The rule of law is universal

Shinzo Abe, the Prime Minister of Japan, opened this year’s IBA Annual Conference in Tokyo by emphasising that the international community must work together to support the rule of law.

In a speech delivered in Japanese before the Emperor and Empress of Japan, as well as over 6,300 conference delegates, Abe stressed that states cannot establish the rule of law by acting alone.

He added that preserving an international community ruled by law and justice is in the Japanese national interest and crucial for Japanese diplomacy. Although the term ‘rule of law’ has its origins in Western civilisation, the concept is also embedded in the spiritual traditions of Asian countries.

“The concept of the rule of law is universal,” said Abe. He cited Asian scholars who have supported the rule of law, ranging from seventh century regent Prince Shotoku, who established Japan’s first constitution, to early Chinese philosopher, Mencius.

He emphasised Japan’s commitment to democracy, basic human rights and the rule of law. The country is actively engaging in efforts to develop attorneys capable of playing a role on the front lines of the international legal community, and has also supported the development of legal systems in other countries.

But this must be a global effort. The current international community must create an improved international order through consensus in accordance with rules, said Abe. “We live in a world where no one should live in fear of unilateral violence,” he added.

IBA’s global efforts

Abe’s global focus was consistent with remarks made throughout the night. His speech followed the remarks of IBA President Michael Reynolds, who also discussed the importance of the association’s international initiatives.

During his 18 months as president, Reynolds has travelled to more than 30 countries on five continents to visit bar associations, law associations and law firms.

The IBA has especially focused on emerging markets. “You can see how the activities of the IBA are focused when I tell you that I’ve visited every single one of the BRICS countries,” he said, adding that he’s visited India, China and Brazil two to three times over, as well nearly every country in the Asean group. He has recently concentrated on the MINTs (Mexico, Indonesia, Nigeria and Turkey).

“The clear message I’ve received everywhere I’ve been in the world is how important it is to know about international legal practice and connect with lawyers around the world,” he said. “And it has always struck me that, however different countries or regions are, the challenges and problems faced by lawyers are remarkably similar the world over.”

He also highlighted the IBA’s efforts in Myanmar and Cuba. In Myanmar, it is helping lawyers establish an independent bar association. At an IBA event in Naypyidaw, Aung San Suu Kyi, a Burmese opposition politician and chairperson of the National League for Democracy, said it a country cannot have economic development without the establishment of the rule of law, and that cannot happen without a nationwide independent bar association.

Shinzo Abe: the reformer

Shinzo Abe has been the Prime Minister of Japan since December 2012. This is his second time in the position, having also been Prime Minister in 2006 to 2007. At the time of his election in September 2006, he became Japan’s youngest postwar president. He is also the president of his political party, the Liberal Democrats Party.

Since his re-election in 2012, Abe has led an ambitious and aggressive programme comprising three arrows to revitalise Japan’s economics. Dubbed ‘Abenomics’, the scheme is an attempt to wholly restructure Japan’s economy. The three arrows are fiscal stimulus, monetary easing and structural reforms. It includes a stimulus package of ¥20.2 trillion ($210 billion), of which ¥10.3 trillion will go towards infrastructure projects. The monetary easing aspect is achieved by buying mostly short-term government debt. Bank of Japan Governor, Haruhiko Kuroda, has committed to continuing QE until Japan reaches two percent inflation.

Implementing structural reform has been more difficult, but necessary in order to ensure growth. In an oft-cited statistic, the population of Japanese workers between ages 15 and 64 has contracted by six percent in the past decade. As a result Abe has encouraged more women to participate in the workforce, and adopted more comprehensive child support policies.
A majestic opening

Their Imperial Majesties Emperor Akihito and Empress Michiko of Japan completed the high-profile line-up that opened the IBA annual conference last night. After attending the first half of the opening ceremony, their Majesties moved to a private champagne reception attended by 140 guests from around the world.

The Emperor, dressed in a black suit, and Empress, in a cream and gold lightly-patterned kimono that faded to grey, acknowledged the applauding crowd while circling the room as they entered. Former IBA president Akira Kawamura, who escorted them to the ceremony and reception, proposed a toast to their Majesties’ good health and long life. He also wished the Empress a happy birthday, which she will be celebrating tomorrow. The attendees, that came from 33 countries and represent every continent, then greeted the monarch and his wife, often engaging in lengthy chats. IBA Daily News understands this is the first IBA conference attended by the host country’s head of state and prime minister.

IBA president Michael Reynolds had already given the Emperor and Empress a warm welcome at the opening ceremony. Sitting on stage across from Prime Minister Abe, they clapped enthusiastically throughout Reynolds’ speech, particularly after he completed part of it in Japanese. At the reception, Reynolds spent some time speaking with the Emperor, followed by IBA executive director Mark Ellis. The Emperor continued to sip his champagne while speaking with other IBA committee heads. The opening night’s most honoured guests have been the reigning monarchs of Japan since acceding to the throne in 1989. According to the traditional order of succession Emperor Akihito is the 125th Emperor in the country’s history. Empress Michiko is the first commoner to marry into the Japanese Imperial family. The Emperor of Japan is a unique position. The Imperial House of Japan is the oldest continuing hereditary monarchy in the world, having been founded in 660BC by Emperor Jimmu. The position is also the only remaining monarch in the world reigning under the title of Emperor, and has historically alternated between a largely ceremonial symbolic role and that of an actual imperial ruler.

Unlike most constitutional monarchies, the Emperor is not even the nominal chief executive. The Constitution states that the Emperor ‘shall perform only such acts in matters of state as are provided for in the Constitution and he shall not have powers related to government.’ Nevertheless, it is hugely symbolic. In the Japanese language, the Emperor is called the Tenno, which means ‘heavenly sovereign’. He is also referred to in English as the Mikado of Japan.

