

Human rights concerns are no political whim

In a deeply moving address to an audience of lawyers from across the globe, Evgenia Kara-Murza, wife of Russian political prisoner Vladimir Kara-Murza, stressed the crucial character of the human rights principles that liberal societies have been built on.

“Vladimir wrote in an article in the Washington Post in the summer of 2021 that the concern of human rights is not a political whim, a publicity stunt or an exercise in charity,” she said. “It is a fundamental aspect of international relations, inextricably linked to both economic development and security issues. There is no doubt that when human rights violations are being ignored or considered an internal affair of any given state, time inevitably comes when these violations cross borders and spread around like cancer.”

Relating her husband’s words to the ongoing conflict between Russia and Ukraine, Kara-Murza argued that the former’s unlawful invasion of the latter had largely resulted from years of impunity and unbound lawlessness on behalf of Vladimir Putin.

“The horrible truth about the war of aggression against Ukraine that we are now witnessing against Europe, is that it was not unexpected,” she said. “It came as a result of over two decades of impunity that Vladimir Putin has enjoyed, while oppressing his own people and carrying out his other military campaigns.”

For years, opponents to Putin’s regime were murdered both in Russia and on foreign soil, and Russia has been breaking international laws through the war in Chechnya, the invasion of Georgia, the annexation of Crimea, and the bombing of Syria – all-the-while violently quashing peaceful protests at home.

“All this [went on] without serious repercussions for [Putin] or the regime that he has built,” said Kara-Murza. “Emboldened by continued impunity, Putin ended up believing that he could



get away with pretty much anything and launched a full-blown war of aggression against [Russia’s] closest neighbour, killing tens of thousands and affecting millions.”

The aggression against Ukraine has gone hand-in-hand with large-scale repression and serious human rights issues faced by Russia’s civil society, Kara-Murza continued. Various reports have shown that since February 24, 19,000 people have been arbitrarily detained, 4,000 administrative cases and 350 criminal cases have been initiated. The number of political prisoners in Russia has now reached 500.

All this has been happening in the context of deeply rooted state propaganda, carefully curated by Putin’s regime over the past two decades.

“The Russian population has not had access to one single independent TV channel since 2003,” said Kara-Murza. “That is 19 years of propaganda of being subjected to the exact same message over and over again: everyone out there wants to see Russia’s

demise, everyone wants to see us on our knees, everyone out there hates us... 19 years of that.”

Since the beginning of the war, most remaining independent Russian outlets – including TV channel Dozhd – radio station Echo of Moscow and newspaper Novaya Gazeta, have been forced to shut down. Yet, the guarantee of a free press and freedom of speech are fundamental principles when it comes to the preservation of human rights.

“It’s deeply tragic that it took a full-blown war in the middle of Europe, accompanied by the genocide of the Ukrainian people, for the free democratic world to realise or stop closing its eyes on who Mr. Putin truly is,” said Kara-Murza. “For years, my husband has repeated that repression on the inside and war on the outside are connected to each other, as if communicating in tune. I am glad that there is now a legal international document that has printed black-on-white this principle that my husband has been fighting to convince the world of.”



VOX POPS

What sessions are you most looking forward to this week?

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QUESTION

What sessions are you most looking forward to this week?



Arnaldo Gorziglia
Arteaga | Gorziglia
Chile

All sessions related to management and the law firm administration. I'm the managing partner of my firm, so the most valuable thing from the IBA is to share with managing and founding partners about how they run their own law firms.



Chief Emeka Ngige
Council of Legal Education
Nigerian Law School
Nigeria

I will attend the session on Ukraine, I look forward to IBA taking more decisive action against the Russian invasion and I will also attend the sessions on law firm management.



Franck Sekri
Sekri Valentin Zerrouk
France

I'm looking forward to the law firm management, committee and private equity sessions.



Ng Yi Wayn
Oon & Bazul
Singapore

I'm an M&A lawyer, so mainly anything pertaining to that – corporate, private equity, venture capital, and how the world and the market is shaping M&A.



Alison Choy Flannigan
Hall & Wilcox
Australia

I like to go to a variety of sessions. The opening session is always great, and I'm an officer of the health and life sciences and law division of the IBA, so I'll be chairing one of those sessions and attending those. I'm also attending the women's lunch and the Asia-Pacific lunch.



Linda E. Carter
University of the Pacific
(McGeorge School of Law)
United States

There are so many to choose from and I'm looking forward to many of them, but particularly the sessions that are sponsored by the War Crimes Committee and by the Human Rights Institute, and I'm also particularly looking forward to the Rule of Law Day on Friday.



Dr. Zeina Obeid
Obeid & Partners
UAE

I am very much looking forward to attending the sessions on business development, law firm management and of course arbitration sessions – it's my specialty.



Ibrahim Shehata
Shehata & Partners
Egypt

The sessions on green hydrogen and green energy projects are interesting to me given that Egypt has a lot of projects in these areas.



Claire Brisset
Alta Avocat
France

Mostly private client committee and taxation – because I'm a tax lawyer. And some family law ones too.



YongSang Kim
Yulchon
South Korea

I'm a speaker so I'm looking forward to meeting my co-panelists. I will speak at the Intermediary Liability session. It's about the potential liability of social media, where users post things that might be a violation of law or defames people, like infringing intellectual property rights.



Emma-Jean Markin
Markin & Associates
Ghana

I think Women's Committee sessions, immigration, corporate, commercial, and real estate are the stand-outs for me.



Amina Hassan
Hughes Hubbard & Reed
United States

The crypto ones: anything on crypto compliance, crypto litigation or NFTs.



Ankur Singhi
S.K. Singhi & Partners
India

I'm involved in the Insolvency Committee and in the Law Firm Management Committee, so I look forward to those sessions. Additionally, I'm also looking at some of the corporate and M&A sessions that are going on, I find them very interesting.



