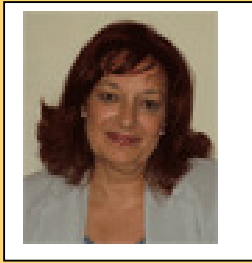




N E W S L E T T E R

New IAJ's President



Ms. Cristina CRESPO

During the meeting of the IAJ Central Council in Foz do Iguaçu (Brazil), on November 13th, 2014, the Uruguayan Judge Ms. Cristina Crespo was elected 29th President of the International Association of Judges.

* * *

Dear colleagues,

It is a great pleasure for me to address you in this moment, in which IAJ's Regional Groups are engaged in preparing and holding their springtime meetings. The regional level is the right place in which day to day problems affecting the judiciary in given countries can be properly dealt with, discussed and possibly solved.

Approaches in Regional Groups can be different. So, for instance, the EAJ has established since many years an ad hoc Working Party, whereas in the African Group's meetings each and any delegation is called to submit an oral report on the situation of the Judiciary in that particular Country. The same is true for the Ibero-American Group, whereas the ANAO Group is managing to keep contact among its members through web-based meetings. I am pleased to have the opportunity to participate in each of these initiatives, trying in this way to do my best to strengthen the unity of

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our Organisation.

Our next meeting in Barcelona will offer us the opportunity to successfully go on with our initiatives. The four Study Commissions will be called to deepen some very interesting issues: therefore I am calling you to send your national reports timely, in order to allow the Presidents of the Commissions to properly organise their works and to prepare exhaustive final reports. 2015 is also the first year in which the so called "monitoring procedure" takes place. I allow myself therefore to invite you to send your replies as soon as possible, so to allow the special Commission presided over by IAJ's Vice President José Manuel Igreja Matos to timely proceed in its delicate activities.

I am wishing you an excellent work in your respective Courts and Countries, looking forward to seeing you very soon!

Cristina Crespo

* * *

A few words from the Secretary-General

Dear Colleagues,

We are resuming the initiative of our newsletter. We apologise if in this issue we could not treat of all the initiatives the IAJ has been engaged in during this last year. In the next issue we'll try to cover the works of our Regional Groups during this springtime. Therefore, as usual, we are asking for your kind and precious co-operation.

Kind regards,

Giacomo Oberto

Secretary-General of the IAJ

ORGANISATION CHART**PRESIDENCY COMMITTEE****President**

Ms. Cristina CRESPO (Uruguay)

First Vice-President

Mr. Christophe REGNARD (France) – President of the European Association of Judges - Regional Group of the IAJ

Vice-Presidents

Mr. Rafael DE MENEZES (Brazil), President of the Asian, North American and Oceanian Regional Group of the IAJ



Mr. José Manuel IGREJA MATOS (Portugal)



Mr. Cagney John MUSI (South Africa), President of the African Regional Group of the IAJ



Mr. Duro SESSA (Croatia)



Mr. Tony PAGONE (Australia), President of the Asian, North American and Oceanian - Regional Group of the IAJ

Honorary President

Mr. Gerhard REISSNER, President of the district court of Floridsdorf, Vienna (Austria)

Secretary-General

Mr. Giacomo OBERTO, Judge of the first instance Court of Turin (Italy)

Deputy Secretaries General



Mr. Lucio ASCHETTINO,
Judge, Member of the High
Council for the Judiciary (Italy)



Mr. Raffaele GARGIULO, As-
sistant Judge at the Constitu-
tional Court (Italy)



Mr. Galileo D'AGOSTINO,
Judge, Head of Unit at the inter-
national contentious unit of the
Ministry of Justice (Italy)

First Study Commission



President:
Mr. Peter HALL (USA)

Vice-Presidents:

Mr. Mehmet TANK (Turkey)
Mrs. Roslyn ATKINSON (Australia)
Mr. Thomas STADELMAN (Switzerland)

Secretary:

Mrs. Virginie DUVAL (France)

Second Study Commission



President:
Mr. Thomas CYR (Canada)

Vice-Presidents:

Mr. John EDWARDS (Ireland)
Mrs. Mette Soegaard VAMMEN (Denmark)
Mr. Max CARETTE (Belgium)

Secretary:

Mrs. Carole BESCH (Luxembourg)

Third Study Commission



President:
Mr. Charles SIMPSON (USA)

Vice-Presidents:

Mrs. Lene SIGVARDT (Denmark)
Mr. Dieter FREIBURGHHAUS (Switzerland)

Fourth Study Commission



President:
Mr. Philippe Bron (Belgium)

Vice-Presidents:

Ms. Julie DUTIL (Canada)
Mrs. Rachel BARKAI (Israel)

IAJ Representatives at the UN Headquarter in New York



Mrs. Joanna SEYBERT, United States District Judge (Eastern District of New York), Ex-President of the Asian, North American and Oceanian Regional Group of the IAJ



Mrs. Louise MAILHOT, Justice of the Court of Appeal of Québec, Canada

IAJ Representatives at the UN seat in Geneva



Mr. Pierre ZAPPELLI, Justice of the Swiss Federal Tribunal



Mrs. Louise MAILHOT, Justice of the Court of Appeal of Québec, Canada

IAJ Representatives at the UN seat in Vienna



Mr. Gunter WORATSCH, Honorary President of the IAJ



Mr. Ernst MARKEL, Honorary President of the IAJ

MESSAGE FROM THE EDITOR

Dear colleagues

Please will you send me articles of interest and photos to publish in the newsletter.