A closer monarch

The Emperor and Empress have made efforts to bring what is historically a distant position closer to the Japanese citizens. In response to the country’s 2011 earthquake and tsunami, and resultant Fukushima nuclear crisis, the Emperor made a historic televised appearance, urging his people not to give up hope and to help each other.

This kind of event is rare, though in line with the Emperor’s attempts to bring the Imperial Family closer to the people. As well as striving for metaphorical closeness, the Emperor and Empress are also physically based very near to Tokyo’s citizens. Since the mid-nineteenth century their residence, the Imperial Palace has been located on the former site of Edo Castle, only moments away from the conference centre, in the heart of the city.
VOX POPS: What sessions are you most looking forward to this week?

Tomokazu Otaka
Nakamoto and partners
Japan
I am excited about all the litigation panels. I am really interested in class action schemes and this is a nice chance for all Japanese lawyers.

Esther Bashorun
Parks and guidance agency
Nigeria
I am really looking forward to the sessions on environment and climate change because I work for the Ministry of the Environment. It’s hugely relevant to me.

Bertrand Debosque
Bignon Lebray Avocats
France
I represent the French Bar Council so will mainly be going to the sessions organised by the Public and Professional Interest Division, the Bar Issues Commission and the general interest sessions. Today I will attend the showcase session on human rights.

Manuel Quinche-Gonzalez
Brigard & Urrutia
Colombia
I am not sure. I am part of the banking and finance committee so I am definitely looking forward to seeing all of those.

José Augusto Dias de Castro
Kincaid | Mendes Vianna
Advogados
Brazil
I’m looking forward to the sessions on maritime law and oil and gas. I’m a lawyer in Brazil and that is my practice area. I’m also looking forward to the social events, especially those hosted by the Maritime and Transport Law Committee.

Riccardo G Cajola
Cajola & Associati
Italy
I am an officer of the International Sales Committee so I will attend sessions organised by that committee. I’m moderating a session on Wednesday, talking about distribution in the Asia Pacific region. I’m also interested in tax sessions.

Thomas Schirmer
Binder Grosswang
Austria
I recommend the session on virtual currency – your money is in the cloud. I think it’s interesting to almost everybody because it looks at how everyday payments will be made in the future.

Pamela Fuller
Gremminger Law Firm
US
I’m looking forward to ‘Life after BEPS: is there anything left in international tax planning?’ This is a highly complex area and the OECD is cracking down on the abuse of transfer pricing regulations and the inbound transfer of intangibles.
Welcome to IBA Annual Conference!

If you are unfamiliar with the origins of the IBA and how to get the best out of the week in Tokyo, please read on…

History
Inspired by the founding of the United Nations, the IBA was established in New York in 1947 on a similar model, with 34 bar associations and the aim of supporting the establishment of law and the administration of justice worldwide. It has since grown into the leading international organisation for lawyers, bar associations and law societies. Presently, the IBA has a membership, spanning all continents, of more than 55,000 individual lawyers from 170 jurisdictions, 206 bar association and law society members (collectively representing many millions of lawyers) and membership of entire law firms, known as IBA Group Firm membership. Together, these different strands of membership make the Association a truly global organisation.

Structure
The IBA’s membership is divided into over 70 committees, each of which represents a practice area or an area of special interest such as the Law Firm Management Committee, Arbitration Committee, Tax Committee, or War Crimes Committee. This structure reflects the interests of IBA members and enables them to build knowledge and contacts in their field of interest. In addition, there are six regional fora to represent the interests of members practising in, or with links to, a particular region, including for example the Asia Pacific Regional Forum. Building cross-border connections, promoting the harmonisation of law across borders, developing legal expertise, defending the independence of the legal profession, information sharing and promoting education through the IBA LL.M are at the core of the IBA. As are providing IBA members with top-level professional development and networking opportunities, of which there are many at the IBA Annual Conference.

IBA Annual Conference
Each year the IBA holds its Annual Conference in a major world city. This year, here in Tokyo, there are more than five thousand delegates from across the globe, making it the largest gathering of international legal professionals in the world.

How to get the best out of the Conference
The sheer scale of the conference can be daunting to delegates attending for the first time, but navigating your way through the hardcopy of the Conference programme, highlighting the sessions you want to attend, and using the 2014 Mobile Conference App (m.ibanet.org) will help you get the most out of your time in Tokyo. For full details please see page 9 of the Conference programme.

Also, the IBA Membership Team at the IBA stand in the Exhibition Hall will help with your enquiries, and attending the Newcomers’ Reception on Tuesday at 1800 in Exhibition Hall 2, B2, Tokyo International Forum is a recommended way to meet other delegates who similarly have not attended an IBA Annual Conference before. Tip: Remember your business cards!

Sessions
Throughout the week there will be more than 200 informative and substantive working sessions providing the latest developments in areas including antitrust, banking law, criminal law, environmental law, mergers and acquisitions, sports law and much more. Alongside these are sessions focussing on day-to-day issues for a lawyer, such as professional ethics or the stress of handling a demanding career alongside family commitments and personal life.

There are also Showcase and General Interest sessions that highlight some of the most important issues currently in the global legal sphere. Debates with leading international experts in their fields provide delegates with unique opportunities to broaden their knowledge and interests beyond day-to-day practice.

Business meetings
Numerous business meetings are held over breakfast, lunch and/or dinner, and also there is a plethora of other social events to attend. Many delegates attend the IBA Annual Conference to meet and do business with colleagues worldwide. Being here will give you the opportunity to develop contacts with your peers from all over the world. Delegates can use the delegate search on the 2014 Mobile Conference App at m.ibanet.org to speed up the process and maximise opportunities.

The IBA Annual Conference provides an incredible opportunity to develop your life as a lawyer. So, with business cards at the ready, take advantage of the opportunities offered and enjoy the experience!
Business must prioritise human rights

Ten years ago, corporate social responsibility (CSR) was fighting to become a mainstay of business culture. While a growing, albeit relatively small, number of large companies did take the concept seriously, it was often hard to distinguish their true motivations with the publicity benefits that flowed from fulfilling their self-imposed obligations.

