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International Bar Association Foundation

Update from the IBA Foundation: 30th Anniversary Edition

SEPTEMBER 2016



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ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



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OFFICIAL CORPORATE SUPPORTER



IN THIS ISSUE

From the IBA Foundation President	4
--	----------

Foundation Officers and Members	5
--	----------

Meet the Trustees	
--------------------------	--

The Foundation as the 'face of the IBA' <i>John Morrison OBE, Assistant Secretary</i>	6
--	----------

The Foundation from its beginnings – and before <i>Ed Morgan, Founder, Treasurer and Past President</i>	8
--	----------

A short history as Vice-President for grant administration <i>Mary Frances Edwards, Co-Vice President for grants administration</i>	10
--	-----------

IBA Foundation – turning conversation into action <i>Russell DaSilva, Co-Vice President for grants administration</i>	12
--	-----------

Meet the Grantees	
--------------------------	--

The IBA Task Force on Terrorism: a highlight of the Foundation's work <i>Dr Mark Ellis, IBA Executive Director</i>	13
---	-----------

The National Foundation for Democracy and Human Rights in Uganda – the Land Law Project <i>Justus Orishaba Bagamuhunda, Executive Director</i>	14
---	-----------

Lex:lead: Foundation funding launches annual scholarship competition for the LDCs <i>Anne Bodley, Lex:lead President/Founder</i>	16
---	-----------

New Family: IBA Foundation funding supports interfaith families in Israel <i>Irit Rosenblum, Founder and Executive Director</i>	17
--	-----------

War Child Canada: working with women and child refugees from South Sudan <i>Richard Corbridge, Director, International Programs</i>	19
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From the IBA Foundation President

Dear Colleagues, I am delighted to welcome you to the newly launched International Bar Association Foundation update.

The International Bar Association Foundation is a US-based charitable foundation, established in 1986 by members of the International Bar Association (IBA) to engage in educational and charitable activities related to advancing the rule of law. While the Foundation has worked closely with the IBA over the last 30 years, it has operated as a separate and independent entity with a historical mandate that has allowed it to support a broad range of rule-of-law-related undertakings.

Since 1986, the Foundation has awarded hundreds of grants across different disciplines and geographies. During the last five years it has supported over 50 projects, the highlights of which you will read about in the pages that follow. The trustees, who meet twice yearly, have always been happy to receive proposals for great projects that the Foundation can support.

The Foundation's historic structure, small corpus and limited fundraising have, however, had an impact on its ability to provide

substantial funding to important projects. Looking to refocus so that the Foundation can have a greater impact, discussions have been under way with the IBA to restructure it as a supporting organisation for the IBA. Under this new structure, the Foundation will focus its efforts to helping fund major IBA rule of law initiatives. The primary undertaking of the Foundation will be to support major rule of law projects initiated by the IBA. Administration of both the Foundation and the grants will be done by IBA personnel going forward. It is also expected that several high-profile individuals dedicated to rule of law initiatives will be asked to join the Foundation's board of trustees to help to enhance the profile and reputation of the IBA as the global voice of the legal profession in respect to the rule of law, much as has been done with human rights initiatives.

Finally, I would like to recognise and thank Anne Bodley – our trustee who encouraged the publication of this update – who has worked tirelessly to bring this inaugural edition to print, in order to recognise and support the Foundation's outreach efforts.

Happy reading.



Tim Powers

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IBA Foundation Officers and Members

Foundation Officers (May 2016)

Timothy E Powers
President, Dallas

Russell DaSilva
Co-Vice President for Grant Administration,
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Co-Vice President for Grant Administration,
Enniscrone

Jeffrey Golden
Vice President for Development, London

Hansel T Pham
Secretary, Washington, DC

John H Morrison OBE
Assistant Secretary, Evanston

Edward A Morgan
Treasurer, Scarsdale

Glower W Jones
Assistant Treasurer, Atlanta

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Bridgeport

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(Publications Editor), London

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Los Angeles

Daniel del Rio
Mexico City

Jon Grouf
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Eugenio Hurtado S
Mexico City

James M Klotz
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Michael Reynolds
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Robert A Stein
Minneapolis

Philip F Zeidman
(Emeritus), Washington, DC

Ex-Officio; Non-Voting

Mark Ellis
(ex-officio, non-voting), Executive Director, IBA,
London

Michael Maya
(ex-officio, non-voting), Director, IBA North
American Office,
Washington, DC

Julia Onslow-Cole
(non-voting), Liaison from IBA HRI Trust UK,
PricewaterhouseCoopers Legal, London,

Becca Verhagen
Staff Liaison, IBA
London

MEET THE TRUSTEES

The Foundation as the 'face of the IBA'

It has been my privilege to serve the IBA and its worldwide constituency as a trustee of the IBA Foundation (USA) since 1989 and as an officer of the Foundation since 1997. I have participated with dedicated trustees in making modest grants to many legal services organisations around the world, most with small budgets but big designs to provide needed assistance that is often not otherwise available. In this work the Foundation might rightly be deemed the 'face of the IBA' to grantees; the broad geographical impact of Foundation grants and the wide range of beneficiary organisations are recorded elsewhere in this update.