If your association is planning any events of interest or conferences please send me this information. My e-mail address is DDosio@justice.gov.za .

Pourriez-vous, s'il vous plait, m'envoyer les photos des évènements qui ont eus lieu dans vos pays respectifs, accompagnées d'un bref commentaire.

Le texte peut être rédigé en Français, je me chargerai de le traduire en Anglais.

Veillez également envoyer à mon adresse e-mail les noms des sites Internet de vos différentes associations.

En vous remerciant par avance.

Cordialement.



Editor of the IAJ newsletter

Dario Dosio

DDosio@justice.gov.za

MEETING OF THE INTERNATIONAL ASSOCIATION OF JUDGES IN FOZ DO IGUAÇU, BRAZIL

The 57th meeting of the IAJ was held on the 10th and 11th and 13th of November 2014 in Foz do Iguaçu (Brazil).

Session of the 10th of November:

The President of the Brazilian Judges Association, Mr João Ricardo dos Santos Costa, together with the President of IAJ, Mr. Gerhard Reissner welcomed all the participants. Mr Gerard Reissner then opened the meeting of the central council on the 10th of November 2014.

The countries that were present were Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Ivory Coast, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Mali, Moldova, Mongolia, Morocco, Mozambique, (The) Netherlands, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Puerto Rico, Republic of China – Taiwan, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, and the U.S.A.

President Reissner thanked the Associação dos Magistrados Brasileiros (AMB) for hosting and organizing the meeting.

President's Report

President Reissner referred to his written report, which was distributed to member Associations before the meeting and underlined the profitability of his participation at the Regional Groups' meetings.

He mentioned the contacts he had, on behalf of the Council of Europe, with the UN working group charged to draft the new Millennium Goals, which are supposed to be focused on new items, among which the fostering of the independence of the judiciary. As to his other international activities, they are illustrated in the written report.

President Reissner then deferred the analysis of the other subjects dealt with in his report to the respective specific point in the Central Council agenda.

No remarks or objections were raised by the Assembly.

Secretary-General's Report

Secretary-General Oberto summarized his written report and encouraged the delegates to visit and consult the IAJ website, which is regularly updated by the General Secretariat.

He then added some words on the history of the IAJ and the role played in it by the Brazilian association, a pillar of the Association, recalling that the first congress of the IAJ was held in Brazil in 1971 and was focused on environmental issues. The declaration adopted at the end of the works ("Brasilia Charter") is available on the website.

He then thanked the Associação dos Magistrados Brasileiros for its excellent cooperation in the organization of the meeting and, in particular, Mr. Rafael de Menezes

and Mr. Gerardo Dutra.

Reports of the Vice-Presidents responsible of the Regional Groups

Mr. Musi, President of the African Group, thanked the Brazilian colleagues for their hospitality and then referred to his written report, underlining that the Group's meeting in Njamei in springtime focused on the topic of corruption and finished with the adoption of a resolution that Mr. Musi read to the Assembly.

He then greeted the Tunisian delegation, that could not attend the most recent meetings of the IAJ, and mentioned the tensions occurring in several countries (Benin, Democratic Republic of Congo, Mali, South Africa) between the executive power and the judiciary, which in some cases ended up in a strike.

Mr. Musi finally informed the Assembly about the request of support submitted by the association of South Africa.

Mr. Blair, President of the ANAO Group, mentioned the springtime meeting of the Group, held in Canada, during which the following subjects were dealt with: commerce, frauds, legal education in Canada. He informed the Assembly about the efforts made by the Group towards the enlargement of the IAJ, to be realized also through the promotion of the establishment of new associations in countries where there are not.

Mr. Blair then informed the Assembly about two observers attending the meeting. The first one is the association of Iraq, for which the ANAO Group drafted a support resolution that will be submitted to the Central Council. The second one is the Caribbean Association of Judicial Officers. Judges in the small Caribbean islands would like to join the IAJ but they are gathered together in this multinational association. The present Statutes of the IAJ do not foresee any other membership except that on national basis, but it would be useful to start a reflection on possible modification of the Constitution to face cases similar to this.

President Reissner took the floor to welcome and greet the observers attending the meeting: the delegations of Egypt and Iraq and the Caribbean Association of Judicial Officers. Ms. Crespo, President of the Ibero-American Group, underlined the need to foster the IAJ towards a true worldwide dimension and then informed the Assembly





about the case of the Venezuelan judge Afionni Mora and the situation of the judiciary in Guatemala, Peru and Panama.

