



# Asia Pacific Judicial Reform Forum

Edition 2, April 2007

## Newsletter

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### From the Chair



Welcome to the second edition of the *Asia Pacific Judicial Reform Forum Newsletter*.

I am pleased to announce that the Federal Court of Malaysia will be hosting the next APJRF Meeting at the Palace of Justice, Putrajaya, Malaysia, from 27–30 May 2007.

The objective of the round table meeting is to consider judicial reform programs which have been implemented in several member countries and to discuss how these programs can be adapted and adopted by other countries across the region.

The Secretariat has planned an interactive program that provides all participants with an opportunity to share their experiences of judicial reform. The program is based around presentations on various aspects of judicial reform, including:

- procedural reforms
- caseload audit and backlog reduction
- case management reforms
- self administration
- case management initiatives
- administrative reform
- judicial education
- access to justice initiatives.

An opportunity for discussion will be provided after each presentation, during which comments will be sought from all participants about their court's experiences in the area. In addition, two Open Forum sessions will provide participants with an opportunity to raise any other judicial reform topics they would like to discuss.

Invitations to the Round Table Meeting have been sent to Chief Justices in the Asia Pacific region. I would encourage all jurisdictions to send a representative to the meeting to ensure that the APJRF benefits from the experiences of as many courts as possible.

Justice Kenneth Hayne AC  
High Court of Australia  
April 2007

### Judicial Reform Handbook Project Update

In late 2006 the APJRF Secretariat obtained funding from the United Nations Democracy Fund (UNDEF) for a project to strengthen the linkages between judiciaries across the Asia Pacific region and to develop a judicial reform handbook. This two-year project will be implemented through the Secretariat with the support of a dedicated facilitator. We are pleased to announce that the APJRF Secretariat has employed Mr Lorenz Metzner as the Network Facilitator. Lorenz will be responsible for the day-to-day operations and implementation of the handbook project and facilitating the APJRF electronic network. He can be contacted via email: [apjrfsecretariat@hcourt.gov.au](mailto:apjrfsecretariat@hcourt.gov.au). A small number of writers drawn from the Asia Pacific region will draft each handbook chapter, soliciting additional inputs from member countries and experts.

Through electronic exchanges and meetings, the Forum will produce a practical judicial reform handbook based on a compilation of good practice examples of several areas of judicial development. A Project Board of judicial officers or senior court administrators from the Asia Pacific region will oversee the handbook project. All APJRF countries have been invited to nominate candidates for the Project Board and the Secretariat hopes to shortly announce the board's membership.

#### Judicial Reform Topics

Topics suggested for the handbook by participants at an APJRF round table meeting in March 2006 included:

- access to justice
- case management (including backlog reduction programs)
- judicial education
- court and judicial administration (good practice models)
- alternative dispute resolution
- financial management
- skills development for judges and staff (eg judgment writing)
- codes of conduct
- the use of technology
- how to develop and implement judicial reform.

As not all countries in the network were present at the March meeting, the Secretariat wrote to all countries in September 2006 asking them to consider the list and rank the chapters according to the priorities for their Court and to indicate any additional subjects they consider the handbook might cover.

We are grateful to those countries which have provided the Secretariat with feedback about the proposed chapters, and look forward to hearing from all other countries to ensure that the handbook represents, and responds to, the region's priorities. If you would like the opportunity to provide feedback on the proposed handbook please contact the APJRF Secretariat via email: [apjrf@hcourt.gov.au](mailto:apjrf@hcourt.gov.au) or facsimile +612 9230 8376 and we will send you a copy of the feedback sheet.

### Philippine Supreme Court Hosts Global Forum on Liberty and Prosperity

**Ms Evelyn Dumdum, Judicial Reform Program Administrator, Supreme Court of the Philippines**

Over 500 participants attended a three-day Global Forum on Liberty and Prosperity held in Manila during 28–30 November 2006.

Justice Leonardo Quisumbing and World Bank Country Director Joachim Von Amsberg welcomed the delegates at a luncheon hosted by the World Bank on the opening day. Summa, a compilation of Chief Justice Artemio Panganiban's decisions during his stay at the Supreme Court, was launched at the welcome reception.

During plenary sessions participants shared their country's experience of liberty and prosperity. A video conference on the role of courts in safeguarding liberty and nurturing prosperity in an increasingly complex world was held with United States Supreme Court Justice Anthony Kennedy and Ninth Circuit US Court of Appeals Judge Clifford Wallace, from California. The highlight of the Forum was the presentation of the *Joint Declaration on Liberty and Prosperity*, when delegates adopted resolutions arising from the plenary sessions and various discussions held during the Forum.