How things have changed. Today, CSR is widely accepted as a pillar of companies’ long-term strategies. It seems natural, then, that the debate has moved on.

The new incarnation or corporate citizenship is the direct connection between business and human rights. This convergence is embodied in the Guiding Principles on Business and Human Rights, endorsed by the UN in 2011. Lawyers have a key role in ensuring its goals come to fruition, and as such, it forms the basis of this morning’s session titled “We’re all human rights lawyers now – the convergence of business and human rights and what it means for you.”

The guiding principles look to create global standards to address the risk of business activities negatively impacting human rights. They require companies to establish and follow a policy to respect human rights, and proactively prevent, mitigate and if necessary remediate their adverse impacts.

I think we are approaching the tipping point, so it’s great we are having the session now.

This involves governments, the private sector, and civil society – parties that may have conflicting interests. But while civil society advocates are, of course, very interested in protecting the groups they represent, session co-chair Deborah Enix-Ross says that in her conversations with them, it is clear they don’t want to do it to the extent that business can’t operate. “That is why I want to have this conversation, to find – and figure out – how we can achieve this balance,” says the IBA Bar Issues Commission officer.

In this sense, lawyers and bar associations can be the essential arbiters in implementing the UN text. “As the legal profession, we should be at the forefront of giving a voice and life to these guiding principles, doing so in a way that balances the needs of the various stakeholders,” she tells IBA Daily News.

Lawyers’ obligations and opportunities in the area will be debated during this morning’s showcase session. The reality is that the connection between business and human rights is relevant across the full spectrum of practice areas and disciplines.

“Many lawyers view human rights as the purview of a specialist, but I like to think that these guiding principles can apply to all practitioners – even a mainstream lawyer,” says Enix-Ross, session co-chair and officer of the Bar Issues Commission.

It’s a connection that needs to become more prominent within the profession. “I think we are approaching the tipping point, so it’s great we are having the session now,” says Tim Soutar, session co-chair and chair of the IBA’s Pro Bono Committee. “Lawyers must realise that they are in danger of not advising clients adequately if they don’t have a decent awareness of what the guiding principles say, and what is happening generally in the field of business and human rights.”

The principles create obligations at every level of law firms’ operations.

For an individual lawyer working within their organisation, they must provide holistic advice that addresses any red flags – not just the issues requested by clients. This is in line with the push for lawyers to position themselves as not just black letter lawyers and document drafters, but rather trusted business advisers. Soutar says that in this sense, it is not a new concept. “But it is becoming more and more relevant as lawyers understand that their responsibilities are becoming wider than they traditionally may have been.”

Like CSR, many in the profession could find it difficult to pin down the business-human rights connection in the context of providing advice. “We are trying to make it user friendly and introduce it to lawyers as law – part of what we do and how we advise – to take away the myths and particularly some fears,” says Neil Kirby, vice-chair of the IBA’s Corporate Social Responsibility Committee.

For law firm management, new policies and principles should be established. Today, the guiding principles aren’t binding, but this could soon change. “Most of it is regarded as ‘soft law’, but it won’t be long before human rights are hardwired into legislation and legal practice standards,” says Soutar.

In some countries, things are already heading in that direction. Japan is looking to integrate the guiding principles into its law in a similar fashion to its anti-yakuza legislation. A few law firms, particularly in the UK, have implemented the guidelines on their own volition. “There are not many firms that have got that far down the road. But soon enough, firms will have to demonstrate that they have a human rights policy, and that they are implementing it. We are not at that stage yet, but that is the direction of travel,” says Soutar.

While the guiding principles are relevant to all lawyers, many agree that general counsels’ compliance focus means they are on the coalface. As a result, some bar associations are helping corporates’ legal departments develop practical ways to enact them.

“From my chats with in-house counsel, they want to be able to present these guiding principles in a way that is compelling and helps them to enact them in their various settings,” says Enix-Ross. “But they need assistance in figuring out how to do that.”

As some of the most influential people on the planet are companies, Kirby says they must become more cooperative and sensitive of not only the communities that they serve, but also the communities that serve them. If it doesn’t directly impact the bottom line, however, some may be reluctant to make this a priority.

It’s hoped that, like CSR, adoption of the principles will have a snowball effect. If their competitors set a benchmark, it could pressure companies into improving their own practices. “This would help them make a case to the C suite that it is in the company’s best interest to not only respect human rights, but also to have a strong culture of doing so,” says Debevoise & Plimpton’s Enix-Ross.

Showcase format
The session will be split between two panels comprised of academics and practitioners from around the world. “We have tried to mix it up to give a holistic view,” says Kirby.

The first panel will make clear the business-human rights connection, outline the basics of the guiding principles, and explain what lawyers must be doing to implement the UN text. The second panel is dedicated to a case study. This example, which will be distributed to attendees, touches on a range of issues that could give rise to obligations under the principles. After considering the case study, panelists and the audience will discuss what lawyers should do in that situation.
A changing world

Michael J Reynolds, a partner at Allen & Overy, is nearing the end of his two-year tenure as President of the IBA. At the outset of his presidency he stated that he would use his time in office to continue strengthening IBA engagement with legal professionals across the globe, as well as focusing in particular on the impact of climate change on the disadvantaged.

In this interview, Reynolds reveals the highlights of his busy presidency, how the IBA can ensure that it stays relevant for lawyers around the world, and the most pressing issues for the legal profession today.

Q How has the IBA’s role evolved since it was established in 1947, and how can the IBA ensure that it remains relevant for lawyers around the world?

We are witnessing a fundamental change in the market for legal services internationally.

The IBA has grown enormously since 1947, when about 25 countries, mainly from North America and Europe, gathered in the Oak Room of the Plaza Hotel for the inaugural dinner. Now, the IBA consists of about 200 bar associations from 180 countries, 55,000 individual members from almost every country in the world, and more than 170 of the world’s top law firms belong to the IBA’s Group Membership scheme.

