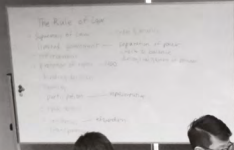


R E P O R T







ASIANIL
ASIAN SOCIETY OF INTERNATIONAL LAW

Asian Society of
Inter-Session

THE RULE OF
DEVELOP

A NEW PERSPECTIVE



Chulalongkorn University
จุฬาลงกรณ์มหาวิทยาลัย
King of the Kingdom





TIJ Youth Forum
In conjunction with AsianSIL

Speaker at the podium

TIJ YOUTH FORUM
INSTITUTE OF
TECHNOLOGY

ABOUT THIS REPORT

This report is a record of the “*TIJ Youth Forum: Rule of Law and Development Nexus: A New Deal for Asia?*” held on 3 – 5 June 2015 in Bangkok, Thailand. The book begins with the introduction of the preparation phase of the TIJ Youth Forum which includes participant selection process and youth moderator training courses. The second part briefly presents an agenda of the forum as well as its highlights. Lastly, the outcome of the discussion session and the summary of overall achievement are illustrated. We also share some lessons learned from the forum and our way forward. Some of the brightest young minds in the region gathered for an opportunity to be engaged in this international level discussion revolving around youth-related issues. Through this intellectual journey, we hope that all participants have had an opportunity to learn the value and the significance of the rule of law. For those who are willing to gain

more in-depth and comprehensive understanding of the principle, we hope that this report brings you a new inspiration you are looking for.

With the voice of youth, TIJ hopes that the world will ultimately know that the term “rule of law” is not merely a jargon used among limited groups of people but a principle to which every society must adhere. We hope that the voice of our future generation reflected and recorded in this book will encourage people to step into a new era with the culture of lawfulness.





There is no peace without development,
no development without peace,
and there is no lasting peace or
sustainable development without
respect for human rights and the
rule of law.



Ban Ki-moon,
Secretary-General of the United Nations





ABOUT THAILAND INSTITUTE OF JUSTICE “TIJ”

Thailand Institute of Justice (TIJ) was established in 2011 to promote excellence in research and criminal justice capacity-building. TIJ serves as a bridge which transports global ideas to local practices. The primary objective is to support the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) as well as other UN standards and norms related to women and children, in local and regional context.

TIJ also gears its works towards important cross-cutting issues according to UN agenda such as the rule of law, sustainable development, human rights, peace, and security.

As a semi-private organization, it is directly accountable to the Board of Directors which consists of experts from different backgrounds and ex-officio members from justice institutions, TIJ also benefits from the counsel of the Special Advisory Board currently chaired by Her Royal Highness Princess Bajrakitiyabha Mahidol of Thailand.



ABOUT ASIAN SOCIETY OF INTERNATIONAL LAW “ASIANSIL”

The Asian Society of International Law (AsianSIL) is an international non-partisan, non-profit, and non-governmental organization established with the following objectives:

1. To promote research, education, and practice of international law by serving as a center of activities among international law scholars and practitioners in Asia and elsewhere in a spirit of partnership with other relevant international, regional, and national societies and organizations;

2. To foster and encourage Asian perspectives of international law;

3. To promote awareness of and respect for international law in Asia.

To these ends, AsianSIL functions include organizing conferences, regional and sub-regional seminars, workshops and other meetings. It is responsible for collecting and disseminating information relating to research, academic activities, and other development schemes relevant to Asia in the field of international law.

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INTRODUCTION

The United Nations has brought an increasing attention to the rule of law as one of the essential components to achieve sustainable development since 2013 when the negotiation process for the post-2015 development agenda had started. Recognizing the unlimited potential of the youth, especially in this critical time when international stages are setting the global agenda and the region is witnessing the important integration into one ASEAN community, TIJ has initiated several activities which engage young generations in our effort to mainstream the rule of law among the new generations and to create structural change for a better future.

Thailand Institute of Justice (TIJ), as a co-organizer of the AsianSIL Inter-Sessional Conference and the 5th Biennial Conference, decided to host the first TIJ Youth Forum in parallel with and under the same theme as the Intersessional Conference — “the Rule of Law and Development Nexus: A New Deal for Asia?”. This is in line with the Doha Youth Forum, an international forum for the youth and children hosted by the government of Qatar in connection with the 13th United Nations Congress on Crime Prevention and Criminal Justice System, which TIJ recruited and sponsored two young ambassadors from Thailand to participate.

The three-day activities of the TIJ Youth Forum was designed to encourage students to share their perspectives on the linkage between the rule of law, social justice, and development in active sessions



“
Sometimes there is something you
would say that it is too big and too
important to leave it to only adults,
people in my generation. Ensuring that
the **rule of law** is present in our society
is one of those things.

”
Opening Remarks by
Dr. Kittipong Kittayarak,
Executive Director of TIJ

moderated by TIJ-trained student volunteers. Participants of the TIJ Youth Forum were also invited to observe the proceedings of the Intersessional Conference of the Asian Society of International Law, in which a special session was provided for the students to present the outcomes of their discussion. This forum is the first of its kind in ASEAN. Apart from raising awareness on various issues that could hinder socio-economic development of the region, it also fosters a network of friendship among students who will potentially grow up to be in the positions that can steer their respective national policies. TIJ plans to keep the momentum and expands the youth network by periodically hosting the international youth forums in the future.



