Guests welcomed with a taste of Prague’s past

This year’s IBA conference in Prague will be the biggest yet, with a record number of delegates from as many as 126 different jurisdictions in total. Including day delegates, attendance is likely to exceed 4,000 – an increase of more than 50% on last year’s conference in Auckland, New Zealand. Much of the growth in numbers has come from England and the US, with the number of lawyers from those two countries alone almost doubling on last year. The largest single contingent has come from England, numbering 490 delegates. The US is the next largest with 469 lawyers attending the conference this week.

“Prague itself is a key factor,” said Tim Hughes, IBA director of marketing and public relations. “It’s such a beautiful city.” This is the first IBA conference to be held in Europe since the Amsterdam conference in 2000.

The growing importance of cross-border transactions has also driven numbers up, said Hughes. “It used to be that only a small number of firms operated internationally. But now lawyers in firms focused mainly on domestic work need to be aware of cross-border issues,” he said.

A record number of jurisdictions will be represented this year, which Hughes attributes to the IBA’s increased marketing efforts and growing public profile. The IBA’s press team now receives about five or six inquiries from world press every day, he said.

Delegates this year include two lawyers from Iraq as well as representatives from Tajikistan, Sudan and Aruba. First-time delegate Avianto Perdhana travelled from Indonesia after receiving a personal invitation from Jeffrey Peterson, chair of the aviation law committee.

Perdhana, a partner at Jueves & Partners, said: “For me it’s a long, long way but no problem. Prague is a nice city and I’m interested in the aviation law sessions they have here.”

High-profile individuals at the conference this year include Sigmund Jaehn, East Germany’s first man in space and Luis Moreno-Ocampo, chief prosecutor at the International Criminal Court at The Hague. Notable corporate counsel speakers include Keith Clark, international general counsel at Morgan Stanley and ex-managing partner of Clifford Chance. Corporate counsel from British Telecom, Microsoft, Starbucks, Nokia and Shell will join him. “We have a more active corporate counsel committee but private practice remains at the core of the delegate base,” said Hughes.

Peter Goldsmith, the attorney-general for England and Wales and judge Michael Fysh of the Patents County Court in the UK, will also be present this week. Goldsmith will address the conference on the rule of law.

Delegate numbers soar

A total of 500 delegates attended the conference in Prague. The number of delegates from England and the US has increased significantly compared to last year. The chart below shows the number of delegates from different countries.
Singing goodbye to the SBL

In full voice: members of the former Section on Business Law

Over 150 lawyers sang farewell to the Section on Business Law at a dinner in Trója Chateau on Saturday evening.

IBA president Francis Neate, together with the former chairman of the Section on Business Law, led the chorus of "Farewell to the SBL" in the grand hall of the 17th-century chateau. All those present stood to sing the lament, to the tune of the French national anthem, La Marseillaise. The Section on Business Law ceased to exist after the IBA was restructured in 2004 creating the Legal Practice Division and the Public and Professional Interest Division.

Neate said the SBL had represented the best of international business law practice, encouraging civility between lawyers who are often in competition with each other. He called on those present to remember their higher calling.

"The rule of law and a transparent legal framework are the foundation of a civilized society," Neate said. "It is high time lawyers started beating their own drum. The world cannot afford to ignore us."

George Seward, a partner at Seward & Kissel who founded the Section on Business Law in 1970 and is now honorary president of the Legal Practice Division, was presented with a framed roster of the previous chairmen in recognition of his services.

In his acceptance speech, Seward said the SBL had realized his dreams of a world organization of business lawyers. He said its greatest accomplishment was "creating long-lasting friendships."

He also declared himself "ambivalent" about the IBA statement that the Section had gone for ever. "The SBL is fixed so firmly in our minds and hearts, that like a musical tune, it is not erasable," he said.

"Thirty-five years of memories and accomplishments will be difficult to put aside." He was then given a standing ovation.