Tsugihiko Okada
Baker McKenzie
Japan

I am interested in participating in cybersecurity-related seminars and would like to learn a lot about the use of IP in agriculture. Japan has a very ageing generation of farmers, so there should be a lot of IP laws that they can utilise, but they are not very aware of the importance of IP laws, while the foreign clients are very aware.



Benn Richards
Michelmores
United Kingdom

I'm looking forward to the sessions being organised by the Insolvency Committee because that authority relates to my area of law. This is my first IBA, so really I will be seeing what is available this week.

Our shared moral duty

Barbadian prime minister Mia Mottley spoke of the need for human beings to take a holistic approach in addressing global challenges

Yesterday, the Poverty and Social Development Committee session featured Hon. Mia Amor Mottley S.C., M.P., prime minister of Barbados. Speaking via video connection, Mottley provided her insights on the session topic, *Champion poverty alleviation through taking the highroad; a lawyer's path to alleviating poverty while practicing law with a high moral conscience*.

During her remarks the prime minister acknowledged that, "all lawyers have come to a place of reckoning... forced to contemplate the ways in which legality and morality intersect and, more importantly, where they deviate".

She referenced her personal belief that we, as human beings, have a moral duty to help each other and in so doing we make a positive impact on the world in which we live. A fierce believer in human rights, she continues to lobby and agitate for the fair and just treatment of those at risk, noting that critical issues such as the climate crisis, the need for restructuring the global financial system and the call for reparations and poverty alleviation, are confronting us all in one way or another.

Mottley encouraged her fellow lawyers to adopt a holistic approach, reaffirming that it is our moral duty to help address some of these challenges and that the power of our ability to address these matters is only as strong as the sum of our individual convictions and principles.

In giving a comprehensive overview of the crisis affecting the world currently, she noted that, "in



"The power of our ability to address these matters is only as strong as the sum of our individual convictions and principles"

this era of catastrophe after catastrophe... as it stands there is no version of our future where the poorest and most vulnerable among us will not be disproportionately affected. This is not fair."

She also indicated that lawyers have both supported and destabilised the unfair and unjust global system, specifically because they are the

architects and engineers of rights and legality, and contracts and obligations. As a result, the work and remit of the International Bar Association, Poverty & Social Development Committee, guided by Tara Archer-Glasgow of Higgs & Johnson in The Bahamas and Vladisav Zabrodin of Capital Legal Services in Russia, have been integral to lawyers' work. "The

formalisation of a committee where you explicitly recognise poverty alleviation as a goal already demonstrates an ideological understanding of our roles as global citizens and social engineers," Mottley added.

Moderators for the session, Tara Archer-Glasgow and Bruce Macallum of Public Sphere, Canada, then led Jane Andersen, a public lawyer from Sydney, Carolina Henriquez-Schmitz of the Thomson Reuters Foundation, USA, and Peter Knox of the High Court, United Kingdom, in a discussion on both the topic and the prime minister's remarks. Fola Swain, also of Higgs & Johnson, assisted with the session.

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Are all lawyers now crypto lawyers?

Despite the crypto winter, digital assets and blockchain technology are here to stay and lawyers should be ready for it

A basic understanding of cryptoassets is becoming a must-have for lawyers around the world. That was the message at the global trends in cryptocurrencies panel on Monday afternoon, during which panellists from the UK, India and the US discussed the growing importance of crypto in disputes, litigation, asset recovery, regulation and more.

Crypto litigation has steadily risen over the last few years. However, as jurisdictions introduce new regulations to tackle the asset class, litigation and other legal fallout are expected to boom. The first comprehensive regulatory framework for crypto, the EU's Markets in Cryptoassets Regulation (MiCA), is expected to go live in 2024.

"There's going to be such a huge amount of litigation, from family law to sanctions," said Jane Colston Elliott, partner at Brown Rudnick in London and secretary on the IBA's litigation committee. "This is a space where the underlying disputes just happen to be linked to crypto and blockchain, so we need to know about it."

Crypto has long been linked to illicit activity such as fraud or money-laundering.

"Cryptocurrency has been great for criminals in that they can commit fraud from anywhere, so it's a straightforward way to get victims at home for investments," said Kate McMahon, partner at Edmonds Marshall McMahon in London. "But what's great for litigators, especially asset recovery lawyers, and a negative for crypto criminals, is the immutable ledger. It's public, online and there's no escaping it."

The blockchain technology on which crypto is based runs on distributed ledger technology (DLT) which records every transaction a coin has passed through. This cannot be altered and, with the right analysis tools, can be viewed by everyone. Theoretically this should make crypto much more traceable than alternatives like fiat.

This immutable ledger is also making blockchain technology useful in courts as it can help provide immutable evidence trails.

"If your grandmother knows what crypto is, which many grandmothers do, then it's here to stay and we need to know about it," said McMahon.

A key challenge for lawyers, regulators and law enforcement is and will



"If your grandmother knows what crypto is, which many grandmothers do, then it's here to stay and we need to know about it"

continue to be the borderless nature of cryptoassets. This was flagged as a concern in India where the government has considered banning the asset class.

"The Indian government understands that as much as it may want to ban cryptocurrencies, it's borderless as an online transaction," said Mumtaz Bhalla, partner at Economic Laws Practice in Mumbai. "Enforcers won't be able to do much about it and it's going to see the light of day even for Indian citizens at some point."

Because of this concern, a cross-border regulatory approach is likely, according to Patrick Gilman, partner at Brown Rudnick in Washington DC.

"What we're going to see is inter-governmental international cooperation," he said. "It's going to be tackled globally."

For now, however, jurisdictions are taking very different approaches. This

is a challenge for asset recovery lawyers.

"You need to be aware in which countries it will be easier and in which it will be harder to recover assets," said McMahon. "For example, in China, it's difficult due to the ban there, which means there's no KYC [know-your-customer]. Whereas in Samoa, for example, it's a lot easier due to the high KYC requirements."

In the US, the enforcement environment is developing quickly.

"Over the last 48 months, the US has realised the people using digital assets are not just 20-year-old kids in their parents' basement," said Gilman. "Regulation is a huge topic in the US. It started with President Biden's executive order and it has now trickled down to the various departments."

