

THE INTERNATIONAL ASSOCIATION OF JUDGES FROM 1988 TO 2000

(By Massimo Bonomo¹¹)

At the end of the 1980s a certain number of representatives of the national associations of judges felt the need to change the structure of the IAJ creating forums in which more concrete problems concerning the judiciary could be discussed.

Some colleagues criticized the IAJ, considering it a club of gentlemen enjoying the possibility to participate in more or less social meetings once a year in a different country. They thought that the IAJ should discuss the most important questions concerning the judiciary and the judicial systems, while looking for the best solutions, and that it should also have a more external impact on international organizations.

The setting up of Regional Groups

The need for a substantial change was felt in particular by the European member associations, which represented a large majority (19 out of 31 in 1987), and was connected to the new political and social institutions set up in Europe (such as the European Communities and the Council of Europe), the influence of which was continuously increasing.

In the meeting of Berlin of the Central Council in August 1988 the President of the IAJ, Brian Walsh, reminded the participants of the debate, which started in the meeting of Dublin a year before, regarding the proposal to create a body charged with the relationship of the IAJ with other international organizations, and in particular with the Council of Europe and the European Communities, so far as the administration of justice, judges and judicial action in general were concerned. A report on this topic drawn up by Mr. Manschot (Netherlands) and Mr. Voss (Germany) was illustrated by the latter, who proposed the creation of a group for European judges and stressed that other groups of the same kind could be created for extra-European continents, in order to contribute to the solution of regional problems.

It was at the meeting of the Central Council in Macao in 1989 that a solution to the problem of the need for change in the organization of the IAJ was found.

Some delegations were in favour of a more structured solution, aimed at the creation of an European section of the IAJ; others preferred avoiding any formal regulation, as the problem of the contacts with the international organizations at a regional level could be dealt with through an

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informal delegation of the powers of the President. It was difficult to find a solution that could satisfy everyone and at the same time not endanger the unity of the IAJ.

Eventually the proposal of the Presidency Committee to add a new article concerning regional cooperation in the Regulations for the application of the Statute of the IAJ was approved (with 23 votes in favour, none against, the rest of the delegations having abstained).

The text of that article was as follows:

Article 12

(Regional cooperation)

“The Presidency Committee may appoint one of the Vice-Presidents, for the cooperation with International Organizations established in some regions and for the coordination of interests of the member-associations in these regions. The activities of that Vice-President must be carried on in cooperation with the President and the General Secretariat. A report about such activities shall be included in the agenda of the Central Council.”

The European Association of Judges - Working Group of the International Association of Judges

The Presidency Committee in its meeting in Macao on October 23, 1989 appointed the Vice-President Rainer Voss (Germany) to collaborate in the activities of the international organizations in Europe.

A first meeting of the delegates of the national associations of judges of the member countries of the EEC with representatives of the Legal Commission of the European Parliament took place in Strasbourg on December 14, 1989. In the following meeting, held in Bonn in March 1990 and hosted by the German Association ("Deutsche Richterbund"), it was agreed to call the group: "European Association of Judges - Working Group of the International Association of Judges".

The following general rules were adopted. It would be organized as a group of experts of the problems to be examined from time to time. Any association hosting a meeting should pay only for the organization of the meeting. Travel and accommodation expenses of the delegates should be paid by each member association. Some meetings should be organized only for the associations of the member-countries of the EEC (but with the possibility for other European associations to take part in them, if they so wish). In any event, a report would be made and distributed to all the European member associations to keep them informed.

Another meeting of the "European Association of Judges - Working Group of the International Association of Judges" was held in Helsinki in June 1990 on the occasion of the annual meeting of the Central Council.

From then on, it became usual to have one of the meetings of the regional group every year the day before the first meeting of the Central Council.

At the meeting of the Group in Helsinki it was decided to establish a collaboration with the Legal Affairs Commission of the European Parliament with the aim of studying problems connected with the knowledge and the application of community law by national judges. Following a request of the Secretary General of the Council of Europe, it was also decided to offer groups of experts for assistance programmes to Central and East European countries. The presentation to judges of the new European democracies of a model of a truly independent judiciary was viewed to be of a particularly importance.