Mr. Regnard, President of the European Association of Judges, recalled the main decisions taken by the Group during its springtime meeting in Cyprus: the statute of the EAJ was amended in order to institutionalize the working groups on the situation of member associations and on the relationship with EU institutions. The European associations filled in a questionnaire to evaluate the state of judicial independence in Europe (appointment of judges, salary and freedom to form associations) and a comprehensive report will be finalized by the end of the year.

Mr. Regnard underlined that also in Europe judges face problems with the other powers of the state and mentioned the cases of Slovakia, where secret services were given a role in the appointment of judges, Ukraine, where the life of judges is daily threatened, Turkey, where the elections to the High Council of the Judiciary showed an incisive role of the Government, Slovenia, Luxembourg and Poland. Finally he mentioned the case of East Timor that, even though the country does not belong to the European continent, is relevant for the European Association of Judges because of the involvement of Portuguese judges.

Applications for membership

The Association of Judges of Egypt and Lesotho were admitted by the Central Council as IAJ members.

Amendments to the I.A.J. Constitution and Regulations:

All the proposed amendments to the Constitution and the Regulations under the Constitution were unanimously approved:

Proposed amendments to Articles 7, 8 and 12 of the I.A.J. Constitution

Proposed amendment to Article 1 of the Regulations under the Constitution of the I.A.J.;

The Assembly approved as well the proposed "Procedure to be applied to applications for membership" and "Questionnaire for Membership" (see Article 11, Para. 6, of the Regulations under the Constitution of the I.A.J.), to be attached to the Regulations, as well as the proposed "Standard Form Report for the Periodic Monitoring of Associations" (see Article 13, Para. 7, of the Regulations under the Constitution of the I.A.J.), to be attached to the Regulations.

President Reissner then informed the Assembly that the

Presidency Committee proposed that the Commission established under art. 13, paragraph 9, of the Regulations will determine its working procedure and the Central Council approved the proposal.

Secretary-General Oberto then informed the Assembly about the composition of the Commission: on behalf of the African Group, Mr. Djamel Aidouni (Algeria) and Mr. Joemath Nazeem (South Africa); on behalf of the ANAO Group, Mr. Peter Hall (USA) and Ms. Roslyn Atkinson (Australia); on behalf of the European Association of Judges, Mr. George Almpouras (Greece) and Mr. Fausto Zuccarelli (Italy); on behalf of the IBA Group, Ms. Monica Bortoli (Uruguay) and Mr. Leopoldo Llanos (Chile); the Commission will be chaired by Vice-President José Manuel Igreja Matos.

Session of the 11th of November 2014:

The session was opened at 9.50 a.m. by President Reissner who announced the treatment of point 9 of the agenda.

Proposal of the Presidency Committee on four priorities for the work of the Presidency Committee and LAJ for the next three years

President Reissner recalled that already on the occasion of the IAJ meeting in Marrakech, in 2009, a debate was started concerning the place to be given to substantial issues during the CC meetings and he mentioned the letter sent to all member associations on mid-October this year forwarding a draft working programme for 2015 and following years.

After a discussion the Assembly approved the working programme of the IAJ for the period 2015-2018, which will focus on the following items:

1. Fostering the creation of independent judges' associations and giving guidelines and support for their activities.
2. Fight against corruption within the justice systems.
3. Amending the international legal instruments on the independence of judges.

President Reissner heartily thanked the Italian *Associazione Nazionale Magistrati* for the special contribution with which it supports the activities and functioning of the IAJ General Secretariat. The Central Council joined the President in applause.

The Assembly the approved motions concerning the situation of the Portuguese judges working in East Timor, as well as the situation of the judges associations in Iraq, Yemen and South Africa, Peru.





Session of the 13th of November 2014:

President Reissner opened the meeting at 9.15. He then called for an open vote for the election of the new President and Ms. Crespo was elected by acclamation.

Ms. Crespo asked the assembly to designate the former President, Mr. Gerhard Reissner, as Honorary President of the IAJ. The assembly approved by acclamation.

Elections of six Vice Presidents followed by secret ballot. After that, the commission of delegates elected to count the votes performed its task.

In the meanwhile, President Crespo called for an open vote on the election of the members of the General Secretariat. Mr. Oberito was re-elected by acclamation Secretary-General of the IAJ. Mr. Aschettino, Mr. D'Agostino and Mr. Gargiulo were re-elected by acclamation Deputy Secretaries General of the IAJ.

Activities and Reports of the Study-Commissions; Selection of the new subjects

Mr. Philippe Bron took the floor to read the conclusions adopted by the 4th Study Commission. He then informed the assembly about the topic chosen for the 2015 meeting ("Reasons for dismissal of workers") and the new composition of the board: Mr. Philippe Bron (Belgium), Ms. Juli Dutil (Canada), Ms. Rachel Bakkaï (Israel).