THE PREPARATION

1. The Concept

The board of AsianSIL Inter-Sessional Conference, chaired by the president of Asian Society of International Law and His Excellency Professor Dr. Surakiart Sathirathai, together with the Executive Director of Thailand Institute of Justice, Dr. Kittipong Kittayarak, agreed on general qualifications of the forum's participants in terms of regional scope, field of study, and number of available seats in the forum. Adopting guidelines and concept of the forum laid out by the board of AsianSIL Inter-Sessional Conference, the organizing committee worked collaboratively with TIJ to develop more concrete ideas regarding discussion themes, academic and non-academic activities, and also the venue of the forum. Once the detailed blueprint of the project was officially settled, the committee went on to execute PR activities, distribute the application forms, and prepare the selection process.

The forum was expected to welcome around 60 undergraduate students from Asian countries. The expected ratio of Thai students to international students was 1:2. The forum was organized in parallel with the AsianSIL Inter-Sessional Conference, giving the opportunity for participants to observe and take part in the important regional events.



The substantive framework was also carefully planned for the participant to explore the needs for the rule of law towards sustainable establishment of the ASEAN Community, whether it is economic, political and security, or socio-cultural pillars.

The overall activities were designed to maximize discussions, allowing participants to share opinions about issues caused by the lack of the rule of law and to exchange relevant experiences from their respective countries. It was expected that with these activities, participants would be able to better grasp the concept of the rule of law, truly understand its linkage to all aspects of development, as well as the urgency to bring it to light.

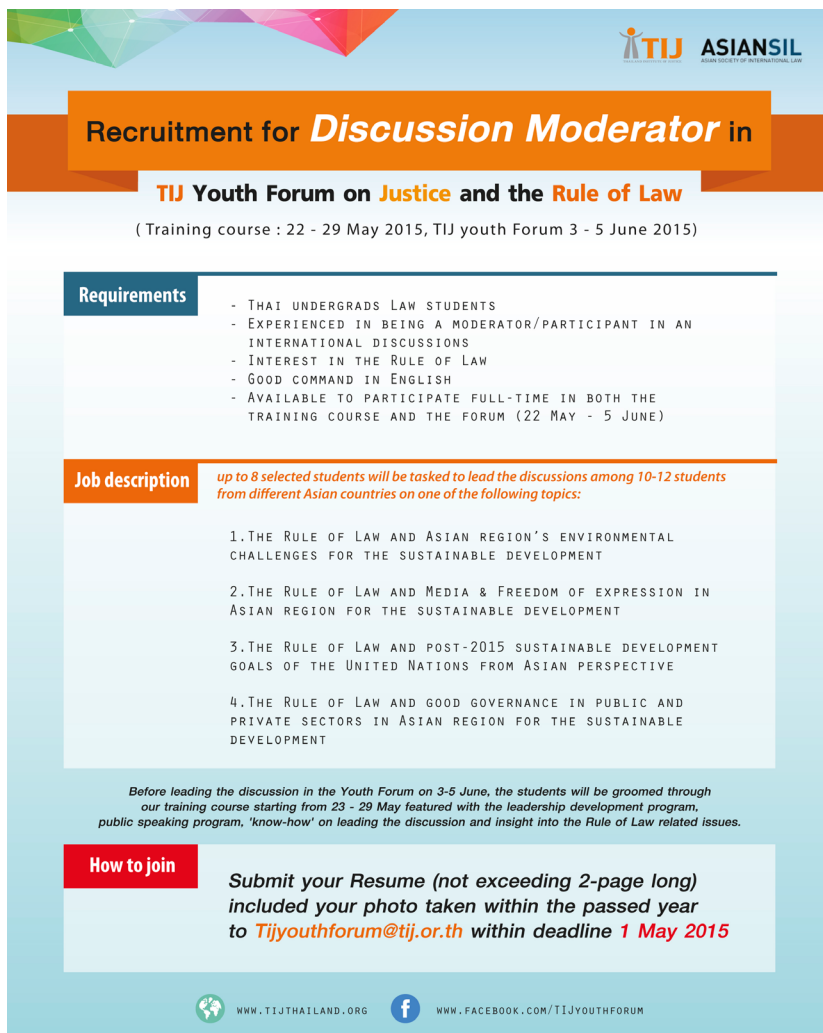
2. Participant Selecting Process


There were two main roles for students to take part: moderators and general participants. The application process was first opened for Thai students to become the moderators. For general participants, both Thai and international students could either apply through a conventional or a call-for-paper track. Different selection criteria were applied for each track.

Youth Moderators

To apply through the Youth Moderator track, an applicant must be an undergrad of Thai national with previous experience in moderating a discussion that involves international participants. Proven experience and skills as a moderator in a forum or a student conference, and/or substantial knowledge and interest in the theme of “the Rule of Law and Development Nexus” are highly preferred. Under this track, 8 students were selected.







