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INFO	LOG-00	NP-00	AID-00	CEA-01	CIAE-00	COME-00	CTME-00
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	UTED-00	VC-00	FRB-00	HHS-01	H-01	TEDE-00	INR-00
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P 281404Z OCT 02
FM AMCONSUL DURBAN
TO SECSTATE WASHDC PRIORITY 0184
INFO AMEMBASSY PRETORIA
SOUTHERN AFRICAN DEVELOPMENT

UNCLAS SECTION 01 OF 02 DURBAN 0115

STATE FOR AF/S, ALSO FOR AF/PD
PRETORIA FOR POL, PAS

E.O. 12958: N/A
TAGS: PGOV, ECON, KDEM, PINR, SOCI, SF
SUBJECT: 2002 INTERNATIONAL BAR ASSOCIATION ANNUAL
CONFERENCE, OCT, 29-25 IN DURBAN

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1. SUMMARY: THE INTERNATIONAL BAR ASSOCIATION (IBA)
HELD ITS ANNUAL CONFERENCE IN DURBAN FROM OCTOBER 19 TO 25,
2002. THIS WAS THE IBAQS FIRST MAJOR CONFERENCE IN AFRICA
AND IT COVERED A BROAD RANGE OF TOPICS FROM TERRORISM AND
INTELLECTUAL PROPERTY RIGHTS TO HUMAN RIGHTS. THIS YEARQS
CONFERENCE FOCUSED ON TERRORISM AND THE STATEQS DUTY TO BALANCE
LEGITIMATE SECURITY NEEDS WITH CIVIL LIBERTIES. PAO MET WITH
TWO KEY U.S. PARTICIPANTS AT THE IBA CONFERENCE FROM THE
AMERICAN BAR ASSOCIATION (ABA). THEY WERE IMPRESSED WITH
DURBAN'S ORGANIZATION OF THE EVENT BUT DID EXPRESS THEIR
SURPRISE THAT NO AMERICAN WAS INVITED TO BE ON THE TASK FORCE
PANEL DEALING WITH 9/11 AND TERRORISM ISSUES. NOTED
INTERNATIONAL JURIST RICHARD GOLDSTONE, DURING ONE OF HIS

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E AHMAD
DATE/CASE ID: 04 NOV 2004 200303827

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PRESENTATIONS, CASTIGATED THE USG FOR ITS SINGLE-MINDED AND SELECTIVE APPROACH REGARDING MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS. HE ALSO WAS QUOTED IN THE LOCAL PRESS AS DECLARING "...HUNDREDS OF PRISONERS OF WAR (WERE) TAKEN FROM AFGHANISTAN AND HELD BY THE U.S. WITHOUT TRIAL IN GUANTANAMO BAY. THEIR RIGHTS UNDER THE GENEVA CONVENTION HAVE CLEARLY BEEN VIOLATED BY THE U.S." END UMMARY

2. SOUTH AFRICAQS DEPUTY PRESIDENT JACOB ZUMA DELIVERED THIS YEARQS OPENING ADDRESS TO A REPORTED 4,000 PARTICIPANTS (OF WHICH AN ESTIMATED 900 WERE AFRICAN) FROM SOME 160 COUNTRIES. HE CALLED ON THEM TO DEBATE ISSUES AFFECTING THE INTERNATIONAL COMMUNITY, ESPECIALLY THOSE RELATING TO PEACE AND STABILITY. ZUMA TOLD HIS AUDIENCE THAT "THE TRAGIC AND HORRIFIC EVENTS OF SEPTEMBER 11 USHERED IN A NEW WAY OF DEALING WITH CONFLICTS IN THE WORLD, A NEW ORDER WHICH AT TIMES APPEARS TO UNDERMINE THE INTERNATIONAL RULE OF LAW AND INTERNATIONAL INSTITUTIONS". HE SAID PEOPLE LOOKED TO THE LEGAL FRATERNITY

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TO PREVENT THE WORLD BECOMING A JUNGLE. "SMALL, POWERLESS NATION STATES NEED TO BE ABLE TO FEEL PROTECTED THROUGH INTERNATIONAL LAW, NORMS AND TRADITIONS AGAINST THE ACTIONS OF POWERFUL STATES. THE SECURITY OF PEOPLE MUST BE THE SAME REGARDLESS OF THE SIZE, STRENGTH AND THE LEVEL OF THEIR DEVELOPMENT. "WE APPEAL TO YOU NOT TO SHY AWAY FROM SUCH DEBATES, ESPECIALLY GIVEN THE INTERNATIONAL INFLUENCE AND CALIBER OF THE IBA. IT IS IMPORTANT THAT ALL THOSE WHO RESPECT THE RULE OF LAW SPEAK OUT AND AIR ALTERNATIVE VIEWS AGAINST PRACTICES THAT THREATEN WORLD STABILITY AND THE INTERNATIONAL DEMOCRATIC ORDER."