Ms. Zila Zfat took then the floor to read the conclusions adopted by the 2nd Study Commission and to inform the assembly about the activities of the Hague Conference. She also informed the assembly about the topic chosen for the 2015 meeting ("Expert evidence") and the new composition of the board: Mr. Thomas Cyr (Canada) will

be the President; Mr. John Edwards (Ireland), Mr. Max Carette (Belgium) and Ms. Mette Soegaard Vammen (Denmark) will be members; Ms. Carole Besch (Luxembourg) will be member and secretary.

President Crespo then called the members of the commission charged to count the vote to communicate the results of the scrutiny. Mr. Regnard, Mr. Musi, Mr. Pagone, Mr. De Menezes, Mr. Igreja Matos and Mr. Sessa were elected Vice-Presidents of the IAJ.

President Crespo then announced the voting for the post of First Vice-President. Mr. Regnard was elected by acclamation to this post.

Mr. Bauduin then read the conclusions of the 3rd Study Commission and informed the assembly that the topic for 2015 will be "Sports corruption and gambling" and announced that the new board of the Commission will be composed of Mr. Charles Simpson (USA) as President, Ms. Lene Sigvardt (Denmark) and Mr. Dieter Freiburghaus (Switzerland) as Vice-Presidents.

President Crespo then invited Mr. Hall, President of the 1st Study Commission, to report on the conclusions. He then communicated to the assembly the new composition of the Board (Mr. Peter Hall (USA) will be the President; Mr. Mehmet Tank (Turkey), Ms. Roslyn Atkinson (Australia) and Mr. Thomas Stadelmann (Switzerland) will be members; Ms. Virginie Duval (France) will be member and secretary) and the topic chosen for next year: "The relationship between effective management of the courts and the delivery of justice by independent judges".

The meeting was closed at 14.00.



AFRICAN REGIONAL GROUPNiamey (Niger), 2nd – 5th June 2014

The countries that were present were Algeria, Benin, Dem. Rep. of Congo, Egypt (obs.), Guinea, Ivory Coast, Mali, Morocco, Niger, Senegal, South Africa, Togo.

Session on the 2nd of June

The official opening ceremony took place on June 2nd, 2014, at 9.30 a.m. During this event the President of the I.A.J. (Mr. Gerhard Reissner), the President of the African Group of the I.A.J. (Mr. Cagney Musi), the Honorary President of the I.A.J. (Ms. Fatoumata Diakité), the Secretary-General of the Judges' Association of Niger – S.A.M.A.N. (Mr. Nassirou Mahamane Sofu), the Governor of the Region of Niamey, as well as the Prime Minister of Niger took the floor.

Thereafter the African Regional Group during all the day, as well as during the following days (3rd and 5th June, 2014), dealt with the topics of the meeting: "1- The independence of judges in the struggle against corruption: power, capabilities and difficulties in the proceedings and repression; 2- The international judicial cooperation in the struggle against corruption; 3- What is the relation between justice and impunity?"

After the first part of the conference on the above mentioned topics, the session of the meeting of the African Group of the I.A.J. on 2nd June, 2014, started at 4.00 p.m. and was presided over by Mr. Cagney Musi, Vice-President of the I.A.J., President of the African Group, with the participation of the President of the I.A.J., Mr. Gerhard Reissner, of the I.A.J. Honorary President Ms. Fatoumata Diakité and of the Secretary-General of the I.A.J., Mr. Giacomo Oberto, as well as of the above mentioned delegations of the associations which are members of the International Association of Judges and of the African Regional Group.

African Group's President's report

The President of the Group Mr. Musi evoked first of all the last meeting of the Group in Yalta, stressing that after that event Crimea and Ukraine experienced a period of turmoil. He had expressed, also on behalf of the African Group, the solidarity of our organisation to colleagues of the Ukrainian Association of Judges. In the period of time which had followed that last meeting an intense activity had been done at the level of the Presidency Committee. In particular he stressed the engagement in the process of admission of new prospective associations. In this framework the African Group had been asked to provide some rapporteurs, also for countries which would not belong to the Group. He then explained the details of procedures of admission of new members, once applications for memberships are sent to the Secretariat-General in Rome.

President Musi added that some times the availability of rapporteurs was constrained by budgetary reasons. In this framework he explained that for missions of rapporteurs charged to prepare a report on applications, when expenses are not borne by applicant countries, rapporteurs should try to find other means of financing travel and lodging expenses (e.g. taking advantage of concurrent missions carried out for international bodies); otherwise, rapporteurs could be financed by funds of the Regional Group and finally by the funds of the I.A.J. He added that recently the Presidency Committee had decided to require the payment of an administration fee to applicant associations, but that fee (€ 352,00) was in itself not sufficient to cover all possible expenses.

