



Ukraine's Prosecutor General sets out case for special war crimes tribunal

“If Ukraine loses its war, the world order as we know it would be destroyed,” warned Ukraine’s Prosecutor General, Andriy Kostin, during yesterday’s lunchtime interview.

Kostin told the IBA’s executive director Mark Ellis that his office had been working relentlessly to bring those responsible for crimes of aggression and genocide to account.

The session provided him with a platform to set out Ukraine’s case for the need for the establishment of a special tribunal akin to the Nuremberg trials, which brought Nazi war criminals to account after the Second World War.

Backed by prominent international lawyers, including the UK’s Philippe Sands KC, Ukraine has been garnering international support for such a tribunal, which would operate outside the remit of the International Criminal Court.

Kostin said his office and partners across the world had been gathering evidence of alleged war crimes to ensure they have a strong case to bring forward prosecutions of the perpetrators.

“I believe that a special tribunal should be created and should be of international dimension. The crime of aggression is an international crime, and so to punish those who started it, the response should be international.

“With such a tribunal, Ukrainian victims will not only feel vindicated, but it will also create a deterrent effect for other potential aggressors. The UN’s Security Council will not serve as a sufficient instrument due to veto rules. We need an international judicial instrument.”

The plan for a special tribunal has received the backing of the European Parliament, and several other nations, although some commentators fear it could undermine the work of the International Criminal Court – whose chief prosecutor, Karim AA Khan KC, will be interviewed by Ellis on Wednesday (see guide, page 15).

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A High Tide for law firm business development professionals in Paris

Inaugural High Tide conference highlighted the key marketing and business development issues facing law firms today, writes Ben Rigby



The High Tide organising committee

Sunday saw a conference with a difference ahead of the main IBA annual conference – the first ‘High Tide’ conference arranged by members of the marketing and business development subcommittee of the IBA’s law firm management committee.

Opened by former Freshfields Bruckhaus Deringer partner Stephen Revell, co-chair of the management committee, and Nadège Nguyen, a partner at hosts Gide Loyrette Nouel, the event featured a series of short tech-focused talks alongside panel debates on three key topics with an international line-up of speakers, blended with polls and discussions.

The first panel focused on leadership issues and discussed the changing role of law firm business development (BD) and marketing teams. Led by Elisabeth Houtman, of Houthoff, and featuring Julie Stott, of Travers Smith, Brian Gribben, of Arendt & Medernach, Yuriko Wakamatsu, of Nishimura & Asahi, and Paul Mazloum, of Gide, the discussion focused on the importance of management and governance in law firms, and what they could learn from corporates.

The wide-ranging session included a discussion on the challenges and delights of attracting, training and retaining junior staff, and the impact that client-facing work has on training needs. One key takeaway was to create greater synergies with pricing professionals and the partners they work with.

As participant Sophie Hudson, of Sherrards, noted on LinkedIn: “Client-facing BD teams should be introduced to clients and have the opportunity to build relationships with them. We speak their language.”

The discussion included the need for law firm brands to fully reflect their values as part of enhancing the client proposition. This is needed alongside a greater emphasis on sustainability – one of the themes of the main conference – not least embedding environmental, social

and governance (ESG) considerations in the pitching process. The use of artificial intelligence (AI) in enhancing work-life balance on time-consuming and routine but essential tasks like directory submissions and pitches was also considered.

This was followed by a Chatham House ‘fishbowl’ session, facilitated by partner Rachel Hussey, of Arthur Cox, which dived into the topics currently on the minds of chief marketing officers in a rapidly-changing global landscape, including team composition, emerging skills, the impact of AI, and more.

The general counsel panel at the conference also enjoyed a wide-ranging discussion, moderated by Melissa Davis, of MD Communications, and with contributions from the Ontario Teachers’ Pension Plan’s chief legal officer Jeff Davis, Accor’s Northern Europe VP for legal excellence and compliance Samia Guessabi-Colombijn, and former Deutsche Pfandbriefbank GC Alberto Mata Rodríguez.

They said increased synergies between in-house and external counsel are crucial, as is the constant imperative for law firms to add value to GCs and their teams, whose importance should not be forgotten – law firms, one panellist noted, needed to remember that “the team are the ones selling you internally”.

Law firms also need to work harder to understand the pressures clients are under and what clients want and need.

The limitations of the relationship were also tested. Often times the relationship can be purely transactional, with no time to broaden a relationship and therefore harness the wider benefits from the value that law firms can add in other ways.

By contrast, BD professionals added value to the GC relationship, and helped to enable corporate counsel to have conversations that allow them to be heard within the firm, driving a wider relationship.

On diversity, equality and inclusion, the panel described this as an “evolving issue” on which clients wanted to engage with counsel, while one conversation that definitely needs more engagement is billing. This, the panel said, should be honest, open and manage expectations early – and often.

Culture is important and outside counsel are seen as an extension of the client’s brands, so GCs are watching how their law firms operate – such as internal relationships and diversity – and will address it if needed.

Law firms, they said, have been fired for cultural issues alongside performance-related ones, usually following a consensus reached by the in-house team as a whole. The best businesses, said one panellist, “have a shared trust and common purpose, alongside strong corporate values. In toxic law firms, that doesn’t exist”.

