www.ibanet.org/Article/NewDetail.aspx?ArticleId=A5ECEFC2-6EBF-4431-A79B-7CA44A0DB385</a>
Government Access to IT Systems	LPD	October 2020	<a href="https://www.ibanet.org/Document/Default.aspx?DocumentUid=BBF0B139-D50B-4B68-8083-F206FFCD18EA">https://www.ibanet.org/Document/Default.aspx?DocumentUid=BBF0B139-D50B-4B68-8083-F206FFCD18EA</a>
The Future of Legal Services : Drivers of change for legal services 2020	Future of Legal Services Commission	March 2021	<a href="https://www.ibanet.org/Future-of-Legal-Services-Commission">https://www.ibanet.org/Future-of-Legal-Services-Commission</a>
Data Protection Guide for Bar Associations and Regulators in Africa	African Regional Forum	June 2021	<a href="https://www.ibanet.org/unit/Regional+Fora/committee/African+Regional+Forum/3111">https://www.ibanet.org/unit/Regional+Fora/committee/African+Regional+Forum/3111</a>
Global Best Practices for Conducting Internal Investigations	IBA GEI	June 2021	<a href="https://www.ibanet.org/companies-internal-investigations-IBA-GEI-report?sap-outbound-id=717E951542A3518CD1275F31EB88766BC8A007FE&amp;utm_source=SAPHybris&amp;utm_medium=email&amp;utm_campaign=226&amp;utm_term=News%20from%20the%20IBA%20%28e-news%29%20edn%207_Global%20Best%20Practices%20for%20Conducting%20Internal%20Investigations&amp;utm_content=EN">https://www.ibanet.org/companies-internal-investigations-IBA-GEI-report?sap-outbound-id=717E951542A3518CD1275F31EB88766BC8A007FE&amp;utm_source=SAPHybris&amp;utm_medium=email&amp;utm_campaign=226&amp;utm_term=News%20from%20the%20IBA%20%28e-news%29%20edn%207_Global%20Best%20Practices%20for%20Conducting%20Internal%20Investigations&amp;utm_content=EN</a>
<u>Global Suspension &amp; Debarment Directory</u>	Debarment and Exclusions Subcommittee of the Anti-Corruption Committee	July 2021	<a href="https://protect-eu.mimecast.com/s/m4yXCAPEXh4kWBtGJ5hg?domain=worldbank.org">https://protect-eu.mimecast.com/s/m4yXCAPEXh4kWBtGJ5hg?domain=worldbank.org</a>
<u>Lawyer-Client Confidentiality</u>	<u>IBA Working Group on Lawyer-Client Confidentiality</u>	Oct 2021	

#### **d) Membership Committee**

The Membership Committee has been working hard since the beginning of the year to continue its efforts and build on the work that it accomplished in 2021. While the worst of the pandemic appears to be behind us and we can hope for a much better year thanks to the return to in-person conferences, we are conscious that 2022 will remain challenging.

Group Members being of crucial importance to the IBA, this has therefore remained our priority. A comprehensive campaign was launched at the beginning of the year as part of which around 120 letters were sent out to existing European Group Members thanking them for their support, letting them know what is in store for 2022, including the Annual Conference in Miami, as well as highlighting the benefits of being a member as we encouraged them to renew again this year. While this group remained loyal to the IBA despite the pandemic, we believed it was important to recognize them and thank them for their ongoing commitment.

We also started an outreach initiative designed to target prospective Group Members. Key firms have been identified in European, Asian, North American and Latin American countries where there is underrepresentation at the Group Membership level or significant firms identified who have not joined, with the idea being to focus on those firms that will bring value to the IBA and remain as members on a long-term basis. We have addressed personalized letters to them detailing all of the benefits of being a Group Member, with nearly 100 letters sent out to European firms alone. With the Annual Conference taking place in Miami, we are currently working on reviewing and targeting prospective US firms and are hoping to see a lot of interest there.

I am delighted to report that the campaign has paid off and the initial figures are very strong. As of the time of writing, 14 new Group Members have joined (compared to no new members for the same period last year) and 130 Group Members have renewed. I want to thank Joe Bell and Eric Rugundu of the London office for their hard work and wonderful support without which this initiative would not have been possible.

In terms of Corporate Members, we have added 3 new members to date and have registered 14 renewals. The group that the pandemic impacted the most was Individual Members. While early figures have been relatively good, with 351 new members at the time of writing and 4,462 renewals, we will need to redouble our efforts in this area in an effort to try and bring those number back up to their pre-pandemic levels.

We are confident that the above initiatives as well as other efforts that we will be undertaking this year, together with the return to in-person conferences, and in particular the Annual Conference, will have a positive impact on membership and we look forward to working hard again this year in that respect.

**Pascale Lagesse**  
**Chair**

## 15. Reports from Deputy Secretaries General

### a) African Regional Forum

#### I. Introduction

- The African Regional Forum (the AF), presents this update report of its activities to the IBA Council for its May 2022 meeting.
- Subsequent to our last report presented in August 2021, the AF has continued to work on various initiatives as set out below.

#### II. Officers and positions 2022/2023 African Regional Forum

Officer Title	Name of Officer
Co-Chair	Babatunde Ajibade
Co-Chair	Nankunda Katangaza
Senior Vice Chair	Kimathi Kuenyehia
Vice Chair	Callis Badoo
Secretary-Treasurer	Joyce Karanja
Conference Coordinator and Conference Quality Officer	Isioma Idigbe
Membership Officer & Communications Officer	Alexis Apostolidis
Newsletter Editor	Alfred Majamanda
Website Officer	Ivan Allan Ojakol
Young Lawyers' Committee Liaison Officer	Aderinsola Fagbure
Diversity & Inclusion Officer	Rachel Mbai
Liaison Officer	Vacant
Advisory Board	
Member	Pieter Steyn
Member	Linda Kasonde
Member	Tshepo Shabangu
Member	Kofo Dosekun
Member	David Ofori-Dorte
Member	Thierry Ngoga Gakuba
Member	Tameru Wondmagegnehu
AF representatives	
AF representative on ESG working group	Ernst Müller
AF representative on International Trade and Customs Law Committee	Ohio Omiunu