Neate also praised the efforts of past and present directors of the IBA. He thanked Madeleine May for her 15 years of service as executive director, and Rachel Young, deputy executive director until 2002, for her influence on the development of the IBA. He then described Annie Dunster, present deputy executive, as "totally indispensable" and executive director Mark Ellis as someone who had "increased the capability of the Human Rights Institute several thousand-fold."

Neate then spoke of his personal ambition to have staff take more responsibility in leadership roles within the IBA.

The six-course dinner was served in the chateau’s Baroque grand hall, painted from floor to ceiling with a colourful mural depicting the triumph of Emperor Leopold I and the struggles of Western Christendom.

For members of the Section on Business Law who were unable to attend the dinner, the full words to the song appear below:

Farewell to the SBL
(to the tune of La Marseillaise)

It was back in 1970
Thirty-five long years ago
That the SBL was created
IBA began to grow
IBA began to grow
George's dream turned into action
We all took the torch in our turn
But now its time to say goodbye
As we wipe a tear from every eye
Farewell the SBL!
Farewell the SBL!
Remember it well - the SBL
Farewell the SBL!
The president’s choice

IBA president Francis Neate picks out the must-see sessions of the conference and outlines his goals for the IBA during his tenure as president.

Speaking to the IBA Daily News ahead of their week’s meeting, Neate said: “We have established a Bar Issues Commission to help protect the core values of the legal profession. The IBA must take the lead on this issue, especially as money-laundering legislation has weakened legal privilege and lawyers are being forced into the role of gatekeeper. The world needs to understand what the rule of law means and what basic principles the legal profession needs.”

Neate will also this week unveil an IBA campaign to raise awareness of the need to protect the rule of law, starting with a resolution put to the IBA council and continuing through discussion and events held in collaboration with member bar associations. “Judges should not have to bow down to politicians,” he says. Of course, Neate also plans to attend a number of must-see sessions. Here he gives his pick of the week.

Don’t miss
Enforcement of EU law and competition law by private parties (10:30am to 12:30pm, Monday)
“The ordinary competition lawyer is expected to be able to advise his clients on a worldwide basis, which is incredible when you think that competition law only emerged as a stand-alone practice area 25 years ago.”

How far can laws reach? The problem of extraterritoriality (9:30am to 12:30pm, Wednesday)
“We appear to be at a turning point where a world of national jurisdictions no longer fully answers either the scale and complexity of international trade or the pressing needs for protection, justice and legal process in dealing with globalized crime or terror. But some of the first major extraterritorial legislation of our time, whether commercially driven, such as Sarbanes-Oxley, or designed by governments to counter terrorism, appears to fall short of the ideal.”

Investigations and enforcement proceedings: what to do when the regulator comes calling (2:00pm to 5:00pm, Wednesday)
“So few lawyers have any experience of what to do when this happens and, believe me, when it does you have to get the first couple of days exactly right in terms of what you do and say. Again, the presence of speakers of the quality of Robert Joffe at Cravath will ensure we get real perspectives from direct experience.”

Private equity: what to do? What not to do? (2:00pm to 5:00pm, Wednesday)
“This session will pick up on some of the problems and potential conflicts that come up in this increasingly hot practice area. It’s a fast-evolving specialization and delegates should take advantage of the session to get up to speed. My partner Stuart Mills has crafted a fascinating case study that will give practitioners a lot to think about.”

European Court of Human Rights for the business lawyer (9:30am to 12:30pm, Thursday)
“The case of someone such as Mikhail Khodorkovsky in Russia raises the question of applying human rights laws in a business law context and also feeds into questions surrounding corporate social responsibility and corporate governance. Anyone dealing with these topics should attend this session.”

The week ahead

IBA president Francis Neate picks out the must-see sessions of the conference and outlines his goals for the IBA during his tenure as president.

Francis Neate

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International law must bind the powerful too, says judge

Judge Richard Goldstone, leader of the UN’s Oil for Food investigation, will speak this week on the restructuring of the UN and the reach of the rule of law. Michael Evans profiles a career spent defending human rights.

