

**REMARKS BY / ALLOCUTION PRONONCÉE PAR**

**GUY JOUBERT**

**PRESIDENT/PRÉSIDENT**

**CANADIAN BAR ASSOCIATION**

**L'ASSOCIATION DU BARREAU CANADIEN**

**TO THE / À**

**2009 CANADIAN LEGAL CONFERENCE**

**OPENING PLENARY**

**SUNDAY 16 AUGUST 2009 – 1:00 PM**

**LE DIMANCHE 16 AOÛT 2009 - 1300H**

**NATIONAL CONCERT HALL, THEATER**

**DUBLIN, IRELAND**

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Good afternoon, bonjour, **AUGUSS DEEAHH YEEV /  
IS TANOV L'HOMME GOH WILL MAY INCE ON  
KEEYOL – ORISS OON TAWK CHAT / KUNN  
BANNOCH – TEA À KURR IN  
EYE – GUE / ON KAY IDD KREENOO - KHUMANN  
NUH MAH – RAHH CANADUCK / EE DEAR N'AH –  
HAY RRINN**

[God be with you. It is a great pleasure for me to be in this beautiful concert hall to welcome you all to Ireland.]

For those of you not versed in Irish, that previous sentence was: “It is my great pleasure to be in this beautiful concert hall to bring greetings to this, the first meeting of the Canadian Bar Association in Ireland.” I believe this also makes me the first president of the CBA to start an annual conference with trilingual greetings!

This is indeed an historic occasion. For only the third time since the CBA first held annual meetings, in 1915, we have crossed our national borders. And for only the second time, we have crossed an ocean.

Our first extra-national meeting was held in Washington, D.C. in 1950; the second was in London in 1990. While there are no longer any active CBA members who attended our Washington meeting, plenty of CBA members do remember our successful London conference 19 years ago.

As memorable as that event was, I am confident that after this week, CBA members will speak about the 2009 Dublin CLC in equal or more glowing terms.

Surtout que nous avons pu réunir, ici à Dublin, un groupe absolument remarquable de conférenciers.

**EARRR / OOK – TAW RANN NA' HAY RRINN** Mary

Robinson, prendra bientôt la parole. [Past president of Ireland] Le

futurologue et conseiller spécial à l'ABC, Richard

Susskind, sera également du nombre, ainsi que le ministre fédéral de la Justice, Rob Nicholson.

Nos programmes de formation juridique permanente ont été conçus pour adresser les questions d'envergure internationale. Et évidemment nos membres auront plusieurs occasions de rencontrer et établir des contacts avec des confrères européens.

Jusqu'ici, l'expérience est des plus enrichissantes pour le barreau canadien, et j'ose espérer que nous aurons la chance un jour de la répéter, peu importe le contexte économique. En fait, je crois qu'il y a une leçon à tirer de l'expérience.

Car en temps de crise, la question que tout le monde se pose est la suivante: s'abriter ou rebondir? Il faut choisir. En temps de crise économique, à mon avis, il faut éviter de se replier.

Il faut apporter des solutions mondiales à des problèmes mondiaux, et je suis fier de constater, dans des évènements comme celui-ci, que les avocats canadiens font preuve de créativité et d'innovation à cet égard.

**BAH WAH L'HOMME KOOPLAH FUCKLE LE BWEE**

**– A- CUSS /**

**AUGUSS HHONNNOOR AHH HOORT AIR OWR**

**OHHSTOCK HHAY RRINN - OCK.**

[I would like to extend a few words of thanks and tribute to our Iris hosts].

To the members of the Law Society of Ireland, our sincere thanks for your invitation and your hospitality. The long and distinguished history of your organization and its headquarters make our own 94-year-old association feel young by comparison.

IS MOOR HHONORIGG LYNN / KUNN VEHH  
ONSHAW / MORE AYOKTOK HHAY RRIN - OCH /  
AUGUSS Awnah - AWHISH ORRING / DESH À  
HAHPOO / TRUSS FEAR FA DAH A / TTASH  
TALL KUNN VEH ONSHAW / GOH WILL CAR IDD  
AUGUSS QUID – DOC – TAH EGG FAWN AUGHT  
LE DIE VEIN LE BANNOCH – TEA AUGUSS  
FOILTAH.

[It is a great honor for us to be here as guests of Ireland and we are delighted to avail of the opportunity to travel a very long journey to be here with our friends and colleagues who await us with good wishes and welcome].

Thank you. **MEELA BWEE – A – CUSS** [Thank you]

Canadians and others in the audience might not realize that **GAYLE – EEE - GGAHH** [Gaelic] is an official language of Ireland. Indeed, it is recognized constitutionally as the

country's national and first official language. It is also an official language of the European Union.

As a Franco-Manitoban who was raised in the French language, the status of languages is of great interest to me, and many of my fellow citizens.

Just as many Irish take great pride and have a profound interest in maintaining and promoting the Irish language throughout their country, many Canadians value and fight to preserve the status of French throughout our country. It is one of many similarities that can be drawn between Ireland and Canada.

Ireland and Canada have a long and distinguished history, one that I could not even begin to relate here. It stretches back to the early 1800s and touches virtually every province and territory in Canada. Suffice to say that as of 2006, more than 4.3 million Canadians identified themselves as being of full or partial Irish descent.