The setting up of other Regional Groups

In order to also facilitate regional cooperation outside Europe it was pointed out during the meeting of the Central Council in Crans Montana (Switzerland) on September 1991 that forms of collaboration between two or more national associations of the same region were welcomed and that it was necessary for a national association of judges of a certain region to take some kind of initiative in order to meet the common needs of the judiciary in that region.

The Ibero-American Working Group

At the meeting of the Central Council held in Seville (Spain) in September 1992, the delegations of the associations of Argentina, Brazil, Portugal and Spain presented an application for the creation of an Ibero-American Working Group.

The Presidency Committee agreed with this proposal, but it was stressed that only associations which were already members of the IAJ could take part in the Group.

Following the model of the European Group a Vice-President, Ramon Rodriguez-Arribas, was appointed as responsible for the Ibero-American Working Group.

The new Ibero-American Working Group met in Santiago in Chile in June 1993.

The African Working Group

During the meeting of the Central Council in Sao Paulo (September 1993), the associations of Morocco, Senegal, Tanzania and Tunisia decided to set up an African Working Group of the IAJ following the pattern already laid down at the European and Ibero-American level (the Group was made up by the above-mentioned association and by the association of the Ivory Coast).

The Vice-President Markku Aarola was appointed by the Presidency Committee as responsible of the coordination of the activities of the African Working Group.

The new African Group held its first meeting in Dakar (Senegal) in July 1995.

The Asian, North American and Oceanian Regional Group (ANAO)

The topic of a fourth Regional Group was discussed in 1996 with the intention to cover “the rest of the world”; Europe, South America and Africa already being represented by the three existing groups. Thus, when joining the International Association, each new member would automatically become part of a regional group.

During the Central Council meeting in Porto Rico in October 1997, the President of the IAJ announced the creation of the ANAO Group, which responsibility was given by the Presidency Committee to the Vice-President Louise Mailhot.

On the occasion of the meeting of the Central Council in Porto (Portugal) in September 1998, the first meeting of the Asian, North American and Oceanian Group was held; five national associations (Australia, Canada, Israel, Taiwan, United States) participated in the meeting and they decided to create a Newsletter bulletin which would be exchanged by fax several times a year, each association being responsible, in turns, to draft a newsletter.

The activities of the Regional Groups

It would be impossible to mention here the various activities carried out by the Regional Groups during the years. In order to get a more complete information the minutes of the meetings of the Regional Groups should be examined, as well as the annual reports to the Central Council of the Vice-Presidents responsible for the Groups.

The European Association of Judges – Working Group of the IAJ approved in its meeting of Wiesbaden (Germany) on March 1993 the text of the “Statute of the European Judge”. The African and the Ibero-American Groups also examined the problems of the Statute of the Judge taking into account their regional characteristics and needs.

The subject of the Universal Statute of the Judge was then discussed by the Central Council of the International Association of Judges. In the meeting of the Central Council in September 1998 in Porto the national associations were invited to examine the draft of the Universal Statute of the Judge and to express their vote. The text obtained the majority of votes on all articles except the first one. After a long discussion the assembly decided to set up a working group in order to study the question. The Universal Statute of the Judge was unanimously adopted by the Central Council of the IAJ in Taipei (Taiwan) in November 1999 after a formal vote.

The Presidency Committee at its meeting of October 12, 1994 gave the responsibility for the European regional Group to Vice-President Pâquerette Girard and the responsibility for the African

regional Group to Vice-President Tarek Bennour. The First Vice-President Rodriguez Arribas was responsible for the Ibero-American regional Group.

The responsibility of the Regional Groups was given by the Presidency Committee in Amsterdam in September 1996 to the First Vice-President Pâquerette Girard, for the European Group, to Vice-President Nelson Calandra for the Ibero-American Group, to Vice-President Tarek Bennour the African Group. At the meeting of the Central Council in Porto Rico in October 1997, the President of IAJ announced the creation of the ANAO Group the responsibility of which had been given to the Vice-President Louise Mailhot.

The Presidency Committee appointed in September 1998 in Porto the Presidents of the four Regional Groups as follows: Mrs Mailhot for the ANAO Group, Mr. Bennour for the African Group, Mr. Markel for the European Group and Mr. Reis Figueira for the Ibero-American Group.