Going forward, the impact of the Foundation in support of the IBA's rule of law activities is likely to increase.

Selected projects – last five years

- **National Foundation for Democracy and Human Rights in Uganda (2015).** Grant provided to develop a guide for citizens to understand land law, and to publish and distribute a report on the state and practice of land law in Uganda.
- **Arab Renaissance for Democracy and Development (2015).** Grant provided to develop a report for enhancing the efficiency of the rule of law in refugee camp settings.
- **Public Committee against Torture in Israel (2015).** Grant provided to develop the Best Practices Legal Manual for Supporting Victims of Torture.
- **Street Law Inc (2015).** Grant provided to develop the Rule of Law Education Curriculum.
- **Sierra Leone Anti-Corruption Commission (2014).** Grant provided for the production of the *Anti-Corruption Commission Law Reports*.
- **IBA North America Office (2014).** Grant provided to fund three research interns.
- **War Child Canada (2013).** Grant provided to raise awareness of the legal rights of women and girls in Northern Uganda.
- **Transparency International Slovakia (2013).** Grant provided to produce studies and training sessions for judges and lawyers in order to raise the quality of judicial work and public discussion regarding judicial reform.
- **Free Legal Advice Centres (2013).** Grant provided to Centres in Dublin, Ireland, to produce a research paper on the effect of the recession on the rule of law and to present seminars on the results of such research in order to highlight the importance of civil legal aid.
- **Fundación Fernando Pombo (2013).** Grant provided to *Fundación Fernando Pombo* in Madrid for the preparation of legal source materials that promote social responsibility within the legal profession in Spain.
- **International Justice Resource Center (2013).** Grant provided to the International Justice Resource Center in San Francisco to translate video and written human-rights-related materials into Brazilian Portuguese and Haitian Creole.
- **For a Fraud-Free Judiciary in Hungary (2012).** Grant provided to Transparency International in Hungary for the development of training programmes and regulatory recommendations for anti-corruption policies that will allow the Hungarian judiciary to develop greater transparency and accountability.
- **Training Kit for Paralegals to Assist Refugees in Defending Against Mistreatment and Detention, Israel (2012).** Grant provided to the Hotline for Migrant Workers in Israel to produce a training kit for paralegals to assist refugees in defending against mistreatment and detention.
- **Anticorruption Business Council of the Kyrgyz Republic (2012).** Grant provided to the Anticorruption Business Council of



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OBE**

Trustee and Assistant
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- the Kyrgyz Republic to develop guidelines and procedures for processing corruption complaints.
- **War Child Canada (2012)**. Grant provided for the Legal Education for the Justice and Legal Sector in Northern Uganda project.
 - **Lex:lead Group (2012)**. Second grant to Lex:lead to continue its sponsorship of awards for law student essays on topics in law and development in the world's least-developed countries.
 - **The Center for Prisoners' Rights in Japan (2011)**. Grant provided to develop a handbook to help prisoners in Japan self-represent in resolving human rights issues such as inadequate access to medical care, isolation from family and extended use of solitary confinement.
 - **IBA Human Rights Institute's Task Force on Terrorism (2010)**. The Foundation was the major funding source for the research and publication by the IBA's Task Force on Terrorism of its new report entitled *Terrorism and International Law: Accountability, Remedies and Reform*, launched in New York on 23 March 2011.
 - **Afghan Independent Bar Association (2010)**. Grant provided to support the Afghan Independent Bar Association to bridge the period prior to the permanent funding for the Bar that is being provided by Sweden.
 - **University of Nottingham Anti-Terrorism Project (2010)**. Grant provided to fund the publication of a report prepared by the School of Law at the University of Nottingham (in cooperation with the Club of Madrid and the President of the UN Sub-Committee on the Prevention of Torture) under the World Justice Project addressing key legal principles relating to the procedural and substantive handling of terrorist suspects; related use of emergency powers by governments; review functions of courts; and the intersection between key principles of international human rights, humanitarian and refugee law.
 - **The Israel Human Rights Center for People with Disabilities (2010)**. Grant provided to Bizchut, the Israel Human Rights Center for People with Disabilities, to improve access to justice for the disabled by providing assistance in individual cases involving disabled victims or offenders; training law enforcement and other professionals in the principles and applications of the law; and producing practices, training programmes and literature that can be used by other agencies around the world.
 - **Technical Assistance to the Colombia Bar (2010)**. Grant provided to facilitate and provide technical advice in the establishment of the Colombian national bar association.
 - **Judicial Transparency in Hungary (2010)**. Grant provided to enhance the accountability and transparency of the judiciary by introducing legislative amendments.
 - **The Lex:lead Group (2010)**. Grant provided in support of an inaugural essay contest that encourages young lawyers in lesser-developed countries to develop ideas on how the rule of law can be used to reduce poverty.
 - **City University of New York Distance Learning Initiative (2009)**. Contribution to costs in a follow-up project to market and disseminate the distance-learning programme that the Foundation had previously funded to train non-lawyers in community-based organisations to become accredited in assisting immigrants with their applications.
 - **Sierra Madre Alliance (2009)**. Funding provided to create and broadcast radio programmes on territorial and other rights to over 70,000 indigenous people in the State of Chihuahua, Mexico, thereby improving access to justice.
 - **International Bridge to Justice (2008)**. To improve the administration of criminal justice in Zimbabwe, the Foundation contributed to funding to develop and publish legal skills toolkits for judges, magistrates and defence attorneys on the new Criminal Procedure and Evidence Judicial Service Acts.
 - **The New Family Organization for the Advancement of Family Rights (2008)**. Contribution to publish and distribute *The Guide to Inheritance Rights* to assist the 800,000 families in Israel not recognised by the religious authorities and therefore not by the state.
 - **Center for Justice and Accountability (2007)**. Funding to train 80 Honduran prosecutors to handle human rights abuse cases. In addition to the basics of international law, investigation and case development, the sessions provided participants with specific examples of legal strategies used by prosecutors, judges and attorneys for non-governmental agencies in the courts of Argentina, Chile, Peru, Spain and the United States.