#### III. CONCLUDED ACTIVITIES:

- *The African Continental Free Trade Area (AfCFTA)*– the showcase sessions entitled 'Making the Africa Continental Free Trade Agreement work - the role of the legal profession', was held on 27 October 2021. This was part of the IBA Global Show case session replacing the annual conference and it was a great success.
- *AfCFTA masterclass training* – these were held in a series of six (6) webinars as set out below, all of which were a great success with attendance of between 80-150 for each session. The IBA gave very positive feedback on these sessions and featured the AfCFTA and the

masterclass series in its February/March 2022 edition of the [IBA Global Insight](#). The sessions were coordinated by Prof. Ohio Omiunu together with our Website Officer Ivan Ojakol.

8 November 2021	Masterclass on the overview of the AfCFTA
15 November 2021	Masterclass on understanding the protocol on trade in goods
22 November 2021	Masterclass on understanding the protocol on trade in services
29 November 2021	Masterclass on the protocol on dispute resolution under the AfCFTA
6 December 2021	Masterclass on understanding the protocol on investment
13 December 2021	Masterclass on the proposed protocols on intellectual property, competition and digital trade/e-commerce

#### IV. ONGOING MATTERS:

- *Collaboration with the Anti-trust and Competition Law Committee* – the African Competition Law Conference proposed to be held in person in November 2022 in Lagos, Nigeria is a collaboration with the Anti-trust Committee, which has the support of the Federal Competition & Consumer Protection Commission of Nigeria.
- *Mid-year Conference, Vilnius, Lithuania from 18 to 19 May 2022* – as this is an in-person Conference, the AF is exploring the possibility of arranging an in-person retreat for the AF Officers and Advisory Committee members.
- *Collaboration with the Pro Bono Committee* – the AF is collaborating with the Pro Bono Committee on a project to map pro bono activity in Africa. This survey was circulated across the African continent at the end of 2021 and time for completing the survey has been extended due to lack of sufficient responsiveness.
- *The Law Firm Management Committee (LFMC)* – the LFMC has expressed its interest in collaborating with the AF in arranging a joint webinar in 2022 to discuss the future of African law firms, Covid reflections and other related relevant topics. This will most likely be a webinar rather than a physical conference. Discussions and plans for this are underway.
- *The IBA Annual Conference in Miami, USA:* - in Miami USA from 4 October to 4 November 2022, and all AF members and Advisory committee members are urged to attend. The AF proposed to the other regional fora that the joint session at the Miami Conference explores issues of regional Integration and trade agreements and the role of lawyers. That proposal was accepted and we are working with our counterparts on planning that session entitled 'Regional integration through international trade agreements: business opportunities that lawyers need to know and nobody has told them yet'. Our second session in Miami will be on 'Climate change and the ESG agenda in Africa from a people, business and legal perspective'.

#### V. OTHER PENDING COLLABORATIONS

- *The Young Lawyers Committee:* there is a proposal to collaborate but no specifics have been agreed yet.
- *Climate Change Conference:* the proposal from members was to piggyback on the Cop26 conference that took place in Glasgow and hold an in-person conference aimed at addressing the Africa-specific aspects arising from the Cop26 conference. As no more in-person conferences are available for 2022, this proposal will be made for 2023.
- *The Bar Issues Commission (BIC)* – the AF has been invited to collaborate with the BIC. The initial proposal being to develop a framework for engaging more effectively with the Bar Associations and Law Societies in Africa but no specifics have been agreed yet.

- *The African Construction Law Review* - the AF had been invited to collaborate but unfortunately this been rejected by the IBA because it was in competition with what the IBA was doing and also due to the IBA's limitation on webinars.
- *The Agricultural Law Section (ALS)* – the ALS is planning to have a number of webinars on capacity development for lawyers on responsible investment in agriculture. A date has not yet been agreed but is likely to be in April. The ALS has requested input and comments from the AF as well as suggestions/recommendations of appropriate speakers from Africa for this topic and some suggestions have been put forward.

Babatunde Ajibade and Nankunda Katangaza  
Co-Chairs

March 2022

## b) Arab Regional Forum

1. The Showcase session on 26 October 2020 on “The Protection of investments in the MENA Region from local laws to international treaty networks, with a focus on opportunities and challenges when enforcing foreign judgments and arbitral awards”. There were over 150 participants and a lot of interesting topics covered:

- Some key figures about the actual state of foreign investments in the MENA region
- A comparative overview of major Arab investment laws in the region: developments, trends and practical examples
- Comparing investment laws in the MENA region with Europe and the USA
- Case studies in a selection of MENA jurisdictions: Egypt, Morocco, KSA, UAE
- Utilisation of investment vehicles in jurisdictions that offer a treaty network protection – Netherlands, Luxembourg...
- Are Arab Sovereign Funds still key stakeholders in foreign investments in the region?
- The Interplay between Inter-Arab Investment Treaties and International Investment Agreements involving the MENA region
- The Arab Investment Court: prospects and challenges.