Judge Richard Goldstone is no stranger to controversial, high-profile appointments. He has most recently been in the media as one of the authors of an independent report, published this month, criticizing the operation of the UN’s $64 billion Oil for Food programme in Iraq.

He has had a varied and prestigious career, encompassing almost a decade as a justice of the Constitutional Court of South Africa and a stint as chief prosecutor of the United Nations International War Crimes Tribunal for the former Yugoslavia and for Rwanda.

In the early 1990s Goldstone chaired what became known as the Goldstone Commission: the South African Commission of Inquiry Regarding Public Violence and Intimidation. The Commission exposed the criminal acts, including murder, undertaken by factions of the South African police force under apartheid. The Commission concluded in 1992 that secret police cells and military officials had effectively waged a war on the African National Congress over its attempts to end apartheid.

In response to the report, the then president of South Africa, FW de Klerk, presurreed 23 senior military figures to retire.

Goldstone’s commitment to reform remains undimmed, as shown most recently by his involvement in the high-profile investigation into the UN’s Oil for Food programme, which, after a year-long inquiry, declared that the programme had failed to manage the programme properly.

He will speak at Wednesday’s showcase session on extraterritoriality as part of a panel that also includes UK attorney-general Peter Goldsmith, Shell managing counsel Thomas Brandt and EU Competition Commission adviser Olivier Guersent.

Judge Goldstone will also speak at today’s session on restructuring the UN.

After an engagement as high-profile the Oil for Food report, Goldstone is in Prague addressing a topic that he maintains is of utmost importance to society: supra-national authority and its conflicts with national law.

“One has to look at each situation that raises the question of extraterritoriality,” says Goldstone. “This is in terms of serious war crimes and genocide, universal jurisdiction is a good thing, but there are many instances where it can be abused.”

Many countries now claim jurisdiction over other sovereignties in matters of law. Examples include US antitrust law and legislation such as the Sarbanes-Oxley Act and the EU Privacy Directive. Competition and antitrust law has always been international, but globalization is creating an increasing number of clashes between national legal systems.

In criminal and civil law, the war on terror creates continuing extradition problems, as do clashes between human rights treaties and tough anti-terrorism laws created since September 11 2001. Whether in a business or criminal context, Goldstone believes the UN is the only suitable forum for debating and dealing with this issue.

“The international legal profession must place extraterritoriality in a rational context and that must be in the context of modern criminal and civil law and more serious violations of international law. That includes war crimes and genocide,” he says. “We need a new international treaty dealing with this subject and the UN is the only appropriate forum to consider one.”

At present there is no such treaty, meaning that internationally accepted institutions such as the International Criminal Court are hamstringing by the unilateral refusal by some countries (in this case the US) to accept their jurisdiction.

The US is wrong to reject the idea of the International Criminal Court having jurisdiction over US nationals, says Goldstone. “International law must bind the powerful just as much as the weak and it is in the interests of both the weak and the powerful to have the rule of law.”

Having held powers rare in the international legal community (as chair of the Goldstone Commission he was able to order his own investigators to search and seize anywhere in South Africa), he understands this maxim better than most.

Judge Goldstone will be speaking at R restructuring the UN’s Oil for Food programme, at 9:30am today and at 2:00pm tomorrow. He has an afternoon meeting at 5:00pm, today.

“In terms of serious war crimes and genocide, universal jurisdiction is a good thing”

Richard Goldstone

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One might expect that tales of collapsed talks, lawyer walkouts and even dissolved partnerships would discourage firms from pursuing mergers, but of course this is not the case. The economic incentive to merge remains strong and few firms are immune to the dictates of the market. According to Hildebrandt International, a professional services consulting firm, there were 33 mergers involving US law firms in the first two quarters of 2005. This is on course to exceed comfortably last year’s total of 47 mergers, though it is likely to remain short of 2001, when a record-breaking 82 deals were completed.

