

The future of work



During yesterday's session *The IBA report on the future of work: contribution by the IBA to the ILO debate about the 'Future of Work', with special considerations to law and disruptive technologies*, a diverse panel of lawyers discussed the implications of technology on a changing workplace and how it will change the very meaning of work.

The morning's discussion was based on the findings of the IBA's research as part of a two-year initiative with the United Nations' International Labour Organization (ILO) to assess the challenges facing the world of work.

The report brings to light a number of pressing issues that governments and businesses are faced with as the workplace is disrupted by technologies such as artificial intelligence (AI), and the workforce is increasingly replaced by the use of platform workers. What is clear is that a human-centered agenda will be necessary to fine-tune and create equitable social and economic policies, and business practices around work.

Rabindra Jhunjhunwala, partner at Khaitan & Co in Mumbai, pointed out that from a corporate law and technology perspective, businesses need to look at the implications of new-age employment structures like the gig economy and online platforms. Furthermore, technology advancements have transformed the mode of global business with tools such as e-voting and video-conferencing.

Sajai Singh, partner at J Sagar As-

sociates in Bangalore, added that sooner or later, technology knowledge will be required less and less because robots will be replacing humans. This translates to a need to re-skill.

An area of concern from a criminal law and corporate compliance point of view is data privacy. "Should governments enable companies to do background checks on potential employees and monitor employee behaviour?" asked Adriana De Buerba, partner at Pérez-Llorca in Madrid. Unintended surveillance and employees being monitored without their knowledge is concerning as it encroaches on the fundamental human right to privacy.

Joe Duffy, partner at Matheson in Dublin, said that tax policies will need to look at how countries invest in entrepreneurs. This will mean redefining the employee and what it means to be self-employed for tax purposes. An important issue to consider is where value is created and which country should impose a tax. "Employee levels may fall dramatically, and that would significantly impact the tax revenues of many countries," said Duffy. "Perhaps robots will need to be taxed."

According to John Wilson, partner at John Wilson Partners in Colombo, countries are grappling with new interpretations of their intellectual property laws regarding ownership and protection of AI inventions. It will be imperative for companies to change the way they reward innovation in their businesses.

Els de Wind, partner at Van Doorne in Amsterdam, said that a key

question to ask is what will constitute a workplace in the future. Technology is having sweeping changes on where and when work is done. "The psychological health of workers is a big concern," said de Wind. "The workplace culture is changing when jobs are being cut in different pieces, and we're talking about performing tasks not jobs."

Freelancers, distant workers and employees of fixed and indefinite terms are the workers of the future. The idea of a social workplace may fade away, and this will likely impact the psychological health of workers. "From a psychological point of view, some people rely on their workplace being a sociable place, and they may not get that when working from home or at coffee shops," said de Wind.

What is concerning is the lack of equilibrium when it comes to the employer and employee relationship. "Employers are in a much more powerful position, and there is a lack of equilibrium between employers wanting workplace efficiency and workers' rights," de Wind told the *IBA Daily News* ahead of the session.

Salvador del Rey, partner at Cuatrecasas in Madrid and session chair told the *IBA Daily News* that governments around the world need to address the issues that technology present to the workplace without delay. "The fundamental rights of workers are at risk, and the law can't fall behind," said del Rey. "But I'm optimistic that the law can and will cope with these challenges."



VOX POPS

Highlights from Seoul

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CUBAN DELEGATION

IBA welcome Cuban delegates

PAGE 11



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QUESTION

What are your impressions of Seoul?



Tomasz Wardynski CBE
Wardynski & Partners
Poland

I am very impressed by what the Koreans have managed to build here. It is a fabulous place and I am staying through next week, so hope to find some quiet places by the seaside.



Promise Ncube
The Law Society of Zimbabwe
Zimbabwe

It's very well developed. The cars and buildings look amazing. The people are very courteous and I managed to sample the street food, which was quite lovely.



Inaam Attig
AZTAN Law Firm
Sudan

I loved the traditional music at the party held by the Korean Bar Association. The people are very polite. We are staying for three days after the conference to do a tour.



Christopher Holm
Holm Advokater
Sweden

It's an exceptionally digital city – the subway system is genius. I went to the DMZ yesterday and it reminded me of East and West Germany. It was terrible to relive that.