### *The Session / Workshop Chairs / Moderators were:*

<u>Jalal El Ahdab</u>	Bird & Bird AARPI, Paris, France; Co-Chair, Arab Regional Forum
<u>Ziad Najm</u>	Albert Najm & Ziad Najm Law Firm, Beirut, Lebanon; Co-Chair, Arab Regional Forum

### *And the Speakers were:*

<u>Omar Alrasheed</u>	Omar Alrasheed & Partners, Riyadh, Saudi Arabia; Membership Officer, Arab Regional Forum
<u>Amani Khalifa</u>	Freshfields Bruckhaus Deringer, Dubai, United Arab Emirates; Diversity and Inclusion Officer, Arab Regional Forum
<u>Sara Koleilat-Aranjo</u>	Al Tamimi & Company, Dubai, United Arab Emirates; Officer, Arab Regional Forum
<u>Nesrine Roudane</u>	Roudane & Partners Law Firm, Casablanca, Morocco; Officer, Arab Regional Forum

2. The ARF had worked for 2/3 years, including during the pandemic on a Female Directory, gathering the names in many Arab jurisdictions of expert lawyers, recognized in their respective jurisdictions. For GDPR reasons, the IBA has decided we could not release this directory any longer, which we regret but understand. Another Doing Business in the MENA Directory is under consideration.
3. The IBA’s D&I new initiative: through Ms. Sara Koleilat-Aranjo, from Tamimi law firm, the ARF has contributed to the IBA report Young Lawyer’s Report of January 2022 on the state and future of the legal profession.
4. The ARF is cooperating with other fora. Former ARF Co-Chair Ziad Najm, has been recently appointed to the Regional Fora Coordination Committee. And we work closely with the European Regional Forum on events and alike.

5. As far as events are concerned for 2022, an event on the FinTech industry in the MENA region, and an event in Doha on Sports law, just before the World Cup in Qatar.
6. At last, we are focusing on the Miami conference and our session on the Saudi Booming Legal market.

**Mohamed Abdel Wahab / Jalal El Ahdab**  
**Co-Chairs**

c) **Asia Pacific Regional Forum**

I. 2022-2023 APF officers

**Co-Chair:** Hideaki Roy Umetsu *Mori Hamada & Matsumoto, Tokyo*

**Co-Chair:** Ramesh Vaidyanathan *Advaya Legal, Mumbai*

**Senior Vice Chair:** Ariel Ye *King & Wood Mallesons, Shenzhen*

**Vice Chair:** David Dali Liu *Jun He, Shanghai*

**Vice Chair/Conference Quality Officer:** Preetha Pillai *Skrine, Kuala Lumpur*

**Secretary:** Satyajit Gupta *EXL Service, Mumbai*

**Treasurer:** Dinesh Dhillon *Allen & Gledhill, Singapore*

**Membership Officer:** Sun Hee Kim *Yulchon, Seoul*

**Newsletter Officer:** Sheila Ahuja *Allen & Overy, Singapore*

**Website Officer:** Ashish Razdan *Khaitan & Co, Mumbai*

**Webinar Officer:** Patricia Cristina Tan *Ngochua Romulo Mabanta Buenaventura Sayoc & De Los Angeles, Makati City*

**Arbitration Liaison Officer (APAG Co-Chair):** Ulyarta Naibaho *ABNR Counsellors at Law, Jakarta*

**China Working Group Liaison Officer:** Vincent Qian *Dentons Dacheng, Beijing*

**Corporate Counsel Forum Liaison Officer:** Masako Takahata *IDI Infrastructures, Tokyo*

**Diversity & Inclusion Officer:** Nirmala Many *Nirmala Many & Partners, Jakarta*

**Litigation Liaison Officer:** Winnie Tam *Des Voeux Chambers, Hong Kong SAR*

**Corporate & M&A Liaison Officer:** Jong Kwon Ryoo *Yulchon, Seoul*

**Young Lawyers' Committee Liaison Officer:** Ben Smith *MinterEllison, Sydney*

**APAG Vice Chair:** Desmond Ang *Sidley Austin, Singapore*

II. In-person conferences and events held in the Asia Pacific region in 2021/2022

All in-person conferences and programmes previously confirmed to be held in 2021 have been postponed to 2022.

III. Webinars by APF and its sub-groups in 2021/2022

1. A webinar organised by the APF and supported by the Corporate Counsel Forum titled *The ever-evolving role of general counsel: legal advisor, risk manager, potential chief operating officer and everything in between!* on 2 March 2021
2. A webinar co-organised by the China Working Group and the Professional Ethics Committee titled *A comparative study of lawyers' ethics in the PRC and other countries: ethical dilemmas in the relationship with clients, attorney-client privilege, and duty of confidentiality* on 20 April 2021

3. An 8-part training webinar series co-organised by the China Working Group and the Young Lawyers' Committee titled *The fundamentals of international legal business practice: global trends in changing times* from 22 June-11 August 2021
4. A webinar organised by the APF and supported by the Litigation Committee titled *Practical and cultural differences of litigating in Asia* on 9 September 2021
5. A webinar organised by the China Working Group titled *China and Europe: current challenges and future changes of investments* on 15 September 2021
6. A webinar organised by the India Working Group and supported by the Taxes Committee titled *Navigating international transactions in the new tax world: investments, tax havens, digital tax and the G20 tax deal* on 17 September 2021
7. A webinar organised by the India Working Group titled *Tracking the evolution of safe-harbour law in India: IT rules in 2021 and beyond* on 18 November 2021
8. A webinar organised by the APAG titled *A Practical Guide to the 2020 Revision of the IBA Rules on the Taking of Evidence in International Arbitration Part 1* on 19 November 2021
9. A 3-part webinar series organised by the China Working Group titled *Hot topics in compliance* on 5-19 January 2022
10. A webinar organised by the APAG titled *A Practical Guide to the 2020 Revision of the IBA Rules on the Taking of Evidence in International Arbitration Part 2* on 21 January 2022
11. A 6-part webinar series organised by the India Working Group and the Young Lawyers' Committee titled *The Fundamentals of International Legal Business Practice: Revisiting best practices to navigate through changing times!* on 3-18 February 2022
12. A 3-part webinar series organised by the APAG titled *A practical guide to the 2020 Revision of the IBA Rules on the Taking of Evidence in International Arbitration and its Commentary* on 29 April, 29 July, and 29 November 2022.