The discussion closed on what the future holds, in which technological change, the development of distinct communities and the need for law firms to inform strategy within their in-house counsel teams are valued. As one panellist said: “Law firms should do more strategic work, just as the major consulting firms already do with our business units.”

The final session featured a bravura presentation on preparing for IBA 2024 in Mexico City from Hugo Peña, of Gonzalez Calvillo, which was warmly received. High Tide conference chair, Katherine Hutchinson, of Bennett Jones, thanked her organising committee, praising the “truly massive amount of work they have put in, in addition to their day jobs, to bring compelling speakers, innovative topics and all of you into one room for what I hope will be the first of many [such] days during the annual conference”.

Lech Wałęsa calls for greater international co-operation in fight against populism

Ukraine can be “common denominator” in renewal of democracies, former Solidarity leader argues

Lech Wałęsa called for greater international co-operation and the modernisation of the Western institutions to win back the trust of the younger generation in his keynote address to a packed hall on Monday morning.

Wałęsa, who won the Nobel Peace Prize in 1983 as the inspirational leader of Poland’s Solidarity movement, sent a strong message to European and American leaders, calling for Europe to restructure itself and for the US to “take responsibility” of global affairs.

Speaking via an interpreter, he also warned that the international community needs to “look at these difficult times ahead together so we can identify the challenges and dangers ahead”. He further called for more solidarity and trust between governments.

Wałęsa, who served as Poland’s first democratically elected president in the post-Communist era, from 1990 to 1995, used Poland as an example.

“I was the leader of a peaceful revolution, and we modernised the whole of Poland,” he said. “We asked other countries to help us achieve that, and together, we moved the needle.

“With Poland’s great contribution, we ended the Soviet Union, influenced the unification

of Germany, contributed to removing Soviet troops in other occupied countries. All of that was in order to build a better, wiser world for the future.”

Answering a question from IBA President Almudena Arpón de Mendivil Aldama regarding the war in Ukraine, Wałęsa called for the Russian people to reform their political system to better their lives and prevent more deaths.

He added that the world “has never had a chance as today to deal with Russia” and that Ukraine would create a “common denominator” to build trust and solidarity between governments and citizens across the world.

Wałęsa complained that a lack of strong leadership has led to the rise of populism worldwide, and a lack of trust in politicians, for young people in particular.

Responding to a question from an IBA delegate regarding a potential re-election of Donald Trump to the US presidency, he laughed and said: “Before his first term, he invited me to meet him in Florida. There, I told him: ‘I, an electrician, managed to become a president, so can you.’

“I’m not sure if I did the right thing. But my point is: go and vote because Donald Trump is around the corner. Look at Poland, they took elections lightly and let demagogues in power, and it was difficult to get them out until recently.”



Lech Wałęsa

As for the UK, he joked that the country needs to “take a rest from democracy” following the Brexit vote.

Answering a last question from a New Zealand lawyer on climate change, he said the world needed a continental partnership to find global solutions to this problem, and that it couldn’t be dealt with at national level.

The session closed to a standing ovation after IBA executive director Mark Ellis thanked him for his work for Poland and the world, and for his “contagious” sense of humour throughout the session and the inspiration he provided.

‘The judicial process must be fair and impartial throughout’

Continued from page one

“Punishment for the crime of the aggressor would be the only justice for Ukrainian civilians drafted and killed in this war,” said Kostin. “If we lose, the frontline will go beyond Ukraine, and it will give impunity for the aggressor to continue.”

Kostin insisted that the judicial process must be fair and impartial throughout, adding that his office has been training prosecutors, judges and defence attorneys from the legal aid system to be impartial for the sake of justice.

The Prosecutor General also discussed his

domestic agenda. Responding to a question from the floor, he said he had implemented a three-point plan to “clean up” domestic problems including corruption at all levels, the illegal influence of oligarchs who, according to him, “feed this corruption” and are “squeezing the Ukrainian economy”, and organised crime relating to cocaine and heroin production and trafficking in particular. He added that Ukrainian authorities and European authorities had held several joint operations in Spain, Romania and Ukraine to prevent such activities.



Today’s morning keynote by Zack Kass

09:30 – 10.45, has been moved from Amphitheatre Havane to Amphitheatre Bordeaux, on Level 3.

The Corporate and M&A Law Committee session starting at 11:15: Dissecting the deal: from the front page of the Wall Street Journal will now be taking place in the Amphitheatre Havane, also on Level 3

Surveying the architecture of law in the City of Lights

Ben Rigby talks to IBA president Almudena Arpón de Mendivil Aldama about her aims to improve the public perception of lawyers and highlight their impact on society.

For the first time in two decades, the International Bar Association (IBA) annual conference will be led by a woman president, Almudena Arpón de Mendivil Aldama, with the event's plenary speaker programme aligning with the IBA's new seven-point agenda.

She explained: "For the first time, the IBA has set out in a simple agenda the critical legal issues facing the legal profession. We have done so to ensure that the IBA offering matches our members' expectations and provides our members, the broader legal community and society in general with the most up-to-date information on such legal issues."

In conversation with IBA Daily News, Arpón de Mendivil expressed her aim to enhance the legal profession's contribution to society and improve public perception of lawyers. Despite the pro bono work and client services that lawyers provide, public perception often remains low. Arpón de Mendivil aims to tackle this issue during her term, with one of her five key priorities being to showcase the social impact of lawyers.