In the meantime, the lack of firm regulation does not mean lawyers

should be neglecting these issues. In fact, it is much the opposite.

"It is imperative that we understand KYC and compliance," said Meg Strickler, partner at Conaway & Strickler in Atlanta. "It's so easy to have big problems very quickly, such as with hackers, and it's going to be much more significant in the future – five to 10 years from now, our retirement funds will be invested in crypto funds."

To handle this changing environment, compliance efforts are crucial, according to Brown Rudnick's Gilman.

"KYC is incredibly important, I disagree that there are some companies that do it well," he said. "No crypto company does KYC well and there's a reason – there's no clear, black-letter law on it to follow."

For other laws, preparing compliance programmes is a case of looking up the guidelines or laws and applying them, such as with anti-bribery. These don't exist on cryptoassets. However, there are ways to work around this, Gilman said.

"What does exist are laws to protect from bribery, corruption, litigation, and you can build programmes and policies from that," he continued.

Racism and xenophobia still taint cannabis criminalisation

Panellists also said the legalisation of cannabis in some parts of the world had to be balanced against matters of public health and social justice

The penalisation of cannabis in the US federal system is deeply rooted in racism and cultural bias, according to lawyers operating in the space.

Much of the criminal system in place today around an industry that could represent \$176 billion by 2030 dates back to the early 20th century, when the first laws punishing the use of cannabis were introduced – starting with the Marihuana Tax Act of 1937.

“Much of the work of Harry Anslinger, the first head of the Federal Bureau of Narcotics, was not rooted in science around cannabis but in these cultural concerns,” said Nicole Phillis, litigator at Davis Wright Tremaine. “The result is a federal regime of illegality rooted not in science, but in racism, discrimination, and used to persecute people of colour and refugees. This has long been the legacy of the United States.”

Increasing concern around the use of hemp, a common crop in the colonies through the end of the 19th century, coincided both with the success of the temperance movement in the US and with the end of the Mexican revolution.

“There was significant xenophobic anxiety within the US that had a strong association between cannabis and Mexican refugees,” Phillis explained. “Between the 1910s and the 1930s, several states started to roll out laws... but these were rolled out not because of specific science, associating cannabis with harm or with addiction or with illness, but because of anxiety that was coinciding with the cultural moment of the time.”

The complexity of the cannabis market’s history is what makes it both interesting and challenging, Phillis insisted, encouraging lawyers keen to work in the space to familiarise themselves with it. “We are often taught that the rule of law is based on integrity, that it is for the benefit of the good, but in the context of cannabis, it’s much more complicated,” she added.

At present, marijuana is more controlled than cocaine in the US, according to Dentons’ US and global cannabis teams lead Eric Berlin. Although it remains an illegal substance at the federal level, 38 states have legalised medical



cannabis, including 19 where recreational use is also permitted.

“State laws vastly differ: even how each state legalises and regulates [it] differs from one to another,” said Berlin. “This has created tensions between the federal government and all these states – which really serves almost no one other than lawyers. All that uncertainty and friction is what we, as lawyers, play in every day.”

Other issues also result from federal illegality, such as banking, access to capital markets, public listings, debt financing and insurance.

“The economic implications of the state legal industry represent around \$100 billion, yet the federal government is standing off and not enforcing that,” Berlin added. “In a sense, all that is lawlessness, but organised under state laws. Many bills are pending in the US Congress to address those areas of uncertainty.”

Despite scientific data and tangible experience, and notwithstanding legalisation in several states, the US federal government continues to stand against the use of marijuana for therapeutic purposes. For Berlin, this stance is deeply rooted in a philosophy inherited from the past.

“The answer to most of these questions can be found in racism against people of African or Mexican origin in the US, as opposed to a careful analysis of the medical value of cannabis,” he said. “As a result, its use is even more controlled than that of cocaine. While doctors can’t prescribe marijuana [unless otherwise authorised by state law], they can prescribe cocaine for medical purposes.”

While there is no prospect of cannabis being legalised at the US federal level in the near future, the industry is hoping for the Secure and Fair Enforcement (SAFE) Banking Act to be passed by year-end. Already approved by the house of representatives, the act would prohibit a federal banking regulator from penalising a depository institution for providing banking services to a legitimate cannabis-related business.

“This would provide a safe harbour to deposit institutions for handling that money, and importantly, it would ensure that funds coming from the state legal industry are no longer considered as proceeds of crime under anti-money laundering law,” said Berlin. “This has enormous implications. It would mean that financial institutions can get more involved and that a whole host of ancillary businesses will be far more comfortable getting involved in the space.”

Beyond the US, there also exist tensions between national and international law. Established in 1961, the United Nations Single Convention on Narcotic Drugs has limited the possession, use, trade in, distribution, import, export, manufacture, and production of drugs exclusively to medical and scientific purposes.

“The international drug convention system represents a challenge for all the jurisdictions seeking to explore regulated cannabis markets,” said Tania Ramirez of Mexico City’s Federal Council of the Judiciary. “The regime very specifically prohibits all the activities and the establishment or creation of regulated

cannabis markets in all member states for anything other than medical and scientific purposes. Under the convention, cannabis must be controlled and prohibited as much as cocaine or opiates.”

The international drug convention system is unlikely to change, at least in the short term, Ramirez argued, which will continue to create legal pressures for lawyers. Beyond legal challenges, other considerations are part of the cannabis depenalisation debate – notably, issues of health and social equality.

“The tension between commercial interest and public health is not new: it is present in different debates around tobacco, alcohol, sugar, beverages, and so on,” said Ramirez. “But in the case of cannabis, there are additional ingredients in the formula. The move to capture the illegal marketplace must be balanced with other aims, including social justice and the promotion of public health, and should include measures to avoid misuse by vulnerable parts of the population.”

Although the legalisation of the cannabis market represents a huge opportunity, both in the legal space and elsewhere, it must be completed with patience and careful consideration.