IV. *In-person conferences and events currently planned to be held in the Asia Pacific region in 2022/2023*

1. 3 June 2022: IBA 6th Asia Law Firm Management Leadership Masterclass in Singapore
2. 6-8 June 2022: IBA Maritime and Transport Law Committee Conference - The new world of shipping post-Covid in Singapore
3. 1-2 September 2022: IBA Litigating in Asia Pacific Region Conference in Singapore
4. 2022/2023 (TBC): International Investment Disputes and International Arbitration in Beijing, China
5. 22 February 2023: Young Lawyers' Training Day: The Fundamentals of International Legal Business Practice in Singapore
6. 22-24 February 2023: 7<sup>th</sup> APF Biennial Conference: Beyond Asia to the World in Singapore
7. 27-28 April 2023: IBA Law Firm Management Conference: The law firm of the future in Mumbai, India
8. 2023 (TBC): OBOR Conference in Beijing, China
9. 2023 (TBC): Mergers and Acquisitions in India: Key Opportunities and Challenges in Recent Times in Mumbai, India

V. *2021 IBA Global Showcase*

The APF organised a session titled *Business post usual? Transformation of doing business in the Asia Pacific region* on 26 October, followed by a 45-minute virtual networking session.

Drawing over 800 registrants from 103 countries and featuring Hiroki Habuka (METI), Hanim Hamzah (ZICO Law), Deborah Im (Stripe), and June Yong Lee (Kim & Chang) as panellists, this well-attended showcase session organised by Sun Hee Kim, Jongkwon Ryoo, and Patricia Ngochua



discussed how digital acceleration, heightened ESG commitments, remote working and other trends have transformed the way we do business in the Asia Pacific region, and explored how lawyers could position themselves to assist clients in the business post-usual. It was followed by a 45-minute virtual networking session.

#### VI. IBA Annual Conference 2022

The 2022 IBA Annual Conference will be held in Miami on 30 October-4 November. The APF will be organising 3 standalone sessions and supporting the all Regional Fora session on Thursday. Our lunch will be held on Tuesday as usual. Our officers are actively involved in co-chairing these sessions and sourcing for speakers.

The sessions led by the Asia Pacific Regional Forum are:

1. Tuesday 1 November (1245 - 1415) *Asia Pacific Regional Forum lunch*
2. Tuesday 1 November (1615 - 1730) *Certainty and uncertainty: the new trends and opportunities of China outbound investment in the world*
3. Wednesday 2 November (1615 - 1730) *The future of money*
4. Thursday 3 November (0930-1045) *Intermediary liability regime: changing paradigm*

We are also supporting the following Regional Fora session:

1. Thursday 3 November (0930 - 1045) *Regional integration through international trade agreements: business opportunities that lawyers need to know and nobody has told them yet*

#### VII. China Working Group (“CWG”)

The CWG keeps its members close by having monthly calls and continues to focus its efforts on expanding the IBA’s activities and membership in China.

As a result of the pandemic, the following events originally planned to be held in Beijing in 2020 have been further postponed to either late 2022 or 2023:

- International Investment Disputes and International Arbitration in Beijing, China
- One Belt One Road Conference in Beijing, China

However, to keep the IBA’s members in China and abroad engaged, the CWG continued to hold webinars throughout 2021 and 2022. The CWG co-organised with the Professional Ethics Committee a webinar titled *A comparative study of lawyers’ ethics in the PRC and other countries* on 20 April which attracted 182 registrants. The CWG also worked with the Young Lawyers’ Committee to hold an 8-part training webinar series for young Chinese lawyers titled *The fundamentals of international legal business practice: global trends in changing times* on 22 June-11 August 2021 divided in 8 sessions which attracted a combined total registrants of over 5,500, among which over 2800 are from China. A webinar titled *China and Europe: current challenges and future changes of investments* was held on 15 September 2021 and attracted 186 registrants. In January 2022, the CWG co-organised a 3-part webinar series with the Antitrust Section titled *Hot topics in compliance* which covered antitrust and anti-corruption issues. This 3-part webinar series attracted 1,229 total registrants.

We are currently planning on co-organising another training webinar series in 2022 for Chinese young lawyers with the Young Lawyers’ Committee and a webinar series on ESG issues specific to Chinese lawyers.

The CWG will be leading a session at the Annual Conference in Miami - *Certainty and uncertainty: the new trends and opportunities of China outbound investment in the world*. CWG members are currently working on inviting high profile speakers for the session. The CWG will also be organising a drinks reception immediately following the CWG session in Miami.

The CWG continued to publish multiple newsletters each year focussing on China-related issues. The latest edition was published in January 2022 and we will continue to publish high quality articles.

#### VIII. India Working Group (“IWG”)

As part of its remit, the IWG is looking to continue its work on creating more opportunities for the IBA to engage with the Indian legal community thereby creating more awareness about the IBA and its charter amongst Indian legal professionals. The IWG aims to involve Indian IBA members more actively in IBA activities and explore ways in which the IBA can exchange best practices with the local lawyer community.

In February 2021, after a lengthy discussion with the APF leadership and the LPD leadership, the IWG was reorganised to further focus our attention on this important country and to work more closely with our colleagues in India.

The IWG organised a webinar titled *Navigating international transactions in the new tax world: investments, tax havens, digital tax and the G20 tax deal* on 17 September. This webinar was also supported by the Tax Committee.

This was followed by another IWG webinar on the *Implications of India’s Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021: Privacy, Security and Doing Business* on 18 Nov 2021. This webinar was well attended and supported by the Technology Committee.

IWG collaborated with the Young Lawyers Forum to conduct an immensely successful six-part webinar series in Feb 2022 titled *“The Fundamentals of International Legal Business Practice: Revisiting best practices to navigate through changing times!”* This webinar series was attended by nearly 1750 participants from across the world and received appreciation from all. It also helped enhance the IBA and the IWG outreach with the student and young lawyer community in India and elsewhere. The topics of the six webinars, the first of which was also attended by the senior leadership of the IBA, were the following:

1. *Building your profile and network at the IBA: introduction to the IBA Young Lawyers’ Committee and the India Working Group of the IBA Asia Pacific Regional Forum;*
2. *Resolution of cross border disputes;*
3. *Cross border investments, M&A and joint ventures;*
4. *Data privacy;*
5. *Law firm of the future;*
6. *International outreach vs. protectionism.*

The IWG is working on a few webinar ideas including a virtual litigation symposium in the month of May 2022 on the topic of case management.