What I think is very interesting now is the development of legal services in the emerging new markets, the BRICS [Brazil, Russia, India, China and South Africa]. I have made these countries a priority during my time as President of the IBA. Between them, those five countries are home to over 2 million lawyers. India alone has more than 1 million lawyers and so is largely responsible for this high number; nonetheless the amount is growing all the time throughout all these countries.

I also think the MINT countries [Mexico, Indonesia, Nigeria, and Turkey] are very important. They are rapidly growing economies and key strategic countries. They also have a growing number of lawyers. Mexico, for example, has the fourth largest number of lawyers in the world at the moment – although I suspect that will soon be overtaken by China.

Reflecting the importance and growth of these jurisdictions, a large number of the 50 specialist and regional IBA conferences, held each year across the world, take place in the BRICS and MINT countries, where many IBA Group Member firms are located.

Since 1947 the IBA has grown in so many ways, and has kept abreast of, and in numerous instances led, developments in the global legal profession. The scope of the IBA’s human rights activities, which have relevance for lawyers across the world, has increased through its Human Rights Institute, and the IBA Annual Conference programme has also expanded. Designed by the IBA membership, this years’ programme is more extensive than ever, providing lawyers from all over the world with topics of relevance.

Q How would you assess what you have achieved during your time as IBA President, and what are your remaining priorities until your tenure ends on December 31?

It has been a very busy presidency. Over the last 18 months I have visited about 33 countries across all five continents. I have visited all the BRICS countries, as well as Mexico Indonesia and Turkey, and also most of the countries in the Asian group [the Association of Southeast Asian Nations].

The IBA is hugely active in Asia, and in the run-up to Tokyo this region has been particularly important. One of my main achievements during my tenure has been increased communication with bar associations and lawyers in these important countries leading to programmes that are relevant to them, both in terms of specialised conferences and the Annual Conference.

The IBA has been particularly active in Myanmar, where the legal infrastructure was seriously degraded under the military dictatorship. Under its new leadership, it is now going through a period of enormous transition. At the outset of my presidency I went to Myanmar to meet Aung San Suu Kyi [Myanmar’s opposition leader].

Following this, the IBA has implemented a major programme of assistance to Myanmar, including material help and training assistance for judges and lawyers. The IBA is also very involved in helping Myanmar form a national independent bar association, which will be a key element in establishing the rule of law in Myanmar.

Cuba is another country where I launched an important initiative. Cuba has been isolated from the mainstream international community under the Communist regime for many years. I felt that, with the beginnings of economic changes under Raul Castro, the IBA could be of assistance to the bar associations and lawyers of Cuba. In April this year I travelled to Cuba to conduct meetings. The IBA is now looking into organising one of its regional conferences in Cuba in the coming years. All of this is helping to reintegrate the lawyers of Cuba into the international legal community. This is a long-term project, but one where the IBA is uniquely suited to help.

During my presidency, we also established the first North American office of the IBA, in Washington DC, to support and reach out to our rapidly growing number of American members.

Also, I established two Presidential Task Forces: one on Climate Change Justice and Human Rights, the other on Human Trafficking.

Both are making a huge contribution to achieve legal redress for victims and to the overall debate.

Q What do you see as the most pressing issues for the legal profession today?

We are witnessing a fundamental change in the market for legal services internationally. The banking crisis and major financial convulsions that followed the collapse of Lehman Brothers in 2008, coupled with advances in technology, mean clients are becoming much better informed and smarter in the way they purchase legal services. Law firms around the world are facing a different and a more demanding market. Clients want legal services to be delivered in a different way that offers better value for money. The old days of having lawyers on a full-time pay and roll and charging at a fixed hourly rate are rapidly passing.

One of the problems with the established model is that when there is a downturn law firms find themselves tremendously overstretched. That led to a large number of law firms around the world trimming down their operations after 2008. But when the market recovers law firms inevitably find themselves over-stretched. Law firms are now looking into structures that offer a more imaginative way of dealing with this issue and which offer more flexible working arrangements for lawyers.

A lot of lawyers around the world are still facing enormous human rights challenges. Very often it is lawyers that head up human rights organisations for lawyers.

As a result, in some countries there has been a tendency for politicians to target lawyers and bar associations and to try to restrict their activities.

I have just been to Turkey and it is clear that the legal profession there now faces a major challenge. The Erdogan government has put a lot of pressure on the bar associations in Turkey and to some extent has tried to limit their activities to...
what they think are appropriate. That may limit the extent to which those who represent lawyers - the bar associations - can stand up and make statements on human rights issues and on political issues.

Another easy target for governments, particularly in light of austerity programmes, is to cut expenditure on courts and court funding. We see a number of countries around the world where there have been huge attacks on expenditure on legal infrastructure and on the court system.

One other challenge for the legal profession is the changes brought on by rapid advances in technology. A working group in the IBA is looking at this. Key issues here are the use of social media and the ability of governments to hack into peoples’ information. The latter is often done for legitimate security reasons, but nonetheless poses significant challenges for the legal profession in areas such as client confidentiality. We have set up specific working groups looking at these issues.

All of these subjects form part of our key sessions in Tokyo.

I hope they will also take away enlightenment from some of our major sessions. Lots of the sessions this year look at legal developments in Asia so I hope that delegates go away with a greater awareness of what is happening in Asia.

One of my presidential task forces was on human trafficking. That’s a very important issue around the world, and the IBA’s task force on human trafficking and modern slavery is putting on a major showcase in Tokyo, which I hope lots of people will go to. We also have a major showcase on climate change justice and human rights in which past US Vice-President Al Gore and Ireland’s former President Mary Robinson will take part.

We also have an important session on human rights violations in North Korea. This will look into the barbaric way in which people have been oppressed by the government of North Korea. It will be led by judge Michael Kirby from Australia, who headed the United Nations inquiry into human rights violations in North Korea.