Most deals this year have been acquisitions or combinations of smaller firms with larger partnerships, although there have been high-profile examples of mergers between equals, including transatlantic deals. On January 1 London-based DLA, with more than 1,000 lawyers, merged with Piper Rudnick and California’s Gray Cary Ware & Freidenrich to create a firm with around 2,800 lawyers. This year has also seen the merger of US firm Kirkpatrick & Lockhart, with more than 800 lawyers, with the UK’s Nicholson Graham & Jones, which had more than 100.

Despite, or perhaps because of, fluctuations in the global economy, firms are continuing to feel the pressure to merge. The logic is familiar: as corporate clients grow and operate increasingly on a multinational basis, so firms are expected to offer a broader range of services, often with a high-turnover, process-driven approach, in a growing range of locations. As more and more firms follow this drive, it becomes harder for those left behind to attract the more profitable work and to support the costs of their own infrastructure, indemnity and compensation.

The result is an almost tangible squeeze, particularly on mid-sized firms. According to Giles Pugh, a consultant at Hildebrandt’s London office and a former director of strategy for Linklaters, a fifth of London-based mid-size firms have disappeared in the past three years. Of the 80 such firms he surveyed in 2002, 14 have been acquired by larger firms, and several others have either collapsed, are considering dissolving or are in merger talks.

This pressure affects not just UK and US firms but also firms in continental Europe, Latin America and Asia. It also affects larger firms that want to gain strategic holds in new geographical markets. For those firms, mergers often offer the most positive outcomes, making them all the more attractive. A 2002 survey by consulting firm Altman Weil found that, of 17 mergers involving more than 300 lawyers, 11 had increased profits per partner (PPP) in the first year. In the second post-merger year 14 had higher PPPs over the previous year, and none had reduced PPPs.

The challenge for firms who have decided they want to merge is two-fold: to find a suitable merger partner, and...
then to make the tie-up work. According to consultants who advise law firms on strategic moves such as mergers, law firms as a whole have become much more successful at the first, but still need to work on the second. Across the profession, the past 10 to 15 years have seen a rapid increase in the sophistication with which firms approach strategy, marketing and service provision in general. A number of U.K. and U.S. firms that focus on financial transactions work have turned themselves into acquisitive and increasingly corporate-looking businesses. But not all of their mergers and acquisitions have been completely successful, just as not all of their clients’ deals turn out as hoped.

“The firms that do well are those that spend a lot of time and money in convincing themselves that there is a business case for the merger beyond simply becoming bigger,” says Thomas Clay, a principal with Altman Weil. Firms learn from watching each other’s mistakes, but many still forget that bigger is not always better, warn Altman Weil. Firms learn from watching each other’s mistakes, but many still forget that bigger does not always equate to success.

In 2000 Clifford Chance completed one of the most audacious, and certainly the most high profile, law firm mergers when it combined with Rogers & Wells. The deal created a firm of almost 3,000 lawyers and seemed likely to spark a rush of transatlantic mergers between the leading firms of New York and London.

Five years on, things have not turned out entirely as expected. Although there have been notable mergers involving high-ranking firms, the remaining members of the UK’s so-called Magic Circle have shied away from following in Clifford Chance’s footsteps. Clifford Chance itself, while continuing to be one of the world’s pre-eminent corporate firms, has run a rocky road in its US operations. A string of leading partners have left the firm since the merger, including the firm’s then-deputy managing partner for the Americas, its co-head of banking and insolvency for the region, and regional heads of litigation and antitrust. Tie-ups with three west coast offices of the defunct Brobeck Phleger & Harrison also collapsed. In any case the year this firm’s global managing partner, Peter Cornell, moved to New York in the hope of setting the ship. Despite the defections, Clifford Chance still has a successful US practice of almost 300 lawyers, including 63 partners, far more than the local practices of its closest City rivals Allen & Overy, Linklaters and Freshfields Bruckhaus Deringer, each of which has between 20 and 30 US-based partners.