President Musi closed his report stressing the importance of the I.A.J. website, which hosts as well a web page dedicated to

Regional Groups (<http://www.iaj-uim.org/regional-groups>). He invited all associations to send materials and to inform him and other associations about their activities.

Monitoring and Reporting Procedure (Art 13 paragraph 9 of IAJ Regulations)

Secretary-General Oberto introduced the subject quoting the provision of the I.A.J. Regulations, according to which every five years, and for first time in 2015, all the member associations have to deliver a summary report on their situation. To receive and analyze these reports, a commission will have to be established within the Central Council. This commission, chaired by one of the Vice-president of IAJ appointed by the Presidency Committee shall consist of two representatives of every Regional Group elected within these Groups. At the end of its works, the commission will send a written report to the Presidency Committee. This report will be spread to all the member associations. President Musi informed the Assembly that two members had to be appointed for the African Group.

Session on the 3rd of June*Member association's reports*

Algeria

The President of the Algerian Association took the floor in order to explain that not much had happened since the last meeting. Presidential elections took place and the judges checked as usual the electoral procedure. The Association is currently engaged in submitting a new Constitution, as far as the norms on the judiciary are concerned. Next October a new assembly of the Association will take place and maybe a new steering committee will lead the Association. For this reason they would be available to offer the organisation either of a general I.A.J. annual meeting or of a meeting of the African Group.

Benin

The delegate from Benin thanked first of all the organisers of the meeting for the invitation to Niamey and for the warm hospitality. He informed the Assembly that his organisation had started mobilisation and actions since 2012. They have decided to work only two days a week as a form of strike in order to have better working and personal conditions. He also mentioned some bills that would eliminate the principle of inamovibility of judges. Some recent cases showed the fragility of the situation of judges who have been harassed for some decisions they had rendered.

Cameroon

The representative of the Cameroon Association thanked the hosting association for the friendly reception and presented the apologies of the other member of the delegation, who could not travel to Niger for health reasons. She then reported on the relations between judges and government of her country. The Association, which now counts about four hundred members, was recently involved in a revamping of the review.

Democratic Republic of the Congo

The delegate of the Association of the Democratic Republic of the Congo thanked S.A.M.A.N. for the perfect organisation of the meeting and brought the apologies of the President of his association who could not attend the meeting in Niamey. The Association is strongly engaged in the fight against corruption and organised seminars and conferences on this topic. It also brings on the fight for better personal and working conditions for judges. Budgetary autonomy is foreseen by the Constitution, but it has not been implemented yet. Following a suggestion by Honorary President Diakité, the organisation decided to change its strategy, showing willingness to co-operate with the other powers of the State in order to reach its goals.

Guinea

The President of the Guinea Association thanked the organisers of the meeting in Niamey for the warm hospitality. He then

AFRICAN REGIONAL GROUP*(continues from previous page)*

evoked the recent events in his country, which led to implement constitutional provisions about the setting up of two laws: the first one on the statute of judges, and second one on composition and powers of the High Council for the Judiciary. As the process for enacting those laws was lagging behind, the Association threatened to boycott the electoral procedures and such threat convinced the President of the Republic and the government to implement those laws, also issuing the necessary regulations. He then illustrated the composition of the Council and added that in March 2014 all elections of its members had taken place.

Ivory Coast

The delegate from Ivory Coast thanked as well the colleagues of Niger for the perfect organisation of the meeting, also on behalf of the President of the Association, Ms. Diakit , Honorary President of the I.A.J. and Honorary President of the African Group. He informed the Assembly that after the post-electoral crisis, all judges had restarted their ordinary activities and no particular problem had to be signalled. He also said that in the month of July this year the Association will celebrate its 40th anniversary. Therefore all foreign colleagues were invited to join them in this celebration.

Mali

Also the delegate of Mali thanked the organisers of the meeting in Niamey and congratulated them for the meeting. He explained that his country had recently experienced hard times, which had somehow affected the position of judges. Actually, judges had also been singled out as liable for the problems occurred, whereas the judiciary had always refused to take side in the conflict. The Association had taken stands for protecting judges who had been threatened, at the same time it had been fighting against corruption within the judiciary: as a result of this effort, criminal and disciplinary proceedings had been started.

Morocco

Also the representative of Morocco expressed his satisfaction for the invitation and the warm hospitality. He then summarised the history of the "Amicale Hassania" of Moroccan judges since its creation fifty years ago, adding that this organisation had been active in promoting the adoption of an ethical code for judges and providing expertise and advice on legal and judicial reforms. As a consequence of the adoption of a new Constitution, a special organism for a national dialogue on the reform of justice had been created and the Association is deeply involved in its works.