To further enhance India content in IBA publications, the IWG has its own IWG Section within the APF Newsletter.

The IWG also completed a membership survey that was circulated to current IBA members based in India to assess ways in which the IWG can work to further promote the IBA to non-members. Survey results have been gathered and evaluated, the IWG has been working to develop a concrete membership promotion plan, including organising membership roadshows when travel restrictions ease.

Lastly, the IWG is currently working on a project proposal to address pendency of cases in Indian courts.

#### *IX. Asia Pacific Arbitration Group (APAG)*

Since the APF and the Arbitration Committee jointly established the APAG in 2013, the APAG successfully increased participation from Asian and Australasian member countries. The current APAG Co-Chairs are Colin Ong (Ong Legal) and Ulyarta Naibaho (Ali Budiardjo, Nugroho, Reksodiputro). At the end of 2021, we decided to create Vice Chair positions and Desmond Ang (Sidley Austin) and Huawei Sun (Zhong Lun) have begun their terms as Vice Chairs in January 2022.

The APAG has completed a project of issuing translations of the 2020 IBA Rules on the Taking of Evidence into multiple and commonly used Asian languages (Chinese, Japanese, Korean, Bahasa). Final versions of these translations are already available on the IBA Website.

The APAG is also embarking on another project of issuing translation of the Commentary to the 2020 IBA Rules on the Taking of Evidence into Chinese, Japanese, Korean and Bahasa and hope to release final versions of these translations later this year.

The APAG is confirmed to hold a training event this year. It will be a three-part webinar series on IBA Rules of Taking of Evidence (29 April 2022, 29 July 2022 & 29 November 2022, 90 mins per session). The first webinar will cover topics regarding documents in possession of other party, limitation by objections under Article 9.2, application of Article 9.2 to investment treaty arbitration, Article 3.2 and document requests at multiple points during proceedings, enforceability of Article 3.9 for production of documents from a third party perspective – practice in Asia The second webinar will cover topics concerning treatment of narrow/specific categories of documents reasonably believed to exist, timing for tribunal to self-order a request to produce or exclude a document, use of commercial confidentiality as basis to exclude and form of production of electronic documents from an Asian perspective. The third webinar will consider adverse inferences and its practice in Asia, different treatment of affiliated persons as witnesses in Asia and the tribunal’s ability to pose questions at any time and treatment of Article 8.4(g).

#### *X. Newsletters*

The APF continued to publish newsletters each year with a goal to involve new members of the APF in writing articles or being featured in the newsletters and also by having summaries of the sessions the APF officers/members were involved. We published 3 newsletters in 2021 and will be publishing a similar number of newsletters in 2022.

#### *XI. Southeast Asia outreach project*

In March 2021, the APF began working with the Regional Fora Coordination Committee and BIC on an outreach project focussing on enhancing recognition of the IBA’s brand name in certain Southeast Asian countries where the IBA currently does not have significant number of members. Three countries have been selected for this project - the Philippines, Thailand, and Vietnam.

We focused on Vietnam in 2021, and APF and the Regional Fora Coordination Committee held the outreaching webinar event in October 2021 titled “IBA Vietnam Outreach Roundtable: The lawyer’s office in a post-Covid world”. The event was supported by the Vietnam Business Lawyers Club as well as Vietnam Bar Federation. LPD and BIC kindly supported the event as well and we had opening remarks from LPD Chair and BIC Chair. We also had speakers from Law Firm Management Committee and Technology Law Committee in addition to the local Vietnamese lawyers as speakers. We had more than 80 registrants and received very good feedback from the participants.

In 2022, we will proceed to initiate the similar project in the Philippines.

*XII. Other inter-committee cooperation*

The APF was invited to take part in multiple inter-committee projects/initiatives and we have assigned the following officers who are actively participating in and contributing to these projects:

<b>Project/Initiative</b>	<b>Assigned Officer</b>
Regional Fora Coordination Committee	Satyajit Gupta
Young Lawyers Survey Working Group	Nirmala Many
IBA Commission on the Future of Legal Services	Hideaki Roy Umetsu
The Goal One Initiative: Vison and Next Steps by the Poverty and Social Development Committee	Masako Takahata
Mental Wellbeing Working Group	Satyajit Gupta

**Ramesh Vaidyanathan / Hideaki Roy Umetsu**  
**Co-Chairs**

**d) European Regional Forum**

**1. Introduction**

1.1 Over the last 4 years the ERF has developed and implemented a new strategy for the Forum.

1.2 The starting point for the new strategy was to define the role of the ERF within the IBA. Set out below is the Statement of Purpose summarising the key elements as follows:



**Statement of Purpose of ERF**



1.3 The ERF is split into 4 regions as follows: Northern, Western, Central and Southeastern. Each region has its own Chair and Vice Chair who are ERF Officers. The aim of the Regional Groups is to focus efforts in each region on mutual support and assistance amongst Council Members and to organise networking and professional development initiatives in their region.

1.4 Working Parties and Taskforces have been established to plan and implement specific initiatives. These include initiatives on:

- Diversity and Inclusion
- Mental Wellbeing
- Young Lawyers
- Public Policy (which is currently focusing on certain aspects of the ESG agenda)
- The Rule of Law
- Communications

1.5 In addition, the ERF organises 3 annual specialist conferences on the following topics:

- European Fashion and Luxury
- European Automotive and Mobility Services
- European Start-ups

1.6. The ERF also organises 2 sessions at the IBA Annual Conference. This year the sessions are on Legal Tech and the Rule of Law.