“As each nation looks, the choice is not cannabis versus no cannabis – the real question is how to regulate this successfully with the notion that the regulated market is going to compete against the illegal market,” said Berlin. “This is something everyone needs to be cognisant of as they think about regulations and how to form them.”

The transformation of sustainability and climate change

The intersection of climate change, sustainability and corporate governance is narrowing, and the role of lawyers is more crucial than ever

On the programme for Tuesday morning at the IBA is the sustainability focus showcase, in which panellists will take on the intersection of climate change, sustainability, corporate governance and the role of lawyers in all these issues.

The world is changing, and the impact of corporations as part of both the problem and the solution on the issue of climate change and sustainability has never been more pronounced.

As more and more regulations come out around the world, dictating what can and can't be classed as green, and how firms should approach issues across all 17 United Nations Sustainable Development Goals, the typical role of the legal counsel has taken on a greener tint.

Lawyers face the legal issues created by pressure from customers, investors, government and activists, as well as the difficulties of advising clients through a time of constant transformation – and worst of all, greenwashing.

Pressure from activist investors and financial institutions is holding companies increasingly accountable for their environmental, social and governance (ESG) performance.

This is creating legal issues for boards, corporate leadership and governance – and also for the courts, as these issues move from advocacy and policy to regulations, liability and litigation.

Governments, activists and customers are focused on corporate contributions to climate change and the adequacy of efforts to address emissions through various net-zero commitments.

Against the backdrop of this changing environment, the showcase panel will focus on the growing intersection between the climate change and ESG movements and the role of



“Pressure from activist investors and financial institutions is holding companies increasingly accountable for their ESG performance”

the lawyer – in advising clients to prepare for and mitigate legal risks through corporate governance in the wake of growing regulatory and stakeholder pressures and preparing to address these issues when they translate to litigation and liability.

The session will be chaired by Sarah Fitts, Shane Freitag and Roger Martella, with panellists Motoko Aizawa, Michael Catanzaro, Danielle

Fugere, Elizabeth Levy, Lillian Rae Lindsay, Nkiruka Maduekwe, Samantha Rowe, Irma Russell, Catalina Santos Angarita, Martijn Scheltema and William Sisson.

Session chairs Fitts, Freitag and Martella will be sharing insights from the US energy sector.

Panellists Aizawa, Catanzaro, Fugere, Levy, Russell and Sisson will represent an exciting range of think-

SESSION: Sustainability Focus LPD Showcase: the intersection of climate change, sustainability, corporate governance, and the role of lawyers: advising clients through transformative times
TIME: Today, 09.30 – 12.30
VENUE: Rooms 203-205, Level 2

tanks in the US. In addition, attendees will gain an international perspective with Angarita from Colombia, Lindsay and Rowe from the UK, Scheltema from the Netherlands and Maduekwe from Nigeria.

Similar sessions later will include a sustainability showcase on the importance of UN Sustainable Development Goal 16 – peace, justice and strong institutions.

Men of quality respect women's equality

Panellists will delve into the root causes of gender inequality at senior level in the legal profession

Today, the IBA will hold a session seeking to explore issues of gender equality in the legal profession, and how men can be proactive in helping achieve it.

The discussion will focus on the results of a study conducted in England, Wales, Spain, and Uganda, and will examine how far other jurisdictions have got on gender parity.

Panellists will delve into the root causes of gender inequality at senior levels in the legal profession, exploring challenges such as childcare, work-life balance, menopause support and company culture, and will consider whether specific diversity initiatives are delivering meaningful impact.

The evolution of women lawyers' situation post-pandemic will also be discussed, set in the context of wider sustainability concerns. In particular,

panellists will consider whether real gender parity can be achieved at the most senior level in sectors where billing time and spending more time at work are often prerequisites for long-term success.

This session also follows the joint launch of a nine-year global gender project, 50/50 by 2030, from IBA and LexisNexis Rule of Law Foundation. Inspired by Sustainable Development Goal number five of the United Nations Agenda 2030 on achieving gender equality and empowering all women and girls, the project aims to provide a blueprint by 2030 for achieving gender parity in the highest levels of private practice, in-house positions, the public sector and the judiciary.

It involves research undertaken across 15 countries in Africa, Asia, Europe, Latin America, the Middle

SESSION: Men of quality respect women's equality

TIME: Today, 11.15 – 12.30

VENUE: Room 209, Level 2



East and North America, and seeks to track the progress of, and identify the barriers to, realising equal representation of women in senior legal roles.

With data collection and analysis planned for 2021, 2024, 2027 and 2030, the resulting study will be the first to provide global information from law firms, bar associations, law societies, government, public prosecution, in-house lawyers and the judiciary over an extended period. The compiled and detailed information on measures enacted around gender equality and their impact will also provide important insight into how

the profession is changing – and whether it actually is.

Co-organised by the IBA Diversity & Inclusion Council and the IBA Legal Policy & Research Unit, the session will be chaired by IBA director of legal projects Sara Carnegie.

Panellists will include IBA vice president Almudena Arpón de Mendivil, Michelle Behnke & Associates attorney Michelle Behnke, LexisNexis vice president and general counsel Ian McDougall, Judge Winfred Naigaga from Uganda, IBA Diversity & Inclusion Council co-chair Christopher Watson, and UN Women Goodwill Ambassador Emma Watson.

Accountability after Russia's invasion of Ukraine

Mark Ellis will interview US ambassador Beth Van Schaack and Ukraine's prosecutor general Andriy Kostin

Russia's invasion of Ukraine has horrified the international community. It has caused Europe's largest refugee crisis since World War II and is believed to have resulted in tens of thousands of deaths already.

IBA attendees will have the opportunity to hear about how those responsible can be held accountable from two high-profile figures who have worked tirelessly to advance human rights.

Mark Ellis, executive director of the IBA, will interview Beth Van Schaack, ambassador-at-large for Global Criminal Justice in the US Department of State, and Ukraine's prosecutor general Andriy Kostin on Tuesday about this topic.

"More than any other time in my life, there is a unified position that

those who commit these atrocity crimes must be brought to justice," says Ellis.