The Foundation from its beginnings – and before

It has been my privilege to have been involved continuously with the Foundation since 1982, even before its founding in 1986; 1982 is not a typo. Here are a few of the early highlights.

At some point before 1980, the IBA began a review of some matters involving its legal structure. Work on these matters was being undertaken by Linklaters & Paines (as it then was) and Seward & Kissel. For reasons not germane to this article, part of the work involved the possible creation of a charitable entity to carry on certain educational projects previously handled by the IBA itself.

While the charitable entity was being considered, someone asked whether there was any one country that could work for everyone to finance desired law-related educational and charitable projects. The Finance Committee of the IBA Council decided to seek help. On 27 April 1982, Jean-Claude Goldsmith, for many years the Chair of the Tax Committee in the IBA's Section on Business Law, wrote for the Finance Committee to John H Young, the then Chair of the Tax Committee, and asked for assistance.

On 12 May 1982, Young appointed a Subcommittee to look into possibilities for the establishment and location of an IBA charitable foundation. The members of the Subcommittee were Stanley J Howard (Australia), Elinore J Richardson (Canada), A Edward Sadler (England), Pierre Neiger (France), Horst Brücher (Germany), Jan M van Kempen (the Netherlands), Andreas Frieriep (Switzerland) and, as Chair, yours truly, Edward A Morgan (United States). Leaving your current scrivener aside, this was clearly an outstanding group.

The principal question the Subcommittee was asked to address was: 'is there any single country in which an IBA charitable foundation might be located and be eligible to receive tax deductible contributions from members and others in many countries?' After diligent work by all of the country reporters, including separate national reports, the Subcommittee presented its general report of 16 October 1982 to the IBA Council's Finance Committee. The

brief answer to the principal question the Subcommittee had been presented was 'no'. More specifically: 'in most of the countries surveyed, a charitable deduction is either not allowable for donations to a foreign charity or other circumstances indicate that a local entity or operations are advisable.' Among the eight countries surveyed, France and Switzerland were found the most receptive to allowing deductions for contributions to foreign charities.¹

There then followed a period of internal discussions within the IBA about what to do. Eventually the word came back to the Tax Committee on the decisions reached. Based on input from Linklaters and Seward & Kissel, a UK educational trust was to be established. In addition, given the importance of the US non-profit sector, a US charity was also to be established, with other national charities possibly to be considered later. My firm, Alexander & Green, was asked to set up the US charity and did so.

For me, this was a most enjoyable project. In the course of incorporating the Foundation and obtaining its determination letter from the Internal Revenue Service qualifying it as a 'publicly supported' charity, I worked with many wonderful people in the IBA hierarchy. Most particularly, there was Madeleine May, the IBA's long-time then-Executive Director.

The initial UK charity had been established and was known as the UK IBA Educational Trust. The current iteration of this, differently structured, is the IBA Human Rights Institute Charitable Trust. The purposes of the UK IBA Educational Trust were entirely educational. I asked Madeleine May whether the IBA would prefer the same pattern for the new US charity, or something more broad. If more broad was possible, she said (and it was and is), then the preference would be for a broader set of purposes for the US charity.

Consequently, when the Foundation was incorporated in New York on 18 September 1986, its certificate of incorporation was very broad, essentially permitting anything that is both charitable under US legal definitions and legally related. See Appendix A for the



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text of the Foundation's purposes as set out in its certificate of incorporation.

The Foundation was, for regulatory reasons, structured so as to operate independently of the IBA, with no required interlocking of directors or officers. The expectation was that often (not always), the Foundation would be working with the IBA on worldwide charitable projects of mutual interest. The Foundation therefore never acts as a mere conduit for anyone, and it always retains sufficient discretion over all expenditures so that it can exercise the expenditure responsibility duties required, including, if necessary, stopping payments on grants already approved. Only once in the Foundation's 30-year history, by the way, has it been necessary to stop payments on a previously approved grant, and in that one instance, the problem was ultimately resolved satisfactorily to all involved.

