



the global voice of
the legal profession*

IBA Resolution on the Regulation of the Legal Profession

(Adopted at the IBA Council Meeting, Vienna, 1998)

HAVING due regard to the public interest in deregulating the legal profession as presently under consideration by the World Trade Organisation (WTO) and the Organisation for Economic Co-operation and Development (OECD) with the aim of:

- a) amending regulations no longer consistent with a globalised economy and
- b) securing the provision of legal services in an efficient manner and at competitive and affordable prices; and

HAVING due regard to the overriding public interest that the legal profession should fulfil a special function in serving society which distinguishes it from other service providers in that it has

- c) a role in facilitating the administration of, and guaranteeing access to, justice;
- d) a duty to the courts;
- e) a duty to uphold the rule of law;
- f) a duty to keep client matters confidential;
- g) a duty to avoid conflicts of interest;
- h) a duty to uphold specific ethical and professional standards;
- i) a duty to provide clients with the highest and most beneficial quality of advice, representation and legal services;
- j) a duty, in the public interest, of securing its independence, professionally, politically and economically, from any influence affecting its service; and

HAVING due regard to the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress meeting in Havana on 7 September 1990;

NOW THEREFORE the Council of the International Bar Association RESOLVES

- 1 THAT the preservation of a fully independent legal profession for fulfilling the role and duties as above mentioned is in the public interest, overriding all private commercial considerations, and vital and indispensable for guaranteeing human rights, access to justice, the rule of law, the availability of legal services of the highest quality and a free and democratic society throughout the world.
 - 2 THAT all future discussion of proposals to deregulate and/or 'liberalise' legal services must respect and observe the need to preserve a fully independent profession as above mentioned.
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