Francesco Dialti
CBA Studio Legale e Tributario
Italy

It's gigantic! I went to the 2nd Imperial Palace yesterday and I'm looking forward to a trip to a buddhist temple this afternoon. As an IBA venue I'd give it 9 out of 10.



Behnan Khatami
Sabeti & Khatami
Iran

The city is very impressive and modern. The people are also very friendly – we were at a traditional restaurant until 2am last night and the staff were very accommodating.



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Serkan Ictem
Ictem Legal Attorneys at Law
Turkey

I have nothing but positive things to say. This weekend I plan to visit some top restaurants. There are so many it seems like no Koreans cook at home. The traffic has been quite surprising – almost on par with Istanbul.



Chanakarn Boonyasith
Siam City Law Offices
Thailand

This is my second time here but the first time I can explore on my own. Last weekend I went to a traditional village to take photos, which I can highly recommend.



Dace Silava-Tomsone
Cobalt
Latvia

It's very vibrant and dynamic. It is a great shame I have to leave early this week.



Minjae Lee
Hanwha Life Insurance
South Korea

I am from here so appreciate its beauty. It was a good place to grow up. I would recommend visitors go to the Gyeong Palace.



Marc Lager
Baker McKenzie
Austria

The people are awfully friendly. I was totally lost last night and a Korean man walked with me to the metro for half an hour!



Li Xinyan
Goodlawyer
China

It is a very nice environment. I don't have much time as the IBA meetings only happen once a year, but we will return just for sightseeing.

The importance of diversity

Is diversity and inclusion only something that big organisations, with larger financial and human resources, should address or even care about? In 2020 the International Law Book Facility (ILBF) celebrates its 15th anniversary. This is a significant milestone for a small legal charity with a big impact.

The ILBF's success owes much to its focus on diversity and inclusion (D&I) and demonstrates the importance of D&I for even the smallest organisations. A diverse leadership team means decision-making is more effective; beneficiaries from across the globe bring vital insights and perspective; a wide range of partners offer new skills and expertise; and diverse volunteers enhance the impact of its work.

In the IBA Litigation Committee's September newsletter the ILBF's CEO, Katrina Crossley, explains what diversity and inclusion means to the ILBF and why it is such a positive force for all concerned. Read the full article <http://bit.ly/ILBF15>

To find out more about the ILBF and its work, visit ilbf.org.uk

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Legal 500 2019



Sextortion: the importance of a definition

Being able to define a crime is essential to being able to prosecute it – and to bring justice for its victims. That’s why panellists in yesterday’s session *Sextortion: a new anticorruption paradigm* were pleased to finally have a word for the act of when someone in a position of power seeks to extort sexual favours in exchange for something within their power to grant and withhold.

Sextortion is a different type of bribe, whereby sex rather than money is the chosen currency. The definition is so important because “we’re so programmed to think of corruption as money changing hands”, said Nancy Hendry, senior advisor at the International Association of Women Judges, which coined the term in 2008.

“How do we begin to talk about a problem for which we have no vocabulary?”

“When coming up with a definition we considered: is this rape? There is a seemingly consensual element, albeit under considerable duress. Is it sexual harassment?” she added. “How do we begin to talk about a problem for which we have no vocabulary?”

The session marked the launch of a new IBA report, *Sextortion: a crime of corruption and sexual exploitation*.

Recent examples mentioned by panellists include Canadian ex-immigration judge Stevan Ellis seeking sex from a South Korean refugee complainant in return for a favourable decision, and a similar case in Norway involving ex-cabinet minister Svein Ludvigsen, who was imprisoned for sexually abusing three asylum seekers. “In these cases the perpetrators had an enormous amount of power over the claimants – their entire future rested on them,” said Sara Carnegie, legal director of the IBA’s Legal Policy & Research Unit and author of the report.

There are several barriers to identifying and prosecuting such a crime: the victim; may be unaware they are a victim, gender is typically ignored in the anti-corruption context (while women are not the only victims of sextortion,

they are a disproportionate majority); and in much anti-corruption legislation, there is a requirement that the bribe-taker is a public official – and a risk that the victim is criminalised too for accepting the terms of the bribe.