She said: "The contribution of lawyers to society is very relevant to the operation of justice, business and personal relationships; it sets in motion the entire architecture of the rule of law, and so the functioning of societies."

The IBA president highlighted the lack of evidence quantifying the contribution of lawyers to society. A thorough review of existing literature on the area, one-to-one interviews with more than 50 leading legal professionals and a survey will be conducted to assess the legal profession's socioeconomic impact, the first time it has ever measured this impact. This will help identify ways to enhance and better communicate the value of lawyers. The survey will include members and non-members of the IBA, as well as individuals without any legal connection. Consultancy firm McKinsey will provide the analytical review needed for the IBA report.

Arpón de Mendivil emphasised the importance of involving bars and law societies in this initiative as significant beneficiaries of the report, who could use the findings to inform their members. The preliminary findings will be discussed at the IBA annual conference and IBA Council meeting.

She added: "It is essential for the Bars to be part of this, and we need to ensure that their views are heard, not least because they have direct contact with the legal profession in their respective jurisdictions, being therefore instrumental to convey the messages resulting from the report, on the already positive contributions and the manners to improve them."

The final report is expected to be released in early 2024.

The conference will serve as a platform to discuss the role of the IBA and its contributions to society, focusing on showcase sessions about artificial intelligence (AI), environmental, social and governance (ESG) issues, and gender equality. The conference will feature discussions on the impact of AI on the legal profession, the significance of ESG in law firms' work for clients, and the importance of female leadership in law firms.

"For the first time, the IBA has set out in a simple agenda the critical legal issues facing the legal profession. We have done so to ensure that the IBA offering matches our members' expectations and provides our members, the broader legal community and society in general with the most up-to-date information on such legal issues."

A research project on AI will be launched to understand its impact on the legal profession regarding organisation, work recruitment and task allocation. She said the debate on AI "was a priority not only for my term of office but for the next years".

Almudena explained that AI has been consistently identified as one of the most critical issues by the profession in terms of substantive law developments and on the challenges posed to legal work and society as a whole.



Meanwhile, sessions on crucial ESG issues, which she says will have a substantial impact on law firms' work for clients, reflects one of the IBA's key agenda issues, adding: "We can't forget the relevance that ESG has, and its potential for improving society."

She said the IBA could help lawyers highlight the correct corporate governance framework for directors to identify risks correctly. This could enable businesses to have a more proactive attitude towards the environment, social inclusion, diversity and the like, while assessing businesses' internal policies and structures to address significant challenges, like female inclusion in senior roles and the inclusion of ethnic minorities.

The conference will also include a session on female leadership at law firms, focused on the special features that female leaders bring to the managing table.

She will chair this alongside former William Fry managing partner Myra Garrett, chair of the IBA's Public and Professional Interest Division, Loyens & Loeff's Carola Van den Bruinhorst, chair of the Legal Practice Division, and Dr Franklin Vrede, a leadership professor at INSEAD.

Arpón de Mendivil said: "It's an inspiring programme that will stress the positive contributions of female leadership at law firms and the importance of ensuring sustainability of such positive effects. It naturally brings together the IBA women lawyers committee and the law firm management committee."

They will be joined by a stellar panel that includes Farmida Bi, chair of Norton Rose Fulbright for Europe, Middle East and Africa; Aedamar Comiskey, senior partner of Linklaters; and Marie-Aimée de Dampierre, chair of Hogan Lovells, based in Paris. They will be speaking alongside Maria-Pia Hope from Vinge in Sweden; Paula Surerus from Veirano Advogados in Brazil; Christopher Watson from CMS in the UK; and Linda Yang from Yingke Law Firm in China.

Arpón de Mendivil firmly encouraged new delegates to take advantage of the IBA conference by exploring different practice areas and networking with other professionals. She highlighted the value of the conference in fostering intellectual growth and building business relationships, saying delegates could grow not just their area of expertise but also get acquainted with other practice areas.

The convention centre, she said, was where the real networking and exchange of knowledge happens. The social activities are an enjoyable complement to follow up the real networking. "If you want to grow as a professional and bring back increased knowledge and wider views to your practice, you need to plan; work out what kind of practice you want to have, attend those sessions, and then everything flows naturally from there – and, of course, attend the Young Lawyers Reception."

Arpón de Mendivil's two-year presidency marks a significant milestone for the IBA and represents a tonal shift towards addressing the profession's critical legal issues today. Her focus on improving the public perception of lawyers, along with discussions on AI, ESG, gender equality and the younger generation's new demands, reflects the IBA's commitment to enhancing the legal profession's contribution to society.

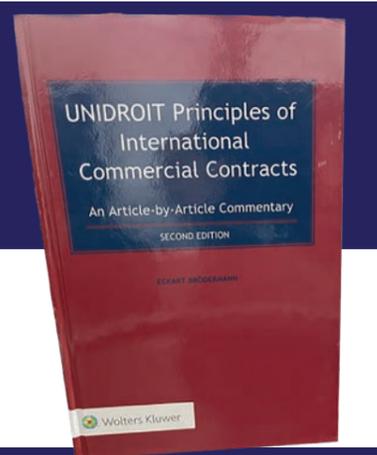
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See you at **booth 30, Wolters Kluwer on Tuesday 31 October** during the **morning coffee break (10.45-11.15 am)** or otherwise during the conference attended by our partners Philipp v Dietze and Eckart Brödermann.