**Very often it is lawyers that head progress on human rights issues. As a result, in some countries there has been a tendency for politicians to target lawyers and bar associations**

Q **What do you hope delegates will take away from this year’s conference?**

First of all, I hope that they take away a very good impression of Japan, which I am sure they will given the incredible support and the hospitality we are receiving from the JFBA [Japan Federation of Bar Associations] and the Host Committee.

As I said, Asia Pacific is a rapidly growing area that is of tremendous importance for the IBA. It’s very important that we are having this conference at this time in Asia.

**IBA World Cup Football Match**

Over the last few years, many highly acclaimed international lawyers have graced the world stage as defenders, midfielders, attackers and goalkeepers of the highest quality. Tokyo 2014 will provide another opportunity for the good and the great to demonstrate their sporting prowess. We have secured the Miyashita Koen Futsal Ground in Shibuya. Please wear astro trainers.

The match or matches will be played on Wednesday 22 October between 3 and 6 pm. The cost is likely to be in the region of £50, payable on the day or at the IBA registration desk at the Conference. Transport and other arrangements will be confirmed nearer the time and e-mailed to delegates who have registered an interest.

Please register your interest in playing prior to (or during) the conference week to Leonie Stevens (lstevens@petersandpeters.com) or contact Keith Oliver (keoliver@petersandpeters.com).

*All spectators will be welcome.*
MEET OUR IBA TEAM

Dr Faraj Ahnish
Managing Partner

Sadiq Jafar
Managing Partner
Dubai

Richard Briggs
Executive Partner
Dubai

Michael Lunjevich
Partner

Sameer Huda
Partner

Alan Rodgers
Partner

James Farn
Partner

www.hadefpartners.com
Abu Dhabi-Dubai
A one of the world's largest and most eclectic cities, Tokyo boasts a cacophony of contrasting, unique attractions to suit every taste. Whether visitors choose to discover the city's famous cat cafés or ancient shrines, designer shops or dancing robots, Tokyo promises to dazzle, inspire and enthrall even the most seasoned travellers.

Once a central hub for religious practice and domestic trade, Tokyo was intentionally built in a spiral as a means of confusing enemies and protecting the imperial palace. Delegates can begin their adventure in the city by visiting the Edo Tokyo museum, located in the Ryogoku district. Steeped in culture and history, the museum fascinates visitors with stories of the city's captivating past. For further exploration, The Tokyo National Museum houses an abundance of art work, antiques and archaeological objects originating from Japan and wider Asia. As the nation's oldest national museum, an afternoon spent here will be a culturally educational experience for all visitors.

Those with a taste for contemporary art should visit to the capital's main contemporary art gallery. The world famous Mori Art Museum is a cultural gem situated at the top of the stunning 54-storey skyscraper in the Roppongi entertainment district. This acclaimed gallery plays host to ambitious solo shows and inspirational thematic exhibitions all year round. Japanese cinema enthusiasts will be particularly excited to learn that Tokyo's colourful International Film Festival will be in full swing from October 23 to October 31. This year, the festival's main focus will be on animation and, specifically, Anime, the Japanese style of animated production. In recent years Anime has reached new heights of popularity in the west, particularly among teenagers and young adults.

Others may prefer to escape the hustle and bustle of the metropolis by strolling through Tokyo's Yankanka's district. As one of the only districts of Tokyo that remains undamaged post-World War II, the area is adorned with maze-like alleysways and retro scenery of Tokyo allowing visitors to catch a glimpse of old Japan. Yankanka is particularly renowned for its cemetery, offering tranquil surroundings famous for beautiful cherry blossoms covering picturesque winding paths.

As one of the most innovative cities in the world, Tokyo's attractions range from the expected to the downright weird. For instance, Tokyo's cat cafés are the city's answer to a lack of space and a love of animals. As almost 40 million people inhabit the area of greater Tokyo, many live in high-rise, tiny apartments unsuitable for four-legged friends. As a result, the bizarre craze of pet fire dancing, fan dancing, Japanese swords performance and archery to name a few.

Sky walking

For those with only an afternoon to explore the wonders of the city, the top of the Tokyo Sky Tree is an absolute must-see. The tower is the tallest in the world, reaching 634 metres, guaranteeing visitors the best panoramic views of the city. For those feeling less adventurous, the Sky Tree Town at ground level can be equally as enticing thanks to its amazing collection of feline friends. Themed cafés have taken the city by storm. Cat lovers pay up to ¥1000 ($9.50) per hour to sit in an otherwise ordinary café setting in the presence of dozens of feline friends.

The city was intentionally built in a spiral as a means of confusing enemies and protecting the imperial palace

From Anime to animals; sushi to sake, the city has something for everyone. Melissa Parvis highlights the top attractions of Tokyo

The best of Tokyo

A visit to Tokyo would not be complete without witnessing the city's lively and seductive Shinjuku district. Famous for bright lights and crowded streets, Shinjuku is one of the busiest districts in the world and home to many of Tokyo's tallest buildings. Northeast of Shinjuku station lies Kabukicho, Japan's largest red light district featuring countless restaurants, bars, nightclubs and Pachinko parlours; Japanese style arcades showcasing mechanical gaming devices similar to pinball. One of Shinjuku's most notable and recently established attractions is the world's first robot cabaret bar and restaurant. If you're searching for evening entertainment with a twist, The Robot Restaurant will certainly provide travelers with an experience to remember. Adorned with thousands of LED lights and situated in the heart of the Shinjuku, the establishment reportedly took three years to build, costing an astonishing ¥10 billion ($95 million). For a fee of ¥3000 ($28) customers can enjoy a drink and a robot show incorporating robot battles, robot boxing and robot dancing. The most popular show involves 12 giant tenbots, controlled by real-life women dressed in military style bikinis.

