

### Role of Lawyers in a Changing Society

Last December the International Commission of Jurists held its third International Congress at Petropolis, near Rio de Janeiro, Brazil. The theme of the Congress was "Executive Action and the Rule of Law", and was attended by some three hundred judges, practitioners and law teachers from 73 countries. Present at Rio de Janeiro in their personal capacities from the Federation of Malaya were the Honourable Mr. Justice Mohamed Suffian, Mr. R. Ramani and Mr. Yong Pung-How, and from Singapore, Professor L. A. Sheridan. Four Committees participated at the Congress and one of them, Committee III, dealt with "The Role of Lawyers in a Changing World". We reproduce below the conclusions arrived at by this Committee:

#### *"The Role of Lawyers in a Changing World"*

In a changing and interdependent world, lawyers should give guidance and leadership in the creation of new legal concepts, institutions and techniques to enable man to meet the challenge and the dangers of the times and to realize the aspirations of all people.

The lawyer today should not content himself with the conduct of his practice and the administration of justice. He cannot remain a stranger to important developments in economic and social affairs if he is to fulfil his vocation as a lawyer: he should take an active part in the process of change. He will do this by inspiring and promoting economic development and social justice.

The conditions to be fulfilled and the steps to be taken in order to enable the lawyer to play this role effectively were dealt with to some extent in the *Conclusions* of the Fourth Committee of the International Congress of Jurists, New Delhi, India, 1959, and of the Third Committee of the African Conference on the Rule of Law, Lagos, Nigeria, 1961.

This Congress adopts the following further conclusions.

i. The skill and knowledge of lawyers are not to be employed solely for the benefit of clients, but should be regarded as held in trust for society.

ii. It is the duty of lawyers in every country, both in the conduct of their practice and in public life, to help ensure the existence of a responsible Legislature elected by democratic process and an independent, adequately remunerated Judiciary, and to be always vigilant in the protection of civil liberties and human rights.

iii. Lawyers should refuse to collaborate with any authority in any action which violates the Rule of Law.

iv. Lawyers should be anxiously concerned with the prevalence of poverty, ignorance and inequality in human society and should take a leading part in promoting mea-

sures which will help eradicate those evils, for while they continue to exist, civil and political rights cannot of themselves ensure the full dignity of man.

v. Lawyers have a duty to be active in law reform. Especially where public understanding is slight and the knowledge of lawyers is of importance, they should review proposed legislation and present to the appropriate authorities programmes of reform.

vi. Lawyers should endeavour to promote knowledge of and to inspire respect for the Rule of Law, and an appreciation by all people of their rights under the law.

vii. If lawyers are to discharge their obligations under the Rule of Law they will need to exercise individual initiative and to act through every available organization, including in particular self-governing lawyers' associations. Such associations must be entirely free of interference and control by the Executive.

viii. The Rule of Law requires lawyers of competence and integrity who are available to, and do in fact, represent the whole community regardless of racial, religious, political, geographical or other differences. Lawyers should be numerous and diverse enough to serve the needs of the community and to ensure that every person can obtain adequate representation by a lawyer of his own choice.

Individual lawyers and their associations have the duty to work with judges, other officials and community organizations to provide indigent persons with adequate legal service.

ix. The Rule of Law requires an authority which has the power to, and does in fact, exact proper standards for admission to the legal profession and enforces discipline in cases of failure to abide by a high standard of ethics. Those functions are best performed by self-governing democratically organized lawyers' associations, but in the absence of such associations the Judiciary should act instead. Discipline for violation of ethics must be administered in substantially the same manner as courts administer justice. Associations exercising those functions must be open to all qualified lawyers without discrimination based on race, religion or political persuasion. Lawyer's associations should encourage reciprocal agreements or other procedures to eliminate the requirement of citizenship as a prerequisite to the right to practise law.

x. This Congress specifically endorses the *Conclusions* of Delhi regarding the relationship between lawyers and clients, and in addition stresses the following matters.

1. In order to ensure adequate representation, it may be essential in some cases to allow lawyers from foreign countries to appear.

2. Lawyers' associations must take all necessary steps to ensure the representation of clients whose causes may be unpopular.

3. It is essential to the Rule of Law that the client be free to discuss all matters with his lawyer without fear of disclosure by the lawyer, either voluntarily or by compulsion.

xi. In an interdependent world, the lawyer's responsibilities extend beyond national boundaries. They require his deep concern for peace, and support for the principles of the United Nations and the strengthening and development of international law and organizations. The lawyer should also promote an increased application of arbitration, adjudication and other legal procedures in the settlement of disputes among nations. Finally, the lawyer should support the negotiation and conclusion of international conventions and agreements on human rights and fundamental freedoms, thus leading to the day when the universality of the Rule of Law may be achieved.

xii. At all times the lawyer should strive to be a visible example of the ideals of his profession — integrity, competence, courage and dedication to the service of his fellow men."