

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

Speech of Mr. Jitendra Sharma, President,
IADL at the Opening Session of the XVIIth
Congress at Hanoi on June 6, 2009.

Your Excellency, the President of the Socialist Republic of Viet Nam, honoured guests, fellow participants and friends.

Your Excellency please allow me to greet you this morning on behalf of the members of the International Association of Democratic Lawyers who are spread over 100 countries of the world. Your presence at the XVIIth Congress of the Association is a matter of pride and a source of great strength to all of us.

As President of the Socialist Republic of Vietnam you embody the hopes and aspirations of the people of this great Country. You as President, are a worthy successor of the great revolutionary leader Comrade Ho Chi Minh. Just a little while ago myself and other members of the Bureau visited Ho Chi Minh Mausoleum to pay our tributes and homage to him. He was not only a leader of the people of Vietnam, he was a leader of all the peoples of the world who were fighting for freedom and liberation of their country from the imperialist and capitalist forces. He was a leader of the international communist movement. He was greatly loved, immensely admired and was a source

of inspiration to the generations of the young people throughout the world and continues to be so even today. Mr. President, it is a great honour for us to have this XVIIth Congress of IADL in this country.

Exactly 4 years ago from 7th June, 2005 onwards we met at Paris for the XVIth Congress of the International Association of Democratic Lawyers. Much has happened in the last four years. During this period has the world become a better place for us and for our succeeding generations to live ? Have we moved forward in upholding the Rule of Law, in promoting Human Rights, in creating an environmental sustainability? Has the world progressed towards renouncing war, outlawing Nuclear weapons and towards general and complete disarmament ? Has the world succeeded in curbing terrorism, and international crimes thus making this world safe and free from fear ? Unfortunately it has not been so.

The Congress in Hanoi is meeting in the background of serious international situation and grave economic crisis. The situation in Middle East continues to deteriorate and is highly explosive.

US - led foreign forces are well entrenched in Iraq. The blood bath in Iraq continues and despite near unanimous international demand

there is no sign of withdraw of foreign troop from Iraq. Iraq continues to be an Occupied Territory with no protection of safeguards. The people of Iraq have paid and continue to pay a very heavy price in terms of enormous loss of life. It is imperative that all foreign troops must immediately withdraw from Iraq.

Israel has continued with its policy of indiscriminate killings blockade, destruction of basic infrastructure and administrative set up and all types of repression in the Occupied Palestine Territory. The international institutions have failed to curb Israel on its policy of occupation and repression in Palestine. The opinion of the International Court of Justice on the apartheid wall built by Israel in Palestinian territory continues to be flouted and despite directions to the contrary the Wall has not been demolished. Unfortunately the fratricidal disputes within the two political formations in Palestine has divided the Palestinian people and weakened in the resistance. It is essential that the United Nations and other international organisations must intervene effectively and end the occupation of Palestine.

Terrorism and religious fundamentalism is posing a serious threat to democracy, freedom and human rights. On one side the religious fundamentalist formations like Talibans seek to impose highly discriminatory and inhuman conditions on the people. On the other several States have, in the name of fighting terrorism, assumed enormous powers which deprive the people of their human rights and available legal safeguards. The assumption of draconian powers by a State has not made this world more safe but in the process the people have lost their rights and freedoms.

The independence of judiciary and legal profession are being threatened in different parts of the world. The lawyers have to wage serious and often prolonged struggle against attack on judiciary and the legal profession. We salute the Pakistan lawyers who carried out a massive struggle in defence of independence of judiciary. When the then Pakistan Military Rulers dismissed the Chief Justice of Pakistan and a large number of other judges of the Supreme Court and the High Courts, the lawyers protested and carried on a prolonged agitation for independence of judiciary, for reinstatement of the Chief Justice and other judges in their position. It, in reality became a struggle for restoration of democracy in Pakistan. The struggle became more and more intense and the military rule had to give way to a democratic

process. It is unprecedented that the struggle of lawyers in Pakistan not only succeeded in getting the Chief justice and other judges reinstated but also succeeded in overthrowing the military dictatorship in Pakistan. Some of the leaders of that massive struggle are here amongst us and we greet them on their success.

The lawyers and judges in Philippines have constantly been under attack. A number of lawyers and judges who courageously stood for the rights of the people have lost their lives. A peoples lawyer, a progressive and democratic lawyer and a forthright and independent judge in Philippines has to carry out his/her professional duties under fear and threat of physical liquidation. We greet the lawyers of Philippines, some of their leaders are here with us, for their courage and determination to carry out their professional duties to safeguard the rights of people.

