

THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

THE DECLARATION OF HANOI

We, the participants in the Congress in Hanoi of International Association of Democratic Lawyers, deeply concerned about the current developments in international life at the beginning of this century and millennium, reiterate our confidence in the United Nations Organisation and our commitment to the UN Charter principles as essential foundations of a more peaceful, prosperous and righteous world, turning the principles of human dignity, equality and equity worldwide into universal values of the whole of mankind.

We consider that a just and lasting world peace can be built up only in consonance with the objectives and principles laid down in the United Nations Charter, which prove to be of continuing interest and generally valid.

We express our determination to back, by our own specific means, all the efforts meant to ensure the States' sovereignty and equality, the peaceful resolution of disputes in keeping with the principles of equity and international law, the observance of human rights and fundamental freedoms, by emphasizing their universal character, as well as international cooperation for the settlement of the economic, social, cultural and humanitarian problems worldwide.

The debates held within the Congress in Hanoi (June 6th – 10th, 2009), pointed to the following priorities: a) ensurance of world peace and security; b) the nations' solidarity, eradication of poverty and development; c) environmental protection; d) fighting terrorism and defending democratic freedoms; e) strengthening the United Nations Organisation and the democratisation of international life; f) responsibility for international crimes; g) justice independence.

a) Ensurance of world peace and security

The main objectives of a just world order must include the ensurance of world peace and security. It is peace alone that can ensure each nation a propitious climate for its assertion and development.

The unhappy experiments known as Vietnam, Kosovo or Iraq – started without the Security Council's authorisation – have shown most clearly the immense risks entailed by a stubborn attitude to interpret the principles and norms of international law exclusively from the perspective of the one having the most performing army.

If mankind is to survive, it's time for **the law of war** to be replaced once and for all by **the law of peace**. Based on this premise, we must regard the war of aggression as a crime and not a means to settle international disputes.

As lawyers, we cannot accept solutions other than those which comply with the United Nations Charter.

Neither the theory of "pre-emptive war" can be accepted, as under Art. 51 of the United Nations Charter, the right to individual or collective self-defence can be exercised provided an armed attack took place.

And in this situation everybody knows that this condition has not been met. Iraq attacked neither the USA nor any of the 45 "allied" states, of which 15 chose the condition of anonymity.

A war waged on this basis (the pre-emptive war theory), instead of being a war of defence turns out to be a war of aggression. And, under international law, the war of aggression carries international accountability.

"The right to democratic intervention", too, invoked in this case, remains, legally speaking, outside the international norm.

On the other hand, history has taught us that genuine democracy cannot be implemented by means of bombs, no matter how clever they are.

Peace restoration calls for both adequate principles and structures and strict rules and regulations, which should spell out the rights and obligations lying with all the players in international life for the maintenance and development of a climate of trust and cooperation, of mutual respect and assistance.

The active role of international law in this area is prompted by: 1. an increased awareness of mankind of the need to look for viable solutions to the great problems confronting it; 2. the necessity to enshrine more clearly the rights and obligations of all states in the relations between them; 3. the requirement to gradually contain and eradicate war from international life; 4. the growing contribution of nations – by understanding UNO Chart philosophy – of progressive forces worldwide – including lawyers' organisations, such as the International Association of Democratic Lawyers – to conflict prevention and the settlement of any international dispute by peaceful means alone.

However, meeting these objectives calls for deep-going changes in the structures and finalities of international law, the improvement of the rules and regulations in force and the adoption of new ones, consistent with the requirements of today's world.

The many crises and flashpoints in various parts of the world and the unprecedented surge of international terrorism point to a serious malfunctioning of the present components of the peace restoration process. That is the reason why we believe that – in the light of the need for the maintenance of world peace and security – action should be taken to achieve improvement in the following areas: 1. an increased role of the UNO and of the other peace restoration and management components; 2. a growing contribution of the mechanisms and procedures for the peaceful settlement of disputes; 3. an enhanced role of negotiations for the prevention and settlement of international conflicts.

We must be aware of the fact that the issues of world peace and security have today acquired an indivisible character and that the establishment of democratic relations between states calls for putting in place a flexible and efficient system of crisis settlement.

b) The nations' solidarity, eradication of poverty and development

We, the participants in the Hanoi Congress, consider that the challenges of the new millennium at a global level must be managed in such a manner as to allow a proportional distribution of the costs and responsibilities, observing the principles of equity and social justice. Those who suffer or those who reap the lowest benefit should get assistance from those who reap the greatest benefit.

We believe that the right to development must turn into a reality for each and every citizen of our planet. Those in positions of responsibility must ensure that the most elementary needs are met, lest people should be afflicted by hunger any more.

We pledge to support, by our own specific means, the creation at national and international level of a climate propitious for development, for the eradication of poverty.

We consider that a proper and correct management worldwide and the transparency of the financial, monetary and trade systems should be ensured.

c) Environmental protection

The environment in all its components is the heritage of mankind, and that really turns environmental protection into an issue of global interest with multiple implications, the settlement of which calls for global solutions to be reached by the cooperation and direct participation, on an equal footing, of all the states of the world.

It's a fact that we are witnessing the degradation of the environment worldwide, degradation which if ignored by the authorities of the developed states – and not only – may lead to the destruction of the terrestrial ecosystem, this jeopardising the very survival of mankind.

The same as the constituent elements of the environment (water, atmosphere, wild flora and fauna, soil and others) cannot be confined within boundaries, pollution cannot be kept within boundaries either.