 **ASIANSIL**
ASIAN SOCIETY OF INTERNATIONAL LAW

Recruitment for *Discussion Moderator* in

TIJ Youth Forum on **Justice** and the **Rule of Law**

(Training course : 22 - 29 May 2015, TIJ youth Forum 3 - 5 June 2015)

Requirements	<ul style="list-style-type: none"> - THAI UNDERGRADS LAW STUDENTS - EXPERIENCED IN BEING A MODERATOR/PARTICIPANT IN AN INTERNATIONAL DISCUSSIONS - INTEREST IN THE RULE OF LAW - GOOD COMMAND IN ENGLISH - AVAILABLE TO PARTICIPATE FULL-TIME IN BOTH THE TRAINING COURSE AND THE FORUM (22 MAY - 5 JUNE)
Job description	<p><i>up to 8 selected students will be tasked to lead the discussions among 10-12 students from different Asian countries on one of the following topics:</i></p> <ol style="list-style-type: none"> 1.THE RULE OF LAW AND ASIAN REGION'S ENVIRONMENTAL CHALLENGES FOR THE SUSTAINABLE DEVELOPMENT 2.THE RULE OF LAW AND MEDIA & FREEDOM OF EXPRESSION IN ASIAN REGION FOR THE SUSTAINABLE DEVELOPMENT 3.THE RULE OF LAW AND POST-2015 SUSTAINABLE DEVELOPMENT GOALS OF THE UNITED NATIONS FROM ASIAN PERSPECTIVE 4.THE RULE OF LAW AND GOOD GOVERNANCE IN PUBLIC AND PRIVATE SECTORS IN ASIAN REGION FOR THE SUSTAINABLE DEVELOPMENT <p><i>Before leading the discussion in the Youth Forum on 3-5 June, the students will be groomed through our training course starting from 23 - 29 May featured with the leadership development program, public speaking program, 'know-how' on leading the discussion and insight into the Rule of Law related issues.</i></p>
How to join	<p>Submit your Resume (not exceeding 2-page long) included your photo taken within the passed year to Tijyouthforum@tij.or.th within deadline 1 May 2015</p>

 WWW.TIJTHAILAND.ORG
 WWW.FACEBOOK.COM/TIJYOUTHFORUM

Poster used to promote the recruitment
of Youth Moderators

Participants

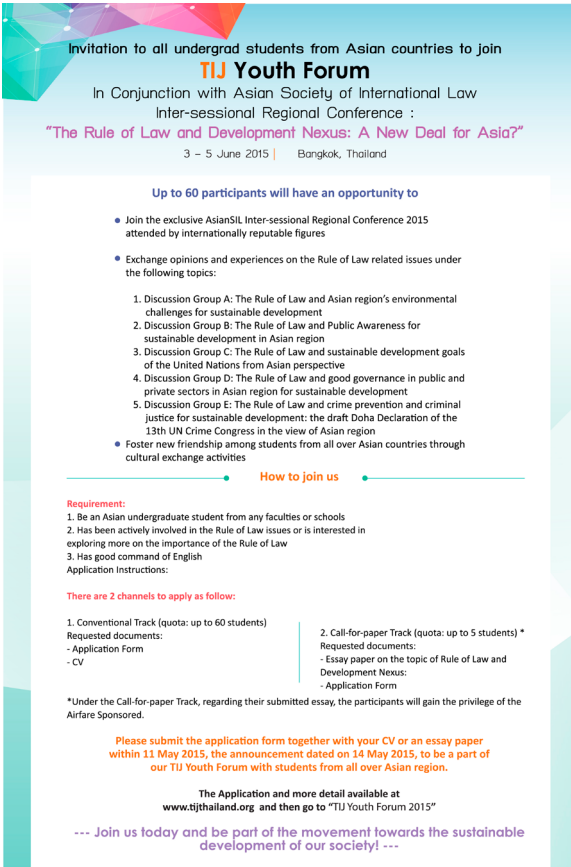
There were two tracks to apply—the conventional and the call-for-paper track.

Conventional Track: Selection of participants in this track was based on the applicant’s level of knowledge and interest in the rule-of-law-related issue. Such interest was expected to be clearly demonstrated in the submitted documents and through the proven experience, both academically and personally.

Call-For-Paper Track: Selection of participants in this track was based solely on the quality of the paper submitted. There were no additional requirements regarding academic background and relevant experience. The papers were reviewed and voted by the examining committee consisting of the members of the Organizing Committee and TIJ experts. Six papers were selected according to the following criteria:

1. Relevance to the main theme: “the Rule of Law and Development Nexus”;
2. Practicality and creativity of the analysis;
3. Coherence of arguments and articulation;
4. Evidence of careful and critical understanding of the topic with appropriate references.





