

New-Delhi Judicial Independence Standards Conferences

The issue of Judicial Independence has been highlighted by numerous incidents of violation of judicial independence in many parts of the world. These violations of judicial independence took different forms, and occurred in countries with different systems of government.

These events, the apparent diversities and conflicts between different countries on the law and practice, concerning judges and judicial independence, and generally the developments in modern society, in political and social conditions, called for the review of conceptions, traditions and principles bearing on judicial independence. Moreover, the concepts on the nature of judicial office and on the role of the individual judge and the judicial branch have undergone changes. The time was ripe for a crystallization of these changing concepts in a set of International Minimum Standards of Judicial Independence.

These were the main reasons behind the decision of the leaders of the Project together with the International Bar Association in August 1980 to embark upon a project for the development of an international comprehensive code of minimum standards of judicial independence. In 1982 after over two years of intensive work since the initiation of the project, it was possible to develop an international code of judicial independence based on the General Report by Prof. Shimon Shetreet, on 29 National Reports, and 15 topical reports. The National Reports followed the guidelines laid down by the General Rapporteur Prof. Shimon Shetreet, detailing the specific questions which the National Rapporteurs were requested to address.

It was in 1980 at the 18th Biennial Convention in Berlin that the International Bar Association embarked upon the project for the development of an International comprehensive code of minimum standards of judicial independence. The Project was the responsibility of the Committee on Administration of Justice in the Section of General Practice. Justice D.K. Haese of Australia, the Chairman of the Committee acted as the Project Coordinator, and Professor Shimon Shetreet served as General Rapporteur of the Project. Justice Haese succeeded Chief Justice L. King, also of Australia, in the office of Project Coordinator, in the beginning of 1982.

National rapporteurs and topical Rapporteurs of the highest academic and professional standing from over 30 countries took part in the Project. The participating countries are geographically representative of the world, and fairly represent the major legal families of judicial systems, as well as the major systems of government. (The exception is the communist-bloc countries which abstained from involvement in the project.)

After the initiation of the Project in August 1980 substantial work has already been done. The first Draft of the Minimum Standards were presented by the General Rapporteur, Professor Shimon Shetreet, to the Lisbon conference in May 1981, where the Draft Standards were debated and revised.' Based on the resolutions in the Lisbon Conference and other suggestions made in the course of the proceedings in that conference, the General Rapporteur prepared the Jerusalem Revised Draft Standards, for debate and approval in the Jerusalem Planning Conference in March 1982. The Jerusalem Approved Standards, the fruits of the Jerusalem Conference, were submitted for final approval to the nineteenth IBA Biennial Convention in New Delhi in October 1982, and were finally approved with slight changes.

We acknowledge with gratitude the help of the National Rapporteurs and we express deep appreciation for their most significant contribution to the success of the project. We are particularly indebted to Chief Justice King and Justice Haese, the Project coordinators and to the General Rapporteur Prof. Shimon Shetreet, for their invaluable and indispensable work. Thanks are also due to the IBA Head Office in London for their help throughout the period of work on the project.

In the course of the Project we have been in touch with other organisations involved in similar efforts such as the International Commission of Jurists in Geneva, whose representatives attended our conferences in Lisbon in 1981 in Jerusalem in March 1982 and in New Delhi in October 1982.