Friends,

Despite the paucity of time I wish to take this opportunity to draw your attention to the attempts being made to put curbs or deprive the victims of State sponsored terrorism, violence and murder, of their rights to invoke universal jurisdiction to punish the culprits. Some years back when cases were field in Belgium the courts were immediately deprived of jurisdiction to adjudicate cases under the universal

jurisdiction by pressurising the Belgium Government to amend the law. Last week in Spain, which has liberal provisions to invoke universal jurisdiction, is being pressurised to amend its laws so that such cases are not brought to the courts in that country. A serious debate and movement to safeguard this legal provisions has been launched by our friends.

Recently we are witnessing an unprecedented and serious economic crisis. The workers around the world are fast loosing their jobs. The world financial crisis has severely disrupted economic growth. The global forecast by the United Nations indicates that the world per capita income could drop by 3.4 per cent in 2009. The forecast also is that the conditions of living in large number of developing countries may decline thus placing the jobs of billions of people at risk in these countries. We as lawyers of the poor and the deprived, of workers and middle class are seriously concerned over this situation. A concerted effort is required to minimize the economic and social damage from the present crisis. The situation has to be resolved from a human rights

perspective. The crisis has also revealed serious systemic and structural deficiencies highlighting the need for a wide ranging reforms in the global economic governance. A constant vigilance is essential to ensure that the reform in the interest of the common men and women are introduced at the earliest.

Your Excellency, this Congress of IADL is very important. It is important because it is being held in Vietnam. Vietnam has an important place in the hearts of the democratic progressive lawyers who love freedom, national independence and the rights of the people to be the masters of their destiny. Vietnam symbolises patriotism. Vietnam reflects a sense of pride of the people in their country and its leadership.

IADL has always supported our Vietnam friends. When the brave Vietnamese were fighting for their freedom and independence IADL supported our colleagues from Vietnam when they took on the mighty imperialist powers. The bravery of the Vietnam fighters has become a saga of sacrifice that they defeated the foreign powers and liberated they country.

The effects of that war are still causing damage and loss to the people of Vietnam. The large scale use of dioxin-laced chemicals in

Vietnam has left lasting impact on the people. Its effects are appearing in the 2nd and 3rd generation of people who were exposed to these chemicals code – named as 'Agent Orange'. The United States caused this damage and the chemical companies which supplied the chemical knowing its consequence are liable to compensate the victims and to pay for cleaning the environment. IADL in cooperation with several other Associations organised an International People's Tribunal of Conscience at Paris on May 15-16, 2009. It has unanimously held that the Vietnamese victims are entitled to be compensated. The copies of the Final Verdict of the Tribunal are available. Mr. President, the Tribunal, of which I was the Chairman, has recommended that an Agent Orange Commission be established by the Government of the Socialist Republic of Vietnam comprising of people of eminence in the field of medicine, science, engineering, law, epidemiology, agriculture, toxicology, ecology and representatives of civil society to determine the amount necessary to provide specialised medical facilities, rehabilitation and other therapeutics services to the victims and their families. The said Commission will also assess the amount of compensation to be allocated to each victim, family, group and community. The Commission will also estimate the costs of the necessary studies of contaminated areas and the cost of environmental

repair in the future. I am confident that the Government will constitute this Commission forthwith so that some relief may be available to the victims.

Friends, Article 9 of the Constitution of Japan reflects the feeling of its people when they "for ever renounce war". It is a pacifist Constitution. It specifies that Japan shall never maintain Land, Sea or Air forces. This provision of the Constitution gives hope to the peoples of the world that despite its past history, Japan shall never again indulge in Warfare. The People of Japan, the only country where Atom Bombs were exploded at Hiroshima and Nagasaki have seen the horrible consequence of an atomic weapons. The people of Japan still suffer from the effects of the World War – II. The Ruling circles of Japan, however, have been clamouring for deletion/amendment of this provision from the Constitution despite an over whelming opinion of the Japan's peace – loving people opposing any such move. Our Japanese affiliate, JALISA together with other friendly organizations held a huge international conference at Tokyo and Osaka last year to say 'No' to any attempt to tinker with Article 9 of the Constitution. We, in IADL initiated a call to oppose any move to delete the pacifist provision of the Constitution and that as a way to achieve world peace, all countries should have similar provisions in their constitution. On this occasion we

greet our Japanese colleagues for carrying on an excellent campaign and drawing the attention of the world to a way to achieve world peace.

Your Excellency, there are many issues to which but for the constraints of time, I would have liked to draw your attention and report various activities which IADL and its member organisation have undertaken during the last four years.

During the five days of this Congress we hope to raise and discuss many an issue facing mankind, innumerable difficulties of lawyers and judges the world over. We have a long Agenda as the issues facing the world are many. However with the support and cooperation of the Vietnamese people and Vietnam Lawyers Association we hope to discuss and come to just and fair conclusions.

I once again take this opportunity to thank you Mr. President on behalf of IADL and all the participants for being with us this morning despite your heavy schedule. Your presence amongst us is a source of great inspiration to us in our tasks.