Invitation to all undergrad students from Asian countries to join
TIJ Youth Forum
 In Conjunction with Asian Society of International Law
 Inter-sessional Regional Conference :
"The Rule of Law and Development Nexus: A New Deal for Asia?"
 3 – 5 June 2015 | Bangkok, Thailand

Up to 60 participants will have an opportunity to

- Join the exclusive AsianSIL Inter-sessional Regional Conference 2015 attended by internationally reputable figures
- Exchange opinions and experiences on the Rule of Law related issues under the following topics:
 - Discussion Group A: The Rule of Law and Asian region's environmental challenges for sustainable development
 - Discussion Group B: The Rule of Law and Public Awareness for sustainable development in Asian region
 - Discussion Group C: The Rule of Law and sustainable development goals of the United Nations from Asian perspective
 - Discussion Group D: The Rule of Law and good governance in public and private sectors in Asian region for sustainable development
 - Discussion Group E: The Rule of Law and crime prevention and criminal justice for sustainable development: the draft Doha Declaration of the 13th UN Crime Congress in the view of Asian region
- Foster new friendship among students from all over Asian countries through cultural exchange activities

How to join us

Requirement:

- Be an Asian undergraduate student from any faculties or schools
- Has been actively involved in the Rule of Law issues or is interested in exploring more on the importance of the Rule of Law
- Has good command of English

Application Instructions:

There are 2 channels to apply as follow:

<p>1. Conventional Track (quota: up to 60 students)</p> <p>Requested documents:</p> <ul style="list-style-type: none"> - Application Form - CV 	<p>2. Call-for-paper Track (quota: up to 5 students) *</p> <p>Requested documents:</p> <ul style="list-style-type: none"> - Essay paper on the topic of Rule of Law and Development Nexus: - Application Form
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*Under the Call-for-paper Track, regarding their submitted essay, the participants will gain the privilege of the Airfare Sponsored.

Please submit the application form together with your CV or an essay paper within 11 May 2015, the announcement dated on 14 May 2015, to be a part of our TIJ Youth Forum with students from all over Asian region.

The Application and more detail available at
www.tijthailand.org and then go to "TIJ Youth Forum 2015"

--- Join us today and be part of the movement towards the sustainable development of our society! ---

Poster inviting undergraduate students in Asia
to apply for the forum as a participant

Content wise, majority of the papers demonstrated their understandings of the rule of law in terms of its meaning, the people concerned and its linkage to the development. However, they presented diverse perspectives implications. Committee observed



clearly distinct views among the applicants—those from highly industrialized countries and those from the less-industrialized. The paper submitted by Singaporean students, for example, generally reflected a standpoint of an economically stabilized and capitalistic state where the basic social and economic needs of citizens had already been fulfilled, and the major conflicts had been over the possession of the more profits. In such aspect, the rule of law is mainly understood as a norm to increase the quality of living while avoiding the environmental degradation. On the other hand, the papers written by the applicants from the less developed countries, where people still struggle to live a life without fear and poverty, often viewed the rule of law as a basic and significant principle to build a stable nation. Six applicants were selected under this track.



3. Moderator Training

As the key activity of the forum being “group discussions” with topics related to the rule of law, the committee hosted an intensive training course in order to prepare the youth moderators to facilitate discussion sessions. An entire week dedicated to helping the newly selected youth moderators in planning and developing their discussion agenda as well as equipping them with necessary skills to lead and facilitate effective group discussions.

Seven youth moderators attended the training session, but since each moderator was allowed to invite assistants, the total of eleven moderators were at the forum.

Group A:	Mr. Thanawit Krintrakul
Group B:	Ms. Wichaya Chatsikharinthorn
Group C:	Ms. Thamonwan Na Nakara
Group C:	Ms. Phatra Sedtanaranon
Group D:	Ms. Pawarun Limtrakool
Group D:	Mr. Zaiyaf Ratchadaewa
Group E:	Mr. Jakarin Treedara
Assistants:	Ms. Bowornluk Thongmark
	Ms. Phimprang Punyasmita
	Police Cadet Tatiyalurk Kraisin
	Ms. Teelada Rujirawanichtep
	Mr. Trin Ratanachand