By happy coincidence, the IBA's Annual Conference was in progress in New York City on 18 September 1986, when the Foundation sprang into existence via the accepted filing in New York State of its certificate of incorporation. Consequently, it was immediately possible to have the initial meeting of the Foundation board the same day, with James Sutherland, at the time also President of the IBA, elected as Chair and President. The initial organisational period had commenced and would continue for some time. By 4 November 1986, the Foundation board met again in New York. At that meeting, RKP Shankardass (who had succeeded James Sutherland as IBA President) was elected as Chair and President. At the same time, the legendary George C Seward was elected as Vice President and, being in the United States, quickly became in effect the Chief Operating Officer. Having been on the organising board and thereafter assisted the board as an adviser, I was invited back and elected as one of the Secretaries.

By the time the Foundation board met in Buenos Aires on 28 September 1988, there was another changing of the guard and changes made to the By-Laws, as the Foundation continued to evolve towards its more practical longer-term working structure. William Reece Smith, Jr (also the incoming IBA President) was elected Chair, but in a non-executive role. George Seward was elected as President, which became the Chief Executive Officer position. The board continued to have international members (then Shankardass and also Jan A van de

Van), but the key working officers were all US nationals: Mark R Joelson, Executive Vice President (became President in later years), myself as the Secretary and David R Tillinghast as Treasurer. Joelson was also designated as Chair of the Financial Controls Committee, which had existed from the beginning, consisting exclusively of US nationals with authority to intervene at any time to stop grant, etc, payments by the Foundation (previously board approved) if deemed necessary to prevent violations of US laws relating to charities.

Organisational development continued thereafter. Most significantly, in later years the President and Chair again became the same person, the Chief Executive Officer. Current and sometimes past IBA Presidents were frequently invited to be Foundation board members but not thereafter as working Foundation officers.

Increasing attention was then shifting toward the Foundation's grant-making activities. Much of the story here is for another chapter, but the Foundation has over the years now made grants on all six populated continents. Grant purposes have been diverse. The Foundation's certificate of incorporation provides a broad menu of possibilities (again, see Appendix A), many of which have been used. Without being exhaustive, the grants have funded educational projects, human rights projects, rule of law projects, developing world legal infrastructure needs and many others. The IBA Foundation is currently considering changes that could significantly increase its role and international profile, as long desired by the Foundation's board.

Appendix A

Excerpt, Certificate of Incorporation

International Bar Association Foundation, Inc

3. ... Within the [US federal tax law definition of charitable], the Foundation's purposes are as follows:

- a) To promote, foster and provide education on law, including, without limitation, international and comparative law and topics having legal significance or bearing on the administration of justice;
- b) To study, advance and facilitate the administration of justice in the United States and throughout the world;

- c) To promote, foster and aid the development of primitive or developing legal systems;
- d) To promote, foster and advance the right, in the United States and throughout the world, of public access on a non-discriminatory basis to justice and law, and the right and ability of lawyers to practice their profession freely and without interference;
- e) To promote the non-partisan study and research of legal problems and issues and to disseminate the results of such studies and research on a non-discriminatory basis or other basis directed to the public benefit, and to hold seminars or other educational programs in furtherance of the same;
- f) To acquire, preserve and maintain books, documents and other objects or materials concerning the law or having legal significance or bearing on the administration of justice including, without limitation, such materials as may

- not generally be available, and to act as a repository for the same; and
- g) To conduct any and all other activities as shall from time to time be found appropriate in connection with the foregoing and as are lawful for non-for-profit corporations.

Note

1 The same question and mostly the same answer came up in discussions at the IBA's Vienna Conference in 2015. The programme was 'Giving and receiving – taxation and other considerations; how-to-choose and how-to-use interactive guide to the philanthropic world', Stephan Neidhardt (Switzerland) and Inbal Faibish Wassmer (Israel), Chairs (7 October 2015). Discussions during that programme indicated that there had been one significant development on the multi-country question since the 1982 study. Because of the effects of European Union (EU) treaties, donors in one EU country had generally won the right to a charitable deduction to a charity organised in another EU country. Given the development discussed in the text below of a UK charity working with the IBA, this EU development has doubtless been helpful. On the other hand, based on the results of the Brexit vote in the UK on 23 June 2016, that development after a transition period could very well be reversed. Stay tuned.

A short history as Vice-President for grant administration

I was first elected the Foundation's Vice President for Grant Administration at the IBA's Annual Conference in Prague in September 2005. With grants very much at the heart of the Foundation's work, this was an important role and one I was asked to take up because of my background in grants administration as Academic Director of the US National Judicial College and my career since 2002 managing grant-funded rule of law projects in developing countries. I was living in Cairo, Egypt at the time, working on a US Agency for International Development (USAID)-funded project for the Egyptian court system.

2005 proved to be a period of growth for the Foundation. At the time, three major Foundation grants had just concluded, including the original IBA Task Force on

Terrorism project. In September 2006, the trustees worked through applications and approved grants to the Center for Justice and Accountability to train prosecutors in Honduras and the International Client Counselling Competition. By 2007 we had a wealth of applications and had to consider geographical diversity in deciding between projects we could support. Another year later, in 2008, we awarded the largest grant of my time (US\$41,600) to the new IBA Task Force on Terrorism publication. With ups and downs, particularly over the financial crisis of 2008–2009, the Foundation has had the very natural and perhaps enviable challenge of good applications – too many to fund them all.