“There is a need for clarity and consistency in how this crime is defined and punished – until now it has not been widely understood or reported,” added Carnegie.

The public official requirement present in typical anti-corruption legislation does not work in this concept because any person in a position of power can be the perpetrator of sextortion. For instance, it’s also prevalent in the humanitarian aid sector. Following the deadly cyclone in Mozambique in March 2019, some aid workers determined that food and medicine would be available only in return for sexual favours. As the IBA report states, ‘so-called ‘humanitarian aid’ actually increased the human horror’.

It can also happen online: cyber sextortion is the act of hacking someone, stealing indecent images, and threatening the victim with their publication.

The #metoo movement that followed the accusations of multiple

women against Hollywood director Harvey Weinstein has made victims both better-equipped to recognise when they are a victim of sextortion, and more comfortable coming forward.

“These cases are difficult for so many reasons, but victims deserve for their stories to be told and the public needs to know this has happened,” said David Sachar, executive director of the Judicial Discipline & Disability Commission in Arkansas. “Plus, declarations matter – verdicts drive settlements.”

It’s also complicated because of the nature of a bribe: there is of course a benefit for the victim of the crime, too. “The victim may at first want to take advantage, and for that reason may not acknowledge the incredible abuse that it is,” continued Sachar. “But the judiciary should be a place of justice, not debauchery.”

It’s also difficult for lawyers working in this field because of the status of the perpetrators. “Everyone I deal with is politically powerful. They may not threaten to punch me in the elevator like a criminal in the traditional sense of the word, but they can threaten to call the senator on me.”

Out-lawyered

Artificial intelligence (AI) is already taking hold in the legal sector, and firms and authorities have got to keep up, according to a session yesterday afternoon examining how external and in-house legal teams are increasingly looking to smarter and more efficient ways of saving time and costs with AI.

“In the last five minutes, more technological progress has been made than in the last 50 years,” said Simon Davis of The Law Society of England and

Wales, asking whether lawyers are really keeping up with the growth of AI innovation.

“We say we’re good at technology, but we’re pretty hopeless,” he continued, after a majority of the audience admitted to interacting with clients via strictly traditional methods.

It is clear why lawyers may be less than keen on the idea of AI. Machine-learning can complete tasks that lawyers may find burdensome, but contribute to their worthiness as an employee.

Despite justifiable negatives, members of the panel were positive about the role of AI in the legal sector.

Seoul-based Yulchon partner Sun Hee Kim is hopeful. “AI can significantly increase business efficiency,” she said, continuing that it can cut costs



Richard Harrison

and time in particular for those working in financial regulation, referencing stock manipulation as a crime that AI has the potential to tackle. “It allows lawyers more time and energy to focus on other important tasks.”

Her co-chair, Norton Rose Fulbright partner Juliet Tainui-Hernandez,

countered: “at the moment, no AI tools have replaced the work we need to do.” She also queried whether small firms necessarily need to invest in it, with Clyde & Co’s Richard Harrison adding that it lacks cost efficiency as insurers remain unsure how to navigate AI innovation, resulting in higher costs.

The panel also touched upon the regulation, or lack thereof, when it comes to AI. There was agreement that regulators have not yet caught up with the innovations being made, with

KEY TAKEAWAYS

- Artificial intelligence use is ever increasing in the legal sector;
- It is too early for regulation;
- It has the potential to improve efficiency in the workplace for legal professionals both in-house and private practice.

the legislation that is in place still being in its infancy.

“The challenge any regulator has is whether to produce a whole new series of rules, or to rely on general rules and conduct,” summarised Davis, who pointed out the variety of approaches being taken, whether that is a whole new set of rules as in the US or a case of not interfering. This is the approach UK regulators have taken, to foster progress and innovation in the burgeoning sector.

“We say we’re good at technology, but we’re pretty hopeless”

Lost in translation

In this session speakers will discuss how the lives of stateless children, and protection of them, can be enhanced

The issues of stateless children and orphanage tourism collide in the fact that they lead to some of the most vulnerable people in the world being exploited and often perceived as invisible. Today's afternoon session will see senior lawyers discussing how to improve this situation.