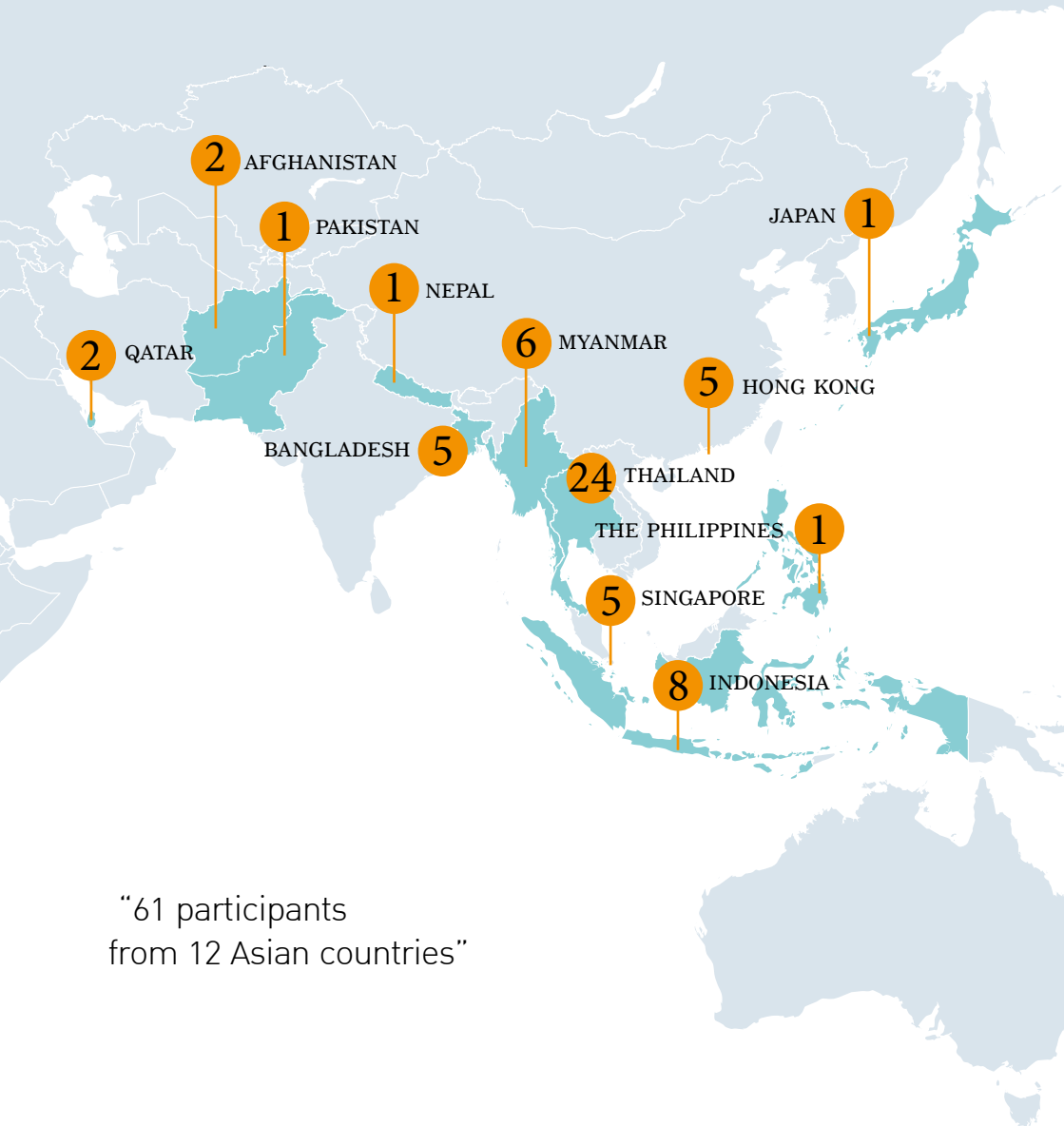
The Moderator Training Course

Session	Objective	Speakers
Ideas Panel	To share experience on: 1. Different formats of international discussions 2. How to be a good moderator	Panel 1: Mr. Jutha Saovabha Mr. Itt Thirarath Mr. Ukrit Sornprohm Panel 2: Mr. Chatchawal Hirayangkura Ms. Anuwan Vongpichet
Brainstorming, Presentation & Feedback	To help moderators develop discussion outlines and ensure that accurate substantive materials were used	Ms. Min Jee Park Organizing Committee TIJ team
Interview	To equip youth moderators with updated information and insights about each sub-topic	Dr. Buntoon Sethasiroj Ms. Boonlarp Phusuwan Dr. Mana Nimitmongkol
English Skills	To train youth moderators on public speaking skill	Mr. Sawarut Noppawong Na Ayudhaya
Rule of Law	To provide basic conceptual understanding of the "Rule of Law" principle	Mr. Vipol Kititnasasorchai



The training session received overall positive feedbacks from participants. Discussion outlines to be used during the forum were completely developed in the course. Following the course, youth moderators were allowed to establish contact with the participants assigned to their respective groups via e-mail to share materials and discuss necessary preparation.

THE FORUM



“61 participants
from 12 Asian countries”



You have the privilege to learn about the law and understand how the legal system works. You own a skill set that is very expensive in most countries.



Ms. Tze-wei Ng
Deputy Director for Asia, PILnet

1. Academic Activities

- **Youth Panel Session**

The panel started with a keynote speech by Ms. Tze-wei Ng, Deputy Director for Asia of the PILnet, based in Hong Kong.

Then, participants who were selected through the call-for-paper track were invited to make presentations. It was a vibrant session where everyone shared their opinions and experiences while simultaneously broadened their perspectives on the issues. The session increased their level of confidence and prepared them for a more challenging international stage, including the up-coming presentation at the AsianSIL Inter-Sessional Conference. At the end of the session, all participants were asked to vote for the best speech. Mr. Shriram Jayakumar from Singapore was the winner of the competition, for presenting the unique definition and means to implement the rule of law with a thorough analysis of the current situation in Asia.