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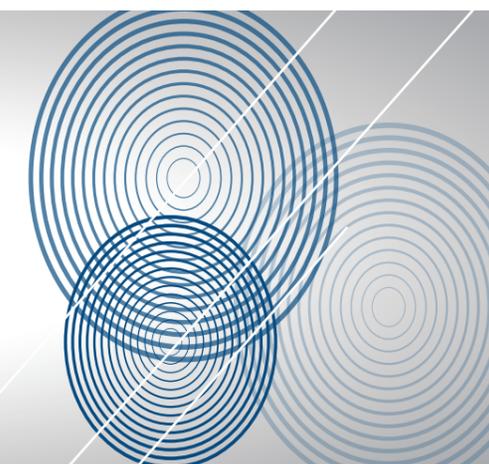


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Delegate Views

Jessada Sawatdipong

Co-Managing Partner,
Chandler MHM,
Thailand



I'm looking forward to lots of meetings and networking at the IBA. One of the issues of particular interest to lawyers in Thailand is AI. Our generation have to learn a lot but young lawyers are now requesting it as a tool. Whilst lawyers' billable hours will be reduced, the same service will be even better.

Richard King

Partner, Bignon de Keyser,
UK



This event gives us the opportunity to meet a very diverse array of practitioners and exchange views, keep our finger on the pulse and find out what is exercising people. Human rights and the rule of law is more important than ever. With the Middle East and Ukraine conflicts, it's becoming more and more present in corporate legal work.

Danielle Lobo

Partner, Afridi & Angell,
UAE



It's my first time at the IBA conference. It draws a great crowd of lawyers from around the world and gives me the ability to re-connect with old friends and make new ones. I am particularly interested in diversity issues. As the first female partner at Afridi & Angell, it shows our female associates what is possible.

Sybille Rexer

Counsel, Arnecke Sibeth
Dabelstein, Germany



I was so inspired by Lech Wałęsa, who was outstanding. That's why we go to the IBA. He was so positive in the midst of so much bad news. His message was one of hope, saying much worse has occurred and solutions must be found. The IBA opens those conversations.

Judge Dale Kemp

Federal Circuit and Family
Court of Australia



As judicial liaison officer of the family law committee, issues of interest are independence of the judiciary internationally and what Australian judges can do to assist. I am very interested in the education of judges and particularly how the judiciary is funded. I am also concerned about the impact of AI on cases.

Nelia Daniel Dias

Head of Legal Affairs,
International SOS,
Mauritius



Currently I am vice chair of the oil and gas law committee and moderating a panel on oil and gas industry data and tech tools. I always attend the IBA and am considering joining other committees such as the mining and health committees as I have clients in those areas.

Isabel Santos Kunsman

Managing Director, Alix
Partners, US



I attend the IBA to connect with the international arbitration community and energy companies. I am speaking on an arbitration committee panel looking at the pros and cons of having tribunal appointed experts and my area of expertise is quantum in international arbitration disputes.

Haya Rashed Al-Khalifa

Founder, Haya Rashed
Al Khalifa Law Firm,
Bahrain



I've been a member of the IBA since 1992 and it's given me a very strong insight into different legal cultures and how to understand differences. Having created my own law firm at the beginning of the 80s, my government gave me the opportunity to be Bahrain Ambassador to France from 2000-2004 and then President of the UN General Assembly.

Latifa Al Sulaiti

Associate, Al Sulaiti
Law Firm, Qatar



It's my first time to the IBA and I am looking forward to making new friends. I wanted to expand my connections and hear the latest on the hottest topics. I just attended an event on AI in arbitration, one of the latest issues in the legal field and of increasing importance.

Eduardo Sebastián de Erice

Partner, Hernández
Echevarria, Spain



The IBA is invaluable for meeting with firms I am working with. We are based in Madrid but have French clients. I am also interested in the impact of AI – it is good to hear about the challenges which we should be able to overcome and survive, but with generative AI, we have to ask ourselves what is our added value.

Saroj Ghimire

Managing Partner,
Himalayan Lawyers
& Associates, Nepal



Lawyers are the defenders of the rule of law and the IBA is a global platform where lawyers from various parts of the world get to know each other and share their commitment for the rule of law, human rights and democracy. I encourage all lawyers and especially young lawyers to be part of this.

Professor Nayla Comair-Obeid

Founder, Obeid &
Partners, UAE



I have been a member of the IBA for over 20 years. At this IBA, I am chairing a panel on arbitration in post-conflict states – the case of Libya and Iraq. In my opinion the legal profession needs to enhance its programmes for the legal curriculum and train lawyers in AI.

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Meet our IBA team



Charles Laubach
Partner



Bashir Ahmed
Partner



Shahram Safai
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‘The rule of law’s setbacks are measurable and striking’

There are now more dictatorships than liberal democracies, observes Mark Ellis in an interview with the IBA Daily news, as he underlines the IBA’s significant role in combating this worrying trend.

You have devoted your career to promoting the rule of law. What drew you to this path? And how would you define this doctrine?