Clifford Chance’s story highlights some of the difficulties inherent in merging US and UK firms, which often have starkly different cultures. The firm eschewed outside advisors, instead deploying a core team of around 12 lawyers from each side to work on the details of the merger. Cornell, who was Clifford Chance European managing partner at the time, admits that, despite having a relatively large number of partners directly working on the merger, controlling the flow of information within the firm remained a consideration. “We had to consider the possibility of leaks during the consultation period. If it got out there too early the deal was over,” he says.

UK firms, which largely stick to the lockstep model, can be an awkward fit with US firms using eat-what-you-kill compensation packages. Clifford Chance agreed to modify its lockstep to accommodate certain US partners with more than the local practice of its closest City partners who are high-flying Rogers & Wells partners in the short term while boosting profitability across the board. The failure of this compromise to keep all of the legacy Rogers & Wells partners happy is evident in a number of the recent departures, although Cornell is hopeful that most of the lingering issues have been resolved. “In retrospect there were people at both legacy firms who never really thought about all the consequences of adopting a lockstep system of course there will always be cultural issues in any merger and you need to discuss this sort of thing very thoroughly as the integration takes place,” says Cornell.

The difficulties in cementing a transatlantic merger are not helped by the challenges of keeping in touch. “We recognized that there was a lot to do, the same as there had been with mergers in Europe, of which we had a lot of experience,” says Cornell. “But perhaps we underestimated the effects of physical distance. It requires more of an effort if you’re not seeing these guys on a weekly basis.”

The Americans are coming

When Mayer Brown & Platt and Rowe & Maw merged in early 2002 it was the largest move into the US. The new firm found itself with more than 250 lawyers, the most significant team of English-qualified lawyers among any US firm. Its newly combined European practice of 300 lawyers stood alongside 1,000 based in the US. Negotiations took the better part of a year to complete, although there were just days between the merger being approved and it coming into effect. Mayer Brown’s 11-member policy and planning committee was involved on the US firm’s side, while Rowe & Maw’s full board represented the UK firm. “The advantage of having lots of people involved in the negotiations is that what you lose in efficiency you make up for in what you learn,” says Debora de Hoyos, managing partner of Mayer Brown and now of Mayer Brown Rowe & Maw.

Although each side was given audited financial results for the other and took some legal advice, the two firms opted not to use consultants. “We wanted to work through the hard issues ourselves. If we could do that we knew we could be partners together,” says de Hoyos. Consultation within the partner ship took place within a “broadening circle of people,” including all practice leaders and others. By the time the vote was called, however, only a minority of partners had discussed the merger.

Rowe & Maw already had a modified lockstep, which helped matters, says de Hoyos. The lengthy talks helped the firms to get to know each other, and having a number of clients in common meant that a number of the lawyers had worked together in the past. “Integration, whether you’re a law firm or a widget manufacturer, is the most difficult part of a merger,” says de Hoyos. A large, multi-office, multi-jurisdictional firm is constantly at the stage of integrating itself.”
One of the ways firms can help avoid a strategic misstep is to increase communication between partners before the merger, and to consult with clients to make sure they see the potential benefits of the link-up, although doing so is not always possible. "Clients often feel left out of the loop," says Pippa Blakemore of the PEP Partnership. "It here needs to be more communication of what the implications are for each client, before, during and after a merger." It is wise, however, to avoid giving the impression to clients that worrying about the next strategic move is taking its lawyers' minds and energies away from their work. "Clients get very unhappy with firms that are preoccupied with mergers," says Blakemore.

Above all, however, firms need to pay attention to how they implement the deal once it has been agreed on. "Integration remains the poor stepchild to deal making," says Thomas Clay. He warns that firms often sign a merger agreement and think that is the end of the story. The reality is that years of painstaking and often expensive work could be needed to make sure the two firms work well together. Integration involves more than sharing computer systems and letterheads, and encompasses sometimes intangible elements of the two firms' cultures. Although this is less so when a smaller fir is absorbed into a larger group, the same principle applies.