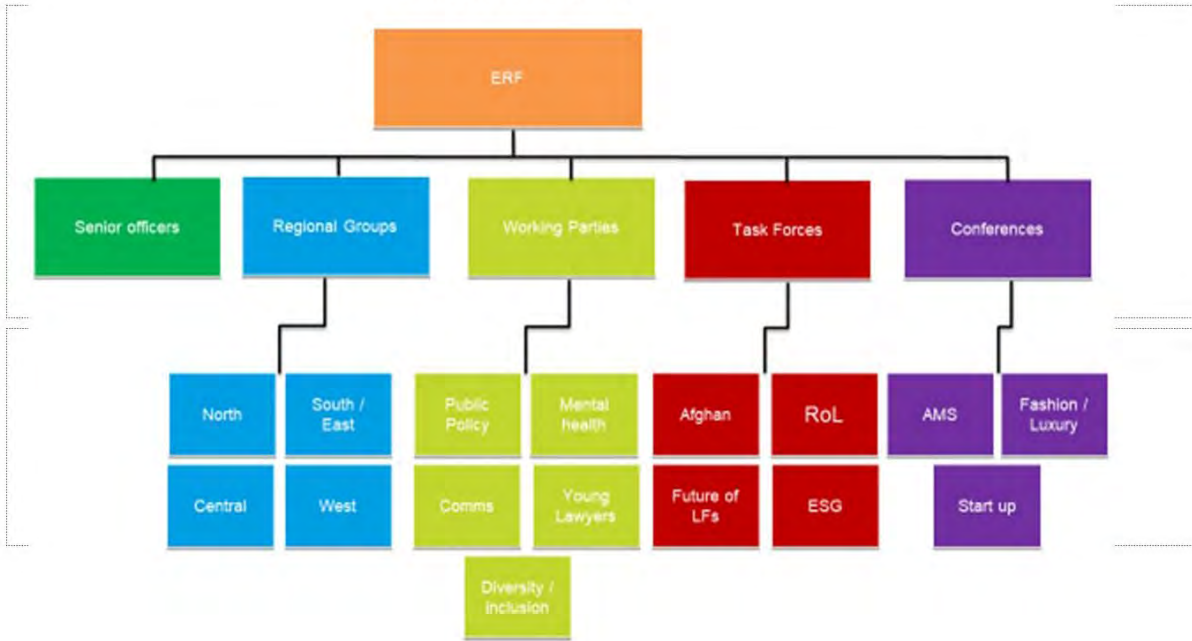
1.7 It also supports other conferences most notably the Balkan Legal Forum conference which is taking place in Vienna this year.

1.8 The ERF currently has 26 officers including 6 Senior officers and approximately 45 Council Members

1.9 The role of Council Members is to build and maintain contact with their local National Bar Association as well as universities and other legal institutions in their countries. This helps to increase awareness of the IBA and its mission. Council Members are also encouraged to become actively engaged with one of the Working Parties/Task forces established by the ERF to implement agreed initiatives.

1.10 Set out below is a diagrammatic representation of the current structure of the ERF.

ERF Structure Chart



## 2. Detailed initiatives

2.1 Annual reviews At the end of each year the Senior Officers discuss progress of the Working Parties and Regional Groups with their Chairs/Vice Chairs. The purpose of the review is to see what further support is required by the other officers or Council Members. A copy of the review at the end of last year is attached to this report. It provides details of the work undertaken by the Working Parties and Regional Groups. There is also attached the consolidated business plan for last year. The aim of this exercise is to ensure that Working Parties and Regional Groups have a clear idea of their focus and the initiatives for the year ahead.

2.2 Council Members Council Members are the “eyes and ears” of the ERF in their jurisdictions. Critical to the success of the Regional Groups and the Working Parties is the level of engagement of Council Members. In February we had an open online meeting for any ERF members who were interested in becoming Council Members. Approximately 50 people attended the event and as a result we appointed 13 new Council Members. We are seeking ways to increase both the profile and levels of engagement of Council Members

2.3 ERF Leadership Strategy Retreat: Every year the ERF leadership has a facilitated retreat comprising all or its officers. This year the retreat was online. The purpose of the retreat is to review progress to date and identify the key strategic aims for the year ahead. Attached is the impact statement coming out of these discussions.

2.4 Dublin Retreat In addition to the Leadership Strategy Retreat, the ERF also has a retreat for officers, Council Members and members of the Advisory Board. This is an opportunity once a year to meet up on an informal basis and share some of the challenges we are all facing. We also have a morning session in which we discuss in breakout groups some of the critical strategic issues. This year the retreat is in Dublin on 8 April. It will be a hybrid event with some 20 attendees in person and 40 online.

2.5 Communications The ERF is ultimately there to support the 7,000 + ERF members within the IBA. As part of this process, we are seeking to improve our level of communications with our members - what is important to them and what are we doing to support them. We are currently focusing on improving the ERF Webpage to make it more accessible and informative. We also want

to use it as a repository of helpful information about different aspects of the ERF making our role and operations as transparent as possible. At the same time, we are looking to produce on a regular basis informative newsletters for all ERF members.

2.6 Advisory Board The members of the Advisory Board are currently reviewing its structure and role. Potentially the Advisory Board has an important role to play in assisting with the longer-term strategic aims of the ERF. This does not mean getting involved in the day-to-day activities of the ERF or in any way second guessing its operational aspects. It can also be an important source of contacts. The review is considering fixed term appointments to the Advisory Board as well as more regular structured meetings.

### 3. Other Initiatives

3.1 The Diversity & Inclusion Working Party ran a survey on D&I issues for European law firms. They are currently preparing a toolkit for smaller law firms wishing to introduce a Diversity and Inclusion policy into their firms.

3.2 We have been asked by the senior IBA management as well as the Human Rights Institute to look at the rule of law issues faced by commercial law firms across Europe. A taskforce has been established and their terms of reference have been agreed.

3.3 The invasion of Ukraine has been hugely traumatic for many Europeans. We have been supporting our Ukrainian officer originally based in Kyiv and provided her the opportunity to share her story as widely as possible. We have also been providing the IBA with detailed information from around Europe on the initiatives under way to support refugees. We have also had active correspondence with the IBA senior leadership about the challenges faced by the ERF as a result of the conflict.