The speakers will discuss the strategies and challenges that Ukraine and the international community face in ensuring that this happens.

"There's a mosaic of mechanisms at the disposal of Ukraine and the international community to achieve this goal," adds Ellis.

He says that these include domestic prosecutions, prosecutions from the International Criminal Court, prosecutions from other states under the principle of universal jurisdiction, and the possibility of creating a special tribunal focused on the crime of aggression, which would be directed at high-level Russian individuals, including Vladimir Putin.

Van Schaack was sworn into her

SESSION: A conversation with... ambassador Beth Van Schaack and prosecutor general of Ukraine, Andriy Kostin

TIME: Today, 13.15 – 14.15

VENUE: Ocean Drive Room, Level 1



position in March, where she advises the secretary of state on the prevention of and response to war crimes, crimes against humanity and genocide.

Before that, she was a visiting professor at Stanford Law School, where she directed the university's International Human Rights and Conflict Resolution Clinic.

She also worked at the Center for Justice & Accountability, a human rights organisation, and at the International Criminal Tribunals for Rwanda and for the Former Yugoslavia in The Hague.

Kostin was elected as a member of

the Verkhovna Rada of Ukraine, the country's unicameral parliament, in 2019. He became head of the legal policy committee in 2020 and led its work until 2022.

President Volodymyr Zelensky awarded him with the honorary title of Honored Lawyer of Ukraine in August 2021 for significant professional achievements and years of ethical work, on the occasion of the 30th anniversary of independence of Ukraine.

"I think it will be a fascinating discussion with two individuals on the forefront of ensuring that there's accountability for the atrocities committed in Ukraine," says Ellis.

Saudi regional HQ law sparks questions

As the country opens up to foreign law firms, broad-ranging opportunities await lawyers in the Kingdom

Panelists at Monday morning's session on opportunities and challenges in the booming legal market in Saudi Arabia discussed a number of opportunities for the construction and franchising sectors, as well as changes in corporate law and the legal system itself. However, as well as the opportunities, a number of key challenges exist including the country's new regional headquarters law.

The law states that firms will not be able to do business with the Saudi government if their regional headquarters are not based in Saudi Arabia. As most firms have regional headquarters in Dubai, this will create shockwaves for many firms.

"This law will create a lot of consternation," said Vernon Cassin Jr, chief legal officer at Al Khozama Management Company in Riyadh. "Questions for firms include how do you decide what is a regional headquarters? Do firms need to put more people in there or do they just need to put a regional head there? There are loads of issues that haven't been settled yet."

This is sparking a rise in questions for firms in the region.

"There's a lot of clarification to come especially around this question of the legal definition of headquarters," said Sara Koleilat-Aranjo, partner in arbitration at Al Tamimi. "But lawyers are good at coming up with creative solutions so this clarification will be helpful and tie up how the law will come into play."

The changes have come as part of a major run of legal developments from Vision 2030, the country's strategic plan spearheaded by crown prince Mohammed bin Salman.

"Saudi is going through amazing changes, this is a unique time for economic changes and the legal landscape," said panel chair Jalal El Ahdab, partner at Bird & Bird in France and co-chair of the IBA's Arab Regional Forum.

Saudi Arabia is the world's 18th largest economy and the only country in the Middle East in the G20. Many of the opportunities and Vision 2030 are part of a bid to diversify the economy away from oil.

"What we are witnessing after Vi-



"What we are witnessing after Vision 2030 is a paradigm shift, economically politically, socially"

sion 2030 is a paradigm shift, economically, politically, socially," said Hamed Merah, CEO of the Saudi Center for Commercial Arbitration in Riyadh. "It's unprecedented."

These changes could be a gold mine for legal advisors.

"The legal market in Saudi is definitely huge but it's understaffed," said Koleilat-Aranjo. "If you look at the size of the population and the volume of work generated, it's a very under-lawyered market."

Due to the opening of foreign investment in the country, certain sectors are seeing boosts.

"The great driver of the future of the economy to diversify is tourism," said Cassin Jr. "There's a rush of foreign companies looking to come into Saudi, especially luxury hotels and so we are seeing a lot more work in franchising."

To meet this increased emphasis on tourism, as well as housing the popu-

lation, the construction business is booming.

"Saudi is one of the most active jurisdictions for construction in the Middle East," said Koleilat-Aranjo. "This is being fuelled by public private partnerships (PPPs) as part of the driven by vision 2030."

Since PPPs are so key to the sector, finding the solution to the regional headquarters will be even more important for firms.

Practice areas seeing many changes include competition law, leasing, data privacy and capital markets. However, one challenge for firms coming into the market will be understanding how firmly these laws will be applied as they are so new and there are few precedents.

"Saudi Arabia's new competition law hasn't been tested by the court yet but it is something foreign investors must know because even a small link to Saudi Arabia could mean the deal

is called in to be reviewed," said Reed Runnels, Omar Alrasheed & Partners in Riyadh. "Until we actually see cases go to court then we aren't going to know how aggressive this law is."

As well as changes to the law, the legal profession is growing quickly as well.

As of September 2022, the database of Saudi Bar Association counted 1782 registered female attorneys and 9366 male.

Comparing these numbers to lawyers in training, the growth is clear, especially among women in the profession with 5102 male and 2537 female trainees.

"Those numbers have increased rapidly throughout the past few years with lots of focus in the growing legal market in Saudi," said Sara Aalamri, AlGhazzawi & Partners, in Jeddah.

Al Tamimi's Koleilat-Aranjo also made a request to any market participants considering opportunities in the country.

"There is a lot of talk about Saudi and the economy and 2030 Vision," she said. "Beyond the economic aspects, as someone who was born in Saudi and has seen the developments for more than four decades, I ask you to please come with an open mind."

Bridging diverse industries

Influential leaders will share their personal stories of human rights abuses and delve into what can be done to curtail them

Led by the Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) committee, this showcase session takes a deep-dive into extractive industries. IBA president Sternford Moyo will be a speaker.