Becoming stateless

There are many reasons why a child may be born stateless, or later become so. Children can be born stateless due to gaps in nationality and citizenship laws; they can inherit statelessness from their parents; or they could end up stateless due to discriminatory nationality laws which deny mothers the right to pass their nationality on to their children.

The latter can occur when a child is born to parents from different countries, or where the father is unknown or refuses to acknowledge the child. In the Middle East and North Africa, for

instance, in some cases births outside of marriage can create the risk of statelessness for the non-marital children, as it may in some circumstances be impossible to register the birth.

As the number of asylum-seeking children in Europe has grown since 2010, so has the number of children identified as stateless. Unable to confirm their identities, place of birth, or descent, these children are left exposed – and in many cases will face a lifetime of discrimination. They're often forced to live lives without legal recognition or citizenship, and have limited access to rights such as health-care and education.

"Without a break in this cycle," warns Anne O'Donoghue, immigration lawyer and co-chair of the Immigration and Nationality Law Committee, "statelessness can be passed on from generation to generation, as stateless parents will give birth to stateless children".

O'Donoghue believes there needs to be greater protections in place to prevent statelessness where parents do have a nationality but are unable to pass it on to their child, as with when a child has unknown parentage.

UK-based children and family barrister Barbara Connolly QC will be co-chairing the session.

"Families can often be international," she says. "When things go wrong, this can lead to the children being victims."

Monetising orphans

The panel will also consider the plight of children who become victims of orphanage tourism. "Children are being exploited as a commodity for tourist attraction and an object for voyeurism," says O'Donoghue.

Foreign donations – even if well-meaning – can drive orphanage tourism. Institutions are often run for

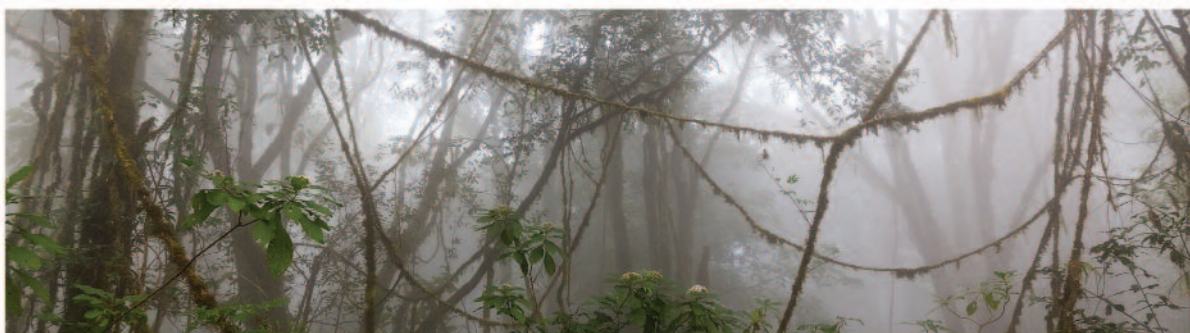


Anne O'Donoghue

SESSION: Stateless children: orphanage tourism – rights of the child
TIME: Today, 14.30 – 15.45
VENUE: Room 318 A, Floor 3
COMMITTEES: The Immigration and Nationality Law Committee

the profit of their owners, and sustained by high levels of western tourists who visit to make significant donations or volunteer.

Lost in the jungle of French employment law?



Let's make it clear!



O-Gon Kwon: Standing firm

The role of the International Criminal Court (ICC) remains as crucial as when it was established in Rome in 1998. While its critics claim it has not done enough over those 20 years to support the extensive budget it has received, the scheme remains in its early stages and must be given time to flourish.

So said O-Gon Kwon, President of the Assembly of States Parties (ASP) of the ICC, the court's management oversight and legislative body made up of representatives of those states that ratified the Rome Statute, in conversation with the IBA's Mark Ellis yesterday lunchtime.

"I emphasise the fact that international criminal justice is, in my opinion, in its infancy, but is progressing. Let us

"Partial justice is better than no justice"

hope that it can go further," he said. "Partial justice is better than no justice. We are progressing. The US has now ratified the Rome Statute; I hope it will join in the future."

He continued: "The court is not an organ designed to prevent a conflict, but it will do its mandate of investigating, prosecuting and adjudicating an individual responsible for the most heinous crimes," he added. "In the fight against impunity, I hope it has a deterrent effect against the conflict."