Now, as you may have deduced from my name, I am not among those 4.3 million Canadians! But I am something of a history buff, and well before the CBA began discussing a possible Dublin meeting, I have been interested in Irish history. One aspect of that history that has intrigued me is the central role played by Irish monks in the preservation of many great works of historic and literary significance.

The role played by Irish monks after the fall of the Roman Empire and the barbarian raids of the Dark Ages may not be fully appreciated worldwide. Many classic works of literature, especially Latin works, were lost or destroyed during this turbulent period.

But Ireland's monks were safely cloistered away, copying and illustrating these great and important volumes. Their efforts mirrored similar acts of preservation elsewhere on the continent. When the light of civilization dawned again in Europe, it was because the Irish had safeguarded its most important artifacts of knowledge.

There are two things I like about this story that I think are worth sharing here.

The first is the instrumental importance of the written word — without someone to record knowledge and wisdom, it can be, and often is, easily lost. The written word is also instrumental in the lives of lawyers. We live, quite literally, by the word — it shapes us and defines the laws by which we make our living.

In French, we would say that words are our *métier* — that for which we seem to have been made. There is a connection between those ancient Irish monks and our modern-day legal profession: our love of words and our determination to protect and promote the truths they contain.

And that brings me to the second thing that strikes me about this story.

Consciously or otherwise, those monks were safeguarding knowledge. They were keeping it safe for future generations who might live in better times than they did — who might have the opportunity to rebuild civilization without having to start again from square one. They were stewards of knowledge, and the debt we owe them is incalculable.

In the same way, I believe, lawyers also are stewards — we have been given the task of safeguarding an invaluable resource and leaving it in better shape for future generations than we found it. For us, that invaluable resource is belief in the rule of law.

La primauté du droit, c'est comme l'air que l'on respire et qui nous fait vivre. C'est une réalité chez nous que nous tenons pour acquis. Mais il suffit qu'on en soit privé pour tout à coup réaliser son importance.

Sans primauté du droit, rien n'est possible dans une société qui aspire à être libre et démocratique. Sans elle, les institutions deviennent corrompues et les gouvernements s'ossifient. Seule la primauté du droit peut favoriser des mécanismes de marché concernant la protection des biens, ce qui bien sûr permet aux gens de transiger en affaires. Et les gens sont libres de mener leurs vies tel qu'ils l'entendent.

Si notre confiance est absolue que les règles seront respectées et donc que nous pouvons nous attendre à ce que les choses se déroulent « normalement », c'est grâce à la primauté du droit. Le Canada et l'Irlande ont en commun de nombreuses caractéristiques, mais une des plus chanceuses est que la primauté du droit soit bien comprise et respectée dans les deux pays.

Il va de soit dans nos deux pays que les règles doivent être suivies et que le non respect de ces règles aura des conséquences, et le transgresseur sera sanctionné peu importe son statut.

But not everyone throughout the world shares the good fortune of Canadians and the Irish. In fact, in too many places around our planet, the rule of law is recognized more in the breach than in the recognizance. At its worst, the absence of the rule of law creates incredibly dangerous failed states like Somalia. But even in less abysmal settings, damage to the rule of law is damage to a society's foundations.

In the past, the CBA has spoken out consistently and repeatedly when the rule of law is threatened or dismissed.

- We protested when the government of Pakistan dismissed its Supreme Court and appointed a new one more to its liking.

- We condemned the behaviour of the government of Zimbabwe when it bent or broke the rule of law to suit its own ends.
- We spoke out against events in Fiji, where the constitution has been suspended and members of the judiciary have been dismissed.
- And we continue to call for the repatriation of Canadian Omar Khadr, the only western citizen still held at Guantanamo Bay.

Today, threats to the rule of law seem to emerge from every corner of the world.

Accordingly, it is only right that lawyers, the guardians of the rule of law, should come together at events such as this, breaking through national borders and cooperating to address dangerous developments. **KNEE NYART GAH**

**KURR LE KAY LAH** [Without unity there is no strength.]

In these challenging and uncertain times, it is more important than ever that, like our monastic forebears, lawyers come together to safeguard the sacred trust we have been given.

How can we best answer the call to preserve the rule of law? Perhaps, here in Ireland, we can draw inspiration from what might well be the world's most famous national patron saint, St. Patrick.

Patrick, one of the earliest Christian missionaries, is often considered the model or pioneer of missionary work. His success in this regard is often attributed to his fellowship with the people he was working to convert — his defence of their interests, his determination to protect the vulnerable and his willingness to lead by example.

Surely there is a lesson here for lawyers — that if we are to uphold the rule of law and serve our society, we must do so in the trenches, not from the heights. Solidarity with those most vulnerable to the absence of the rule of law, especially with regard to access to justice, is the surest path to fulfilling our own mission. Here in this historic place, in the shadow of centuries, that is the call to which all lawyers must — and I believe, will — respond.

In closing, may these meetings bring us closer together and help us share and increase our knowledge and our abilities to serve our communities and our profession.

As our Irish hosts might say: **GUH N'EYE REE ON  
BOW HER LIV / AUGUSS / BURR BOO – AHH  
GUH DEE – OHH.**

May the road rise up to meet you and success always!

Merci beaucoup!