The expectation for equitable, socially inclusive and environmentally sustainable practices and behaviour from extractive industries investors has been increasing in importance. This creates a challenging context for investors and industry players to achieve the right balance to meet these expectations while continuing to conduct essential operations and develop projects that are necessary to meet global demand in the oil and gas and mining sectors.

A lack of understanding about the benefits deriving from, and necessity for, continued investments in the extractive industries seems to permeate the dialogue around the extractive industries in many societies.

Nonetheless, there are many diverse approaches from investors, governments and communities across different parts of the world when it comes to investment in extractive industries, project development and community relations.

The legal community must collaborate in these efforts and help bridge the diverse interests of the different stakeholders involved in and affected by the extractive industries. It needs to closely examine the power, interests, incentives and political systemic dynamics underlying governance in the extractive industries.

This session will focus on what is working in different parts of the globe, reviewing successful and failed experiences and how these practical examples can help guide the evolution of the extractive industries in the future. These best practices, programmes and initiatives intended to improve governance of the highly fraught industry can build the capacities of key actors and bring transparency to corporate and government practices in a traditionally opaque sector.

The panel of global experts will address the viability of adopting some form of general standards for the extractive industries, seeking to offer a toolkit to balance the interests of extractive industry investors and



"The legal community must collaborate and help bridge the diverse interests of different stakeholders involved in and affected by the extractive industries"

companies, the development goals, and rights of affected communities and global sustainability and environmental objectives.

Speakers from different backgrounds will debate key topics, including free and prior informed consent, types of regulatory regimes, impacts

on affected communities, human rights, economic participation and benefits sharing, fiscal stability and dispute resolution. The speakers' insights will provide a foundation for further food for thought and analysis on key areas of practice in the extractive industries.

SESSION: IBA Showcase: bridging diverse interests in the extractive industries
TIME: Today, 14.30 – 17.30
VENUE: Rooms 203-205, Level 2

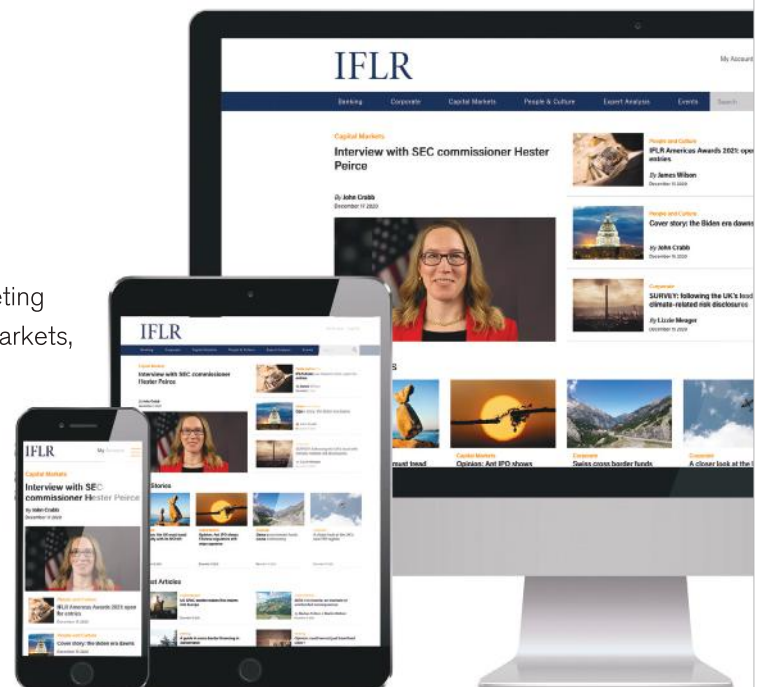
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Breaking ground: disability and the law

Have lunch on Thursday with Breaking Bad actor RJ Mitte

This Thursday, the Section on Public and Professional Interest committee is excited to welcome Breaking Bad actor RJ Mitte as a keynote speaker.

Mitte will be giving the keynote address on how law affects individuals with disabilities, and the positive impact of hiring individuals with disabilities in the workplace.

Best known for his portrayal of Walter “Flynn” White Jr. for five riveting seasons of AMC’s Emmy and Golden Globe Award-winning dramatic thriller Breaking Bad, Mitte is an actor, advocate and philanthropist who has carved out his niche in Hollywood by breaking down stereotypes and changing people’s mindsets with his easy going demeanor and positive outlook.

As Walt Jr., referred to by fans as The Breakfast King, Mitte acted as the cerebral palsy afflicted son of Walter (Bryan Cranston) and Skyler White (Anna Gunn). As Walter continues his descent into drug manufacturing and trade, Walt Jr. finds himself torn between his father’s deceit, his mother’s protectiveness, and his own developing sense of independence as a disabled teenager.

Walter Jr.’s cerebral palsy on the show was embellished, as he had to learn how to walk on crutches and



slur his speech to create a more dramatic version of his own disability.

Throughout the years, Mitte has been an inspiration to his peers around the world by championing his cerebral palsy in hopes of removing

the stigma associated with disabilities. In order to bring awareness to his own issues with bullying and prejudice, Mitte has engaged in public speaking and serves as the official Ambassador for United Cerebral Palsy and partners

SESSION: Section on Public and Professional Interest lunch

TIME: Thursday, 3 November, 12.45 – 14.15

VENUE: Rooms 201-202, Level 2

with Shriners Hospitals for Children to spearhead their #CutTheBull campaign to advocate on anti-bullying measures. Mitte is also involved with SAG-AFTRA as a committee member of the union’s IAPWD (I Am a Performer with Disabilities) and is an active board member of his family’s legacy project, The Mitte Foundation.

Never one to shy away from an opportunity to take his talents to new avenues, Mitte was thrust into the global spotlight as the celebrity face and model of GAP International’s ‘Lived in Spring’ campaign; with his image appearing on mediums such as billboards, buses, and life-sized posters in cities across the world from Tokyo to the US.