In March 2009, I accepted a one-year post on a US Department of State project in Baghdad and had to step down as Vice



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President for Grant Administration – but only temporarily as it turned out. Russell DaSilva took over for me in May 2010; I rejoined him in the role this year as Co-Vice President for Grant Administration. Over the interim years, Russell very kindly copied me in on emails, and I remained active as a trustee, among other things donating my personal expertise to review the work of War Child Canada’s project in Northern Uganda on legal education for the justice and legal sector.¹

As I look back over more than a decade of participation in the Foundation, I think the most important grant we made was to the new IBA Task Force on Terrorism publication; important because of the international security implications for all countries, whether developed or developing.² My favourite was our grant to the Centre for Family Justice and Law in Israel for a project called New Family Organization to provide legal services to over 800,000 families, both Jewish and Palestinian, in Israel who are not recognised by orthodox religion and therefore not by the state (see ‘New Family: IBA Foundation funding supports interfaith families in Israel’ by grantee Irit Rosenblum on page 17 of this update. The New Family Organization was a model project with good work product, funds used appropriately within our guidelines, and – always a plus – reports submitted on time. It is also the only Foundation grant of which I am aware that was completed ahead of schedule!

With the Foundation’s 30th birthday this year, a restructuring towards larger, more focused contributions by the group is under way.³ When I first stepped in to support grants administration, we had our work cut out for us. Applications were so few that I

jokingly said I felt like the proverbial Maytag repairman, waiting for the unbreakable to need fixing – something it rarely did. Happily this situation changed quickly. The major change I have seen in the last decade is that the volume and quality of applications we receive have risen. We had 14 to consider in Barcelona in May 2016 - most worthy.

Over time the applications have become better written, more comprehensive, now usually including attachments such as the organisation’s annual report; so also more involved to review. In the mid-2000s the need to clear all the beneficiary’s board and staff through US security was introduced to ensure that none appears on an anti-terrorism watch list. Over the years we have refined and made our award letters more explicit. Our reporting requirements are substantially the same, so there is not much more paperwork once we have decided to award a grant. Although some trustees have been with the Foundation for decades, we have had an infusion of new blood that has brought new faces including some trustees knowledgeable in legal aid. Starting this year, one of them now helps to review all applications so we have the legal aid perspective.

Notes

- 1 See ‘The National Foundation for Democracy and Human Rights in Uganda – the Land Law Project’ by Executive Director of the National Foundation for Democracy and Human Rights in Uganda Justus Orishaba Bagamuhunda on page 14 and see ‘War Child Canada: working with women and child refugees from South Sudan’ by Richard Corbridge on page 19.
- 2 See ‘The IBA Task Force on Terrorism: a highlight of the Foundation’s work’ by IBA Executive Director Dr Mark Ellis on page 13.
- 3 See ‘From the President’ by Tim Powers, IBA President, on page 4.

IBA Foundation – turning conversation into action

My involvement in the IBA Foundation dates back to 2008. In that year, the financial markets in the United States and other major economies suffered enormous dislocations. Lawyers around the world worked hard to help clients manage their way through the financial crisis, but for many of us it also was an opportunity for reflection: *What really matters? Where and how can we make a difference? What should the priorities of the legal profession be?* IBA conferences had always provided fertile ground for discussion of those types of questions, and the IBA Foundation was a natural place to turn conversation into action.

I would be hard-pressed to name the most important causes that have been the subject of the Foundation's grants during this period, because all initiatives, large and small, that enhance the rule of law are worthy of support. Naturally, our focus has been on underserved constituencies. But because of our small size and very limited resources, the Foundation has also tried to encourage projects that either result in the establishment

of permanent institutions or that result in a tangible work product that can be reused both within their designated communities and even in other jurisdictions. One example is that we helped fund the establishment of an independent Bar Association in Afghanistan. We also provided resources for the preparation of training materials for judges, lawyers and other legal professionals in techniques that are more likely to result in the proper administration of justice. We have helped fund the production of written materials that guide refugees and victims of war to an understanding of their rights and the availability of legal services.

The list goes on and on, but regrettably, so does the list of worthy initiatives that our scarce resources did not permit us to support. I join my fellow officers and trustees in expressing the hope that this publication will encourage all IBA members to contribute generously to the Foundation. This, in turn, will help the IBA fulfill its mission of promoting the rule of law throughout the world.

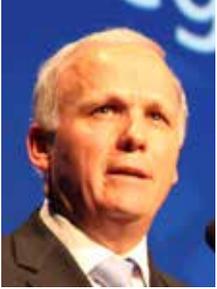


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MEET THE GRANTEES



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The IBA Task Force on Terrorism: a highlight of the Foundation's work

In its 30 years of operations, the IBA's US Foundation has supported law reform efforts in Zimbabwe, Afghanistan, Japan, Pakistan and Zambia, to name but a few. It has supported entities such as *Avocats sans Frontières*, the International Criminal Court, Bar Ilan University, Transparency International and the International Commission of Jurists. To me, however, as IBA Executive Director, its most important role has been in providing support and financing for the ground-breaking work of the IBA's Task Force on Terrorism.

