

# IADL XIV CONGRESS

## "CHALLENGES FOR LAW AND LAWYERS IN THE NEXT MILLENNIUM: DEMOCRACY IN DOMESTIC AND INTERNATIONAL LAW"

CAPETOWN, SOUTH AFRICA

31 MARCH - 6 APRIL 1996

This Conference was organised by the International Association of Democratic Lawyers (IADL); it was the XIV Congress of the IADL, and celebrated IADL's 50th anniversary (it was founded in 1946), as well as two years of a free South Africa (the IADL organised a delegation of some 60 international election observers in the 1994 elections). Bill Bowring was a member of the Preparatory Commission.

The Conference attracted about 260 participants from some 33 countries (Africa: Sudan, Somalia, Kenya, South Africa, Senegal, Benin, Namibia, Mozambique; Europe: UK, Belgium, France, Germany, Spain, Bulgaria, Yugoslavia, Russia; Asia: Japan, Korea, India, Pakistan; Middle East: Morocco, Algeria, Tunisia, Libya, Egypt, Palestine, Israel; Americas: USA, Jamaica, Cuba, Brazil, Argentina, Martinique).

The UK group, most of whom were Haldane members, was the largest, 45-strong, including several EC members (Kate Markus, Keir Starmer, Richard Bielby, Steve Cragg, Debbie Trippley, Catrin Lewis, Phillippa Kaufman), academics (Kwame Akuffo from Thames Valley, Patrick Twomey from Nottingham, Anne Singleton from UCL, and Bill Bowring), QCs (Helen Grindrod, Joanna Dodson, Stephen Solley, John Platts-Mills), senior solicitors (Michael Ellman, Louise Christian), and other solicitors and barristers, including Peter Herbert, chair of the Society of Black Lawyers. The next largest groups were from Japan, USA, and India. This was a conference which sought to bring together theory and practice.

The Conference opened on Monday 1 April with a splendid gathering in the Capetown Parliament Building. Speakers included South African Justice Minister Dullah Omar; Kader Asmal, the Water and Forestry Minister and former Professor of Human Rights Law at Trinity College Dublin; Constitutional Court judge Albie Sachs; and IADL veterans such as Jamal Al-Sourani of Palestine (he is Secretary-General of both the Union of Palestinian Lawyers, and of the PLO), Joë Nordmann of France, and John Platts-Mills Q.C. (90 this October). Justice Corbett, President of the Supreme Court, was also present. Kader Asmal gave a particularly fine presentation on the detail of the fourth refined draft of the New Constitution, now nearing agreement.

On Tuesday 2 April the Conference was honoured by a visit from President Nelson Mandela. Together with other members of the IADL Bureau, Bill Bowring met him briefly. Mandela told the Conference that if he had not been invited, he would have invited himself. He gave a fine presentation, commenting on the fact that law schools were established in Africa long before their counterparts in Europe, and were based on linking law to social progress. He highlighted three significant aspects of the Working Draft Constitution: first, promoting and entrenching a human rights culture, particularly gender equality; second, the right to legal rep-

resentation and legal aid; and third, the set of supporting structures, including the Office of Public Protector, the Human Rights Commission, and the Truth and Reconciliation Commission. But above all he stressed the need for a real change in the circumstances in which ordinary people live.

The main work of the Conference took place in five Commissions. Despite disorganisation, and some inappropriate chairing, these produced some valuable work. The first, on "Rights to Economic and Social Development", was chaired by Jitendra Sharma, Senior Advocate at the Indian Supreme Court. It heard presentations by Prof Chapeau of Cuba, Profs Rajland, Farinati and Mackinson of Argentina, Prof Eric Sirotkin of the USA, Ann Pettifor of the UK, Monique Picard-Weyl of France, William Waterman of the US, and Prof Snezana Natcheva of Bulgaria. Commission II was concerned with "International Remedies for Violations of Human Rights and the Duty of Solidarity". It was chaired by Doris Brin Walker of the USA, and heard papers by Jamal Sourani of Palestine, Mr Justice Suresh Desai of South Africa, Prof Nelly Minyersky of Argentina, Patrick Twomey of Nottingham University (on "Both Stranger and Fiction: Redefining the Refugee in International Law"), and Daniel Stranga of Argentina.