However delegates decide to spend their time in Tokyo, the city's contradictory mix of tradition and technology will provide an unforgettatable experience for all.
A welcoming host

As IBA president until 2012, and a crucial factor in Tokyo securing host city status for this year’s conference, Akira Kawamura will enjoy this week more than most. Here he explains what it means to see the IBA come to Tokyo, and shares his thoughts on the challenges facing the Japanese legal system.

Q You worked tirelessly during your IBA Presidency to secure Tokyo’s host city status. What does it mean to see Tokyo hosting this year’s IBA Annual Conference?

I am very pleased and humbled that Tokyo was selected to host this year’s IBA Annual IBA Conference. I am sure that the delegates will discover how well Japan has recovered and how the Japanese legal profession is being diversified on a global level. The Tokyo IBA Conference is a fantastic forum to share knowledge, and that the delegates attending from overseas jurisdictions are excellent sources to learn from about different laws and globally transferable legal skills.

Q What areas of improvement are needed within the Japanese legal system, and how could hosting the IBA conference help develop these?

One of the key words for the future development of the legal profession in Japan should be “internationalisation” or “globalisation”. In the past, the significance of these key words was only noted by a small number of legal practitioners who were counselling foreign clients. Contemporary Japanese legal practitioners however are enthusiastically looking to different markets and legal systems around the globe. The largest group of delegates that are registered to attend the Tokyo IBA Conference are Japanese lawyers. They will find that the Tokyo IBA Conference is a great success of the Tokyo IBA Conference, the first IBA Conference to be hosted in the Far Eastern region in the history of the IBA, further solidifies the move of the legal service centre to Asia.

Q Do you think that this process of globalisation is almost complete?

I think the process of globalisation will continue and further develop. The Tokyo IBA Conference is being held during one of the best seasons in Japan. The delegates will discover how well Japan has recovered and how the people have redeveloped their country after the huge tragedies of the 3.11 earthquake and tsunami.

Q How, if at all, have your personal views towards the globalisation of the profession changed over the course of your career?

When I was admitted to the bar, the legal profession was conservative and traditional and the primary role of lawyers was to serve the interests of the public as the officers of the court. I noticed a big change in the profession when I was appointed as the executive director in charge of foreign lawyer matters at the Japan Federation of Bar Associations. I was subsequently elected as the secretary general of the IBA with the support of a large number of votes and became involved in the rule making of the global legal profession in my capacity as part of the IBA Leadership.

Q What sessions are you most looking forward to at this year’s IBA Annual Conference?

There are many important sessions at this year’s IBA Conference; such as the rule of law symposium, the climate change and human rights showcase session and a number of sessions on international commercial arbitration. I am invited to speak at a session on law firm management, “Less for More”, which I trust will be very interesting.

Q What would you recommend that delegates make special effort to visit during their time in the city?

Tokyo’s varied sightseeing districts are also vibrant and entertaining shopping and dining areas. The Tokyo IBA Conference venue is conveniently situated in the middle of Tokyo’s best shopping and dining, for example Ginza and Hibiya. Shinjuku and Akihabara are also very exciting shopping and entertainment zones, both are located within Tokyo’s best sightseeing districts. To be frank, Tokyo offers some of the best places in the world to visit.
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For decades, the Democratic People’s Republic of Korea (DPRK) has been accused of pursuing policies that incite crimes against humanity. The actions have been facilitated by an inadequate response from the international community and many fear will continue until accountability is established and action is taken by other nation states. The alleged possession of chemical, biological and nuclear weapons by North Korea adds a security dimension, further complicating the matter of international intervention.

As chairman of the UN’s Commission of Inquiry on human rights violations in North Korea, Hon Michael Kirby will address the question of how those committing such crimes may be rendered accountable to international law during today’s ‘IBHARI showcase session, Human Rights in North Korea – acceptance and implementation’.

Widespread starvation and famine

The commission’s findings supported previous claims that the state enforces an absolute monopoly over information. Among other violations of human rights, the report highlighted the threat of forced disappearance, the existence of political prison camps, widespread starvation and the absence of fair trial rights.

The report underlined the practice of official discrimination. This is enforced in a system of state-assigned practice called songbun, which is used to grade individuals in a class-like structure based on assumed degree of loyalty to the supreme leader.

It is then used to determine where an individual is allowed to live, whether they are able to attend school and in particular, university, how much food they receive and even whom they might marry.

The report also concluded that the state has used, and continues to use, the supply of food and other essential resources as a means of control over the population, which has led to the avoidable deaths of millions through widespread starvation and famine.

Enforced disappearances

Those found to have engaged in major political crimes are either executed or, more commonly, victims of enforced disappearance, sentenced to imprisonment in concentration camps (kwanliso). These state actions have been specifically designed to instil fear in the wider population, pre-empting any challenge to the current system of government. Victims are incarcerated without trial or judicial order and tortured, whilst their friends and families are deliberately left uninformed of their fate.

It is estimated that the kwanliso prison camps currently hold up to 200,000 political prisoners.

One topic of particular interest to Japan was the admitted abduction of 13 Japanese nationals by agents of the DPRK. This will be discussed in detail during today’s session, along with other instances of enforced disappearance of persons from other countries as a matter of state policy. This session promises to be a lively, candid and hard-hitting debate regarding North Korea’s crimes against humanity. An in-depth examination of the extent of the atrocities being committed will be presented, along with possible resolutions that detail how those responsible for such crimes may be rendered accountable to international law.
The winners of this year's International Bar Association human rights award, pro bono award and outstanding young lawyer award have been announced. They will be presented this week.

The 2014 IBA pro bono award

Nicholas Paul is this year’s winner of the IBA’s annual pro bono award, which honours contributors for their outstanding commitment to pro bono legal work.

Paul has displayed an honourable commitment to pro bono work both globally and domestically, acting as a vehicle for access to justice where that right is not fully supported by legal aid.