That is the purpose of this: establishing a prominent court. For example, Rwanda or Yugoslavia had no prominent court at the time of their crises. They had to wait for the UN to come to a resolution. I think we are progressing, and there is hope."

Ellis asked if he believed the ICC would, and should, intervene in North Korea in an attempt to hold its leadership to account, despite the court holding no jurisdiction over the country.

"As you said, North Korea is not a state party of the ICC and will not be unless the situation is referred to the court by the UN Security Council, and



in light of the prospective vehicles by Russia or China, that seems unlikely any time soon," he said.

"But nevertheless, documenting and collecting evidences of importance for future use is crucial," he said. "At the same time the Office of the United Nations High Commissioner for Human Rights has opened a Seoul branch whose partial mandate is to collect and analyse information from defectors. I find it remarkable."

The establishment of the ICC is a gift of hope for the future generation and a giant step towards universal

human rights and the rule of law, he told delegates.

"There are some doubts, some even arguing that international criminal justice is a failing enterprise. I don't agree with this," he said. "25 years ago a system created by the Rome Statute seemed impossible and now people think quite the opposite. This is a very serious and important shift of attitude and a change of mentality. We should go further and make the ICC a real frontrunner in the fight against criminality. We should stand firm."

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Justice for war crimes

In yesterday's session *Fact-finding in support of accountability for atrocity crimes*, panellists discussed the challenges and opportunities in gathering evidence for trials when domestic authorities are unable or unwilling to investigate war crimes, meaning the international community must step in. There remain gaps in existing processes – so more innovative mechanisms are needed.

Clair Duffy, senior teaching fellow at Bond University in Brisbane, described the transitional justice tapestry that has been forming since the 1960s. The idea is to have precursor mechanisms in place prior to judicial action. More than 80 mechanisms have been formed, ranging from ad hoc tribunals for the former Yugoslavia to assessment missions. Some have been set up for certain actors like Isis, while others focus on specific incidents, such as the 2010 Israeli attacks on ships carrying humanitarian assistance to Gaza.

Federica D'Alessandra from the Oxford Institute for Ethics Law and Armed Conflict in London, added that mechanisms for fact-finding are

creating an instrumental accountability turn. The fact-finding isn't just done by the UN, but by other groups of society that are also collecting information and feeding it into accountability and justice processes.

Singe Poulsen from the UN Office of the High Commission for Human Rights in Seoul shared the success she and her team has had in bringing international awareness on human rights issues in North Korea. However, challenges remain, as there is a high level of secrecy between the layers of social and political structures in North Korea. For instance, it is extremely difficult to get the names of perpetrators and commanders. A central electronic repository is being built as a central archive for evidence collected on crimes against humanity.

While innovative mechanisms are helping tremendously with evidence collection and have an important role in preventing future crimes, how they work alongside the ICC is unclear. James Goldston, executive director at the Open Society Justice Initiative in New York, described recent ICC appointments that have failed. These include the latest ruling to reject its prosecutor's request to investigate alleged war crimes by US troops in Afghanistan. He views this as a "naked concession to Washington's intimidation". The April 2019 ruling came a week after the US revoked ICC prosecutor Fatou Bensouda's visa.

He continued that scarce resources, a lack of state cooperation, communication and outreach have left communities pondering the purpose of the court. The ICC's own judges are even attempting to sue for pay rises in an ongoing lawsuit.

However, Goldston expressed his concern for the false barriers between the ICC and other mechanisms addressing grave crimes. "We must see the ICC and other mechanisms as one ecosystem to hold perpetrators to account," said Goldston. "We need all hands on deck."

This is challenging considering the ICC has never been embraced by governments as it is an institution created to limit leaders – so it's not surprising that it would encounter opposition. But Goldston is optimistic the ICC is worth fighting for, especially given that its 2020 leadership change will see six judges elected to fill one-third of the 18 judicial seats.

"The ICC is not alone," said Goldston. "It stands at the centre of the ecosystem for grave crimes and when it shines, the entire field benefits."

