

AUSTRALIAN LAWYER

JUSTICE KIRBY ELECTED PRESIDENT OF ICJ

The President of the New South Wales Court of Appeal, Justice Michael Kirby, was elected President of the International Commission of Jurists (ICJ) at the Commission's triennial meeting in Bangalore, India on 27 October 1995. For the past three years Justice Kirby had served as Chairman of the Executive Committee of the ICJ, the main executive office in the organisation.

Those participating in the election of Justice Kirby were the Members of the ICJ participating in the Bangalore meeting. These included, amongst others, Justice Claire L'Heureux Dubé (Supreme Court of Canada); Sir Robin Cooke (New Zealand); Justice Enoch Dumbutshena (Zimbabwe and Namibia); Justice Arthur Chaskalson (President of the Constitutional Court of South Africa); Professor Laszlo Solyom (President of the Constitutional Court of Hungary); and Judge M J Crespín (Cour de Cassation of Senegal). Other members of the ICJ participating in the Bangalore meeting were leading advocates in several countries, including Sir William Goodhart QC (United Kingdom) and Mr Fali Nariman (past Solicitor-General of India). Mr Nariman succeeded Justice Kirby as Chairman of the ICJ Executive Committee.

The ICJ comprises no more than 45 jurists elected by the present Commissioners to reflect the legal profession around the world. The Commissioners come from different branches of legal activity and different regions of the world. The activities of the ICJ are focussed on defence of the

rule of law, advancement of human rights and protection of the independence of the judiciary and of lawyers. One of the recently elected ICJ Commissioners is Dato' Param Cumaraswamy (Malaysia) who, in 1994, was appointed UN Special Rapporteur on the Independence of the Judiciary and of Lawyers. Justice Kirby holds the UN post of Special Representative of the Secretary-General for Human Rights in Cambodia.

Justice Kirby will hold the post of President of the ICJ for three years. His immediate predecessor as President was Dr Joaquin Ruiz-Gimenez, the former Ombudsman of Spain who was a defender of human rights in that country during the Franco years.

Also present at the ICJ meeting in Bangalore were a number of leading members of the Australian Section of the ICJ (AICJ) including Chief Justice David Malcolm (WA Branch); Justice John Dowd (Chairman of the Australian Section, NSW); and Mr Brin Woinarski QC (Victorian Branch). Other Branches of the AICJ exist in the Northern Territory and a Queensland Branch is being formed in Brisbane.

The AICJ was established, soon after the foundation of the ICJ in 1952, with the support of the then Chief Justice of the High Court of Australia (Sir Owen Dixon). It has enjoyed support ever since from judges, barristers, solicitors and law teachers committed to the ICJ's objectives. Justice Kirby was first elected Commissioner of the ICJ in 1984. He will complete his term of 15 years (the maximum permissible) in 1999.

Justice Kirby told the closing session of the joint meeting of ICJ Commissioners and the 100 representatives of National ICJ Sections and Affiliated Organisations from around the world that he had adopted objectives of modernising the ICJ organisation. This had involved securing the participation in the Commission of more women as Members, more non-English speaking Commissioners, more representatives from developing countries and more younger lawyers. The ICJ had, in the past three years,

acquired new premises in Geneva and had adopted a much more transparent administrative style than it had followed in the past. Symbolic of this was the *Triennial Report* of the ICJ tabled at the Bangalore meeting. This report outlines the vast range of ICJ activities in human rights missions, trial observance and seminars. The meeting of the ICJ was proceeded by a conference on the role of lawyers in the implementation of economic, social and cultural human rights. That conference was inaugurated by Chief Justice A M Ahmadi (Chief Justice of India) and Hon Salman Rusheed MP (Secretary of State for External Affairs in the Government of India). The conference adopted an *Action Plan* designed to enlist the interest of lawyers around the world in "the other Covenant", ie the *International Covenant on Economic, social and Cultural Rights*. The conference declared that it was timely for lawyers to take an interest in the legitimate role of lawyers in securing the enforcement of human rights other than civil and political rights. Close attention was paid during the conference to decisions of the Indian courts in public interest litigation aimed at securing the benefits of economic, social and cultural rights.

The Secretary-General of the ICJ (Mr Adama Dieng) said, summing up the Bangalore conference:

"We are not downgrading civil and political rights. We are simply appealing to judges and lawyers everywhere to see the legitimate role of the law to address the vital issues of economic, social and cultural rights. To ordinary citizens, who never enter a court room or a police station, the most urgent human rights are often those concerned with access to medical care, education, food and housing. The meeting in India is a timely reminder of the way in which the legal profession and the judiciary can use legal process to stimulate the provision of economic, social and cultural rights. The lawyers and courts of India have often shown the way in this regard. We can all learn from India and take this message back to judges and lawyers in all parts of the world."

Lawyers in Australia wishing to be associated with the AICJ should contact the Secretary-General of the Australian Section, Mr David Bitel, Sydney (telephone (02) 283 1333; Fax: (02) 267 8808). Those interested will then be put in touch with their local branch. The AICJ has been very active in recent years with regard to concerns relevant to the independence of the judiciary in Australia and with trial and electoral observance and the conduct of human rights missions in the region, including in East Timor, Burma, the Philippines and Japan.