My path started in earnest when I was in East Berlin the exact week the Berlin Wall fell in November 1989. That historic moment is etched in my mind. I knew then that a door to freedom had opened, and we were on the cusp of a transformation that would soon engulf all of Eastern Europe. In the words of Paul Krugman, it was “one of history’s miracles”. The fall of the Berlin Wall also signified the end of the Cold War; it reinforced the rule of law principle in which citizens and the state itself are equally accountable to laws that are “publicly promulgated and independently adjudicated” and reflect and incorporate international human rights norms.

However, what is so fascinating to me is that the rule of law is a concept with numerous definitions and approaches. Scholars have proffered a range of lenses for understanding the concept. Likewise, the rule of law has a myriad of meanings across cultures and legal traditions. This variation suggests a degree of elasticity in what the rule of law means, which creates quite a quandary. One of the most compelling aspects of the rule of law principle is that it has the support and endorsement of such a diverse group of countries, many of which would be seen as questionable in adhering to the rule of law. An equivocal and malleable definition of the rule of law means its implementation can be challenging.

Thus, when I speak of the rule of law, I try to simplify it to five condensed conditions: 1. freedom of speech and assembly, 2. freedom of the press, 3. an independent judiciary, 4. a robust civil society, and 5. an educated populace. For me, these are the core tenets needed to ensure that the state upholds the rule of law principle.

The rule of law has experienced multiple setbacks across the world in recent years. In your view is it in a healthier or more precarious state than when you started your career?

I think we are in a much more precarious state than when I started my career. The setbacks are measurable and striking.

Freedom House, an NGO in the United States, reports that 75% of the world’s population lives in countries with declining democracies. Global freedom has declined for the 17th consecutive year in 2022, as 35 countries suffered deterioration in their political rights and civil liberties.

According to the World Justice Project (WJP), widespread erosion of the rule of law and fundamental rights continues. For the second year in a row, more countries declined than improved in key factors of the WJP Rule of Law Index. Respect for core human rights and freedoms fell in 66% of countries this year.

The V-Dem Institute paints an equally dark picture in its 2022 report. Advances in global levels of democracy made over the last 35 years have been wiped out. The level of democracy enjoyed by the average global citizen in 2022 is down to 1986 levels. Over 5.7 billion people – 72% of the world’s population – live in countries with autocracies. There are now more dictatorships than liberal democracies.

And there is also a general dissatisfaction with democracies, no doubt exacerbated by social media.

I recently read some measurements analysing decades of beliefs and values since 1981. This world survey found that people in North America and Europe have grown more cynical about the value of democratic political systems and more willing to support authoritarian ones.

So yes, sadly, the situation looks bleak.

The challenges we are seeing to this principle are taking place against the backdrop of a series of geopolitical crises. What are the principal causes of this disruption in your view? Are you optimistic this cycle can be broken?

The causes are naturally multifaceted. In the past years, the world had to grapple with crisis after crisis, and the COVID pandemic has undoubtedly accelerated a global decline in the rule of law.

I alluded to the rise of authoritarian rule, which affects the very foundation of a liberal society. I am not talking about liberal versus conservative thought. I speak of liberalism in the classical way – structured on equality, individual liberty, accountability and fairness in law.

Authoritarian governments know that to survive, they must destroy this structure. So, the most basic benchmarks of the rule of law – an independent judiciary, free press and speech, and civil society – are attacked, and mainstream media is seen as the enemy. These governments focus entirely on creating a permanent shift in society where populism, nationalism and illiberalism become the new ideology and where facts and truth are subordinate to lies and oppression.

Externally, autocratic leaders tend to pursue aggressive foreign policies, characterised by an “us versus them” mentality, and are often draped in xenophobia, venomous intolerance and a weaponised hatred of others. In this view, “there are no opponents, only traitors”. Their use of cyber warfare and the spread of disinformation has introduced a new arsenal. The overall result is that global stability is weakened.

Of course, there are less cynical factors to the current disruption. Returning to my time in the former Eastern Europe, I have learned that embedding the rule of law and democracy takes several generations. A free election does not guarantee democracy. The initial euphoria that I witnessed first-hand in 1989 and beyond gave way to disillusionment as the implementation of political and economic reforms produced unexpected hardships, exacerbated by cultural and social differences, globalisation, corruption and weak institutions. This led to scepticism of democracy, which, as indicated above, remains prevalent today in a number of these countries.

But there is some room for optimism. I think it is natural that we experience the ebb and flow of democracies. The recent election in Poland shows that despite the horrific effects of nationalism and right-wing radicalism, the pendulum can shift back, giving hope that the recent encroachments on the rule of law may not be permanent. So long as we are not witnessing a “ratchet effect” on the rule of law, where a reversal is not possible, then there is hope. However, we need to be vigilant in ensuring this outcome. This requires an emphasis on civil society and education.

If you look at history, particularly the transformation of the former Eastern Europe, civil society played a critical role in bringing about liberal democracies.

We just need to look at one of our keynote speakers at this year’s annual conference – Lech Wałęsa – and his Solidarity movement or the former dissident Vaclav Havel and his Charter 77 movement to understand the role of civil society. We often speak of the transformation of states, but history shows that civil society is often the catalyst for that change. So, the international community should double its efforts in supporting civil society actors in vulnerable countries.