Twelve Chief Justices, led by Chief Justice Artemio Panganiban of the Philippines Supreme Court, and 64 foreign delegates representing the judiciaries of various



Chief Justice Artemio Panganiban (seated centre) of the Supreme Court of the Philippines, pictured with the heads of delegation to the Global Forum on Liberty and Prosperity.

countries, academia, international bar associations, and business groups also participated. Delegates included French Supreme Court Chief Justice Guy Canivet, Russian Federation Chief Justice Vyacheslav Lebedev, and Canadian Supreme Court Chief Justice Beverley McLachlin, who received honorary degrees from the country's top law schools.

Chief Justice Saliou Aboudou from Benin, Chief Justice Julian Nganunu from Botswana, Chief Justice F. Philip Carbullido from Guam, Chief Justice Khammy Xavayong from Laos, President Dr Virgilijus Valancius from the Lithuanian Supreme Administrative Court, Chief Justice Andon Amaraich from the Federated States of Micronesia, Chief Justice Dilip Kumar Paudel from Nepal, and Supreme Court President Milan Karabin from the Slovak Republic also attended.

More information about the Forum and a copy of the Joint Declaration on Liberty and Prosperity can be found on the Supreme Court of the Philippines website [www.supremecourt.gov.ph/publications/bulletins/global\\_forum/GFLPBulletin3.pdf](http://www.supremecourt.gov.ph/publications/bulletins/global_forum/GFLPBulletin3.pdf).

### Judicial Development: Keeping it Local by Enoka Puni†

Sustainable judicial development is dependent upon effective local participation and ownership.

Drawing on expertise from other countries and regions is often beneficial: wholesale reliance on imported knowledge and practices often results in systemic and structural developments not suited to local realities. Rather than transplanting foreign systems, it is more appropriate and helpful to develop approaches and development programs that are most relevant to actual local situations based on local knowledge of

local challenges, and build on existing structures and resources to resolve them.

Development projects must accord with local requirements and expectations. They must take into account various challenges such as individual and institutional resource constraints, divergent cultures and values, which may not be the same, or present the same challenges elsewhere. Consultation needs to occur which elicits information about what will work and what will not — and developments should occur which are aligned with that consultation.

The development agenda should also include the object of increasing the capacity of the judiciary in future to deal with issues related to its effective functioning. This requires that local stakeholders are not only provided with assistance, but are empowered through the development of leadership. Providing someone with fish will only keep hunger away for as long as you keep providing fish. Teach them how to fish, and they will always be able to eat. This can and should occur at all levels, from junior court officers to national chief justices.

To create fishermen and women effective partnerships are necessary between individuals and institutions from countries which give and receive development assistance. A two-way dialogue based on cooperation requires effective cross-cultural communication skills, which may necessitate forgoing our home country assumptions and general expectations of what is best for jurisdictions requiring development, but to facilitate the development of ways to do things better, more efficiently and effectively. Cultural truths are not universal, meaning is not always apparent. We must all be alive to the ease with which misunderstandings

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† Mr Puni has vast knowledge of and significant experience in the Pacific region. He is a lawyer in New Zealand and was a judicial officer in Samoa. Mr Puni was the Coordinator and Fellow of the multi-donor funded Pacific Judicial Education Program and is a highly regarded judicial and court staff trainer throughout the Pacific region.



Enoka Puni (5th from right) pictured with now former Chief Justice Webster of Tonga and the country's eight magistrates.



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occur, and attentive to the feedback from our colleagues in other countries.

Where effective communication and local participation and direction occur at all stages of the development process from design to evaluation, there is more likely to be a strong commitment to the

development agenda and a sense of ownership of it. Where local participation is not encouraged and sustained, developments often end when the project expires, momentum for change dissipates and benefits wilt. This reduces confidence in the development process and with it, the opportunity to make a positive difference to the lives of millions around the developing world.

## Secretariat Contact Details

The APJRF Secretariat is chaired by the Honourable Justice Kenneth Hayne AC. It consists of representatives from Australia, the Supreme Court of the Philippines, and the UNDP Regional Centre in Bangkok.

### Postal Address

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### Call for Articles

This newsletter is intended to be a source of information on the activities of the APJRF and on the topic of judicial reform. APJRF Members are invited to submit **short** articles (maximum 600 words) on judicial reform for publication in future newsletters, subject to space considerations.

### APJRF Round Table Meeting

Host:	Federal Court of Malaysia
Location:	Palace of Justice, Putrajaya, Malaysia
Dates:	27–30 May 2007
Further information:	Further information: Mr Mohammed Mokhzani bin Mokhtar Federal Court of Malaysia Ph: +603-88803949 Fax: +603-88885464 Email: <a href="mailto:mokhzani@kehakiman.gov.my">mokhzani@kehakiman.gov.my</a> Website: <a href="http://www.apjrf.org">www.apjrf.org</a>