

EXECUTIVE COMMITTEE OF INTERNATIONAL COMMISSION OF JURISTS  
MEETS IN GENEVA: CRITICAL DECISIONS

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The International Commission of Jurists (ICJ) has, since 1952, been the leading non-governmental advocacy and technical support organisation for the protection of individual rights, the independence of the judiciary and the legal system and the observance of the rule of law. The ICJ comprises 40 Commission members elected by their colleagues from among leading judges and other lawyers in all regions of the world. In fifty-six countries there are national Sections or bodies affiliated to the ICJ. It is estimated that approximately 45,000 lawyers, judges and legal scholars are members of the Sections and affiliates.

The ICJ operates on a budget of little more than \$US1.1m. In recognition of its work, the ICJ has received many international prizes. In 1980, the Parliamentary Assembly of the Council of Europe awarded its first Human Rights Prize to the ICJ in recognition of "its efforts devoted to promoting understanding of the Rule of Law and the legal protection of human rights throughout the whole world, and action within the United Nations and the Council of Europe against torture".

In 1985 at the Peace Palace in the Hague, the Secretary General of the ICJ received on its behalf the Wateler Peace Prize for the ICJ's activities in the field of human rights.

That prize is awarded by the Director of the Carnegie Foundation in the Netherlands. In November 1989 Prince Bernard of the Netherlands presented to the ICJ the Erasmus Peace Prize for 1989. This is a prize awarded annually "to honour a person or institution that has made an exceptionally important contribution to European culture, society or social science".

Between biennial meetings of the ICJ, the business of the Commission is carried on by an Executive Committee elected at such meetings. The committee comprises a Chairman (Mr William Butler, long associated with the American Section of the ICJ) and seven members. Justice Michael Kirby, President of the Court of Appeal of New South Wales is the first Australian to be elected a member of the Executive Committee. The Chief Executive of the ICJ is the Secretary General. For the past seventeen years this post has been held by Mr Niall MacDermot QC. He is an English barrister and former Minister in the United Kingdom government.

The ICJ operates out of premises in a suburb of Geneva, Switzerland. By this location it is well placed to participate in the many human rights activities of the United Nations conducted as Geneva. The activities of the ICJ include:

- \* The implementation and coordination of the work of national Sections;
- \* The establishment and work of the Centre for the Independence of Judge and Lawyers

(CIJL);

- \* The establishment of standards in relation to human rights and the participation in, or initiation of, conventions relevant to human rights;
- \* The conduct of investigatory missions such as recent missions to South Africa, Indonesia, Japan (in respect of the rights of mental patients) and Palau in Micronesia; and
- \* The publication of reports on the above activities and of bulletins outlining, reviewing and analysing international developments relevant to human rights and the rule of law.

At the last meeting of the Commission in Caracas, Venezuela in January 1989, the Secretary General announced his intention to retire from his post as soon as a successor could be found. At the Executive Committee Meeting Mr McDermot's retirement from 1 July 1990 was accepted with regret by the Committee. There is therefore less than six months within which to find his successor and to recruit him or her on appropriate terms. This announcement, and the necessity to provide for a successor was the principal focus of the attention of the Executive Committee of the ICJ at its meeting at its Geneva headquarters 28-29 October 1989. Most of the time of the Executive Committee was addressed to the

issues of increasing the funding of the ICJ by at least \$US250,000 a year for the next five years. This injection of funds is necessary to:

- \* Recruit a new Secretary General of appropriate stature at a salary commensurate with that paid for equivalent appointments;
- \* Increase the present research staff, and in particular to provide for better administrative support to the Secretary General and the provision of officers with regional experience in areas not presently represented. The Pacific region is one such area;
- \* Provide for forward planning for a move of the ICJ secretariat to more adequate premises. The lease of the present headquarters in Geneva expires in two years' time. In any case, the premises are insufficient, being a converted suburban house. Meeting facilities are inadequate. Researchers are required to work generally two to each small room;
- \* Provide for a redefinition of the mission of the ICJ. When it was established in 1952 it was virtually the only such entity dealing with international human rights

issues. Now there are many such entities. It is essential for the ICJ to contribute to the important challenges to human rights and the rule of law in all parts of the world. In some parts, this involves seizing the opportunities presented by recent changes, particularly in Eastern Europe and the Soviet Union. In some parts, it involves the investigation of departures from observance of human rights and the rule of law. Many such departures have occurred in recent years in the Asia/Pacific region. The removal from office of the Judges of the Supreme Court of Fiji; the removal of the Lord President of Malaysia; the preventive detention of human rights lawyers in Singapore and the murder of human rights lawyers in the Philippines are some instances which spring to mind.

The Chairman of the Executive Committee presented a programme for attempts to increase the funds of the ICJ. This was adopted by the Executive Committee. It will involve appeals to private foundations, governments, national sections and affiliates and individual lawyers throughout the world.

The Executive Committee heard reports on ICJ activities in every region of the world. The list of such activities, as reflected in the reports to the meeting is a long and impressive one. Matters which attract particular attention were the developments in Eastern Europe, reports from trial observers and on workshops and study missions in various parts of the world. The activities of the CIJL were also reviewed.

One particularly interesting development which was reported was the commissioning by the World Health Organization of a special report from the ICJ on human rights aspects of AIDS and the human immuno deficiency virus. There was discussion of strategies to strengthen the African Commission on Human and Peoples' Rights. Support was given to the creation of an Association of Francophone Judges in Africa. The possibility of a meeting of National Sections within the Commonwealth of Nations in conjunction with the Commonwealth Law Conference in New Zealand in April 1990 is to be explored. Various applications for missions, studies, seminars and other ICJ interventions were discussed and decided.

The Executive Committee reviewed the budget and financial statements of the ICJ and received a detailed report on a facility being developed in Geneva for shared use by NGOs. Approval was given for the further pursuit of this activity.

It will be clear from the above that the ICJ has

reached a critical point in its history. It is about to undergo a change of executive leadership. Its premises need to be changed. Its focus of attention, including on the Asia/Pacific region needs to be broadened. The opportunities presented by the remarkable developments in Eastern Europe need to be seized. The patient contributions to the international agencies in Geneva, the support of national sections, the conduct of conferences and the work of the CIJL all need to be developed and enhanced.

At this watershed in the life of the ICJ, international honours and words are not enough. What is essential is practical support and a speedy and sustained injection of funds to permit this important international organisation to continue and enlarge its work. It is work vital for upholding the rule of law in every land and enhancing the respect for human rights in practical and multitudinous ways.

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