In the long-term, it’s all about education. An educated populace is fundamental to counter the rise of autocracies and to support the rule of law.

There is a clear correlation – an inverse one – between educational attainment and awareness and support for nationalistic parties and movements. The level of education is a predictor of populist support. A higher level of education and civic awareness ensures a more liberal, multicultural worldview.

What role has the IBA been playing to further the rule of law’s cause? Can you provide some insight into your plans for the coming months?

The IBA, as the largest association of lawyers and law societies in the world, already plays a significant role in advancing the rule of law and human rights worldwide. This work is premised on the association’s 2005 Rule of Law Resolution that states:

The Rule of Law is the foundation of a civilised society. It establishes a transparent process accessible and equal to all. It ensures adherence to principles that both liberate and protect. The IBA calls upon all countries to respect these fundamental principles. It also calls upon its members to speak out in support of the Rule of Law within their respective communities.

To support this mission, the IBA created a Rule of Law Forum and produced an innovative public campaign on the importance of the rule of law. It also created the first centralised, fully searchable online database of entities engaged with rule of law work throughout the world.

The IBA conducts research and advocates for the rule of law and human rights on the international stage. It publishes reports, issues statements, and engages with governments, international organisations and other stakeholders to address legal issues and promote the rule of law. In support of these efforts, the association organises training programmes, workshops, and conferences to help legal professionals, including judges, lawyers and law students, develop the skills and knowledge necessary to uphold the rule of law in their respective jurisdictions.



The IBA’s Human Rights Institute works to enhance the rule of law and human rights worldwide and speaks out forcefully against states that ignore their responsibility to promote and protect the rule of law.

Finally, the IBA engages with governments to provide expertise on legal matters and contribute to the development and implementation of legal frameworks that support the rule of law, accountability and legal reform. The most recent engagement has been in Ukraine, where the IBA has initiated an extensive technical assistance programme to aid the country in countering Russia’s brutal war. To date, the association has launched over 220 initiatives, press releases and international projects since Russia’s invasion on February 24, 2022. Projects aimed on domestic war crimes trials, the use of ‘eyeWitness to Atrocities’ app, arbitration on contractual disputes, environmental damage, trial monitoring, military law, the crime of aggression, bar association support, child abductions, refugee crisis, and fighting corruption have involved many IBA sections and committees.

The abrupt re-emergence of the war in Gaza will also require IBA involvement. We have acted there in the past and will be there again to support adherence to international law, accountability and the de-escalation of hostilities, particularly as they relate to civilians.

Mark Ellis is executive director of the IBA.



Navigating the cybersecurity battlefield



In the ever-evolving digital landscape, cybersecurity threats have transcended the confines of individual companies, threatening entire economies.

These concerns will be at the forefront of the Emerging cybersecurity threats session on Thursday, which will discuss significant legal developments related to cybersecurity and data privacy. This will include recent case examples and regulatory changes, as well as the role of counsel in preparing for and responding to cyber incidents.

Central to this discussion is the IBA's Presidential Task Force on Cybersecurity report from April 2023, co-produced with the IBA's Legal Policy & Research Unit. The report offers a global perspective on crucial governance practices that senior managers and board directors must implement to fortify their organisations against cyber threats.

Report co-author Søren Skibsted, who heads Kromann Reumert's technology and outsourcing groups and is co-chairing the session, said: "The number, magnitude, sophistication, frequency and impact of

cyber incidents are increasing. Today, they represent one of the biggest challenges to the proper functioning of organisations and the successful embracement of digital transformation."

The report, commissioned by Sternford Moyo, the IBA's immediate past president, establishes a global benchmark for best practices, meeting "a real need for leadership and development of international cyber best practices in the intersection of law, public policy and technology". It also outlines actionable steps for companies to enhance their cyber risk governance.

Building on this, the conference session will discuss insights from speakers including Thomas Hutin, who leads FTI Consulting's French cybersecurity practice, Olive Nancy Kwaga, head of the legal department at CTI Africa, and Kate Macmillan, a consultant at Herbert Smith Freehills in London.

In today's digital age, where 5G networks, quantum computing and Internet of Things devices are becoming ubiquitous, protecting digital assets is paramount. According to the Identity Theft Resource Center,

Amid rising cyber threats, IBA calls on senior executives to strengthen their cyber risk governance practices, reports Ben Rigby

the first half of 2022 alone saw 53.3 million Americans impacted by data breaches. This has prompted regulators to develop legal guidelines and standards to mitigate the rise of cyber-attacks.

However, compliance is merely the first step. General counsel, IT experts and law firms must collaborate to establish comprehensive security frameworks and strategies. Luke Dembosky of Debevoise & Plimpton, who also co-chaired the task force and will co-chair the session, emphasised the crucial role of senior leaders in managing cyber risks.

"These are whole-company risks to operations, data and brands," he remarked on launching the report, adding: "It is more important than ever that senior executives and boards of directors engage directly in ensuring their organisations are managing cyber risks effectively."

The report draws from sources across 10 jurisdictions, including Australia, Brazil, Denmark, Germany, India, Israel, Singapore, Uganda, the UK and the US, to provide a comparative analysis of global cybersecurity practices. Diverse international case studies highlight the disparities in regulatory capabilities and practices regionally.

