

FIFTH ROUNDTABLE OF THE ASIA PACIFIC JUDICIAL REFORM  
FORUM

THE PURPOSE AND OUTCOMES OF THE MEETING

Chief Justice Menon, members of the Singapore judiciary and other judicial colleagues, distinguished representatives of United Nations Development Program, the World Bank, the Asian Development Bank, distinguished delegates from so many countries in Asia and the Pacific.

May I add my welcome all of you to the Fifth Roundtable Meeting of the Asia Pacific Judicial Reform Forum. I look forward to our discussions over the next two days.

I begin by offering the thanks of everyone to Chief Justice Menon, his Court, staff and all who have combined so willingly and efficiently to get us to this point. We are all very much indebted to all of those, here in Singapore, who have done so much to make this meeting possible and we thank you, Chief Justice, for the great care, skill and attention which has been given to organising this meeting.

Asia Pacific Judicial Reform Forum is a network of superior courts and justice agencies which was established pursuant to the Manila Declaration for a 21st Century Independent Judiciary. The

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purpose of the forum is to provide the means by which challenges, ideas and experiences can be shared and explored. It is that overall purpose which we will pursue at this meeting. We pursue it with a particular view to considering development of judicial capabilities to enhance public and international confidence in legal systems.

As many of you will know, APJRF drew together the combined experiences of judicial reform of many in this region in the book *Searching for Success in Judicial Reform – Voices from the Asia Pacific Experience*. That book, launched here in Singapore in 2009, offered case studies and reflections on issues of reform and development of the justice sector. We hoped those reflections may offer new perspectives and inspiration in dealing with challenges which lie ahead of us all and help to achieve the common purpose of every judge in this room of doing right to all manner of people according to law, without fear or favour, affection or ill-will.

This meeting will turn again to some issues we have considered in the past. Our purpose in doing so is to build on past exchanges, most recently at the very successful Fourth Roundtable held in Beijing in 2011. We seek to build by looking at how we can enhance confidence in what our legal systems provide in the government of our societies.

We meet in a world which is changing very fast. Technology, particularly video conference technology, has led commentators in

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the United Kingdom<sup>1</sup> and the Netherlands<sup>2</sup> to speak of "virtual courts". And other technological changes are affecting the ways in which courts can and do perform their work.

These changes are very important. But neither their frequency nor their importance should be permitted to distract attention from the fundamentally important issues we will look at over the next two days.

We are to begin with a view from Mr Bruce Davis, Vice-President for Administration and Corporate Management at the Asian Development Bank. The work of ADB is known to most in this room. The Bank's projects cover many sectors, including agriculture, education, energy, finance, health, industry, transport and water. But it is the Bank's work in public sector management which is of most immediately direct relevance to this audience. And we look forward to having Mr Davis contribute to the first of our two panel discussions about Public and International Confidence in Legal Systems.

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1 See, for example, [http://www.cisco.com/web/telepresence/collateral/Kent\\_Police\\_Aug\\_2011.pdf](http://www.cisco.com/web/telepresence/collateral/Kent_Police_Aug_2011.pdf) viewed 20 October 2013.

2 See, for example, [http://www.thersa.org/\\_data/assets/pdf\\_file/0005/563531/A-Virtual-Day-in-Court.pdf](http://www.thersa.org/_data/assets/pdf_file/0005/563531/A-Virtual-Day-in-Court.pdf) viewed 20 October 2013.

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These questions of confidence are closely connected with our discussion, at the end of today, of the judicial role in interpreting constitutions and laws.

Tomorrow we confront, first, the issue of corruption. This is never an easy subject to discuss. But it is an issue which we must all consider and I look forward to the contributions from Chief Justice Tun Arifin Bin Zakaria of Malaysia, Mr Nick Booth of UNDP and Mr Anthony Toft of the World Bank. From this important and rather difficult subject we will turn to judicial training and skills development. Judicial training and skills development is every bit as important to the working of the judicial system as any of the subjects we will discuss at this meeting. I look forward to hearing our panel.

Our discussions are taking place at an interesting time. In 2012, the World Bank published the report entitled *Strengthening Governance, Tackling Corruption: The World Bank's Updated Strategy and Implementation Plan*. The World Bank is not the only organisation considering these issues. The United Nations is considering the post-2015 development agenda. Some see the development of the post-2015 agenda as an opportunity to build on global political commitments to the rule of law and to translate these commitments into action. In 2012, the Secretary-General of the United Nations proposed that the General Assembly adopt a programme of action for the rule of law and several countries,

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including my own, made individual pledges related to the rule of law at the 67th General Assembly's High Level Meeting on the topic of "The rule of law at the national and international levels".

"Rule of law" describes a complex set of realities. Our separate national perceptions of those realities may differ and we must accept and acknowledge difference. But there are some basic propositions with which there may be general agreement.

The "rule of law" describes both the *principle* and the *mechanisms* which regulate the *application* of the power of the State to, and *invocation* of the application of that power by, individuals, entities and groups within the society. It identifies *limits* to when and how the power of the State may be applied. The "rule of law" requires that the application of the power of the State be regulated according to *pre-existing generally stated norms* of conduct. It requires that those norms of conduct are stated with sufficient *certainty and specificity* to enable both those acting on behalf of, or in the name of, the State, and those against whom State action is or may be directed, to *predict* whether legal process can be invoked in respect of an alleged departure from an applicable norm and, if it can, what kinds of consequence may follow.

At this Roundtable, we will be looking closely at several issues which affect how that complex set of realities which we call the "rule of law" is administered by those who have the primary

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responsibility for its implementation. We are looking at how we can properly administer the mechanisms for the application of State power to resolving disputes between individuals, groups or entities within the State or between the State itself and such persons. We are looking at how we can undertake that task in ways which enhance public and international confidence in our legal systems.

The outcome which I hope we may reach at this Roundtable is that each of us leaves with a better understanding of important issues which bear directly upon our work. If we do that, we will leave with a better understanding of important issues which bear upon the rule of law. We will be better prepared to engage with the issues which are so much at the centre of current international discussions. We will be better prepared to contribute to the development of our own judicial systems and thus the development of our own societies. We will be better placed to develop our individual and collective capabilities to enhance public and international confidence in our legal systems.