Paul started practicing law as a barrister in London in 1982, specializing as a criminal defence lawyer before representing claimants in tortuous civil cases against the police for assault, false imprisonment and malicious prosecution. Paul also created an appellate practice taking on clients who were the victims of miscarriages of justice, which subsequently led to undertaking Death Row cases that came to the Privy Council from the Commonwealth Caribbean Countries.

In 1990, Paul was one of the founding members of Doughty Street Chambers, an establishment that rapidly became one of the world’s foremost human rights lawyer organizations.

Paul has taught extensively as an advocacy trainer, both in the UK and internationally. He encourages young adults from disadvantaged backgrounds to pursue legal careers, working with students from Kingston University and youth mentoring charities, SkyWay.

Paul’s dedication to pro bono work is shown through his compassion for the less fortunate. He has worked in less than favourable conditions and travelled to remote and potentially unsafe areas of developing countries to reduce costs for the pro bono clients he has assisted.

In South Africa, Paul undertook a project for the South African Human Rights Commission, which is responsible for promoting, protecting and monitoring the human rights standards in South Africa. He assisted in their request to help increase institutional efficiency and build capacity among its staff. He also delivered training at the provincial offices, providing assistance on a legal drafting assignment and mentored individual staff.

Paul has also assisted on a pro bono basis in Nigeria, providing training to senior government lawyers responsible for the prosecution of criminals. Such work is currently of critical importance with the worrying impact of Boko Haram on the security and safety of Nigeria’s children.

The award, sponsored by LexisNexis, is due to be presented at the IBA Showcase Session “We’ve all human rights lawyers now – the convergence of business and human rights and what it means to you” today at 9.30 am in Hall BS-2.

The 2014 human rights award

The winner of this year’s IBAs human rights award has made exceptional contributions to the promotion of good governance and accountability in Bangladesh. Adilur Rahman Khan is an advocate of the Supreme Court of Bangladesh, a founder and the secretary of the human rights organization Odhikar and former deputy attorney general for Bangladesh. The award will be presented by IBA President, Michael Reynolds during the Rule of Law Symposium, on Friday at 10am, Hall BS-2.

Khan is a Bangladeshi national with a masters in law from both Dhaka University in Bangladesh and Vrije Universiteit in Belgium. While a law student at Dhaka University, Khan was a student activist and former deputy attorney general for Bangladesh. The award will be presented by IBA President, Michael Reynolds during the Rule of Law Symposium, on Friday at 10am, Hall BS-2.

Khan is a Bangladeshi national with a masters in law from both Dhaka University in Bangladesh and Vrije Universiteit in Belgium. While a law student at Dhaka University, Khan was a student activist and former deputy attorney general for Bangladesh.

In 1994, he helped found Odhikar, a human rights organisation that strives to enforce basic principles of human rights and social justice in Bangladesh. As a prominent activist and current secretary of Odhikar, Khan has helped lead the organisation’s operations through non-partisan, consistent and unbiased human rights reporting. Among other projects, he has promoted the advancement of human rights in Bangladesh through international campaigns, extensive fact-finding and reports to protect vulnerable people from violence and ill-treatment.

Subsequently, the Dhaka Metropolitan Police confirmed that Khan had been arrested over allegedly violating the Information and Communication Technology Act after releasing a report prepared by his charity. The report accused law enforcement agencies of police brutality that resulted in the massacre of 61 civilians during a protest lead by Islamic activists in Dhaka, May 5 2013. Khan has since been released on bail but the charges against him are pending.

The 2014 outstanding young lawyer of the year

The IBAs young lawyers’ committee’s outstanding young lawyer of the year award in recognition of William Reece Smith Jr will be presented this year to Marta Belen Espiñeira, maritime lawyer and partner at International Transport & Logistic Legal Consultants.

Espiñeira graduated with a masters in international maritime law from Swansea University, where she gained a distinction. She then began working for leading maritime law firms in Argentina before establishing her own legal consultancy, International Transport & Logistic Legal Consultants. As a boutique maritime law firm, the organisation has grown exceptionally well, advising clients both from Argentina and around the world.

In addition to her professional success, Espiñeira has been an ad honorem lecturer of maritime law at the Faculty of Law at the University of Buenos Aires for the past six years. Her university appointment is without remuneration, which she discharges with dedication and for the sole purpose of communicating her knowledge and understanding of the subject she cherishes most.

“I do it because it’s rewarding to provide students with humble guidelines for success and tools for their future careers and professional development,” she says, “Their feedback is the best reward.”

As founder and president of WISTA Argentina (Women’s International Shipping and Trading Association), Espiñeira has also excelled in her dedication to charitable works. WISTA is a non-profit organisation well known in the Argentinean shipping industry, supporting and encouraging women forging a career in the legal maritime sector.

WISTA attempts to promote the opportunities available to women in a traditionally masculine-orientated area of law, incorporating women into the shipping industry by encouraging them to occupy managerial positions.

For five years, she has also been providing pro-bono legal advice to the association AMAR, a non-profitable body that provides care and housing for people with severe mental disabilities, as well as support and guidance for their families. AMAR also runs a Tango Dance School for people with intellectual and sensory disabilities.

“LexisNexis is extremely proud to partner with the IBA on these very important and meaningful awards. We congratulate the 2014 honorees and we commend each for their commitment and dedication. We also have a higher purpose that encompasses both our commercial work and our actions as a responsible corporate citizen, that purpose is to advance the rule of law around the world. These awards inspire lawyers to pursue these same values and recognise outstanding individuals for their commitment to society.”

Ian McDougall, EVP and general counsel, LexisNexis Legal & Professional Services.
The internet plays host to a wealth of opportunities. Some are legitimate, many are not. But the lack of regulation online makes the internet an open stage for cyber criminals to anonymously launder money with little consequence.

Online role playing games such as Second Life and World of Warcraft provide a simple means for illicit activity. By opening multiple accounts and exchanging gaming currencies for real currency in different countries, moving dirty money online has never been simpler.