Summary of presentations by the six participants

Name	Nationality	Topic	Comment
Emilia Tiurma Savira	Indonesian	Bridging The Gap: Supporting the Development Goals by Reinforcing New Conception of the Rule of Law	This paper was voted for the tone of the writing. It shows that the author understands the importance of the Rule of law in creating a peaceful and secured Asian society so that the society can sustainably be developed. The rule of law in author's perspective is original and inline with the theme of this forum. Although there are several grammatical errors, they do not cause major difficulty in comprehending the paper.
Eric Lai	Singaporean	Towards Smart(er) and Green(er) Cities	This paper is very creative in terms of linking the rule of law, environmental challenges, and sustainable development together by using feasible solutions. It introduces the idea of "smart city" where all technologies are green, and these technologies also keep the city environmental-friendly. Also, it adds an interesting legal perspective into the suggested solution. Though the solution might not be applicable for all the industrializing countries in Asia, it offers unique lens into the interrelation among the rule of law, environmental challenges, and the sustainable development.
Aye Chan Aung	Burmese	The Rule of Law and Development Nexus: A new Deal for Asia?	This paper adequately illustrates the meaning of the rule of law. It also presents a clear overview of the different problems concerning the rule of law in various Asian countries. The author also suggested briefly how to practically promote the rule of law in relation to the discussion topics of the forum. The paper is not only well organized, but it also summarizes the relationship between the rule of law and the sustainable development in Asian perspectives very nicely.



Name	Nationality	Topic	Comment
Sean Lim Zhan Hui	Singaporean	The Rule of Law and Development Nexus: A New Deal for Asia?	The paper offers a very unique and interesting perspective on the 'Asian Rule of Law'. It provides an in-depth analysis of the legal challenges in the area of commercial law, criminal law, and environmental law that hinder the path towards sustainable development and concludes with a very powerful idea suggesting an ASEAN cooperation as a solution to those challenges.
Reena Marquez	Filipino	The Rule Of Law In the Philippines And Its Implication To Development Nexus	The paper voices a very touching story that adequately links to the challenges the Philippines has been facing in terms of guarding the Rule of Law. The paper shows the author's insights to the problems within the criminal justice system of the country. The authors' analytical observation and personal experience adds originality to the paper and justifies the point the author tries to make.
Shriram Jayakumar	Singaporean	The Rule of Law and Development Nexus: A New Deal for Asia?	This paper offers a well-organized and informative explanation of the rule of law and its political, economic, and social implications. The author has done a comprehensive research on the topic and presented why and how the implementation of the rule of law is failing as a social principle. Further, the author shares his opinion on how young people can engage themselves in fixing these failures, which clearly contributes to the theme of the forum.

- **Group discussions**

The main activity of the forum was the group discussions designed to encourage exchange of ideas and experiences. Taking “The Rule of Law and Development Nexus: a New Deal for Asia?” as the main theme, participants were divided into five groups and different sub-topics were assigned.

The five topics of discussions include:

- GROUP A: The rule of law and Asian region’s environmental challenges for sustainable development;
- GROUP B: The rule of law and public awareness for sustainable development in Asian region;
- GROUP C: The rule of law and sustainable development goals of the United Nations from Asian perspective;
- GROUP D: The rule of law and good governance in public and private sectors for sustainable development in Asian region; and
- GROUP E: The rule of law and crime prevention and criminal justice for sustainable development: the draft Doha Declaration of the 13th UN Crime Congress in the view of Asian region.

Discussion Group A: The Rule of Law and Asian Region's Environmental Challenges for Sustainable Development

Youth Moderators:

Thanawit Krintrakul

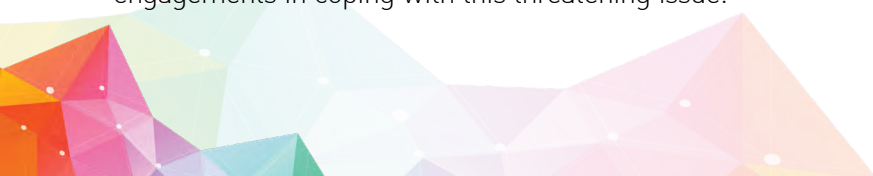
Trin Ratanachand

>> GETTING START : Background of the issue

Now, more than ever, Asia's expansion of urban areas is steadily increasing. However, it is a threatening yet undeniable truth that the rise of cities and economy grows at the expenses of society, especially in terms of environment. Pollution, deforestation, extinction of species, and other problematic issues of environmental degradation are keeping Asian society down.

This problem is urgent! It is important to raise awareness to the current threat of environmental degradation and to introduce the rule of law as one of the solutions.

The discussion under this topic is framed to raise awareness of the participants as to the current threat of environmental degradation in Asian, as well as the future of the world as a whole. Further, the participants will be able to analyze the in-depth causes and effects of this threat, taking into consideration the rule of law principle. At the same time, this discussion urges its participants to join hand-in-hand to share ideas on what are the possible youth engagements in coping with this threatening issue.



