

26th POLA Summit - 2015

THE PRESIDENTS OF LAW ASSOCIATIONS IN ASIA

25TH -27TH SEPTEMBER, 2015, GOA, INDIA

GRAND HYATT, BAMBOLIM, GOA

HOSTED BY

(insert BAI logo)

THE BAR ASSOCIATION OF INDIA

PROGRAMME

FRIDAY, SEPTEMBER 25, 2015

REGISTRATION

2.00 P.M. Onwards

OPENING CEREMONY

4.30 P.M. to 6.30 P.M.

Introduction & Conduct by	Shri Prashant Kumar, President – Elect, LAWASIA	4.30 P.M. – 4.37 P.M.
Welcome Address by	Shri K.N. Bhat, Associate President, BAI	4.38 P.M. – 4.47 P.M.
	Shri A.N.S. Nadkarni, Advocate General, Goa	4.48 P.M. – 4.57 P.M.
Presidential Address by	Shri R.K.P. Shankardass, President, BAI	4.58 P.M. – 5.10 P.M.
Keynote Address by	Shri Justice T.S. Thakur, Hon'ble Judge, Supreme Court of India	5.11 P.M. – 5.30 P.M.
Inaugural Address by	Shrimati Mridula Sinha, The Hon'ble Governor of Goa	5.31 P.M. – 5.50 P.M.
Response by	Ms. Pinky Anand, Additional Solicitor General of India	5.51 P.M. – 5.57 P.M.

Vote of Thanks	Ms. Rachana Srivastava, Hony. General Secretary, BAI	5.58 P.M. – 6.00 P.M.
On the Dias	Ms. Triveni Potekar, Joint General Secretary, BAI	
Introduction of delegations		6.00 P.M. –6.30P.M.

Followed by

**COCKTAIL RECEPTION
HOSTED BY THE PRESIDENT, THE BAR ASSOCIATION OF INDIA**

SATURDAY, SEPTEMBER 26, 2015

09.00 A.M. to 11.00 A.M. PRESIDENTS' SUMMIT MEETING-I

11.00 A.M. to 11.15 A.M. TEA / COFFEE

11.15 A.M. to 12.30 P.M. WORKING SESSION- I

BUSINESS, HUMAN RIGHTS AND THE RULE OF LAW:

Brief Note:

Office of the High Commissioner of Human Rights, United Nations on its website describes the programme on Business and Human Rights: "International human rights standards have traditionally been the responsibility of governments, aimed at regulating relations between the State and individuals and groups. But with the increased role of corporate actors, nationally and internationally, the issue of business' impact on the enjoyment of human rights has been placed on the agenda of the United Nations. Over the past decade, the United Nations human rights machinery has been considering the scope of business' human rights responsibilities and exploring ways for corporate actors to be accountable for the impact of their activities on human rights.

The issues relating to overcoming barriers preventing access to effective remedies for corporate-related human rights abuses and the intense need to strengthen up

efforts to eradicate forced labour, slavery and trafficking from services, manufacturing and global supply chains are some of the core human rights concerns. The disproportionate power and influence the corporate sector and transnational corporations are able to exercise on policy making, its implementation and even access to justice sometimes impacts the Rule of Law itself in some countries. In some instances, some states even abdicate their sovereign functions and hand over to private entities vast tracts of lands, forests and other natural resources on which sections of populations, mostly marginalised and disempowered, depend for their livelihood and sustenance, without adequate rehabilitation measures and their implementation.

As such, it is high time that the thinking of the United Nations Framework on Business and Human Rights is taken forward as a rule of law issue in order to strengthen frameworks for human rights protection and the concept of equality before law in practice.

Chair: Mr. K. K. Venugopal, Former President, UIA, India

SPEAKERS:

Brief Introductory address: Mr. R.K.P. Shankardass, President, BAI, India

- 1. Mr. Huen Wong, President, IPBA**
- 2. Ms Margery Nicoll, Chairperson, Bar Issues Commission, IBA**
- 3. Mr. Shyam Divan, Country Councilor, LAWASIA, India**
- 4. Mr. George Varughese, Vice President, Bar Council of Malaysia**

12.30 P.M. to 1.45 P.M.

LUNCH

1.45 P.M. to 3.00 P.M.

WORKING SESSION- II :

**Encroachment into Lawyer- Client Privilege
(Session conducted by LAWASIA)**

Brief note:

The principle of lawyer-client privilege confers a right to clients to have their affairs, communication, information and documents provided to lawyers in the course of seeking legal advice and/or representation kept and maintained in strict confidence and imposes a corresponding stringent duty on lawyers to keep and maintain in strict confidence the affairs and communications, information and documents of their clients. It has been widely recognized that the justice system depends for its vitality on full, free and frank communication between those who need legal advice and those who are best able to provide it. There has been a trend in various countries to bring in legislation, which interferes with, displaces or infringes upon legal profession privilege, particularly, any legislation dealing with anti-money laundering, anti-terrorism financing, prevention of financing or profiteering from activities of serious crimes and in land revenue. In its recent decision in *Canada (Attorney General) v. Federation of Law Societies of Canada*, the Supreme Court of Canada has held that the government cannot "turn lawyers into state agents"; it cannot require lawyers to act against their clients' legitimate interests. The Canadian Supreme Court also affirmed the near-absolute protection of all solicitor-client privileged information. On these grounds, the Court struck down as unconstitutional federal legislation that would have required lawyers to record and retain information about their clients for the purposes of facilitating the detection, investigation and prosecution of criminal offences.