I write these words in the wake of the 15 June terrorist attack in Orlando, Florida. This deadly shooting, to date the largest on US soil, is part of a rising tide of mass assaults in the United States, including San Bernadino, Boston and Fort Hood. While we do not yet know what motivated this latest act of violence, preliminary information suggests a 'lone wolf' attack inspired by ISIS propaganda. In November 2015, ISIS claimed responsibility for a series of coordinated attacks in Paris that targeted a nightclub, restaurants and a sports stadium and killed more than 100 people. Those attacks were the second that year in France, and involved perpetrators operating in at least three countries. The scourge of international terrorism continues to grow and, whether organised by groups like ISIS or inspired by radical propaganda, the result and the threat are the same. Since 9/11, terrorism has claimed the lives of thousands in the United States and in countries across Europe, Asia, Africa and the Middle East. With each attack the need for enhanced security measures is heightened. In Paris a state of emergency was declared while security forces attempted to identify terror cells and to apprehend suspects.

The fight against terrorism raises a host of complex legal challenges. From intelligence gathering and public safety to arrest and prosecution, governments have had to redefine the balance of national security with preserving the very rights that terrorism aims to quash. The proliferation of random mass attacks also reminds us that terrorism is an international phenomenon and requires a multilateral global response. It has been, and continues to be, important for the IBA to engage in this issue. As the global voice of the legal profession, the IBA is uniquely qualified to engage multiple stakeholders and to guide discussion about how to protect individual liberties and transparency in today's heightened security environment.

In late 2001, following the 9/11 attacks, I approached the IBA Management Board for funding to convene the first Task Force on Terrorism aimed at tackling the complex legal challenges surrounding the fight against global terrorism. Co-chaired by Justice Richard Goldstone and Ambassador Emilio Cárdenas, the Task Force undertook an extensive series of consultations with governments, international organisations, NGOs, policy advisers and lawyers during its one-year mandate. Following an initial meeting in London in January 2002, the Task Force held subsequent meetings in Washington DC and New York, US (April 2002); Stockholm, Sweden (July 2002); Durban, South Africa (October 2002); and Dubai, United Arab Emirates (January 2003). A Final Report of the Task Force's work and recommendations was issued in 2003.

At the outset I reached out to Phil Zeidman, a good friend, great lawyer and then-Chair of the IBA Foundation. Phil had already registered interest in the Task Force. The 9/11 attacks occurred on US

soil and Phil wanted the Foundation to take a lead role in assisting the newly minted Task Force. The Foundation gave advice regarding potential resources and team leaders, and played a role in assisting the ‘fact-finding’ sessions conducted in Washington, DC and New York City. It also took the lead in arranging US meetings and press conferences in conjunction with the release of the Task Force’s final report. In one of the many remarkable gestures of support, the Foundation persuaded 16 Washington DC law firms and several individuals to contribute to the cost of these meetings and press conferences. Through its outreach efforts, the Foundation raised more than US\$15,000 and was able to allocate additional funds through its budget.

This was the first time the Foundation had solicited funds and provided direct assistance to an IBA initiative. Under Phil Zeidman’s leadership, the Foundation carried a sense of ownership in the Terrorism Task Force and was invested in its success.

As the Foundation moves forward with a new structure, it is well placed to continue its support for rule of law initiatives. I hope it does so with a renewed commitment to activism and relevance. In today’s uncertain world there is a great deal to be done to maintain transparency and accountability while finding the balance between global security and individual freedoms under law.

The National Foundation for Democracy and Human Rights in Uganda – the Land Law Project

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Formed in 2000 to promote human rights, peace, justice, democracy and good governance in Western Uganda, the National Foundation for Democracy and Human Rights in Uganda (NAFODU) approached the IBA Foundation for a grant in 2015 to support its Land Law Project. NAFODU felt there was a significant lack of knowledge about important land-related issues in the country, generally with women at a disadvantage as they are traditionally not favoured in terms of inheriting land; land conflicts in Uganda, NAFODU reports, have continued to threaten Uganda’s peaceful coexistence with land fights perpetuating. These land wrangles, it is felt, stem largely from a poor understanding of the relevant land laws.

With this background NAFODU began to implement the Land Law Project across the four regions of Uganda – Central, Eastern, Northern and Western Uganda. The Project’s objective is to increase understanding of the land laws and to promote, protect and preserve land and property rights in the country. These objectives were carried out

through an information campaign including radio programmes, spot messages and training workshops; a simplified land law guide to help citizens understand the land laws; and a report on the state of land law in Uganda to be distributed widely to members of the general public, the government and to civil society organisations.

With US\$10,000 support from the IBA Foundation, NAFODU trained 120 government officials, community leaders, humanitarian aid workers, judges, lawyers and others whose responsibilities include upholding land and property rights in Uganda. Training examined the system of land tenure in the country with its historical background covering tribal norms and customary law, through to the legal and constitutional reforms introduced by the present government. The training sought to strengthen the understanding of property rights for men and women as equal citizens, including rights of inheritance and succession.