Commission III, on "International Interdependence" was chaired by Dr. Bilal Hasan Minto of Pakistan, and heard papers by Prof Nario Tanaka of Japan, by Bill Bowring (on "France, Polynesia, Nuclear Testing, the World Court: Law and the Public Conscience"), by Jitendra Sharma of India on the NPT, and by others. Commission IV, on "International Crimes", was chaired by John Platts-Mills. It heard papers by Arthur Heitzer and Prof Anne Fagan Ginger of the USA, and Charles Mirega of Kenya and John Philpot of Canada on the Rwanda War Crimes Tribunal.

Commission V, on "The Administration of Justice" was chaired by Prof. Jose Felipe Ledur of Brazil. It heard papers by Dr Celsa Pico Lorenzo of Catalonia, Prof Shanara Gilbert of CUNY (on "Equal Justice or Substantial Justice: The Crisis of Provision of Criminal Defence for the Indigent Accused in the United States"), Prof. Adjoa Aiyetoro, Director of the National Conference of Black Lawyers, Prof. Niloufer Bhagwat of India (on "The Criminalisation of Political Expression as a Means of Political Control"), and Jane Winter, Director of British Irish Rights Watch (on "Intimidation of Defence Lawyers in Northern Ireland"). I also addressed a special meeting on Libya and the Lockerbie affair; and some 40 participants attended a meeting on Women and Violence.

Tragically, three participants died in a car crash on the Tuesday night. They were Prof Haywood Burns, former Dean of CUNY Law School, and a pioneer of clinical legal education; Prof Shanara Gilbert, also of CUNY; and Felicia Roberts, a human rights activist in South Africa.

They had all been together in the elections in Mafeking, Felicia as head of the local Independent Electoral Commission, and the other two, who were also leading members of the National Conference of Black Lawyers in the USA, as members of the IADL observer mission. Their loss caused great sadness. Memorial meetings for them were attended by Ministers Dullah Omar and Kader Asmal, and by many other South Africans. All participants committed themselves to carrying on the work of those who had died.

On the final two days, the IADL held its General Assembly. This had two main functions. The first was to approve a new Constitution. The first was to approve a new Constitution. Haldane succeeded in inserting a requirement that membership of the Bureau reflect a gender balance as well as geographical distribution, and this was to apply at once. Senior officers are to serve for a maximum of two four-year terms. Other changes were uncontroversial. Unfortunately, a "slate" proposed by a Nominations Commission of the outgoing Bureau was elected by means which were not democratic at all, and did not reflect the new gender requirement.

The following were elected. Presidents Emeritus are Nelson Mandela and Joë Nordmann. Amar Bentoumi, former Justice Minister of Algeria, was elected President. Jitendra Sharma of India was elected Secretary-General, with Prof. Lydia Santos of Catalonia as Joint Secretary-General. The headquarters of the IADL will move from Brussels to Barcelona. Bill Bowring was elected Treasurer.

The Bureau includes Lennox Hinds (US Black Lawyers), Doris Brin Walker (USA), Farouk Abu Eissa (Egypt), Osamu Niikura (Japan), Vincent Saldhana (South Africa), a Namibian representative, Beinusz Szmukler (Argentina, Association of American Jurists), Bilal Minto (Pakistan), Gueorgui Petkanov (Bulgaria) and Igor Blishchenko (Russia). New affiliations were accepted from, among others, the Society of Black Lawyers (UK), and the Association of Martiniquan Lawyers.

An important early task for the Bureau will be the formulation, pursuant to the Constitution, of rules for the election of the next Bureau. These rules must ensure that the Bureau is genuinely elected from the General Assembly, and that there is a requirement for prior nomination to give an opportunity for discussion. In addition, Bilal Minto of Pakistan has prepared a paper, which has been circulated for international discussion, on the difficult but vital question of the subscription fees to be paid both by national associations and individuals. The papers given at the Conference will be published in the USA, for circulation world-wide.

There will be a meeting of the IADL Bureau in Paris on 19-20 October 1996. The next public IADL events will be Conferences on International Terrorism, and on the Effects of International Sanctions. Both will be held in Moscow within the next year.