### **Christine Blaise-Engel / Christopher Owen Co-Chairs**

#### **e) Latin American Regional Forum**

##### I. Introduction

Despite the challenges arising out of Covid-19 pandemic the Latin American Regional Forum and the North America Regional Forum jointly organized and had a very successful in person conference in Miami from December 6th to 8th, 2021. 300 delegates attended this conference.

LARF and the Corporate and M&A Committee have been working together to have an in-person M&A conference in Sao Paulo on May 2-4, 2022. The conference is titled "Mergers and Acquisitions in Latin America in a challenging world" and will cover a variety of interesting topics, including how Covid-19 has affected the M&A landscape in Latin America, ESG and M&A in Latin America, what is driving the surge in M&A deals, women entrepreneurship in Latin America, and the emergence of Fintechs in Latin America. This conference will be supported by the IBA Law Firm Management Committee and the IBA Closely Held and Growing Business Enterprises Committee. Registration is open since March 14, 2022.

We continue the work of the three groups of influence into which the LARF is divided for efficiency purposes, which are:

(i) Executive Committee, formed by Officers with a strategic role in representing and implementing the vision and purpose of the Forum; (ii) Membership and Communication Planning Force, which Officers' roles includes, for example, increasing membership, applying effective communication tools to support LARF's strategy and coordinating LARF's scholarship programs; and (iii) Special Projects and New Developments Planning Force, whose task is to foster and coordinate initiatives aligned with the forum's vision and strategy. Each of these groups continues to meet regularly to foster their respective agendas and that of the LARF as a whole.

## II. Officers and positions 2021 Latin American Regional Forum

Co-Chair	Estif Aparicio
Co-Chair	Juan Carlos de los Heros
Senior Vice Chair	Benjamin Grebe
Senior Vice Chair	Juan Manuel Mercant
Vice Chair	Pablo Artagaveytia
Vice Chair	Francisco J Roggero
Secretary	Paulo Rocha
Treasurer	Miguel Tornovsky
Website Officer	Paula Vieira de Olivera
Membership Officer	José Visoso
Scholarship Officer	Sandra Reed Serrano
Conference Quality Officer	Carlos del Río Santiso
Publications and Newsletter Editor	Hans Sydow
Diversity and Inclusion Officer	Catalina Santos
Corporate Counsel Forum Liaison Officer	Agustín Mayer
Special Projects Officer	Adriana Castro
Young Lawyers' Initiatives Officer	Luis Enrique Palacios
Pro Bono Initiatives Officer	Fabiola Augusta Cavalcanti
Sustainability Initiatives Officer	Jaime Cubillos
Regional Fora Liaison Officer	César Amendolara

## III. 2021-2022 activities and conferences

Below is a summary of the main activities carried or planned by the LARF for 2021:



- In March, the LARF supported the Closely Held Committee in the organization of a joint seminar focused on legal topics relevant for closely held corporations.
- In June 30, the LARF / M&A Committee Seminar organized a joint seminar titled: M&A in Latin America: challenges and opportunities in trying times in which key executives of leading investment bankers and funds discussed about the current environment and trends related to FDI in the region.
- The LARF is collaborating with the Rule of Law Forum to prepare a report on the current challenges to the Independence of the Legal Profession.
- The LARF is putting together a compendium of Doing Business Reports prepared for each country of the region in order to have a centralized data base for these studies as a way to facilitate and foster FDI in the region. We expect to publish this compendium by the Sao Paulo conference next May.
- The LARF, through the YLC, prepared and published the second part of our hemispheric-wide study regarding perception of discrimination within law firms under the heading “*Percepción de las firmas legales en relación con los temas de diversidad, inclusión, trabajo Pro Bono, no discriminación e impacto social en Latinoamérica*”.
- The LARF has been preparing a report regarding the Development of ESG Regulations and initiatives among Latin American Countries and Law Firms. This report comprises also a survey and we expect to communicate the findings of this study in the Sao Paulo conference next May.
- The LARF and the NARF had a very successful in person conference in Miami from December 6th to 8th, 2021.
- The LARF with the support of the Young Lawyer’s Committee have presented 3 webinars targeted to Latam young lawyers not members of the IBA. The main idea was to attract them to the IBA so that they eventually become members. First one was held on Feb 16, 2022 (Critical Professional Skills for the 21st century Latin America Lawyer); second one was held on March 16, 2022 (Key legal areas for the future in Latin America), and the last one will happen on April 20, 2022 (How to become the partner of the future).

We are identifying other topics of interest to carry out regional studies and papers while remaining supportive of IBA wide initiatives on areas such as mental health and impact investing.

#### IV. Coming conferences and seminars

Two panels have been allotted to LARF in the Miami Annual Conference. During that conference LARF will hold the traditional Open Business Meeting and Latin American Lunch. We will also participate in the Inter Fora panel with the title " Regional integration through international trade agreements: The role of international lawyers", and will support at least other three panels.

Once we finish the Sao Paulo M&A conference, we will start to organize the 2023 LARF conference in Cartagena, Colombia.

**Juan De los Heros / Estif Aparicio**  
**Co-Chairs**

## f) **North American Regional Forum**

### **I. Introduction**

The Covid-19 pandemic continues to pose challenges for the work of the North American Regional Forum (NAF). Despite these challenges, NAF officers continue to meet virtually on a monthly basis to discuss future programs and ongoing projects. Our Fora had a productive year in 2021 and so far in 2022, despite the ongoing challenges, and we are looking forward to upcoming in-person events.