States need to work with civil organisations to raise awareness, giving financial and political support, providing early and robust outreach to

KEY TAKEAWAYS

- The collection of evidence to bring war crime perpetrators to trial remains a challenge in a number of jurisdictions;
- There needs to be more communication, best-practice sharing and awareness raising on the work being done by foreign experts and domestic communities;
- Questions remain on how innovative fact-finding mechanisms can best complement the International Criminal Court.

communities with a lack of attention, and building witness victim protection programmes so the work between foreign experts and domestic stakeholders is balanced. The thirst for redress persists, and new methods of rendering justice can help in a fragile global system.

"We must see the ICC and other mechanisms as one ecosystem to hold perpetrators to account. We need all hands on-deck"

SCREENING TODAY: The Long Haul

The Long Haul: Pressure, Persuasion, Patience honours the life of the late Professor Sir Nigel Rodley, telling the story of his fight for justice and democracy around the world. In the current context of the global backlash against human rights, the film explores how to respond to the recoiling from, and future of, human rights. It investigates strategies to protect current standards and institutions, as well as how to move forward and adapt to new realities.

Professor Sir Nigel Rodley, one of the founders of human rights law as it is known today, was a member of the Academic Panel at Doughty Street Chambers. He was a lawyer, activist and educator, whose work had a huge impact on, and was inspirational for many who now work in, this field.

The film will be shown today in Room 401 at lunchtime. Following the screening, the filmmakers will be conducting some brief research to involve the audience in the project.

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Decisions, decisions

The choice of where to list your company has long been a cause for debate. In a fully globalised world, it's a key consideration to be made simultaneously with whether to list at all. Despite concerns, the US still holds court, according to speakers in yesterday's panel *The battle to ring the initial public offering bell: dual listings and competition among international stock exchanges*.

There are a number of considerations to be taken into account, with some preferring a domestic exchange over one overseas: more than 60 countries are represented on the London Stock Exchange. The US is also a very popular destination for foreign companies. In 2018, 25% of initial public offering proceeds raised in the US were from cross-border listings.

The question is why foreign companies would choose to go to London or New York for a listing. There are a lot of Chinese companies listed in the US, notably Alibaba.

According to Delano Musafer, responsible for APAC capital markets at the New York Stock Exchange in Hong Kong SAR, there are several reasons. "There are attractive and sustainably high valuations where you have a strong institutional investor base. It is also a profile and prestige thing, and it can be strategically important for expanding a business in a particular jurisdiction," he said during the session.

"In my experience, home is best"



"The US is a particularly attractive option for newer economies. That is the main difference over and above a local listing," he continued. "Specifically there is a large base of very sophisticated tech institutional investors in the US who really understand new economy companies and are willing to pay a premium, sustainable evaluation."

Liquidity is also very important. The US' liquidity pool is typically two to three times deeper than that seen on the local markets. "It is an aspirational thing as well, don't ever discount the importance of someone like Jack Ma ringing the bell for Alibaba in NYC. All our tech prospects want to do exactly the same," said Musafer.

When asked if the current political tension in the US and its frayed relationship with China and others would lead to a slowdown of overseas companies looking to list in the US, Musafer remained positive. "It hasn't yet – everyone understands the value proposition is still there."

Some panellists, however, feel that a domestic listing can offer more value than overseas. Patrick Schleiffer of Lenz & Staehelin in Zürich told delegates that while exceptions can be made for certain technology or biotech companies, the first option should be to look to your home jurisdiction. "In my experience, home is best. In terms of cost and culture, you are more familiar with your own law, and if your own law is the same it is easier," he said.

David Flechner of Paul Hastings in São Paulo added that in Latin America and similar regions, markets are so much smaller – even the larger ones such as Brazil – which can give big, sophisticated companies more value than they may find elsewhere.

"One of my biggest clients is a payment services company in Brazil that has only Brazilian operations, assets and employees – it is a fully Brazilian entity with 92% of its shareholder base and billions of dollars of market load made up of US investors," he said.

"The management team chose to list on the New York Stock Exchange (NYSE) directly without going through the exchange process in Brazil."

"In 2019 we are seeing a very tech-friendly environment. It's almost as if you have to go to New York to get the valuation and trading that you want," he continued.

Home jurisdiction advantage can apply from both a corporate governance and ongoing reporting perspective – companies are of course more familiar with the regulatory framework in their own jurisdiction.

