

OPENING CEREMONY

Honourable guests, dear AIJA members, friends

C'est un honneur et plaisir de dire "Bienvenue à Toronto" pour le quarante cinquième congrès de l'Association Internationale des Jeunes Avocats.

Yes, indeed, it is now 45 years since a group of farsighted young lawyers met in Paris and decided to create what was to become AIJA. In other words, our beloved association has now herself reached the age set by our founding fathers as the dividing line between being young and being ... well not as young.

However, far from being a tired old lady, I am proud to say that AIJA is today perhaps more alive and kicking – oui, "jeune" - than ever before. We see a steady increase in the level of activities around the world carrying the mark of AIJA; we see more and more young lawyers and inhouse counsel join us. Lawfirms – big or small – understand the value of sending to us their associates and young partners in order to build international relations.

It is against this background of a strong and constantly growing AIJA, that I welcome you to Toronto.

A special welcome to our guests of honour, the honourable John D. Richards, Chief Justice of the Federal Court of Appeal, l'honorable Francois Rolland Judge en chef de la cour superieure du Quebec and Mr. Bernard Amyot, President of the Canadian Bar Association, as well as the many international guests representing national and international legal associations. In the continuing building of AIJA, we welcome with open arms cooperation with you and we very much appreciate the assistance you so graciously offer to us in order to make AIJA known among young lawyers.

J'aimerais tout particulièrement souhaiter la bienvenue aux participants qui assistent pour la première fois au congrès de l'AIJA. Trust me, you are in for something very special: 5 days of hard work combined with usually

quite long evenings or rather, nights! By the end of the Congress, however, I am pretty confident that you will take back with you a sense – a little piece of something - you have never experienced before: the seeds of the AIJA spirit –l'esprit d'AIJA - will have been planted in you.

I wish to send a warm thank you to Mark Opashinov, Patrick Goudreau and their team of Canadian lawyers: you have worked incredibly hard to be able to welcome us here in Toronto. The same thanks, by the way, should be addressed to your law firms and families.

In our daily work, we are devoted to representing the interests and views of our clients. Whether in court or at the negotiation table, our essential raison d'être is our ability to analyse and debate. I noted that the Hart House, where we are tonight, is the home of the world champion debating club, so we better look out for what we are saying tonight or some of us might end up in a discussion which we could risk to lose.

We are assembled here more than 375 legal professionals from 49 countries and 5 continents to share, learn and benefit. But let us not forget, that we are the privileged few who are sitting here today, able to express freely our opinions, establish business contacts and build friendships.

It is a sad fact, that 100 years after the signing of the second Hague Convention and 60 years after the rendering of the judgement in Nuremberg after the second world war, less than half of the mankind lives in countries living up to the fundamental standards of the rule of law. Even worse, you may question whether we today are in any better shape than 10 – 20 – 50 years ago. Personal freedom, human rights and access to justice are under severe pressure because we are living in a world where faraway wars, terrorism and other acts of random violence have become everyday events in the media. Alongside this – or perhaps due to this - we see also in many countries a growing tendency of separation – splitting up - of people according to different racial, political or religious background and belief.

It is important to remember that the answer to these problems is not vengeance and abandonment of basic legal rights. The answer is: understanding and justice. Sometimes governments seem to forget this in

the name of "national security" or similar phrases. This, the legal community - and in particular we the young ones - should not accept, and we have history on our side.

Let me take you back for a moment to the trial of the major war criminals in Nuremberg in 1946/1947. There, the chief US prosecutor, Justice Robert Jackson said in his opening statement:

That four great nations, flushed with victory and stung with injury, stay the hands of vengeance and voluntarily submit their captive enemies to the judgement of the law, is one of the most significant tributes that Power ever has paid to Reason... We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow.

That trial was a landmark in the history of mankind. For the first time ever, the leaders of a brutal regime were called to stand in court for the misdeeds done in the name of a state against millions of innocent people. However, and despite the unprecedented crimes against humanity which the world had witnessed, even those defendants were granted the right to a legal counsel, the presumption of innocence and the right to give testimony – indeed the right to a fair trial. So much the more, I personally fail to understand that several countries – including some of those that were so courageous to establish the Nuremberg tribunal - do not yet accept the jurisdiction of the International Criminal Court. This we must try to change.

The attempted restrictions on access to justice by governments referring to the "war against terrorism" also stand in stark contrast to the statement made by the then chief of the Italian anti-terror corps, de la Quiesa, when in 1968 a suggestion was made to him to torture a captured terrorist in order to find president Aldo Moro who was held hostage by the Red Brigade. As he pointed out, with much regret but nevertheless very true:

Italy can afford to lose President Moro. Italy cannot afford to exercise torture.

We must and will continue to speak out against breaches of the rule of law. As we expressed in AIJA's Edinburgh resolution of 30 August 2003 on terrorism in the aftermath of September 11:

"In the conflicting balance between security and justice, the Rule of Law should always be the primary and fundamental principle."

Justice starts and ends with a willingness to understand other people. Before you can understand other people, you need to know them. Before you can know them, you must meet them. It is my strong belief, and so much the more after having spend the last 12 months representing you and the young lawyers of the world, that having an association like AIJA, where the next generation leadership of the legal community can meet and create bonds across borders and cultures, is an important tool to create mutual trust and understanding and thereby spread the words of justice.

I am proud to announce today that we in AIJA are taking active steps to ensure that lawyers from all countries can join us: subject to approval of the General Assembly on Saturday, we will establish an AIJA scholarship fund designed to financially help young lawyers in particular from developing countries who can otherwise not afford taking part in our meetings. We need their input as well, and we owe it to ourselves and to them to reach out and invite them to become citizens in our community.

This year, we celebrate that AIJA is turning 45; this is in AIJA terms the end of her youth, but only her first youth meaning that it is also the start of her second youth. I am very confident that in another 45 years, in 2052, young lawyers from all over the world will gather at AIJA's 90th congress and celebrate the beginning of her third youth. However, I also hope that they will be living in a world where it is no longer necessary for the then president to speak out in the defence of the rule of law and fundamental human rights. Bearing that in mind, I ask that each of you during the coming days, – besides having fun – will try to do your part of making Planet Earth a better place to live.

Once again, my friends and colleagues, very warmly welcome to AIJA's 45th annual congress which I hereby declare open.