It is important that the legal profession in Asia Pacific develops an informed view on this cardinal principle relating to practice of legal profession and administration of justice in order to devise and adopt certain guiding principles in relation to this long established attorney- client privilege.

Chair: Mr. Isomi Suzuki, President, LAWASIA

Speakers:

- 1. Mr. Duncan McConnel, President of Law Council of Australia**
- 2. Mr. Steven Thiruneelakandan, President, Bar Council of Malaysia**
- 3. Mr. Stephen Dreyfuss, Immediate Past President, UIA**
- 4. Mr. A. S. Chandhiok, Vice President, BAI, India**

3.00 P.M. TO 4.15 P.M.

WORKING SESSION- III

**Challenges to the Independence of Legal Profession
(Panel Discussion)**

Brief note:

The United Nations Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at Havana, Cuba in September, 1990 provide vital guarantees for the functioning of lawyers. The basic principles mandate that Government shall ensure:

“16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”

Freedom of expression and association

“23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful

organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.”

During recent times there have been several instances in various Asian jurisdictions where lawyers have been prevented in one way or another from carrying out their professional duties. Even the leaders of the profession and office bearers of the bar associations have been put under surveillance or threat of prosecution to intimidate them from taking up the causes relating to the rule of law, democracy and human rights. Such actions of various governments militate against the aforesaid United Nations Basic Principles on the Role of Lawyers.

Chair: Mr. K. N. Bhat, Associate President, BAI, India

Panelists:

- 1. Mr. Isomi Suzuki, President, Lawasia**
- 2. Mr. Steven Thiruneelakandan, President, Bar Council of Malaysia**
- 3. Mr. Chris Moore, President, New Zealand Law Society**
- 4. Mr. Gopal Subramaniam, Vice President, BAI, Former Chairman, BCI**
- 5. Mr. Upul Jayasuriya, Immediate Past President, Bar Association of Sri Lanka**
- 6. Ms. Margery Nicoll, Chairperson, Bar Issues Commission, IBA**

4.15 P.M. to 4.30. P.M.

TEA / COFFEE

4.30 P.M. – 5.45 P.M

WORKING SESSION- IV :

Role of Bar Associations in Protecting and Promoting Independence of Judiciary

BRIEF:

Independence of the judiciary is vital for the functioning of democracy and is at the foundation of sustaining and maintaining the rule of law and protection of basic

human rights and liberties. The members of legal profession and the bar associations play a vital role in maintaining, promoting and safeguarding independence of judiciary, which frequently comes under stress and attack from the executive and legislative wings of the government, more so in the jurisdictions where judiciary exercises power of judicial review. Recently in India and Sri Lanka, the bar associations have played a key role in safeguarding independence of judiciary. During the 2008 judicial crisis in Pakistan, the bar associations had played a key role there as well. The Malaysian Bar has been robustly pro-active in playing a key role in protecting and promoting judicial independence in Malaysia. This session seeks to develop understanding of various methods and strategies adopted by bar associations in Asian jurisdictions to perform their role and duty as defenders of the independence of judiciary.

Chair: Mr. Anil B. Divan, Immediate Past President, BAI, India

Speakers:

- 1.Mr. Chris Moore, President, New Zealand Law Society**
- 2.Mr. Gopal Subramaniam, Vice President, BAI, Former Chairman, BCI**
- 3.Mr. Upul Jayasuriya, Immediate Past President, Bar Association of Sri Lanka**

SUMMIT DINNER

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DRESS CODE: FUN

HOSTED BY PRESIDENT- ELECT, LAWASIA

SUNDAY, SEPTEMBER 27, 2015

8.30 A.M. to 10.15 A.M. PRESIDENTS' SUMMIT MEETING -II

10.15 A.M. to 10.30 A.M. TEA / COFFEE

10.30 A.M. to 12.30 P.M. WORKING SESSION- V

**Creation of Effective and Affordable
Cross Border Dispute Resolution for SMEs**

Brief Note:

Multinational and big corporations having financial muscle and strength have adequate avenues and resources to pursue dispute resolution both nationally and internationally. There is a distinct lack of avenues for small and medium enterprises to have their disputes resolved relating to international transactions, involving disputes of relatively smaller claims but huge dispute resolution costs. Non-resolution of such disputes sometimes even leads to closure of their businesses. It is a well established fact that in majority of Asian jurisdictions even today the bulk of the economic activities take place in the small and medium enterprises sector. As such, it is vital that the legal professional bodies come up with a strategy and roadmap to create effective and affordable cross-border resolution mechanism for small and medium enterprises by establishing various cooperation mechanisms and institutionalised platforms.

**Chair: Mr. Lalit Bhasin, Vice President, BAI, Chairman SILF &
Past President, IPBA**

Speakers:

- 1. Mr. Isomi Suzuki, President, LAWASIA**
- 2. Zhang Xuebin , Vice President, All China Lawyers Association**
- 3. Prashant Kumar, Executive Vice President, BAI, President-Elect LAWASIA**
- 4. Mr. Takuo Saito, Vice President, Japan Federation of Bar Association**
- 5. Mr. Thomas So, Vice President, Hong Kong Bar Association**
- 6. Ms. Angela Lin, Vice Chairperson of International Committee, Taiwan Bar Association**

CLOSING CEREMONY	12.30 P.M. to 1.30 P.M.
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LUNCH

TOUR OLD GOA CHURCHES

DINNER OPTIONAL

PROGRAMME VENUE

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