Who's the boss?

Consultants are often brought in either to help firms select suitable merger candidates, or to advise them during the negotiation and implementation process. Although this is an increasingly important element of merger practice, many firms choose to go it alone or to use outside help in a junior or ad hoc capacity. This perhaps reflects the continuing tension for many in the industry between a desire for firms to succeed as modern, quasi-corporate entities and their belief in the value of the professional partnership.

This tension lies at the heart of the merger question for an increasing number of firms. Specifically, it concerns the way law firms are managed (and by whom). Leadership is a vital component of a successful merger, from the selection of a target to the smooth negotiations and implementation. The law firm as a traditional professional partnership, where each partner is a joint owner and leader of the business, is in decline. As firms grow, the partnership becomes more diffuse and different styles of management, often modelled on corporations, are needed. Larger firms are developing management structures and roles separate from the general partnership. In July, for example, David Childs of Clifford Chance stepped down as head of the firm’s corporate practice to focus on his role as chief operating officer. The adoption of limited liability partnership (LLP) status by a growing number of firms is also seen as evidence of a move towards corporate structures.

How these developments in leadership roles will affect the way firms approach strategic decisions such as mergers is not fully understood. Ashish Nanda is concerned that firms might become driven by self-interest and not by the needs of their lawyers. "When firms were small, managing partners acted like owners," says Nanda. "Now there is a risk that senior partners might participate in mergers that serve their interests more than those of the firm as a whole."

Others disagree, pointing to the high approval rates that most mergers receive when put to partner votes. "I'm not convinced that LLP status makes much difference to the way firms manage themselves," says Giles Pugh. "They could become corporations and still run as partnerships. It's not so much about where power is vested, it depends on attitudes, culture and behaviour."

For the moment, considerations of corporate-style leadership only affect a narrow group of large firms, whose partners might have to decide whether to accept reduced input into firm policy in return for potential larger profits. But regardless of size, most firms need to consider how they are run. "Our partners won't follow us into larger mergers and other bold endeavours unless we communicate well with them and are able to make a well thought-out business case," says Deborah de Hoyos, managing partner at Mayer Brown Rowe & Maw, who three years ago led her firm through a large transatlantic merger.

How far consolidation in the legal profession can go is another unanswered question. Conflict rules and other considerations would suggest that the market could never consolidate into a just a handful of major firms has appeared among auditors. That said, consultants say they expect to see a continuing flow of deals at all levels of the market but particularly in mid-sized firms, and perhaps in civil law jurisdictions where there has not yet been the same level of consolidation. All of them, however, will need to make sure that heading down the aisle with a merger partner is the right thing to do - and make sure they put the right effort into the relationship when they get there.

