

# The IBA Conference Vienna 2015

Last week 6,000 lawyers gathered from around the world in the historic city of Vienna capital of Austria for the Annual Conference of the International Bar Association (IBA). 135 countries were represented with over 200 working sessions making it the largest gathering of international legal professionals in the world. Coming to Vienna home to world famous classical musicians such as Franz Schubert, Johann Strauss, Wolfgang Mozart, Gustav Mahler and Ludwig van Beethoven, artists including Gustav Klimt and Otto Wagner, the philosopher Ludwig Wittgenstein and the famous psychoanalyst Sigmund Freud one cannot but see an exciting passionate city known for its music, culture, architecture and art. The baroque buildings were a sight to behold, the cobbled stoned city centre taking one to another era and as I weaved in out of antique shops, appreciating treasures all around one could not but imagine what an amazing culture that did and still exists in Vienna. I noticed however that the antique shops had the most amazing collection of unique corals like I have never seen before as well as stunning artwork and silverware. In one particular shop I was rather impressed by the elderly gentleman who gave a percentage of his sales to a hospital that takes care of his health for free amazing and heartwarming story.

Vienna is also the seat of numerous international organisations including OPEC, the UN and the international Atomic Energy Agency. Thoughtfully the Nigerian Bar Association organised tours to OPEC headquarters for its delegates, where we had a unique opportunity to hear about the workings of OPEC through a brilliant presentation by Hind Zaher of the public relations department. It was great to note that OPEC had a Nigerian General Counsel Violet Onyemenan in the OPEC Fund for International Development (OFID) and a host of other Nigerians working in its organisation. Interestingly enough the current 6th OPEC International special edition bulletin of the 167th meeting of the OPEC Conference has our President Muhammadu Buhari on its cover and in it was an article titled 'The return of Muhammadu Buhari, a new dawn - and he means business'. Not surprisingly that Vienna is said to be the second most popular destination for international conferences in Europe after only Paris.

The Annual Conference of the IBA commenced on Sunday 4th October 2015 in the grand Austria Centre where the opening ceremony got off to a great start with the quintessential Vienna Boys' Choir. The boys I gather have been singing at Vienna's Imperial Chapel since 1296. In 1498, Maximilian 1 moved his court to Vienna, lock, stock and choir. Over the years famous musicians such as Mozart, Joseph Haydn and Franz Schubert among others were choristers. The voice of these 26 boys of all races 9-14 singing before us was simply angelic.

The IBA President David W Rivkin delivered an opening address and noted that Vienna is also an outstanding place to celebrate the work of lawyers. He observed that major

diplomatic successes have been achieved over the years in Vienna, notably the 1969 Convention on the Law of Treaties, the 1990 Treaty on Conventional Armed Forces in Europe and in July this year, the Group of Six successfully negotiated an historic agreement with Iran to stop the development of nuclear weapons and avert new conflict in the Middle East. These he said could not be achieved without the painstaking work of lawyers. I cannot but single out a unique project the IBA undertook successfully which I believe will go a long way in curbing human right abuses. The IBA invested \$1million to develop and operate the 'eyeWitness' app which it is hoped will help bring the perpetrators of atrocities to justice by verifying footage and ensuring that it is admissible in court, thereby providing an effective and creative new tool for human rights defenders. The EyeWitness provides the user with the ability to film or photograph atrocities and breaches of human rights when they happen, embedding data to verify where and when the images were taken. The user transmits the images from the app directly to a secure LexisNexis storage facility maintained by eyeWitness, which prevents tampering with the evidence and creates a chain of custody records so that the material can be used in legal proceedings without requiring the presence of the original witness. The app Mr. Rivkin said, has been down loaded in over 130 countries.

Corruption in the judiciary was also a hot topic for Mr. Rivkin. That in January this year he initiated the 'Judicial Integrity Initiative' to look at issues of corruption in the Judiciary. The UN he said estimates that corruption costs \$1.25 trillion every year in developing countries. He further added that 'when corruption occurs in the judicial system, lawyers are usually involved, so the IBA and our bar association members have a special responsibility to work to eliminate it.' Interestingly Mr. Rivkin is only affirming what the Chief Justice of Nigeria Mahmud Mohammed has said time and time again and most recently at the beginning of the legal year. The IBA Legal Project Team has worked with the Basel Institute of Governance to develop a survey to understand better how judicial corruption occurs, with specific concrete consultations in Mexico, the Philippines and Nigeria. It should be highlighted here that in launching the IBA's Judicial Integrity Initiative earlier in the year they had held meetings of experts from the UN, OECD, Basel Institute of Governance and other global anti-corruption bodies, as well as with senior judges from eight countries (incorporating every continent and including three Chief Justices) and every one, Mr. Rivkin attested to, agreed that the IBA could play a special role in combating judicial corruption.