The funding also supported NAFODU’s development of a land law guide, *A Simplified*



Guide to Land and Property Rights in Uganda, which is a source of information for those upholding land rights in the country. The group hopes to translate the guide into at least four local languages to extend its reach beyond just those who speak English. Radio programmes and ‘spot messages’ on the topic have further enabled Ugandans to understand the relevant laws, including news headlines and instances of successful efforts to promote land and property rights. A report was published in 2016 on the state of land law practices in Uganda, distributed widely to the public, the government and to civil society organisations.

NAFODU is a civic non-partisan, non-profit and non-governmental organisation

registered under the Ugandan Ministry of Justice and Constitutional Affairs, whose reach now extends across the country with projects in all parts of Uganda. Its vision is to have a democratic Uganda where government is accountable to its citizens and in which all citizens freely and willingly participate in the social, political and economic affairs of the country. NAFODU’s main programmatic foci are in human rights and good governance, peace and justice, research, advocacy and community media, under which it runs a community radio programme established with support from UNESCO-IPDC. Other funding comes from the IBA Foundation, the Fund for Global Human Rights, the Taiwan Foundation for Democracy and CIVICUS.

Lex:lead: Foundation funding launches annual scholarship competition for the LDCs

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With a grant to Lex:lead in 2010 and again in 2012, the Foundation played a formative role in this all-volunteer group's establishment, funding four of its first scholarship awards, each awarded to students from the world's least developed countries.

The group, founded and led by myself, credits another IBA-related initiative, the Global Challenge, as its predecessor. Like Lex:lead, the Global Challenge had held bringing the international legal community to the issue of poverty and economic development at the forefront of its activities, focusing on the world's approximately 50 least-developed countries.

The Lex:lead initiative aims to see what a small, all-volunteer group can do to tackle the economic environment in these countries. Its core programme is an annual essay competition on topics of law and development open to registered students in the world's least developed countries. At US\$500 apiece, the awards are relatively modest – for a number of reasons. Working its way through incorporating and filing for section 501(c)(3) tax-free status in

2010, the group reasoned that allotments of US\$500 would be easier to raise from donors than larger sums, yet still provide a significant award for the students to help fund their studies and generally provide a real opportunity. In Ethiopia, one of the countries with a high level of participation in each year's competitions, the US\$500 awards pay as much as half of the students' portion of their entire degree; in other countries the amount pays half a year or half a semester. In all cases the sums awarded – and the opportunity – go a long way.

Launched in 2010 Lex:lead made only one award, credited to part of the Foundation's first US\$1,000 grant, from a pilot competition open to only five countries. The following year the group was able to offer two scholarships, increasing to five awards (with another US\$1,000 grant from the Foundation), then seven, then rising to ten scholarships annually. Five years later, the group has made 35 awards (about US\$20,000) to students across the least developed countries, published most of the essays (through the IBA African Regional Forum



Anne Bodley (centre), President/Founder of Lex:lead, with winners at Addis Ababa University, Ethiopia, April 2014

until last year), and started placing students in World Bank-affiliated funded internships as well, both in Washington, DC and in the student's home countries.

The group remains grateful to the Foundation for giving the group its start. In addition to the Foundation, donors have included:

- Addleshaw Goddard (London);
- Allen & Overy (London);
- DLA Piper (London);
- Claude Moore Charitable Foundation (USA);
- Cliffe Dekker Hofmeyr (Johannesburg);
- Cozen O'Connor (New York);
- Hogan Lovells (London);
- Law Council of Australia (Canberra);
- Linklaters (London);
- Travers Smith (London);
- Webber Wentzel (Johannesburg).

The group limits its role in the competition to

that of an administrator. Between September and November each year, students register with the group and are given a competition number that they are to use (without other identifying information) in submitting their essays by year-end. The group has been delighted at the volunteer spirit of high-level judges, lawyers, ambassadors and academics who have each year agreed to evaluate a portion of the essays the group receives – thereby deciding the finalists that are then (once cleared) offered awards. The group also invites the majority of the winning students to join the group as 'Lex:lead Ambassadors', representing the programme in their countries – forming a valuable on-the-ground presence to answer questions for other students interested in applying to the competition.

Lex:lead is also an intellectual partner to the World Bank-supported Global Forum on Law, Justice and Development.

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New Family: IBA Foundation funding supports interfaith families in Israel

Founded in 1998, New Family is the leading family rights advocate and recognised instigator of bi-national and interfaith family rights in Israel. New Family fills a crucial gap in the theory and practice of law and human rights, working for equal family rights for all residents of Israel, including the rights to marry, divorce, have children, register spouses and children, and conduct family life free of religious coercion regardless of religion, gender, nationality, sexual orientation or status. New Family provides legal services to over 800,000 families not recognised by religious authorities or the state.

New Family's mission is to attain and protect the right of every individual to establish a family and to enjoy equal rights within it. Supported by the Foundation, the Family Unification project plays an integral part in that mission by informing the most vulnerable families of their human and civil

rights, empowering them to stand up for them. The project embraces New Family's philosophy that people of all religions, nationalities, sexual orientations and statuses deserve the right to family as an inalienable human right.