The report's 17 recommendations spell out the key responsibilities of executives and board members in understanding the cybersecurity landscape and ensuring they are well-informed about the risks and the measures in place to mitigate them.

These include understanding the organisation's cyber risk profile and ensuring the board and management have sufficient expertise in a risk-based approach to cybersecurity.

Senior management must map cybersecurity risks and pinpoint high-priority concerns. Their responsibilities include ensuring internal compliance, reporting to the board, recommending timely analysis, assessments and updates, and ensuring the company invests sufficient funds to meet cybersecurity goals.

As Dembosky said on launching the report: "The days of leaving that enormous responsibility to the IT team or to privacy compliance to handle are long over."

Skibsted also stressed the need to comprehend the strategic essence of cyber resilience. The report, says Skibsted, will "catalyse senior executives and boards of directors to accept accountability for – and enable impactful actions concerning – advancing their organisations' overall cyber capabilities".

"It is more important than ever that senior executives and boards of directors engage directly in ensuring their organisations are managing cyber risks effectively."

One crucial recommendation is establishing clear reporting lines to elevate cyber risks to the leadership level, which necessitates having clear communication channels between the board, senior executives, law firms, general counsel and other stakeholders to ensure cybersecurity risks and incidents are promptly addressed and managed collaboratively.

The report expands on the IBA Cybersecurity Guidelines 2018, contributing to a growing body of work in the field. Arbitra International's Brandon Malone, a member of the IBA's arbitration committee, chairs the ICCA-NYC Bar-CPR working group on cybersecurity in international arbitration, which published a Cybersecurity Protocol in 2018 and is regularly kept up to date.

Malone welcomed the report, saying: "It is good to see how cybersecurity is being taken seriously by professional bodies. The arbitration community recognised early on those cyber-attacks represented a financial and data risk, but also a risk to the reputation and integrity of the international arbitration system."

SESSION: Emerging cybersecurity threats and how counsel can help their clients prepare: presentation of IBA's new report on cyber risk governance best practices

TIME: Thursday 2 November from 11:15 - 12:30 in

LOCATION: Room 242 A, Level 2

The session will be moderated by Luke Dembosky (Debevoise & Plimpton, USA) and Søren Skibsted (Kromann Reumert, Denmark), and feature Thomas Hutin (FTI Consulting, Paris), Olive Nancy Kwaga (CTI Africa, Uganda), and Kate Macmillan (Herbert Smith Freehills, UK).



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IBA Daily News Paris guide – part two

The inside track on the best places to eat, drink and party in Paris. With the help of our panel of IBA delegates, Ben Rigby uncovers some hidden gems and late, late night clubbing venues



Montmartre

There's nothing like dining in a popular local restaurant in a hidden nook during a city break. But that is easier said than done without local knowledge. Help is at hand. The IBA Daily News has assembled a panel of trusted advisers prepared to share some of their favourite restaurants and bars.

Janice Feigher, founder of Feigher Dispute Resolution, recommends a hidden gem in Montmartre: Le Très Particulier, cocktail bar with a garden, located in the Hotel Particulier.

Raphael Kaminsky, a partner at Teynier Pic, tells delegates to try Galanga by Monsieur George, a stone's throw from the Champs-Élysées at the Hotel Monsieur George. It is "one of the best restaurants near to my office", he says.

Kaminsky also praises Baranaan, a hidden bar in the 10th district, where they serve the best naan bread – especially the truffled naan – and amazing cocktails.

Laure-Hélène Gaicio, a partner at Bonn Steichen & Partners (BSP), recommends Picotte near La Bastille, which serves only regional specialties.

Paula Zirinsky, founder of Zirinsky Strategy, says one of her favourite spots is Brasserie Flo, telling delegates: "Try to sit on the banquette and get to know your neighbours. Always a fun time. It is a bit hidden, so best take a cab there."

For Moroccan food, Marie Merklen, media director at Elliott & Markus, recommends Yemma, which she calls the Moroccan canteen par excellence. With several establishments in Paris, you can choose the restaurant closest to where you are. She said: "You'll eat traditional Moroccan cuisine with a subtle twist, while their drinks are excellent – especially the lemonade."

For Italian food, she also recommends Piero TT: a benchmark Italian restaurant in Paris, run by the illustrious chef Pierre Gagnaire, situated in the 7th district. As a fan of Italian cuisine, she says that, while not cheap, the food is superb. "You'll come out very satisfied," she says.

Merklen also recommends L'Escalier, a small Parisian bistro near Montmartre that takes its name from the fact that it is literally on stairs. She says: "It's a delicious hidden spot where you can enjoy superb French-style dishes with simplicity and finesse. It's the perfect place to sample French gastronomy in a very Parisian atmosphere."

Clubbing the night away

What about bars and nightclubs? While the IBA law firm cocktail scene revolves around who is, or more pertinently isn't, invited to Stikeman Elliott's famously secretive bash, Merklen recommends Les Mah-Boules: "A bar just the way we like it: noisy, lively, sticky!" It has a large terrace out front that is perfect for when the weather is good, and inside there is a large boules pitch and table football for the more competitive.

IBA delegates seeking a challenge outside the conference floor may wish to ask the owner for a game, says Merklen. They also have a large TV screen to show big sports games, so you can be sure of a great atmosphere.