Discussion questions

1. How does the lack of the Rule of Law results in continuously endanger the environment?
2. How can environmental laws cope with/ or protect the environment?
3. What are the points to be concerned regarding the environmental impact in drafting policies for the ever- developing region like Asia?
4. How can youth engage in with this issue?



>>AIM OF THE DISCUSSION

The aim of discussion was to draft the youth recommendation on the topic of **“How can we manage the growth of economic development and save the environment by having rule of law as a tool, taking into account the general principles of environmental law?”**, focusing also on the engagement of youth.


>>FINAL OUTCOME

Rule of law and the society

Who has not used an overhead bridge before? Everyone must have used an overhead bridge. Has anyone used an overhead bridge without railings? The rule of law sets out rules and regulations that guides our actions within acceptable and safety limits. In the context of environment, it catches us from falling off the bridge in case we are running up too quickly.

Nexus Between the Rule of Law, Sustainable Development and the Environment

Sustainable development is a remedy to environmental challenges. It is the only way development can co-exist with our environment. This issue transcends national boundaries should be tackled in a considerate manner with the cooperation of other countries, taking into account the interests of neighboring countries.



Key Recommendations

Overarching Recommendation: Tripartite decision-making process involving the Government, Local Community and NGOs in the formulation, implementation and follow-up of projects and activities that could have an impact on environment.

1. Enforcement, Certainty, and Accountability – To ensure that businesses and stakeholders are aware of the penalties, as well as to set guidelines for companies to take preemptive actions. Incentives and punitive actions are to be taken by both home and host countries. Host countries can encourage their own MNCs to develop responsibly as they operate abroad by making it mandatory to have a section on corporate responsibility in their annual reports that include overseas operations. This would exert positive pressure on them to pursue greener measures in their host countries.

2. Corporate Social Responsibility Competitions can be organized for youths in each country to encourage them to be well aware of innovative ideas and greener practices for existing businesses. National and regional rounds can also be held in conjunction with other yearly forums.

3. Fairness in application and Awareness - The law should be applied fairly to everyone. Awareness is key in this; an appropriate platform information of best practices and offenders can be made known publicly to encourage best practices and deter environmentally damaging conduct.

4. Twin Factors of Growth and Reduction – setting and adhering to targets of growths and emissions reduction. It's easy to set growth targets, but not when it comes to the question of when to start investing more in greener practices. The government can work with companies to encourage conscious efforts to regularly review environmental impact reduction targets, in tandem with their growth.

DISCUSSION GROUP B: The Rule of Law and Public Awareness for Sustainable Development in Asian Region

Youth Moderator:

Wichaya Chatsikharinthorn

>> GETTING START : Background of the issue

Since the media remains the most effective means to raise public awareness with regards to the accountability of the government as well as the importance of the culture of lawfulness and the rule of law, it is necessary that their right to report non-bias information be protected and the channels of dissemination be well-shaped.

Under this topic, the participants will be able to explore deeper into the role of the media in upholding the rule of law as well as voice their thoughts the current issues relating to the media and rights of the people in their respective countries. Also, this topic encourage the sharing of appropriate means to express opinion and raise public awareness about the rule of law in order to achieve the goal of sustainable development.

Discussion questions

1. What is the rule of law in your opinion?
2. Will the public awareness of the rule of law lead to sustainable development?
3. What are the roles of media in upholding the rule of law?
4. What should be the framework of laws on public expression in order to establish a sustainable development in Asian region?
5. How can youth help in raising public awareness about the rule of law?

>>AIM OF THE DISCUSSION

This group discussion aims at crafting a positive and creative solution in terms of a **“Co-campaign: Youth power to raise public awareness on the rule of law leading to sustainable development”**.

>>FINAL OUTCOME

Rule of Law and Public Awareness

As the saying goes, advancement and distribution of the knowledge is the only guardian of true liberty. Public awareness is entrenched in the conception of the rule of law and fundamental to achieve ultimate sustainable development.

On the one hand, the rule of law requires the openness of law, to be known to the public and justice to be seen and to be done. On the other hand, substantive aspects of the rule of law, which requires protection of rights including freedom of speech, reinforce the formal justice. These rights must be known and respected.

The Campaigns

The relationship between public awareness and sustainability should be a two-way process. Public awareness is essential not just for the top-down implementation of law, but also to create a bottom-up reflective mechanism to offset problems caused by corruption, social inequality, and environmental damages. Through citizen participation, this is one way to strengthening check & balance process.

The aim of our campaign is therefore to increase public understanding and the openness of the law, protect freedom of speech, and ensure access to justice.

To address these, we have three suggestions:

1. **Emergency box:** one-stop service center

- social-economic problems are often intertwined
- use one-stop service model instead of going after multiple government departments, which can be frustrating
- facilitate communication of legal information and provide comprehensive legal assistance
- business sphere: sole proprietorship e.g. business registration and licensing requirements
- sphere of family–education, health, and social welfare services -> application, legal requirement

2. Social Awareness Club: engaging both grassroots, community, and different stakeholders

- engagement with community through establishing university chapters and outreach to marginalized communities
- engagement of stakeholders, authorities (e.g. UNHRC), partner with lawyers and law firms for common social goods

Stakeholder Engagement Strategies:

- Social Media
- Providing on-the-ground information to law firms and the authorities
- Providing materials for chapters to engage their districts

Community Engagement Strategies:

- Flyers (basic human rights, contact numbers of lawyers)
- Conduct workshops
- Makeshift legal clinics

3. Environmental Protection: campaign of public engagement. As the world is now in the age of Web 2.0, the campaign should be an online-based through a two-way communication and a user-generated content basis, providing comparative perspective.