He has since cemented himself as a face to know in the fashion world after walking in Men’s Fashion Week in Milan, Berlin and New York City for Vivienne Westwood, soPopular and Ovidia & Sons. He’s also a member of Kenneth Cole’s ‘Courageous Class’ for talent recognised for using their platform for advocacy and creating social change.

The lunch will take place on Thursday 3 November between 1245 and 1415, and cost \$115.

Awards winners

IBA Outstanding Young Lawyer Award

Each year, the IBA Young Lawyers’ Committee present an award to a young lawyer who has shown not only excellence in their work and achievements in their career to date, but also a commitment to professional and ethical standards as well as a commitment to the larger community.

The IBA Young Lawyers’ Committee’s goal is to identify, discuss and promote issues relevant to young lawyers.

This year’s winner is Yorm Ama

Abledu, from Centurion Law Group. Abledu has studied law in New York and Scotland, and has won multiple human rights cases in her role as assistant public defender under the Legal Aid Commission, where she works pro bono.

The award was created in recognition of William Reece Smith Jr. A former IBA President, who passed away in 2013. He distinguished himself as one the finest and most respected legal experts in a career spanning more than 50 years.



After the party?

As ever there are countless official parties, law firm receptions and other extra-curricular activities to keep you occupied in Miami this week. Here, we round up the biggest of the official events

TODAY

IBA Bar Breakfast hosted by the American Bar Association
Today, Time: 0800 – 0915
Venue: Sunset Vista Ballroom B, Level 4, Miami Beach Convention Center

THURSDAY

IBA Football Match
Thursday, Time: 16.00 – 18.00
Venue: Flamingo Park Memorial Football Stadium
All players must ensure that they

register to play with the IBA during the Annual Conference week. The cost will be \$150 per person and a 'no pay, no play' regime is strictly enforced. Please register your interest in playing prior by emailing Keith Oliver or Leonie Stevens (keoliver@petersandpeters.com / lstevens@petersandpeters.com).

Law Rocks Miami

Thursday, Time: Doors at 18.00, concert at 18.30
Venue: Miami Beach Bandshell, 7275 Collins Ave, Miami Beach
Law Rocks! is a series of 'battle of the bands' style rock concerts in which law professionals battle it out on stage for charity at legendary



music venues around the world. Law Rocks! started in London in 2009, with the first IBA edition taking place at the Paradise Rock Club in Boston in 2013. Tickets available at lawrocks.org.

Young Lawyers' Committee Night Out

Thursday, Time: 2200 until late
Venue: Highbar, 1111 Collins Avenue, Miami Beach
\$90 per person, can be bought in person from the IBA registration desk or My IBA.

FRIDAY

Closing party

Friday, Time: 19.30 – 22.30
Venue: Nikki Beach, 1 Ocean Dr, Miami Beach
This is a ticketed event; please visit the Registration Desk to purchase your place. Places cannot be purchased onsite, and your conference name badge will be required for entry.

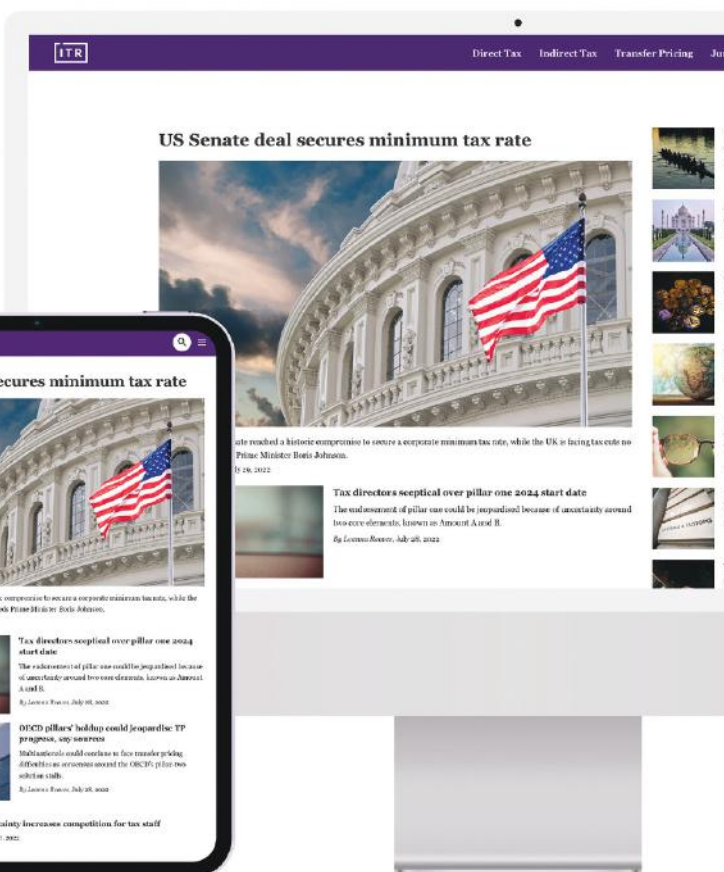


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Things to do in Miami

While spending time lounging around on Miami's beaches is every tourist's must-do, locals and visitors agree the city has much more to offer

