

AIJA meets AYLA during International Baku Conference of Young Lawyers, 9-12 September 2005

INTRODUCTION

A few months ago the Azerbaijan Young Lawyers Union contacted AIJA and asked to join in the organizing of a Young Lawyers International Conference. The conference was held at Baku on September 9th to 12th 2005, with as subject "Integration of Young Lawyers in a Globalizing World".

Two main items were on the agenda: Professional Development of Young Lawyers, and The Role of Young lawyers in Human Rights Protection.

A FASCINATING CITY IN AN INTERESTING COUNTRY: AZERBAIJAN

The issues that were to be discussed at the conference are intimately linked to the situation of the legal profession in Azerbaijan. This situation has in turn every thing to do with the development of Azerbaijan over the last few years.

Azerbaijan acceded to independence in 1991 when the Soviet Union fell apart. It had been part of the USSR since 1922. Before that Azerbaijan had been independent for a short period of time as from 1918 when it gained independence from the agonizing Tsarist Russian empire.

The country is in all respect a bridge between the East and the West. Traditionally the Azeri people are Shiite Muslims. The language is Turkic and closely related to the Ottoman Turkish language.

Azerbaijan, and Baku in particular, are blessed with oil which nowadays is drilled for in the Caspian Sea and which is recently being carried through the Baku-Tbilissi-Ceyhan pipeline to Turkey and from there to Western Europe.

The City of Baku is well worth a visit. The old medieval city centre is completely walled and contains some fine examples of Islamic religious and secular architecture,

as the marvellous Shirvanshah palace complex, first build in the 15th century AD, and the Maiden's tower an impressive fortified building dating back to the 6th century BC. The Maiden's Tower is as much to Baku as the Eiffel Tower is to Paris and Big Ben to London. The old city (Içeri eher) is a marvellous quarter with small sinuous streets and stairs climbing up the steep hillside. Children play without any danger of being overrun by cars, as the centre is mainly a pedestrian area. Around the old city is a 19th Century city with a very cosmopolitan atmosphere. Broad streets, squares and parks are surrounded by a great diversity of buildings, the architecture of which reflects the rich mixture of Eastern and Western culture.

Enclosing the 19th Century city is one enormous building yard. The modern Baku, where over three million people are living, develops further at high speed.

The city is very attractive by its setting. Located at the southern side of the Absheron peninsula, it has a beautiful seaside. The Caspian sea is bordered by a huge park in which all the inhabitants seem to gather at night to have a cup of tea with some delicious sweets or a beer with a popular döner kebab.

Above all the foreign visitor is struck by the friendly people and their warm hospitality.

A NEW BORN DEMOCRACY

After gaining independence Azerbaijan chose for democracy. In 1995 a new constitution was adopted which clearly shows a resolution to install a democratic regime with political and individual rights, separation of powers and an independent judiciary. In 2001 Azerbaijan acceded to the Council of Europe and in doing so accepted the jurisdiction of the European Court of Human Rights in Strasbourg.

However good this changes look on paper

the more difficult they appear to implement in real life. One of the aspects showing this difficulty is the development of the legal profession, which precisely was at the heart of the International Baku Conference of Young Lawyers.

Under the Soviet system an independent legal profession or an independent bar association were unknown. After the fall of the Soviet Union the old soviet structures more or less survived.

A recent law reorganized the bar association called the Collegium of advocates. The members of this collegium, not many more than 500 of them, have a monopoly on the defence in criminal matters. The Collegium is a closed shop. Access to it is only possible through exams the pertinence and objectivity of which has been highly questioned. A huge majority of members are older lawyers who grew up and were educated under the Soviet system.

At least unto a few years ago the Collegium also exerted a close control on defence lawyers and in doing so thwarted their independence. Some reports also mention pressure and threats directed at the more independent lawyers.

Although the law governing the criminal defence bar has been reformed recently, the implementation of the law has more or less maintained the status quo.

