

Annual conference of the IBA, Vienna 4-9 October 2015

Thanks to the generous funding of COMBAR and the Bar Council Scholarships Trust, I was able to attend the annual conference of the International Bar Association (IBA), which took place in Vienna from 4 to 9 October 2015.

Nearly 6,000 delegates from over 120 jurisdictions took part in the broad range of working sessions, showcase speeches and international fora.

The conference began with a hard-hitting keynote speech given by José Manuel Barroso at the opening ceremony. Mr Barroso spoke strongly about the Middle Eastern refugee crisis, but suggested it raised a moral, rather than legal, obligation for European countries. Asked about “Brexit”, his opinion was that the UK would not exit the EU, both because the British are cautious by nature and because they would objectively appreciate the economic benefits of continued membership.

The high-profile speakers continued to engage with challenging issues throughout the week, from the “conversation” with the prosecutor of the International Criminal Court, Fatou Bensouda about the challenges facing the ICC’s 9 full investigations that are currently underway, to the session with former Danish Prime Minister and secretary general of NATO Anders Fogh Rasmussen, who addressed the current tensions between Russia and Western Europe.

The room overflowed when Kofi Annan addressed the delegates on the UN’s Guiding Principles on Business and Human Rights. Mr Annan emphasised the need for fairness in investor/state contracts and suggested a need for “tax inspectors without borders”. The follow-up session led by the ethics officers of large multinationals, including L’Oréal, gave force to the hope that the Guiding Principles will have a tangible impact on the way these companies conduct their affairs in emerging economies.

The challenge imposed by corruption was a recurring theme in many sessions. The showcase session “combating judicial corruption” addressed this issue head-on, taking a comparative perspective on anti-judicial corruption regimes in various countries and considering the role played by the IBA itself in this area, especially in targeting the government-side of corruption. In particular, the IBA has been compiling a survey to circulate amongst its members, which will gather its membership’s expertise as to how corruption arises, the forms it can take and the methods of dealing with it in different jurisdictions. This is to lead to a code of best practices, which it is expected will be circulated in 2016.

This is not the only sphere where the IBA is taking the lead in developing techniques to support the rule of law worldwide. This conference also saw discussion of the release of the IBA's "eyeWitness" app. This app enables individuals safely to record video and images of war crimes and embeds markers in the metadata of these images, which convey the date and location of its filming as well as confirmation that the material has not been edited or tampered with. The app is thus designed to overcome the difficulties that currently face the use of such evidence in prosecutions, where concerns over authenticity often lead to video footage being declared inadmissible.

As well as these dynamic leading sessions, the conference saw delegates participate in interactive sessions, designed to enable the attendees to share their experience and learn from the practice of different jurisdictions. One particularly successful example of this was the session on "the influence of international arbitration on domestic litigation and vice versa". Each speaker "pitched" their topic and the delegates chose which debate to enter, sharing practical know-how on topics ranging from the management of commercial costs to the attitude of domestic courts to investor-state arbitral awards.

With so much to take in, as well as a packed social agenda, the IBA annual conference did not disappoint as a forum for the exchange and dissemination of diverse points of view on the widest range of topics affecting the international legal order.

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