While there is a potential threat to US dominance from Asia – exchanges in Hong Kong SAR and Shanghai are going from strength to strength – it remains unlikely that there will be an exodus of companies de-listing from US exchanges in their favour.

"The Chinese market is a potential threat going forward," said Musafer. "The valuations are obviously attractive, but the sophisticated US investor base isn't there."



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This year's winners of the IBA Human Rights, Pro Bono and Outstanding Young Lawyer awards can now be revealed

IBA Award for Outstanding Contribution by a Legal Practitioner to Human Rights

This year the IBA has opted to bestow the Human Rights award to joint recipients. Martin Lee SC JP and Dr Margaret Ng of Hong Kong SAR have both tirelessly dedicated their practice to the protection of human rights and the pursuit of justice.

The IBA is dedicated to the promotion and protection of human rights and the independence of the legal profession under a just rule of law, and this award recognises that. IBA President Horacio Bernardes Neto says: "The unwavering commitment of Mr Lee and Dr Ng to advancing democracy and human rights in Hong Kong SAR is admirable, particularly given the current state of unrest in the region. It is imperative that the international legal community recognises and supports those who stand up for justice and the rule of law."

Hong Kong SAR natives, both Lee and Ng have dedicated their lives to the protection of the freedom of speech and democratic ideals. Given the current unrest in Hong Kong SAR, this has perhaps never been a more important endeavour. Lee, often referred to as the father of democracy for helping to shape what would be-

"It is imperative that the international legal community recognises and supports those who stand up for justice and the rule of law"

come the territory's post-handover constitution, was known for openly criticising the Beijing government's role in the Tiananmen Square massacre in 1989 and has vocally spoken out against the controversial Hong Kong SAR extradition law that sparked the ongoing troubles.

Similarly, Ng is involved in the crusade against the restriction of civil liberties in Hong Kong SAR as a member of the pro-democratic Basic Law Article 45 Concern Group, and has spoken out against the ban on the Hong Kong National Party and the police's treatment of its founder, Andy Chan Ho-Tin.

Issuing a joint statement, Lee and Ng said: "We do not believe that this award is conferred on us because of our own achievements. We accept this award on behalf of all members of the Hong Kong Bar who have also been doing their absolute best in upholding the rule of law in the very trying circumstances in Hong Kong SAR."

Annual IBA Pro Bono Award

Malaysian lawyer, poet and human rights advocate Cecil Rajendra is this year's winner of the Pro Bono Award for his career in advocacy and improving access to justice for all. The IBA Pro Bono Committee presents an annual award to a lawyer who is leading the profession in building a pro bono culture; a cornerstone of the legal profession.

Rajendra and his associates established the first rural legal aid clinic in Malaysia in 1980, with very limited resources. He then went on to initiate a number of key campaigns in the country, including the 'Save the Judiciary' and the 'No Detention without Trial' movements during his time at the Malaysian Bar Council.

"To say that all are equal before the law is meaningless unless everyone has equal access to justice. Legal aid is a fundamental human right," says Mr Rajendra, on his motivation to drive advancements in legal aid. "It is not so much pro bono as pro justico. It is the duty and obligation of every self-respecting lawyer who believes in justice to render legal assistance to those who cannot afford it."

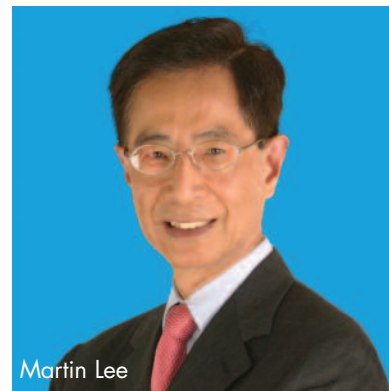
The stimulus behind the Bar Council's Festival of Rights to com-



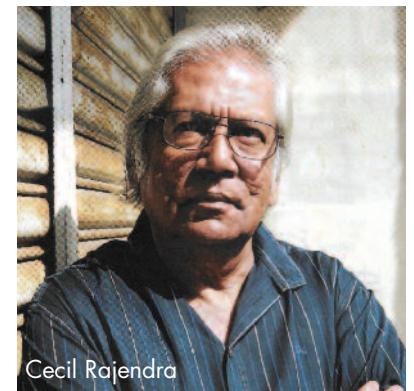
Elif Goksen



Margaret Ng



Martin Lee



Cecil Rajendra

memorate Human Rights Day, in 2000, Rajendra also launched Malaysia's first Mobile Legal Aid Clinic in Penang that sought to encourage local people to engage with the legal system and understand their basic rights. Mr Rajendra has also authored numerous books and been recognised on the international scene throughout his career.