Niger

The Secretary-General of S.A.M.A.N. thanked all delegations for their attendance in Niamey, adding he and his Association appreciated very much the gratitude expressed by colleagues. He then mentioned the achievements of the Association in the period of time since the last meeting of the Group in Yalta, informing the

Assembly that in January 2014 they had managed to receive health benefits, as promised when the current steering committee had been elected during the 7th Congress of the Association. His organisation had been as well active in criticizing the authorities which were creating obstacles in some criminal inquires against politicians. The Association had denounced the violation of the Constitution by law provisions which do not allow judges belonging to judges belonging to judicial associations to run for the High Council of the Judiciary. He finally added that currently he was engaged in a peacekeeping mission in Mali and during this year a new congress of the Association should take place.

Senegal

The Treasurer of the Senegalese Association took the floor thanking S.A.M.A.N. for the perfect organisation of the meeting and presenting the apologies of the President of the Association, who could not travel to Niamey for professional reasons. After the meeting in Yalta the Association had been active in the fight for better living and working conditions for judges. In this framework he quoted the provisions on houses for judges, which had created some problems with the governments.

South Africa

The delegate from South Africa expressed the gratitude of his organisation to the hosting association for their hospitality and the honours tributed to foreign delegations. The situation of the judiciary in South Africa had not changed since the last meetings in Cape Town and Yalta and the Association is still fighting for the improvement of economical conditions of judges and judicial officers.

Togo

The President of the Togolese Association thanked S.A.M.A.N. for the perfect organisation and the warm hospitality. He apologised for not being in attendance in the Yalta meeting, but in that period all the judges of his country had been mobilised. They managed to get better salary conditions and he thanked also Honorary President Diakit  for the help and assistance provided. In the framework of the fight against corruption and impunity, the High Council for the Judiciary had drafted a directive on ethics and deontology of judges.

Gruppe's choice of candidate for election to the Presidency Committee

After a debate the Assembly unanimously proposed Mr. Musi as Group's candidate for election to the Presidency Committee in Foz do Iguacu. Mr. Musi took then the floor in order to thank the Assembly for the confidence shown towards him and pledged to continue to work for the Group, as he had been doing so far.

Finally I.A.J. President Reissner and African Group President Musi took the floor to thank the delegates for their presence and contribution to the debates. Special thanks went to S.A.M.A.N. and the committee which organised the event in Niamey.



ASIA, OCEANIA AND NORTH AMERICA (ANAO) REGIONAL GROUP

Toronto (Canada), 8th – 12th June, 2014

The countries in attendance were Australia, Canada, Kazakhstan and the United States.

The President of the ANAO group, Justice Robert Blair welcomed all the members and approved the minutes of the previous meeting held in Yalta in 2013.

The issue pertaining to compliance with the objectives of the IAJ was discussed. Amendments had been made to the IAJ Statute at the Washington meeting in November 2012 which called for the periodic monitoring of IAJ member associations to ensure continuing compliance. Justice Blair also reported on the IAJ's activities in support of judiciaries under attack in several countries.

The first concerned the position of the judiciary in Turkey. The second concerned the payment of judicial salaries in Peru. The third concerned a new Constitution which was adopted in Egypt in January 2014, following a referendum, which put new provisions concerning the judiciary into place.

Justice Blair then proceeded to inform the meeting that the Secretary General Judge Giacomo Oberto, had circulated to the Presidency Committee members some proposed amendments to the IAJ Statutes which fell into three broad categories: (i) Housekeeping amendments; (ii) Procedural amendments concerning the application for membership; and (iii) Amendments concerning the monitoring procedures. The Presidency Committee would be considering these amendments at its meeting in Rome at the end of June 2014.

Justice Pagone was then asked to report on the developments of the working group for the recruitment of new members. After having identified every country recognised by the United Nations within the area covered by the ANAO it was noted that there were 52 countries not represented in the IAJ.

ANAO Proposal for Amendment to Constitution

Justice Julie Dutil reported on the progress of the committee which had been established to consider the proposed constitutional amendment to ensure that within a period of years each of the regional groups would have held the Office of President of the IAJ. The proposal had been deferred to a sub-committee shared by IAJ Vice-President Christophe Reynard and including Justice Julie Dutil. The latter reported that the matter had not yet progressed.

IAJ President Reissner reported that the question had been referred for consideration to a committee consisting of honorary



presidents of the IAJ. A number of proposals had been considered including the potential abolition of the position of first vice-president. IAJ Secretary-General Oberto informed the meeting of a letter of 28 May 2014 for consideration of the Presidency Committee. The concerns included ensuring freedom of choice for the best candidate to take on the position of president. A countervailing motion was that there be adequate provision for each of the regional groupings to have access to the role of president of the IAJ. Justice Blair asked for the 28 May 2014 report to be circulated and to enable all members of the ANAO to comment and participate by email exchange once it had been available.

Monitoring of Member Associations

Justice Blair reported, as he foreshadowed in his report, on the need for all IAJ members to supply information in a summary questionnaire. All members will need to be monitored within a period of time and will need to complete a summary questionnaire which was not yet ready for submission to members. Justice Pagone reminded the meeting that not all members of the IAJ fell within the first group provided for by the Constitution, namely, as a National Association of Judges: Some members attended as a group of members from a country as a representative delegation but did not necessarily exist as an association or had the Constitution found in others.