Whilst virtual currencies such as Bitcoin and WebMoney are widely used by legitimate business, they may also be used to transfer money illegally and anonymously. And this means of payment is being increasingly used to assist gangs to launder dirty money and deal drugs on a global scale.

Cyber criminals are progressively turning to the opportunities present in micro money laundering through sites such as PayPal or eBay. As online and mobile micro-payment means are interconnected with traditional payment services, funds can effortlessly be moved to or from a variety of payment methods without trace.

Cyber criminals are proving difficult to catch, too. The anonymous nature of the internet and the ever-evolving number of technologies available is causing law enforcement agencies to struggle. The exponential rate of change in the virtual world is forever widening the possibilities available to online criminals to engage in illegal activity, whilst the lack of reactivity in legislation change burdens any quick-fix resolution to these problems.

Scheduled speaker, Monty Raphael QC who will feature at this afternoon’s session, ‘Breaking Bad: Money laundering issues with online gaming, virtual currency and other techniques’, outlines why this topic is so important in the global context.

The first step in preventing the spread of cyber crime is easy to make: “Law enforcement needs to be better aware of the problem,” he claims. But a harmonised approach is key, with cross-border cooperation crucial. “The measures outlined [in the session] need to be implemented globally to stamp out the illegal activity we see online.”

Most legislation that combats money laundering was established in the 1980s, making the processes currently used outdated. Regulatory regimes are changing but progress is slow and relies on international agreement.

Today’s session will also focus on the problems faced by legitimate commercial bodies when protecting their intellectual property. Cyber space is international in nature, whereas countries are attempting to tackle the issue from a domestic perspective. The session will address the prevention and regulation of this form of crime from an international outlook, underlining the limitations of current domestic law enforcement.

According to Raphael, the first step in preventing the spread of cyber crime is easy to make: “Law enforcement needs to be better aware of the problem,” he claims. But a harmonised approach is key, with cross-border cooperation crucial. “The measures outlined [in the session] need to be implemented globally to stamp out the illegal activity we see online.”

The lack of legal framework is enabling online money laundering to flourish. Melissa Parvis examines the problem ahead to today’s session, ‘Broken Bad’.
Conflict under the spotlight

During today’s ‘A conversation with...’ session, three experts in international and domestic law will debate the 2014 Ukrainian revolution, the annexation of Crimea, and possible next steps.

The situation between Ukraine and Russia escalated last November, when then-President of Ukraine Viktor Yanukovych rejected a far-reaching agreement with the European Union (EU), instead favouring deeper ties with Russia.

This sparked protests in Kiev, which gradually intensified. And soon after, Russian President Vladimir Putin ordered troops to move from Russia to Crimea, which gradually intensified. And so on, then I think that we have the foundations for peace in the region.

“It involves some very delicate security concerns,” he told the IBA Daily News during a telephone conference. “The powers involved, namely Russia, the US, Ukraine, and NATO, must conduct negotiations in quiet diplomacy.”

“The US needs to negotiate directly with Russia to satisfy Russia’s security concerns on the one hand,” he continued. “But negotiations must also work to ensure the integrity and sovereignty of Crimea.”

Professor Bassiouni will also be answering questions during tomorrow’s ‘A Conversation with...’ session. He will provide an update on the Middle East situation, and the complexity of competing forces in the region.

“The linkpin of stability in the Arab world is going to be the situation in Syria and the new government in Iraq,” says Bassiouni.

“This is a conflict that has been going on for more than three years, with more than 200,000 people killed and in excess of six million refugees,” he adds. “It is probably one of the worst conflicts in history and yet the international community has not addressed the proper solution to it.”

Bassiouni advocates a multi-faceted strategy that included both a military response and an ideological battle for the hearts and minds of the people.

“Muslim leaders from all over the world must be enlisted to stand up against the misappropriation of Islam by extremists so that we can stop the flow of people who join these groups,” says Bassiouni. Bassiouni will also discuss possible solutions to the Israeli-Palestinian situation. “We must develop a new approach that involves a regional economic development programme for Israel, Palestine, Jordan and the southern Sinai in the same way the Europeans have looked at the EU,” he says.

“If we can develop a programme that involves sharing water resources, sharing electricity and so on, then I think that we have the foundations for peace in the region.”

Where is the next offshore RMB hub?

Cities around the world are looking to replicate Hong Kong’s success as an offshore RMB hub. Here are the top contenders.

SINGAPORE – THE SHORT-TERM WINNER

With 33.3% of the vote, Singapore is hot on London’s heels. And some who believe the UK capital will win hands down admit the Southeast Asian city-state could prevail for as long as the flow of currency is driven by settlement. The region’s FX hub is buoyed by Asian businesses being the most active in settling trades with Chinese entities, as well as its number of RMB issuers and investment turnover. It is also leading London in the clearing stakes, with the Industrial and Commercial Bank of China’s local branch launching clearing services in May 2013.

BEST OF THE REST

The next most popular hubs are Luxembourg, Taipei and Zurich. But there is a cluster of other contenders that will need some RMB capability simply because they will be buying and selling with China. “The fact is that anyone who trades with China will need to have deep RMB markets and an ability to trade back into the Chinese payment systems,” says one respondent.

While Luxembourg doesn’t have the infrastructure to pose a serious threat to London as Europe’s hub, its reputation as a capital markets centre is an advantage. “It was an important hub for eurobonds when they first developed, and offshore RMB bonds are actually very similar instruments,” says one Hong Kong partner. The first European dim sum bond was listed on the Luxembourg Stock Exchange in May 2011 and it is still the continent’s most popular listing venue for offshore RMB bonds.

Paris is another interesting eurozone competitor. “It has a nice little niche because of its relationshio with francophone Africa, which will become increasingly important in RMB,” says one trade association source. These countries still have strong links to the French banking system, and Parisian branches could well serve their Chinese business.
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