Numerous lawyers recommended Au Pied de Cochon in the Halles area, principally because it is open until 5am serving late night meals, with one partner calling it "an institution". Feigher also recommends any of the "lovely" bars down Rue de la Gaité in the Montparnasse area.



Marie Merklen

Location, location, location

Au Pied de Cochon
6 Rue Coquillière, 75001

Baranaan
7 Rue du Faubourg Saint-Martin

Brasserie Flo
7 Cr des Petites Écuries, 75010

L'Escalier
105 Rue du Faubourg Saint-Denis, 75010

Galanga par Monsieur George
17 Rue Washington, 75008

Les Mah-Boules
14 Rue de Jessaint, 75018

Picotte
42 Rue de Malte, 75011

Piero TT
44 Rue du Bac, 75007

Le Très Particulier
Hotel Particulier, 23 Avenue Junot, 75018

Yemma
119 Rue du Chemin Vert, 75011

EVENT CALENDAR 23/24



13 March 2024
LONDON

With 400 attendees in 2023, the Women and Diversity in Law Awards set out to say a big, collective 'thank you' to those who are dedicating their professional careers to moving the DE&I needle or using their positions of influence to help facilitate change.

womenanddiversity
inlawawards.com



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8 October 2024
LONDON

Now in its ninth year, the Law Firm Marketing Summit has established itself as the leading forum in Europe that addresses the challenges that those responsible for law firm marketing strategy are facing.

lawfirmmarketing
summit.com



11 June 2024
LONDON

The summit provides general counsel and their teams with a unique opportunity to discuss the challenges facing the sector, sharing insights on the latest trends and challenges while also hearing from leading figures within the world of luxury.

luxurylawsummit.com/
london



November 12 2024
NEW YORK

The Luxury Law Summit New York is a unique opportunity for general counsel and in house legal teams to discuss experiences and share insights on these latest trends and challenges. Bringing together the leading luxury brands, leaders and thinkers in luxury enjoy unrivalled access to this high-end legal marketplace.

luxurylawsummit.com/
new-york



12 June 2024
LONDON

The Anti-Counterfeiting World Law Summit convenes the globe's most well-known counsel in a one-day programme with policymakers, government agencies, law enforcement and technology innovators to address the industry's most pressing issues and emerging trends.

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PARIS, FRANCE

TUESDAY 31st OCTOBER 2023 15



IBA Paris 2023 guide

What to look out for on Tuesday

Tuesday

09:30 – 10:45

Morning keynote address

Amphitheatre Bordeaux, Level 3

Zack Kass, specialist in generative AI and technology futurist

Gain an understanding of the current status of generative AI from the executive who led ChatGPT's go-to-market strategy as a director of OpenAI. "I firmly advocate for the boundless potential of AI," Kass wrote in Fortune magazine recently. "Still, the onus is on us to guide its evolution responsibly."

11:15 – 12:30

Creating and implementing a diversity and inclusion strategy for the law firm

Room 351, Level 3

Law firm leaders, in-house counsels and D&I experts will lead a discussion on the importance of diversity and inclusion in the legal profession and on the opportunity (or not) of designing and implementing diversity and inclusion policies in law firms. The IBA project consisting in drafting of a global D&I toolkit for law firms of different sizes across the various jurisdictions will be presented.

Chaired by Delia Mensitieri, Nitrodi Consulting, Brussels, Belgium

13:15 – 14:15

A conversation with... Ambassador Mark Brzezinski

Amphitheatre Havane, Level 3

Mark Brzezinski was sworn in as the Ambassador of the United States to Poland on December 22, 2021. While ambassador to Sweden, he helped secure Volvo's decision to build a \$1bn factory in South Carolina and arranged the first-ever US presidential visit to Stockholm.

14:30 – 17:30

LPD Showcase: fashionably metaverse – high technology meets high fashion

Salle Maillot, Level 2

This showcase session will celebrate Paris's status as a world centre for luxury goods and fashion and explore how major brands are seeking creative ways to embrace new technologies, including non-fungible tokens, AI, Web3 and the metaverse. The impact of this fast-changing environment on IP protection strategies will also come under the microscope.

Chaired by Raphaël Dana, Dana Associés, Paris, France; vice chair, internet business subcommittee; and Elisabeth Vestin, Hannes Snellman, Stockholm, Sweden; website officer, technology law committee.

16:15 – 17:30

Apart -no -more! paying the way for gender apartheid discourse

Rooms 362-363, Level 3

In Afghanistan and Iran, being a woman translates to a life of bans and barriers, from education to public spaces and most forms of employment. It's a reality of being a perpetual second-class citizen. While international law defines apartheid (Afrikaans: "apartness") with reference to institutionalised racial segregation, the systematic gender-based discrimination faced by women lacks a comparable legal framework. The moment has arrived to stretch the boundaries of apartheid, encompassing the realm of gender hierarchies.

Chaired by Baroness Helena Kennedy KC, director IBA Human Rights Institute

Wednesday

07:45 – 09:15

IBA Bar Breakfast hosted by the Ukrainian Bar Association – reopen Ukraine 2023

Neuilly 1, Palais des Congrès

For the full Wednesday programme go to <https://www.ibanet.org/>

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