Globalisation is determined also by the location and the far-reaching, merciless consequences of some phenomena which are of interest for the whole of mankind, such as: **the depletion of the ozone layer, the greenhouse effect, the climate changes, desertification, the perils to the natural heritage of mankind.**

The tendency towards the globalisation of the environmental damage is highlighted also by the frequency of cross border pollution and the pollution cases in various marine areas, including those outside the States' national jurisdiction that is in areas, which make up the common heritage of mankind.

War, too, causes extensive, long-term pollution. Thus, setting refineries on fire causes a lot of smoke, pollution with sulphur and hydrocarbons. Bombardments of industrial objectives cause pollution with arsenic, dioxin (as it was Agent Orange case in Vietnam), mercury and many other toxic gases, to say nothing of the use of depleted uranium explosives, which have extremely harmful effects on the health of the environment and on human health.

The man-inflicted degradation of the environment is an undeniable reality of our times, which must be addressed without delay through national legislative initiative as well as through inter-state cooperation and action taken by international organisations (including nongovernmental organisations) for the launch of a fast, effective and comprehensive regulatory process.

Under the present circumstances, it becomes increasingly clear that environmental protection could be defined not as a mere "technical" issue of the man - nature relationship, but rather as a complex, inter-disciplinary issue, having far-reaching political, economic, trade and good-neighborly ramifications in international affairs.

That is why we believe that a most urgent reconciliation is needed between economic development and environmental protection at both national and international level, this lending substance to the concept of sustainable development.

It is quite important to bear in mind that in the area of environmental protection and conservation, as in other areas for that matter, it is easier and cheaper to prevent than to combat and remedy. But this calls for funding in a sufficient amount.

The outbreaks of the ecological crisis, the deepening and expansion of its effects and the diversification of crossborder pollution have spurred up the international regulatory process.

We believe that the present situation calls for a new approach to this phenomenon, both at national and at inter-state and international organisations level.

Moreover, given the importance of the issue, we believe that a **frame-convention** should be adopted. This document should lay down the principles and key directions in the area of environmental protection regarded in its entire complexity of global value and its multitude and diversity of components.

We, the participants in the Hanoi Congress, reiterate our support for the principles of sustainable development, including for those laid down in Agenda 21, adopted at the United Nations Conference on Environment and Development.

d) Fighting terrorism and defending democratic freedoms

We, the participants in the Hanoi Congress, condemn terrorism acts no matter where they take place.

Terrorism is a global crime without borders and is directed against human values.

Being a cross border threat, terrorism poses the same danger for all people, of any nationality and any religion.

Terrorism is a global issue today.

The complex causes behind terrorism call for pertinent interpretations and viable forecasts so as to prevent, contain and combat this phenomenon.

But recent realities have shown that besides the legitimate struggle against terrorism the germs of a different sort of war have developed in various countries, a war between the state's security and democratic freedoms. Thus, in certain countries enacting anti-terror legislation is used as a pretext to restrict certain constitutional rights and freedoms.

Likewise, fighting international terrorism has already served as a pretext for the use of armed force or the threat of force outside international law.

That is why we express our deep concern about such tendencies, which run contrary to democratic values and the principles of international law.

In view of the above mentioned, we, the participants in the conference, launch an Appeal to all national and international lawyers' organisations, to all bodies of civil society in all the countries of the world, to contribute, by concerted action, to an enhanced efficacy of the steps taken to prevent and fight international terrorism but, at the same time, to ensure that democratic freedoms and national and international law are observed.

e) Strengthening the United Nations Organisation and the democratisation of international life

The growth of the United Nations Organisation's role is more necessary than ever before.

Consequently, UNO must grow into a stronger and more efficient international body, capable to meet all the nations' aspirations towards peace, cooperation and progress.

Under the UN Charter, a basic vector in international life must be the principle of the States' sovereign equality. That is why, the democratisation of the United Nations Organisation through the consolidation of this principle has become an imperative necessity. That is why, the full power and authority within UNO should normally be vested in the General Assembly, which lacks the privilege of having "permanent members" as the Security Council has. Therefore, international life as a whole should be democratised, so that the voice of each and every nation – regardless of its size – may be heard and listened to.

Putting to good use the experience accumulated so far and correlating with greater skill the various means available for the peaceful resolution of disputes will bring about an enhanced efficiency of this important mechanism of the Law of Peace.

Of course, the improvements needed to be brought to the peace restoration structures as a whole must seek, first and foremost, a growing role of the General Assembly in the peaceful settlement of any international disputes, in the maintenance of world peace and security.

We also believe that an all-embracing reform of the Security Council is needed, which should lead to the democratisation of that body.

And last but not least, action should be taken to improve and complete the UN Charter - which should be regarded as a genuine Constitution of the entire international community – in the light of the needs and demands of today’s world. There should only be one single category of states: that of equal UN members, regardless of their size, economic or military might.

A concerted effort should be made by the entire international community, which is called upon to take, under the UN aegis, a courageous and pragmatic action, an action in good faith by all the states of the world.

That is why we consider that our role, the role of the lawyers of today’s world, is of great importance. Moreover, lawyers – including the ones who belong to IADL – are duty-bound to contribute by specific means to the protection and enhancement of the United Nations’ role in international life.

f) Responsibility for international crimes

It requires finding juridical solutions for efficient compensations for Agent Orange victims (as settled in Peoples Tribunal) and for any war victims, including from corporations which manufacture mass destruction weapons.

Also it requires international law right improvement in order to discourage any impunity form and increasing the International Criminal Court role.

g) Justice independence

Congress participants express their concern for ensuring an independent, efficient and transparent justice.

We invite all national lawyers’ organizations to action with determination in order to ensure free access to justice.

It requires categorically measures to protect efficiently judges and attorneys. With national lawyers’ organizations support IADL every year should elaborate a Report regarding any abuse made by state authorities against jurists.

We reiterate our staunch support for these goals and our resolve to contribute

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