### **II. North American Regional Forum Officers - 2022**

Co-Chair	Kelli Sager	Davis Wright Tremaine, US
Senior Vice Chair	Fernando Erana	Pérez Correa González y Asociados, S.C., Mexico
Vice Chair	Robert Russell	Borden Ladner Gervais, Canada
Secretary	Juan Pablo Hughes Arthur	Foley Hoag, US
Treasurer	Anna Midori Yamaoka-Enkerlin	White & Case, US
Website Officer	Richard Singleton II	Blank Rome, US
Publications Officer	Laura Prather	Haynes and Boone, US
Membership Officer	Henry Chang	Dentons, Canada
Scholarship Officer	Martin Kovnats	Aird & Berlis, Canada
Regional Fora Liaison	Eduardo Botello	Santos Elizondo, Mexico
Corporate Counsel Liaison	Darci Bailey	Chapter 4 Corp, US
Special Projects Officer	Verena Wieditz	Group Nine Media, US
Diversity & Inclusion	Cheryl Burgess	Knobbe Martens Olson & Bear, US

#### *Advisory Board:*

Luis Gonzalez	Pérez Correa González y Asociados, S.C.,
Bruce Thelen	Dickenson Wright
Carolyn Lamm	White & Case
James Klotz	Miller Thomson
Paul Lalonde	Dentons
Peter Maynard	Peter D Maynard, Counsel & Attorneys
Hansel Pham	White & Case
Lynda Zadra-Symes	Knobbe Martens Olson & Bear
Luis Burgueño	Von Wobeser y Sierra, S.C.

### **III. Recent Conferences**

#### **America’s Conference – “Deals, Disputes and Law Firm Growth Areas in the Americas” – December 2021**

NAF collaborated with LARF to organize an in-person conference in Miami that took place on December 6-8, 2021. The conference was a resounding success, with several hundred attendees at the program, which included “speed dating” tables, and panel discussions. Given the success of the program, NAF and LARF are discussing a redux in December 2022.

## **IV. Ongoing Matters**

### **1. IBA Annual Conference – October/November 2022**

NAF is leading four sessions for the IBA Annual Conference, and participating in a fifth program; working groups from the NARF officers and Advisory Board have been put together for each of the five programs (co-chairs are listed below):

#### **i. Sleepless in the C Suite: What’s Keeping Your Global Client Up in 2022?**

This is NARF’s flagship program, which has been repeated several times with different senior in-house counsel participating on the panel, and it is always a big success. In 2021, the virtual Annual Conference version of this program attracted more than 175 unique viewers, including attendees from more than 15 different countries, across five continents. Key topics for the 2022 panel discussion include trade and supply chain issues, COVID, privacy, and procuring law firm resources. (Co-chairs: Darci Bailey, Kelli Sager).

#### **ii. Growth Industry: Why Law Firms Have Embraced Cannabis as a New Practice Area.**

In 2016, the IBA annual conference included one of the first panel discussions about the legal issues arising from what was then the beginnings of a change in U.S. law on the legalization of marijuana. Six years later, this budding industry has become a literal “growth” practice, with law firms embracing this as a new practice area, and a wide variety of legal issues to be addressed. Our expert panel will discuss how changes in the law in the US and other countries is impacting the legal landscape, and how law firms are navigating the ethical boundaries. (Co-chairs: Fernando Erana, Juan Pablo Hughes and Anna Midori Yamaoka-Enkerlin).

#### **iii. Privacy and Expression: The Growing Conflict in the Digital World.**

Two of the global fundamental rights are that of privacy and of freedom of expression. The ability of the law to keep pace with technological developments is being challenged. Years ago, an invasion of privacy that appeared in print in a local area could be more easily contained and remedied that today, where a violation of one’s privacy can go “viral” and circulate for years in on the Internet. Similarly, the ability of people to comment without fear of retribution has been compromised as technology has facilitated what many call the “cancel culture.” These issues are playing out daily in North America. This panel looks at the impact of technology and the stress on traditional legal theories to protect these rights in the digital world. We anticipate HRI, Media, and Technology committees to be involved with this program. (Co-chairs: Rob Russell, Steven M. Richman (former NARF officer)).

#### **iv. Joint Regional Fora Session**

NARF is taking the lead on this year’s Joint Regional Fora session, currently titled “Regional integration through international trade agreements: Business opportunities that lawyers need to know, and nobody has told them yet.” The session, which is supported by all the regional fora of the IBA with include expert speakers from different sectors and organizations, will focus on helping lawyers (whether they focus on international trade or other areas) understand their role and the opportunities arising for them and their clients in the public and private sectors, from the implementation of free trade agreements and new regional economic communities. This session also will include a discussion of current hot topics in international trade, such as e-commerce, investment protection and investor-state disputes, and will include a discussion of sunset clauses contained in recently negotiated free trade agreements (e.g., the USMCA case, among others). Co-

chairs (for NARF) - Richard Singleton, Eduardo C. Botello Adame (with assistance Advisory Board member Luis Burgueño).

#### **v. Co-Sponsored Program**

In addition to the programs that NARF is leading, our group is working with the International Commerce and Distribution Committee on its program, titled “Economic Sanctions: Addressing Conflict of Laws and the Role of Counsel.” (Andrew Jacobson of ICDC is co-chairing with NARF Advisory Board member Luis Gonzalez, with assistance from former NARF officer Steve Richman).

#### **2. Silicon Beach Conference, Santa Monica.**

NARF is planning to host the Silicon Beach conference in Santa Monica, California in early 2023. Dates and location are being discussed for this popular program, which focuses on tech- and digital-oriented businesses and the legal issues that they fac.

#### **3. ESG Conference, New York.**

NARF is in discussions to co-host a conference with the European Forum on ESG issues in New York City, NY in early 2023.

#### **4. Website/Newsletter**

NAF published its last Newsletter in September 2021, prior to the Annual Conference in October; it included several legal articles, interviews with officers, a letter from the co-chairs, and other newsworthy items. The NARF section of the IBA Website has been updated to include biographical information about all the 2022 officers, and to include the Newsletter materials. The next Newsletter is slated for publication in May or June 2022.

#### **5. Ongoing Liaisons with Other Groups**

NARF has appointed officers to liaise with the Women’s Interest Group; IBA Pro Bono Group; and to assist with the IBA’s Rule of Law Forum’s project on the Independence of the Legal Profession and report on Duty of Technical Competency for Law Firms, as well as to act as liaisons with various committees reflecting interests overlapping with NARF members.

**Kelli Sager**  
**Chair**