

**INTERNATIONAL
BAR ASSOCIATION**

COMPENDIUM

OF

**IBA STANDARDS, STATEMENTS, RULES,
CONCORDAT & RESOLUTIONS**

OCTOBER 2002

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INTRODUCTION

This compendium of IBA Standards, Statements, Rules, Concordat and Resolutions, comprises a selection of materials approved by IBA Council of general public interest.

Four of the printed documents required further explanation. The IBA Statement of General Principles for Ethics of Lawyers replaces the 1988 edition of the IBA International Code of Ethics setting out the then 17 Rules of Conduct.

Appendix 1 to the IBA Cross-Border Insolvency Concordat is not printed. The list of Chairs of Country Teams and Sub-committees contact list contained in Appendix I is obtainable from IBA's London Office [address]. The Concordat was devised and produced by Committee J (Insolvency and Creditors' Rights) of IBA's Section on Business Law and Country Teams. Country Teams were organised in twenty countries encompassing continental Europe, Great Britain and the British Commonwealth, North America, South America and the Pacific Rim and including both civil and common law jurisdictions. Several hundred members of Committee J participated in the deliberations on the Concordat. The Concordat project also benefited from the active participation of several distinguished international jurists. Committee J contemplates adding a supplement to the Concordat dealing with financial institutions (commercial banks, merchant banks and insurance companies) and is studying the potential use of the Concordat in trans-national commercial documentation.

The IBA Rules on the Taking of Evidence in International Commercial Arbitration ('IBA Rules of Evidence') were prepared by a Working Party of Committee D (Arbitration and ADR) or IBA's Section on Business Law. IBA issued these rules as a resource to parties and to arbitrators in order to enable them to conduct the evidence phase of international arbitration proceedings in an efficient and economical manner. The Rules provide mechanisms for the presentation of documents, witnesses of fact, expert witnesses and inspections, as well as for the conduct of evidentiary hearings. The Rules are designed to be used in conjunction with, and adopted together with, institutional or ad hoc rules or procedures governing international commercial arbitrations. The Rules replace the IBA Supplementary Rules Governing the Presentation and Reception of Evidence in International Commercial Arbitration, originally issued in 1983. The IBA Rules of Evidence reflect procedures in use in many different legal systems, and they may be particularly useful when the parties come from different legal cultures. If parties wish to adopt the IBA Rules of Evidence in their arbitration clause, it is recommended that they add the following additional language to the clause:

'In addition to the [institutional or ad hoc rules chosen by the parties], the parties agree that the arbitration shall be conducted according to the IBA Rules of Evidence.'

In addition, parties and Arbitral Tribunals may adopt the IBA Rules of Evidence, in whole or in part, at the time in conduct of the arbitration, or they may vary them or use them as guidelines in developing their own procedures. The list of members of the Working Party is obtainable from IBA's London office.

The IBA Standing Committee on Foreign Legal Practitioners completed the IBA Statement of General Principles for the Establishment and Regulation of Foreign Lawyers. The Principles are accompanied by an introduction which emphasises the need for the legal professions of all jurisdictions to address the issue of cross-border establishment of lawyers in a manner which preserves the fundamental of character of the legal profession – stressing the need to preserve the essential attributes of the legal profession as it adapts to an increasingly globalised world. The Statement of Principles recognises that, while certain principles should be common to all regulatory regimes, alternative approaches to the establishment and regulation of foreign lawyers are permissible, provided that they are administered with a view toward increasing access to advice on foreign law and facilitating the effective delivery of legal services. The Committee was made up of lawyers from Europe, North and South America and the Pacific Rim. It unanimously recommended that IBA Council should approve the Statement of Principles.

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