On Mr Rajendra's win, IBA President Horacio Bernardes Neto comments: "It is an honour to count such a passionate, dedicated individual as a member of our profession. His unwavering commitment to providing those in need with legal aid is truly admirable. He is undoubtedly a worthy winner of the IBA Pro Bono Award."

Annual IBA Outstanding Young Lawyer Award

Turkish lawyer Elif Goksen is this year's winner of the Outstanding Young Lawyer Award for her tireless work to improve access to justice, while acting as a voice for individuals who have been mistreated, marginalised or excluded.

In recognition of previous IBA president William Reece JR, The IBA Young Lawyers' Committee annually presents an award to a young lawyer

who has shown not only excellence in their work and achievements in their career to date, but also a commitment to professional and ethical standards. Ms Goksen is a lawyer determined to "leave an impact on younger generations and stand for human rights and the rule of law", says her nominator.

Ms Goksen was recruited by the United Nations High Commissioner for Refugees (UNHCR) in 2014 to work as a Refugee Status Determination Assistant and as an associate the following year, where she worked on training sessions on refugee status determination. Goksen has been on leave since October 2018, during which time she has been working on an academic research project focusing on the intersection of proportionality and individual criminal responsibility in refugee exclusion.

"Every generation of lawyers has the potential to be a powerful force for change. Elif Goksen's determination to push the boundaries of current research and to influence future legislation is nothing short of inspirational. She is a prime example of an outstanding young lawyer and I am certain that others will follow her lead," says IBA President Horacio Bernardes Neto.

All the awards will be presented today 08.00 in rooms 104 and 105, Grand Ballroom, Floor 1

IBA welcomes unprecedented Cuban delegation in Seoul



With the efforts of IBA President Horacio Bernardes Neto and coordination of the past chair of the IBA Latin American Regional Forum, Carlos Dominguez, the IBA awarded eight full scholarships to the most prominent Cuban lawyers and the board of the National Organization of Collective Law Offices (ONBC) of Cuba to attend the IBA annual conference in Seoul this year for the first time after a failed attempt in Washington DC in 2016.

The participation of such a significant Cuban delegation in the IBA annual conference in 2019 results from continuous training programmes the IBA has organised in Cuba. Since 2016, the IBA has carried out a tailored training programme in Havana to prepare lawyers in Cuba for a new era of professional practice. The project addresses the need to fill the knowledge gap of Cuban lawyers regarding commercial contracts and cross-border transactions. Currently,



the programme covers five core practice areas: globalisation of the legal profession; international sales; corporate and M&A; intellectual property; and arbitration. In the following year, it aims to include a sixth course on anti-corruption.

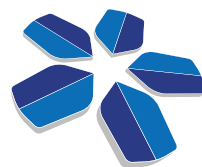
The programme, which is developed in collaboration with the ONBC of Cuba, is funded by the International Legal Assistance Consortium (ILAC), which has informed of its intent to continue financing the project due to its successful outcome, and is also

considering the possibility of similar activities in other Cuban provinces.

Past president of the IBA, Fernando Pelaez, and Carlos Dominguez are responsible for the academic part of the programme on behalf of the IBA, which has the responsibility of designing the course programmes, selecting skilled international professors, coordinating logistics, evaluating results and reporting to the ILAC. The project is in its fourth year and has trained over 200 legal professionals in Havana.

The courses consist of the core concepts relating to the subject matter, as well as analysis of the international treaties applicable to each subject, emphasising the international modalities that are applied as standard in these business fields.

In recognition of the quality of the ongoing work the IBA has done in Cuba, the ONBC has invited the IBA to become part of the renowned International Congress of Law, which has been held for eight years in Havana.



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