Rapporteur Protocol for new Member Application and Need to Attend

Justice Blair raised for consideration the need to have rapporteurs attend the country of the place in which an application was made to join the IAJ. The issue arose in the context of concerns for security which had arisen in relation to the applications by Yemen and Iraq. There was general agreement for the need for a rapporteur to be physically present in the country to evaluate an application. It was thought that the questionnaire provided an initial focal point for the work of the rapporteur which should be implemented by detailed discussions with those proposing the application as well as those who would be likely to give an opposing point of view: the latter might include politicians, practitioners, leaders from interest groups and academics.

Response to UN Questionnaire

Justice Davies was invited to speak on the questionnaire which had been submitted by the UN Special Rapporteur on the independence of judges and lawyers, Mrs Gabrielle Knaul. After a debate, a motion was put by Judge Carter (and seconded by Justice Davies) that the ANAO would be pleased to respond to the questionnaire but would like to discuss the proposal at the meeting in Brazil.

Evaluation of Presentations and Court Sessions

Justice Blair sought the participants' views on the presentations that had been made concerning Canada's Commercial Court and the visits to the Canadian courts and Osgoode Law School. The delegates had also been taken to Osgoode Law School on Tuesday afternoon to meet with Associate Dean Trevor Farrow who informed the delegates about recent developments in the educational program at Osgoode Law School for law students including practical clinical training, mediation and other forms of alternative dispute resolution.

The meeting unanimously endorsed the value of seeing the way in which one of the jurisdictions dealt with matters of common interest.

Thanks

The meeting wished to thank Justice Blair and all of the Canadian delegates for their hard work in putting together the conference and for making it so informative. Specific thanks were given to the various institutions and people that had sponsored or funded various social activities and excursions.

**CONCLUSIONS OF THE INTERNATIONAL CONFERENCE
HELD IN FOZ DO IGUAÇU (BRAZIL) ON 12TH NOVEMBER, 2014
ON ENVIRONMENTAL LAW**



**CONCLUSIONS
OF THE INTERNATIONAL CONFERENCE
ON ENVIRONMENTAL LAW**

- Foz do Iguaçu (Brazil), November 12th, 2014 -

- 1.) The conference was successful in that it helped to widen the horizon on environmental law with an international perspective.
- 2.) Environmental rights are fundamental rights along with other fundamental rights and must be balanced with the others accordingly.
- 3.) Judges must assure that this balance is achieved in accordance with domestic and applicable international law.
- 4.) Although environmental law is a special field of law, rule of law and access to justice must be guaranteed here like in every field of law.
- 5.) When interpreting national environmental law, international treaties, even if they have not been ratified, and the case law of other countries may inspire judges.
- 6.) Education of jurists on environmental law must not only be encouraged but also achieved.
- 7.) IAJ encourages international exchanges in the field of environmental law.
- 8.) IAJ is available to co-operate with bodies of the UN in this field and with other international and national authorities if they so wish.



**CONCLUSIONS
DE LA CONFERENCE INTERNATIONALE
SUR LE DROIT DE L'ENVIRONNEMENT**

- Foz do Iguaçu (Brésil), 12 novembre 2014 -

- 1.) La conférence a été un succès parce qu'elle a permis d'éclaircir les problématiques de droit environnemental dans une perspective internationale.
- 2.) Les droits environnementaux sont des droits fondamentaux comme d'autres droits fondamentaux et doivent, par conséquent, être harmonisés avec les autres.
- 3.) Les juges doivent s'assurer que cet équilibre soit réalisé selon le droit international interne et applicable.
- 4.) Bien que la loi environnementale soit un domaine spécial du droit, l'état de droit et l'accès à la justice doivent être garantis ici comme dans chaque domaine de droit.
- 5.) Dans l'interprétation de la loi environnementale nationale, les traités internationaux, même s'ils n'ont pas été ratifiés, ainsi que la jurisprudence d'autres pays, peuvent inspirer les juges.
- 6.) La formation des juristes sur la loi environnementale doit non seulement être encouragée mais également mise en œuvre.
- 7.) L'UIM encourage les échanges internationaux dans le domaine du droit de l'environnement.
- 8.) L'UIM est disponible pour coopérer avec des organes de l'ONU dans ce domaine, ainsi qu'avec d'autres autorités internationales et nationales qui le souhaiteraient.

**An historical document: the “Charte de Brasilia”,
approved by the IAJ’Central Council in 1971**

CHARTRE DE BRASILIA

Le colloque de l'Union Internationale des Magistrats en conclusion de ses délibérations de Rio de Janeiro, a, le 25 août 1971 à Brasilia adopté les résolutions suivantes.