“Integration remains the poor stepchild to deal making”
TALLINN

RIGA

VILNIUS

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Today’s schedule

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<td>1130 - 1300</td>
<td>International Bar Association Foundation</td>
<td>Terrace 1, PCC</td>
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<td>Open Forum and Reception</td>
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<td>Lunch</td>
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<td>1230 - 1400</td>
<td>Advancing collective rights in international courts</td>
<td>Shannon &amp; Clyde</td>
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<td>Compensation for management and directors in M&amp;A transactions</td>
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<td>Complaints procedures and disciplinary procedures</td>
<td>Meeting Room 4.2, PCC</td>
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<td>Developments relating to investment funds in the emerging EU accession jurisdictions</td>
<td>Meeting Hall N, PCC</td>
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<td>Do all historic sites deserve preservation?</td>
<td>Club D, PCC</td>
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<td>Where do we draw the line between contemporary developments and the needs of the past, and who decides?</td>
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<td>Doctors, nurses and scientists without borders – S-well &amp; Thames</td>
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<td>international work visa options for health</td>
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<td>EU accession – new risks</td>
<td>Club H, PCC</td>
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<td>Afternoon</td>
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<td>1400 - 1700</td>
<td>EU developments and accession issues and more</td>
<td>Club A, PCC</td>
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<td>Exclusive choice of court agreements: will the Hague Convention do for international litigation</td>
<td>North Hall, PCC</td>
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<td>the New York Convention did for arbitration?</td>
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<td>Internet governance: issues to be considered by the World Summit on the Information Society</td>
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<td>Mercosur: evidence and burden of proof</td>
<td>Small Hall, PCC</td>
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<td>Oil pollution – inexpensive prevention or a costly</td>
<td>Conference Hall, PCC</td>
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<td>cure? The Prestige disaster revisited</td>
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<td>Product recycling and waste management</td>
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<td>public-private partnership – the removal of barriers</td>
<td>Chamber Hall, PCC</td>
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<td>Regulatory issues encountered by airlines in the new EU States</td>
<td>Small Theatre, PCC</td>
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<td>Restructuring of the United Nations</td>
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<td>Revolution of the retired – the Prudent Person</td>
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<td>Terrorism – constraints on the media</td>
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<td>The politically exposed person as looter: Part I</td>
<td>Club B, PCC</td>
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<td>Women lawyers in international regulatory and transactional counselling</td>
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<td>Evening</td>
<td>DISPUTE RESOLUTION SECTION CONCERN</td>
<td>Church of St John and St Juda</td>
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<td>1830 - 1945</td>
<td>Reception hosted by the Czech Bar Association</td>
<td>Prague Castle</td>
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<td>and Czech law firms</td>
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<td>Section on Energy, Environment, Natural</td>
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<td>Resources and Infrastructure Law dinner</td>
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<td>2030</td>
<td>Committees on Business Organisations and Mlynec</td>
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<td>Closely Held and Growing Business Enterprises joint dinner</td>
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Funds appeal (continued from page 2)

and education programme in relation to the International Criminal Court (ICC). The programme includes sending observers to monitor ICC proceedings and provide performance feedback. The aim is to increase public knowledge about the ICC and overcome any problems that are identified in running international criminal proceedings, said Paterson.

When the IBA set up its Task Force on International Terrorism after the events of September 11 2001, the HRI was also invited to make submissions on issues such as jurisdiction over Guantanamo Bay detainees and to comment on anti-terrorism legislation. A sign of the HRI’s influence is its position as an important voice in the media, said Ellis: “Because of its international scope and ability to field human rights experts from any part of the world, the HRI has a credibility that makes the media want our opinion and people want to listen to us.”

O ver the years the HRI has grown from an initial staff of three to 10, half of whom are legal practitioners. The increase in personnel has boosted the HRI’s ability to promote and support the rule of law worldwide, said Ellis. “Even the most developed countries can fail to maintain their commitment to the fundamental principles of law. Therefore we look at all countries where that foundation has been weakened.”

Due to the nature of the HRI’s work, it is important for the Institute to be able to move quickly in crises where the basic tenets of the rule of law have been affected. To do so, the HRI has developed a rapid response mechanism that can assemble and dispatch a team to jurisdictions where the rule of law has unexpectedly deteriorated or the independence of the judiciary has been compromised. The mechanism was first used in Zimbabwe and drew international media attention to the country’s legal crisis.

At the same time, to date, the HRI has sent 16 fact-finding missions around the world. “We go in, establish contacts, identify the main issues or problems, and raise funding to tackle them with a view to longer-term growth,” said Paterson.

The HRI has also played a role in rebuilding the legal infrastructure of countries emerging from conflict such as Afghanistan, Liberia and Iraq. An important part of this is working with local bar associations to develop their resources to enable them to uphold human rights and the rule of law. Ellis added: “The IBA has been first and foremost an organization of business attorneys but without its support, the HRI would not have been able to expand its efforts. I think that the IBA members have recognized that in order to have a functioning market economy, it is important to have a society based on the rule of law so it is in everyone’s best interests for the HRI to expand its activities in this area.”
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