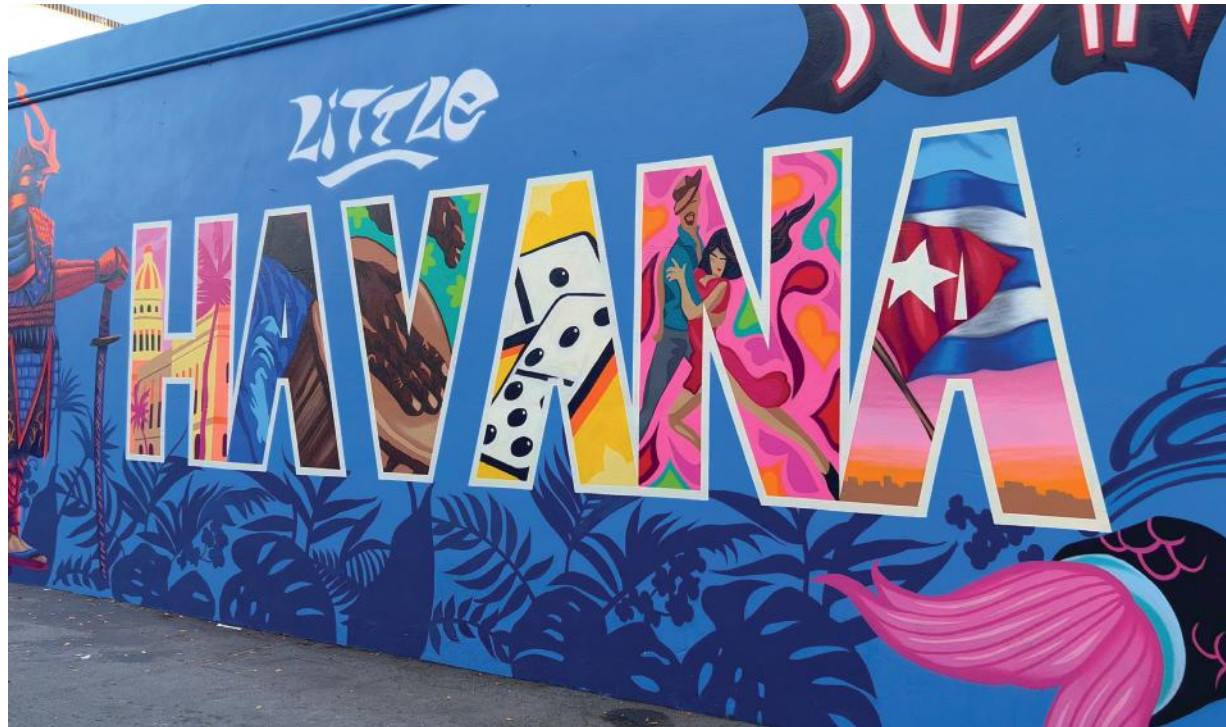
Miami is an international centre for trade, finance and culture set amid stunning sea views on one side, and a skyscraper skyline on the other. While you are at the IBA conference, there is no shortage of opportunities to explore America's iconic sun-soaked city. If you manage to tear yourself away from the sessions, meetings and networking drinks, here are some of the best stomping grounds to check out.

Experience Cuban culture

During the Cold War, Miami took in a significant number of Cuban refugees, which led to the development of the Latin-inspired neighbourhood of Little Havana. Non-stop Spanish music pulses through the streets, as you walk past the colourful art-deco buildings. Have a drink in some of its notable bars, including Ball and Chain, which is a recreation of a 1930s hotspot. There no shortage of good eats in the neighbourhood, with the aromas of cumin, paprika and cilantro permeating the streets. Grab a Cuban sandwich in Sanguich de Miami, an empanada in Versailles, or a cocktail at Café La Trova. You'll never leave this neighbourhood feeling hungry.

Party the night away

If you've ever seen Miami feature in a movie or TV show, there is bound to be a party scene (or several) flash across the screen. With bars, clubs and DJs that can rival Vegas, there is no challenge in finding a place to dance until dawn. Check out Miami's most famous beach club, LIV, which is frequented by celebrities and has been ground zero for many TMZ exposés.



Even the global pandemic couldn't stop the music at LIV because while the club was shut for many months, it reopened bigger and better with an additional 400 digitally controlled LED panels. The electronic overhaul creates a choreographed light show giving club-goers a 360-degree experience.

For those who prefer their nights out to involve more than dancing and pulsating music, be sure to head to Basement. Options are endless at Basement, which boasts its own ice-skating rink and bowling alley. However, if you aren't thrilled by the idea of bowling down neon lanes with loud techno music playing in the background, Floyd is the perfect bar for a low-key night. This speakeasy, styled

like a British mansion, is ideal for lounging around on leather couches and listening to jazz.

A melting pot of flavours

When it comes to food, Miami's melting pot of culinary influences means no one is left unsatisfied. Visitors have the option to put on their best clothes and sit in one of the city's many high-class Michelin-starred restaurants or, alternatively, grab a pair of shorts and flip-flops and sample an empanada as you explore Miami's street-food scene.

Don't underestimate the city's restaurants on wheels – food trucks in Miami boast some incredible, mouth-watering dishes. Che Milanese is famous for its chorizo and steak empanadas; but if you're looking for good old-fashioned American BBQ, Rafa's Backyard Grill is a hidden gem located in west Miami.

For a special occasion, Miami's only two Michelin-starred restaurant L'Atelier de Joël Robuchon offers a sleek, ultra-modern tasting menu while facing an open kitchen; so visitors can witness first-hand the culinary art and expertise of world-class chefs.

Sun and sea in South Florida

Miami didn't earn its title as one of Florida's top tourist destinations for its sub-par beaches. For a postcard

picture-perfect spot, Lummus Park is located in Miami's South Beach neighbourhood. Lummus Park has been a popular film spot, being notably featured in Miami Vice and Burn Notice.

South Beach, known affectionately by locals as 'SoBe', is a perfect blend of high-end modern design meeting art-deco architecture. This iconic strip of sand is what all other beaches in Miami are compared to. For travellers that prefer to venture off the beaten track, Oleta River State Park is Florida's largest urban park. There, adventurers will discover many hidden beaches along with opportunities to get active by kayaking along the park's tranquil waters or hike into its shady mangrove forests.

A shopaholic's paradise

From the sand and sea to the shops, Miami's retail scene is a shopaholic's dream. Walk right out from the sea and stroll into Lincoln Road mall, located on South Beach's iconic pedestrian walk. More than 200 restaurants, galleries and shops, including big brand names such as Zara, Apple and Macy's, can be found there. There is no shortage of bargains. For second-hand and vintage items, Miami's seasonal Little River flea market is a haven for hipsters. It boasts an assortment of souvenirs, from vinyl records to homeware, to artisan coffee.



Welcome to Miami

The week kicked off in style at the Ice Palace Studios on Sunday night





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