Le droit de vivre et de travailler dans un environnement sain doit être considéré comme l'un des droits fondamentaux de l'homme s'imposant au respect de tous et exigeant une protection vigilante du législateur et du juge.

Dans cet esprit la disposition du projet de Code Civil Brésilien selon laquelle “le droit de propriété d'un immeuble doit être exercé de façon que la flore, la faune, les beautés naturelles et l'équilibre écologique soient préservés, et de telle sorte que soient évitées la pollution de l'air et de l'eau ainsi que l'érosion du sol” doit être considérée comme exemplaire.

La disposition du même projet qui donne au particulier le droit d'intervenir en justice pour contraindre son voisin à respecter les normes en vigueur est intéressante et mérite une étude approfondie.

La lutte contre les pollutions et la protection de l'environnement posent des problèmes d'ordre technique, économique, social et juridique.

Si le législateur doit en ce domaine fixer les principes directeurs, la gravité et la complexité de ces problèmes exigent que le juge dispose d'une part d'un ensemble de mesures appropriées et efficaces, d'autre part d'un large pouvoir d'appréciation. S'il doit en effet pouvoir prononcer des sanctions pénales et ordonner des réparations civiles, il doit en

outre avoir la possibilité d'intervenir au besoin préventivement en vue d'empêcher la naissance du trouble, d'en obtenir la cessation ou d'en limiter les effets.

Le juge doit aborder les problèmes de l'environnement d'une manière imaginative et créatrice et en l'absence de dispositions législatives adéquates, développer des règles jurisprudentielles originales allant au delà des principes traditionnels de la responsabilité fondée sur la faute ou d'une application trop étroite de la théorie de l'abus de droit.

L'ampleur des dommages possibles exige le recours à un système de garantie collective qui peut être soit publique soit privée.

La légalité des règlements limitant l'usage de la propriété, et les cas échéant l'allocation d'indemnités compensatoires doivent pouvoir être appréciées par organes juridictionnels indépendants.

Dans les Etats à structure fédérale ou fortement décentralisée on doit s'attacher à coordonner les actions respectives du pouvoir central et des autorités locales.

La protection des mers, des fleuves et des lacs et celle de l'atmosphère ne pourra le plus souvent être assurée que grâce à une coopération internationale. Celle-ci requiert non seulement des conventions de portée mondiale ou régionale, mais encore l'institution d'un organisme international central chargé d'animer et de coordonner les efforts.

Sur le plan judiciaire, il apparaît que le fractionnement des compétences entre les divers Etats ne permet pas d'assurer de façon satisfaisante la répression de certaines infractions, notamment celles commises en haute mer, ni une réparation efficace des dommages qu'en résultent.

L'avenir revelera sans aucune doute l'absolue nécessité d'instituer d'une part une juridiction internationale et des juridictions plurinationales, d'autre part un fonds international de garantie.

MISCELLANEOUS PHOTOS OF THE IAJ REGIONAL GROUPS

Photo of the meeting of the Ibero American Regional Group held in 2015 in Mexico



Photo of the meeting of the European Association of Judges held in 2014 in Cyprus



Photo of the meeting of the Presidency Committee held in 2014 in Rome



THE COUNCIL OF HONORARY PRESIDENTS

In the Annual Meeting 2013 of IAJ-UIM held in Yalta/Ukraine the Honorary Presidents taking part, Fatoumata Diakite, Jose Maria Bento Company, Maja Tratnik, Sidnei Beneti and Günter Woratsch, founded – following a proposal of Sidnei Beneti – a Council of Honorary Presidents of IAJ-UIM (CHP).

The proclaimed aim was to make available the long lasting experiences of the Honorary Presidents furthermore.

Günter Woratsch being the longest time in that position among the presents was elected as chairman of the new founded Council.

The Presidency Committee and the Central Council were informed and accepted the foundation.

CHP has already started its work. On request of the Presidency Committee an opinion about a proposal of a Regional Group concerning an amendment of the Statute was furnished.

In the Annual Meetin 2014 of IAJ-UIM which took place in Foz do Iguacu the Honorary Presidents taking part in the meeting, Fatoumata Diakite, Jose Maria Bento Company, Sidnei Beneti, Ernst Markel, Paquerette Girard and Günter Woratsch, confirmed and substantiated the aims and goals of CHP.

Observing all what is going on CHP is prepared to give opinions and counsels in questions touching interests of IAJ-UIM, as – for example – interpretation of Statutes and Regulations but also and in particular independence of the Judiciary etc. CHP does not recognize itself only as counsellor of Presidency Committee and Central Council but is open for all members of IAJ-UIM for questions and problems in the described field as well.

Presidency Committee and Central Council were informed about that and accepted. It also was assured to provide during the Meetings of IAJ-UIM special seats for CHP and – if requested – rooms for sessions.

CHP can be contacted via the IAJ-UIM Secretariat or in the way of the chairman of CHP Hon.President Günter Woratsch (e-mail: <guenter.woratsch@aon.at>).