While Israel protects freedom of religion for all faiths, it is the only democracy in the world that denies its citizens the right to marry and establish a family if they do not conform to orthodox religious standards. The only unions recognised by Israeli law are the orthodox religious authorities of each faith, or marriages performed in another country. Only couples of the opposite sex, of the same religion, descending from religiously 'legal' unions, are entitled to marry religiously. There is no civil marriage recognised by law. Today in Israel only 58 per cent of the population conforms to the traditional definition of family. The remaining 42 per cent are subject to various



An interfaith couple supported by New Family, Israel

forms of discrimination, from the inability to marry, economic disadvantages, ineligibility for fertility treatments and adoption, to disqualification from purchasing state-owned lands and joining communal settlements and more, according to their religious and family status.

With a US\$10,000 grant from the Foundation in 2007, New Family was able to strengthen the Family Unification project goals by:

- Providing legal aid to interfaith and binational families not recognised under Israeli law.
- Unifying interfaith and binational families in Israel.
- Offering couples of different religions the option to marry contractually in Israel.
- Enlisting official support of government officials, jurists, academics and social scientists to support the basic right of every individual to live together with their partner and children.
- Advancing the organisation's most popular solution, the Domestic Union Card, which entitles couples to legal status and rights equal to married couples on the basis of a legal affidavit that its holders are considered common law spouses. The card documents a couple's status as common law spouses in Israel and abroad. Domestic Union Cards provide an egalitarian alternative to orthodox religious marriage. They are recognised internationally as legal and official union documentation.

Richard Corbridge

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War Child Canada: working with women and child refugees from South Sudan

War Child Canada's mission is to help children in war-afflicted communities to reclaim their childhood through access to education, opportunity and justice. War Child takes an active role in raising public awareness around the impact of war on communities and the shared responsibility to act.

With support from the Foundation and other generous donors, War Child Canada has worked in Northern Uganda since 2008, providing legal protection to women and children in a region impacted by war, a breakdown of law and order and, most recently, an influx of refugees from neighbouring South Sudan. As a registered law firm in Uganda, War Child Canada provides direct legal aid to survivors of sexual and gender-based violence and offers legal protection services to vulnerable communities. Services include legal counselling, advice or referrals – in person or through a toll-free legal hotline; alternate dispute resolution and mediation; and court representation in civil or criminal cases.

In 2015, War Child Canada's justice programme in Uganda reached 115,000 people. Approximately 8,500 legal aid cases have been registered since 2008. Mass community awareness-raising provides information and education on legal rights, prevention and response to sexual and gender-based violence. Additionally, tens of thousands have been reached by radio talk show programmes. A recent report states that nearly half of Ugandans receive their information through radio broadcasts, making it the highest-accessed method of communication.

In recent years, there has been an influx of refugees from South Sudan entering into Uganda – over 800,000, according to recent UNHCR data – drastically over-stretching government resources in a place that was already affected by violence and a culture of impunity. Women and children refugees are most vulnerable to criminal acts, and

are unlikely to receive legal support owing to a lack of awareness of their rights and accessibility issues. In response to this recent refugee crisis, mobile legal aid clinics have been established, providing free and accessible legal aid in remote and hard-to-reach communities.

War Child Canada's justice programme in Uganda uses a three-tiered approach – legal aid, community awareness and training of duty bearers – each addressing key issues that work to create long-term impact while meeting the needs of individual communities. Based on War Child Canada's core function of creating locally sustainable programmes, focus is placed on building the capacity of a range of actors on protection case management, prevention and response, including the police, judiciary, military, social workers, other legal aid service providers and communities, in order to establish a strong foundation on which the programme can continue to thrive once implementation is complete.

Through mass community sensitisations, War Child Canada seeks to increase understanding of sexual and gender-based violence. The subject matter for each sensitisation session included an understanding of causes and consequences as well as types of violence and the laws that protect women and children against rights violations. The material used during these dialogues is based on the War Child Canada training manual, *Preventing and Responding to Children's Rights Abuses and Sexual and Gender-Based Violence*, to which the IBA contributed in 2012.

The effectiveness of War Child Canada's programming is substantiated by numbers from a recent external evaluation of its programme: compared to participants who live further away from War Child Canada's services, participants who live closer are over twice as likely to report an awareness and understanding of the availability of legal aid services. Community members are also 2.5



MEET THE GRANTEES: WAR CHILD CANADA



War Child Canada community awareness programme

times more likely to report that police and lawyers are effective in handling cases and 3.5 times more likely to report that perpetrators are being appropriately prosecuted.

Based on this model of legal aid services in Uganda, War Child Canada expanded its legal

programming in 2014 to Afghanistan where it is now one of the largest legal aid providers in the country.

For more information and to get involved, please visit the War Child Canada website at www.warchild.ca.

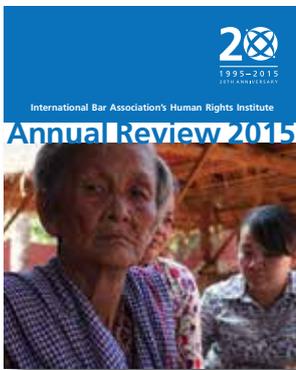


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