In civil law courts on the other hand a party can be represented by anyone having received a power of attorney from that party. No legal education is required at all.

YOUNG LAWYERS AND GLOBALISATION

For young lawyers this situation is a challenge. The mentality of the Azerbaijani young lawyers is strongly turned to the future, towards the free development of the legal profession and the protection of human rights.

The Azerbaijan Young Lawyers Union (Azərbaycan Gənc Hüquq Ünaslar Birliyi) is an independent non-governmental and non-profit organization founded in 1999. Its mission is the study and promotion of human rights and freedoms and the study of problems facing the legal profession nowadays. In the last years it has organised several round tables on different topics like the application of anti-corruption law and the role of young lawyers in fighting corruption.

The AYLU is an implementing partner of the OSCE (Organization for Security and Co-operation in Europe) and the CEELI (Central and Eastern Europe Legal Initiative) of the American Bar Association. AYLU groups about 100 law students, masters and young practising lawyers.

THE SEPTEMBER 2005 AYLU CONFERENCE

Some 100 lawyers attended the conference from 10th up to the 12th September 2005. Apart from around 80 lawyers from Azerbaijan participants came from the Belgium, Brazil, Georgia, Italy, Kyrgyzstan, Turkey, the USA and Uzbekistan. The conference was chaired jointly by Nadir ADILOV, chairman of AYLU, and Ramil ISGANDAROV, deputy chairman of AYLU on the one hand and Frans DUYNSTEE, immediate past president of our association.

The official opening session was attended by members of the Azerbaijani government as well as the Parliament of Azerbaijan, the Ambassador of OSCE at Baku, a representative of the Secretary-General of the Council of Europe and finally a representative of ABA/CEELI Azerbaijan.

The first conference day it was mainly the first topic that was addressed: professional development of Young lawyers. At the plenary session Carly Van Orman (USA), Volkhart Hanewald (Brazil), Fabio Alberto Regoli (Italy) and Pierre Bogaerts (Belgium) gave a brief introduction the education and training of young lawyers as well as the rules regulating the access to the legal profession in their respective countries.

The rest of the day was spent in 5 work-

ing groups in which vivid discussions took place on 5 topics, being: factors affecting the professional development of young lawyers, young lawyers and advocate activity, legal education problems of young lawyers, the role of young lawyers in the development of legal profession, professional ethics of young lawyers.

The topic of the second day of the conference was "Young lawyers and Human Rights". Dirk Martens (Ghent, Belgium) gave a lively introductory talk on the role of the advocate in the defence of human rights. He made his vision on the topic crystal clear by exposing a real case brought before the ECHR a few months ago.

After that plenary session the assembly was divided once more in 5 working groups that spent the rest of the day discussing about the subjects: The role of young lawyers' professional units in Human Rights protection, Young Lawyers Volunteer Activity in Human Rights Protection, The role of Young Lawyers against procrastination and bureaucracy in the Court System, Young Woman Lawyers and Gender Issues, and Enlightenment on Human Rights and Cooperation with the Ombudsman.

On the last day of the conference the AYLU members worked on the elaboration of an Action Plan for the next two years.

The discussions between lawyers of different legal traditions were very interesting indeed. Very striking differences in the approaches of Western Lawyers and Lawyers from the former Soviet Union countries made the working groups a mutually enriching experience for all the attendants. Notwithstanding the differences in legal tradition all working groups succeeded in reaching useful conclusions. And although it was mainly the Azeri Lawyers who made a practical use of the work of the conference, by working out an action plan for their union, all the attendants left the conference with a deepened insight in human rights protection problems and a broader vision on their profession.

The conference also was a great success on an other account. It was aimed at setting up close relations of Azerbaijani law-

yers with foreign colleagues. It was a great pleasure for all the attendants and for the AIJA members in particular to get to know Baku and Azerbaijan through the friendly and hospitable company of AYLU, its Chairman, and members.

No doubt that further joint initiatives of AYLU and AIJA will further strengthen the ties between the two organisations.

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