The keynote speech was delivered by the immediate past President of the European Commission and former Prime Minister of Portugal Jose Manuel Durao Barroso who spoke extensively on the Middle Eastern refugee situation and labeled it a humanitarian crisis above all else, arguing that a refusal to act would see Europe failing in its basic moral obligation. When asked by an audience member what his message to the Middle East would be regarding the crisis he answered: 'do more to support

your brothers.' On the role of lawyers in the current global landscape, Mr. Barroso told the audience that he personally believes that lawyers will become more important in the future.

The welcome party was held at the glamorous Wiener Konzerthaus, a truly magnificent building on three floors. Each floor had a different musical theme, from the melodies of Mozart performed by a string quartet and ballet dancers, to the music from all time classic musical film the Sound of Music, all while we enjoyed traditional Viennese cuisine and wonderful Austrian wines from her different regions.

With more than 200 informative and substantive working sessions providing for the latest developments in areas including antitrust, banking, environmental, sports law and mergers and acquisitions, one was so often truly spoilt for choice. My favourite session this year was the Legal Practice Division Showcase: 'UN's Guiding Principles on Business and Human Rights, a session acknowledging the growth of global support for the UN Guiding Principles on Business and Human Rights (UNGPs) and continuing with its efforts to mobilise the legal profession to integrate the UNGPs within daily practice. It brought together the originators of the UN Global Compact and the UNGPs, former UN Secretary General, Kofi Annan and former UN Special Representative on Business and Human Rights John Ruggie. At the session that was packed to the brim with delegates, Kofi Annan was undoubtedly the star turn as he demonstrated brilliantly both his consummate diplomatic skills and his super sense of humour. He noted that globalisation was not working for everybody but companies needed to accept certain principles such as the duty to protect against human rights abuses, to protect the environment and to fight against corruption. Global Compact has been instrumental he noted in promoting business best practices. Lawyers he said had an important part to play as we can influence leaders, people in our community and our clients respectively. In the second session with Jeffrey Collins, Senior Counsel for International Policy at Chevron he had this to say 'these norms (UNGPs) are in the process of morphing from soft law into hard law and it is now seen as something you have to do rather than something you can do.'

Another session I found not only interesting but also highly informative was that on 'Governmental and Institutional Relations for Natural Resource Projects' presented by the Mining, Anti-Corruption, Corporate Social Responsibility and Public Law Committees. One of the biggest challenges these days for natural resource projects is the investors' relations with national, state and local government and with host communities and other institutions stakeholders among others. The session analysed accumulated experience on natural resource project developments, successful and unsuccessful experiences and how to avoid the mistakes of the past. It was instructive to note that in some African countries mining companies have built roads for their host communities. Western Australia for example trained about 500 African bureaucrats on how to handle mining matters so that when these companies enter our countries we are



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indeed appropriately prepared for them and all parties are speaking the same language. In the ensuing debate on how to avoid corrupt practices a speaker gave Nigeria as an example, that Heineken staff based here carry a card which states that Heineken has a policy that their staff are not allowed to give bribes and whenever they are accosted by roadside police officers, which we experience frequently in this climes, they produce the card and they are waved through. There is always something new to be learnt at the IBA! The Maritime Arbitration and Emergency Interim Relief session conducted a mock hearing where the tribunal considered an urgent application for an injunction Mr. Richard Singleton a speaker/defence counsel summarised his closing argument by playing the guitar to a song titled 'Preliminary Injunction Blues' to resounding applause.

The NBA hosted the Africa Regional Forum breakfast which was well attended. This year though one could not but notice the dramatic drop in delegates compared to yesteryears with the number dropping from a high 700 last year in Tokyo to just over 300 in Vienna. Mr. Augustine Alegeh SAN in his speech asked that we take up the lessons learnt at the IBA and close the gap that exists between other legal systems and Africa's own. We are still standing still he said. He further added that we as lawyers have a challenge to develop our countries otherwise increasingly fail our people. The NBA he pointed out is taking proactive steps to promote self-regulation. Though the breakfast forum was a success the invitation by the Nigerian Embassy to host the delegates was as best comme ci, comme ca and the time has probably come for the NBA to reconsider these invites based on the sheer volume of delegates if for anything to preserve the dignity of lawyers in attendance.

This was a well organised conference indeed and for those who stayed on for the closing ceremony at the Hofburg Palace from the mini video I was sent it was a brilliant occasion with delegates waltzing away (with lessons provided!) and with simple yet elegant table arrangements and looking like something out of a grand old movie. All in all a great time was seemingly had by all those who attended.

The IBA's voice is no doubt being heard loud and clear and the battle against corruption was a good focus for this year. It is hoped that the issue of terrorism will be highlighted next year in Washington DC.

## IBA Vienna 2015

**LaWstistics**

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App launched called Eyewitness

**6000**

Delegates

**Over 200**

Working Sessions

**25**

Hours of Continuing Legal Education

**135**

Countries represented

**800th**

Anniversary of the Magna Carta

**200th**

Anniversary of the Congress of Vienna