

International Council of Advocates and Barristers (ICAB):

The Edinburgh Declaration 2016

The members of ICAB are the Bar Associations/Councils of Australia, Ireland, Scotland, England and Wales, South Africa, Hong Kong, New Zealand, Namibia and Zimbabwe. In 2002, at the Inaugural Conference, ICAB passed a resolution, known as the Edinburgh Declaration:

1. "That the independence of Courts is essential to the functioning of democracies, and that the independence of the legal profession in turn is essential to the independence of the Courts.
2. That the referral Bars, the organised bodies of the profession of Barristers and Advocates, have a particularly important role to play in defending the independence of the Courts and in affording access by the public to them.
3. That the participating Bars commit themselves in supporting, in all ways open to them, legal practitioners in all countries where their capacity to practice and organise themselves freely and independently is under threat.
4. That it expresses its complete support for:
 - The Bar Council and Law Society of Zimbabwe in the assertion of the independence and in their commitment to the restoration of the rule of law in Zimbabwe;
 - To the Hong Kong Bar and its principal espousal of the rule of law.
5. That the participating Bars shall take practical steps to co-ordinate and advance the work of Bars around the world for the protection of human rights and for the enhancement of pro bono legal services for the poor and the vulnerable.
6. The participating Bars shall also continue to work to defend the independence of the profession of Barrister and Advocate."

At the end of the 2016 Conference, representatives of ICAB (including Paul Mabey QC as that then president of the NZBA) met to review the Edinburgh declaration in light of developments and challenges emerging since 2002. The 2002 declaration was revised to more expressly address and include reference to the independence of judiciary, access to justice, the need for State funded legal aid and confirmation of the on-going commitment of the independent referral Bars to supporting the rule of law. The text follows, as approved at the Conference, now follows.

The Edinburgh Declaration 2016

We the representatives of the member bars of the International Council of Advocates and Barristers attending the World Bar Conference in Edinburgh 14-16 April 2016 re-affirm our commitment to the principles set out in the Edinburgh Declaration of 2002, and in that regard resolve that:-

1. The rule of law is one of the foundations of a just and economically successful society.
2. The independence of the courts is essential to the rule of law and to the functioning of democracies.
3. The independence of the legal profession is essential to the independence of the courts.
4. The efficient functioning and adequate resourcing of the courts by the state is essential if they are to fulfil their constitutional role.
5. In our respective legal systems the independent referral bars, the organized bodies of the profession of advocates and barristers, have a crucial role to play in defending the

independence of the courts and in securing their efficient functioning, in affording effective access to justice and in promoting the rule of law.

6. The member bars commit themselves to supporting, in all ways open to them, legal practitioners in all countries where their capacity to practise and organize themselves freely and independently is under threat.
7. The member bars express their complete support for bars and legal professions in countries where the independence of the legal profession and/or the rule of law is under threat.
8. The rule of law demands effective access to justice; and effective access to justice for the poor and vulnerable requires an adequate publicly funded system of legal aid.
9. The member bars will take practical steps to co-ordinate and advance the work of the bars around the world for the protection of human rights and access to justice.
10. The member bars will continue to work to defend the independence of the profession of advocate and barrister.”

For more information please visit the ICAB website: <http://www.barristersinternational.com/>