

THE INTERNATIONAL COMMISSION OF JURISTS

15 JUNE 1990

The President



Court of Appeal  
Supreme Court  
Sydney

J. K. ...  
0630/20

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INTERNATIONAL COMMISSION OF JURISTS

Trouble in the region:

As the attached report of the Australian Section of the International Commission of Jurists (ICJ) demonstrates, our Section is one of the most active in the world in pursuing the objectives of the ICJ. Those objectives, including universal observance of human rights, respect for the rule of law and fidelity to the independence of the judiciary and of lawyers, face new challenges in the decade ahead.

Many of the portents in Eastern Europe seem full of promise. But in the Asia/Pacific region much remains to be done. This can be seen by the coup in Fiji, which deposed an elected government, revoked the constitution and undermined the independence of the judiciary and of lawyers. It can be seen in Malaysia where the most senior judge of the country was removed from office in circumstances which were specifically condemned by the ICJ at its meeting in Caracas, Venezuela in 1989. It can be seen in the Philippines, where human rights lawyers have been murdered. It can be seen in Palau where attempts were made, by violence, to frustrate a constitutional challenge in the Supreme Court questioning government action. It can be seen in Burma, where the constitution remains suspended by the military government despite the recent election.

Never has the ICJ's mission been more important in our region than at the moment. Whilst attending to our national and state concerns, it is essential that Australians should be vigilant to the threats to and dangers for human rights and the rule of law in the world and especially in neighbouring countries. The ICJ, Geneva, is the centrepiece of an international organisation which speaks with authority,

clarity and reason. The success of the central office of the ICJ is indispensable to the success of the Australian Section.

ICJ: a time of transition:

Yet this is a time of transition in the international organisation of the ICJ. The Secretary General, Mr Niall MacDermott QC will stand down from that post in September 1990. He has occupied it with distinction for nearly 20 years. He came to the position from a background of high responsibility as a Minister in the United Kingdom Government and an experienced barrister. With extremely small material resources, but with a dedicated staff and supportive Commissioners, sections and affiliated organisations, a great deal has been achieved in that 20 years. For 15 of those years the Chairman of the Executive Committee has been Mr William Butler, a New York attorney. Mr Butler's term as a Commissioner will expire at the end of 1990. The lease of the premises in Geneva will shortly expire. The funding of headquarters will need to take into account the requirements of a new Secretary General, a new premises, enlarged staff and a new global mission addressed to the new problems of a world of rapid change. All of these developments impose heavy responsibilities both on the Executive Committee (of which I am now a member) and on the Sections, including our own. Representations are being made to the Australian government for an increase in the Australian subvention to the ICJ which has remained stationary for many years.

At the recent 9th Commonwealth Law Conference in Auckland, New Zealand a meeting took place of representatives of ICJ Sections throughout the Commonwealth and other interested persons. The importance of the changes in Geneva was recognised by all present.

ICJ: heavy programme:

Despite a natural preoccupation with the transitional arrangements at such a time of change, ICJ, Geneva have been the centrepiece of extremely active work in pursuit of its mission.

\* It has conducted seminars on legal services in rural areas in many countries, including in Thailand and Indonesia in our region;

- \* It has organised, through the Centre for the Independence of the Judiciary and of Lawyers (CIJL) numerous conferences and meetings. These have included basic contributions to standard setting, especially in the development of the UN basic principles on the role of lawyers. It has also been concerned in seminars of the independence of the judiciary in countries where this has been at risk, eg Peru and Pakistan;
- \* It has organised missions, the reports of which achieve widespread publicity and influence. It is presently organising a mission to be conducted later in 1990 to the Philippines which will include Justice Marcus Einfeld of our Section. Our Secretary General, Mr David Bitel, will be joint rapporteur for the mission;
- \* It has conducted a formidable publication programme, including ICJ Review, under the austere editorial supervision of Mr MacDermot himself;
- \* It is planning a multitude of workshops and seminars, many of them in our region;
- \* It is working at the frontiers of human rights. For example, by invitation of the World Health Organisation, work has been commissioned on the human rights implications of AIDS and HIV; and
- \* It is considering a proposal for the increase of the numbers of Commissioners from 40 to 45 to take account of the special needs which may arise in newly liberated countries.

Immediate challenges:

The Australian Section and I are in virtual daily contact with ICJ Geneva. As a mark of our recognition of the central role played by Geneva headquarters, an ad hoc financial contribution was voted by the Australian Section to Geneva. The need for further support from Sections for the work of the Geneva headquarters is now plain. I have stressed the need for an open recruitment of the successor to Mr MacDermot and for the even more active involvement of the Sections (including the Australian Section) in the work of ICJ headquarters in the future, than has been the case in the past. For our part we, in Australia, need to expand our

Section so that it is truly representative of the national interest in the ICJ and its mission.

When the ICJ was established in 1951 it was one of the few voices in the field of human rights. Now there are many such voices and many new problems. The decade ahead will involve the added challenge of redefining the role of the ICJ in a time of rapid change. If all of the problems, summarised above, seem daunting, the importance of human rights, respect for the rule of law and for the independence of judges and of lawyers is more important today than ever before. The prospect of useful contributions by an international body such as the ICJ and by its national Sections and affiliated organisations, is enhanced by some of the developments which have recently occurred in Europe. But in the Asia/Pacific region, the developments have been much more discouraging. This is why the recruitment of new Commissioners, officers and resources for ICJ Geneva is of vital importance to us in the Australian Section. It is a reason for us to avoid parochial attitudes and to take a lively concern in the success of the transitional changes in Geneva and of the international role of the ICJ at this time.



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