3. ZUMA ALSO REMINDED HIS AUDIENCE THAT THE SUCCESS OF THE AFRICAN UNION (AU), CREATED IN DURBAN EARLIER THIS YEAR AND THAT SOUTH AFRICA CHAIRS, TOGETHER WITH ITS PROGRAMS, SUCH AS THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT, ARE NOT SOLELY DEPENDENT ON THE GOVERNMENTS OF THE MEMBER STATES, BUT ALSO ON ORGANIZATIONS SUCH AS THE IBA AND ITS CONSTITUENTS IN THESE STATES. THIS MESSAGE WAS NOT LOST ON THE LARGE NUMBER OF AFRICAN PARTICIPANTS.

4. DURING ONE OF THE PANEL PRESENTATIONS OF THE CONFERENCE ITSELF, NOTED INTERNATIONAL JURIST AND SOUTH AFRICAN CONSTITUTIONAL COURT JUDGE RICHARD GOLDSTONE CONDEMNED THE USG FOR "PICKING AND CHOOSING" WHICH INTERNATIONAL AGREEMENTS TO ADHERE TO, WHILE EXPECTING THE REST OF THE WORLD TO STICK BY THEM ALL. GOLDSTONE TOLD THE IBA CONFERENCE THAT THERE WERE MANY POSITIVE DEVELOPMENTS IN INTERNATIONAL CRIMINAL LAW OVER

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THE PAST TEN YEARS, INCLUDING WAR TRIBUNALS IN THE FORMER YUGOSLAVIA (ICTY) AND RWANDA (ICTR). HOWEVER HE SAID HE FEARED THAT SEPTEMBER 11 COULD MARK A DECADE OF "REVERSE AND UNCLASSIFIED

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REGRESSION". REFERRING TO THE U.S. GOLDSTONE SAID,

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"THERE ARE HUNDREDS OF PRISONERS OF WAR TAKEN FROM AFGHANISTAN
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AND HELD BY THE U.S. WITHOUT TRIAL IN GUANTANAMO BAY. THEIR RIGHTS UNDER THE GENEVA CONVENTION HAVE CLEARLY BEEN VIOLATED BY THE U.S." HE ALSO WARNED AGAINST WHAT HE TERMED AS "ANOTHER IRRATIONAL BELIEF" BY THE U.S. THAT THE INTERNATIONAL CRIMINAL

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COURT WOULD ABUSE ITS POWER AGAINST THE U.S. HIS RATIONAL BEING THAT THERE WOULD BE NO SUPPORT FOR THE CRIMINAL COURT IF IT WERE PERCEIVED AS "UNPROFESSIONAL AND DISHONEST".

5. PAO OFFICER HOSTED AMERICAN ATTENDEES ROBERT STEIN, IMMEDIATE PAST PRESIDENT OF THE AMERICAN BAR ASSOCIATION, AND ROBERT HIRSHON, CURRENT CEO, AS WELL AS TWO DISTINGUISHED DURBAN ATTORNEYS, AT A LUNCHEON, IN THE COMPANY OF FCO. THE ABA LAWYERS WERE IMPRESSED WITH DURBAN'S ORGANIZATION OF THE EVENT BUT DON THE TASK FORCE PANEL DEALING WITH 9/11 AND TERRORISM. [REDACTED] FURTHER ADDED THAT THERE WERE MANY WESTERN LAWYERS WHO EXPRESSED DISMAY OVER ZIMBABWEQS LAND POLICY, BUT THAT ESPECIALLY THE NUMEROUS AFRICAN LAWYERS IN ATTENDANCE DID NOT UNIFORMLY SHARE THOSE ATTITUDES. THE [REDACTED] CONSUL GENERAL TOLD US ON OCTOBER 25 THAT HE WAS ALSO SURPRISED THAT IBA CONFERENCE ORGANIZERS DID NOT INCLUDE LOCALLY-BASED DIPLOMATS IN ANY OF ITS EVENTS.

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6. WHILE THIS YEAR'S CONFERENCE WAS VIEWED AS A SUCCESS BY BOTH PARTICIPANTS AND LOCAL OBSERVERS, ITS IMPACT BEYOND THE CONFEREES IS DIFFICULT TO DETERMINE. NEVERTHELESS, THERE IS NO DOUBT ABOUT THE ENTHUSIASM AMONG THE CONFEREES ABOUT NEXT YEAR'S COMNFERENCE SLATED FOR SAN FRANSISCO.

THURSTON

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