Environmental Law Wiki/Legal Database

- **Online platform** - forum for countries exchange, discussion, social media page;



- **Publication** - environmental law newsletter/bulletin;
- **Mobile App** - anonymous reporting of damage/violation, support of legal assistance.

DISCUSSION GROUP C: The Rule of Law and Sustainable Development Goals of the United Nations from Asian Perspectives

Youth Moderators:

Thamonwan Na Nakara

Phatra Sedtanaranon

>> GETTING STARTED : Background of the issue

In the 2012, the Declaration of the High-Level Meeting on the Rule of Law, Member States noted that “the rule of law and development are strongly interrelated and mutually reinforcing, that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law.”

The needs for the rule of law to be incorporated in the SDGs is evident however the remaining question is whether the rules of law is practically measurable

Under this topic, the participants will be able to examine the coverage of the rule of law principle as one of the SDGs and its indicators in various aspects.

Discussion questions

1. What is the nexus between the rule of law and sustainable development?
2. Why should the rule of law be pinpointed as one of the SDGs?
3. Will the rule of law defined under the SDGs respond to its purpose in bringing about the sustainable development?
4. What are roles of youth in mainstreaming the rule of law as for sustainable development?

>>AIM OF THE DISCUSSION

How will youth help in promoting the “Rule of Law” and “Sustainable Development” in their communities after the forum?

This question requires participants to work together and think of an individual action plan or a joint-project to undertake. The project or action plan should include/ or answer these questions:

1. What is the objective?
2. What is the process/ plan, and how did you come up with it?
3. How do you think this project or action plan will help promoting the “Rule of Law” and improving your community?
4. What changes/results do you hope to see once you have carried out the project?
5. How many people will be impacted by the project?



>>FINAL OUTCOME

Group C agreed to together develop an action plan to promote the “Rule of Law”

PROMOTION OF THE RULE OF LAW THROUGH YOUTH PARTICIPATION

Objective: To educate citizens on the principles of the rule of law

Aim: To be a self-leading example and to practice the rule of law

Action Plan: To spread information by educating concerned individuals from the basic primary level.

Strategies:

- Introduce the rule of law concept in primary education systems
- Write and publish information about the rule of law
- Conduct voluntary activities to spread information about basic human rights
- Exercise the rule of law by following the laws of the land, e.g. abide by traffic laws, and participate in elections

Expectations:

- Education will be able to increase the demand from the public for the government to implement the rule of law.
- The general public will be aware of the rights to which they are entitled under the constitution.
- The rule of law will increase the accountability and transparency of public and private institutions.
- The rule of law will force the government to establish a legitimate check-and-balance system which ensures that the rights of individuals are fairly and inclusively treated.

Target Group:

- Closest persons, acquaintances
- Disadvantaged individuals
- Local community
- International community

Discussion Group D: The Rule of Law and Good Governance in Public and Private Sectors for Sustainable Development in Asian Region

Youth Moderators:

Pawarun Limtrakool

Zaiyaf Ratchadaewa

Teelada Rujirawanichtep

>> GETTING STARTED: Background of the issue

According to the UNESCAP, the concept of “governance” is not new. It is as old as human civilization. To simply clarify, “governance” means the process of decision-making, and the process by which decisions are implemented (or not implemented). The good governance has eight major characteristics: participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and adhering to the rule of law”. Poor governance holds back and/or distorts the process of development with a significantly disproportionate impact on the poorer and weaker sections of society. According to Corruption Perception Index Result 2014, it is a resounding message to leaders that despite many public declarations and

commitments, not enough is being done to fight corruption in Asia Pacific, the world's fastest growing region

Under this topic, the participants will be exploring the new form of corruption and the results of the lack of good governance. They will also look into the root cause of the lack of good governance and how to alter the situation.



Discussion questions

1. What is the rule of law?
2. How does the rule of law affect the governance?
3. What are the main characteristics of good governance in practice, both in public and private sectors?
4. According to the SDGs, which goal can good governance help achieved?
5. Does each country have good governance? Why and why not? What are the problems and obstacles?
6. How much can we do as youth in the society?

>> AIM OF THE DISCUSSION:

The aim of the discussion is to draft a recommendation about how good governance can facilitate sustainable development and a proper role of youth in solving the existing problems.

>> FINAL OUTCOME

There are two issues in the field of public and private sectors, one of which was the cause of corruption and the cause of poor governance and the other is the dwindling level of public satisfaction.

1. Participation A policy is made by the government basically to regulate the needs of the people. Thus, people should be involved in the process of drafting and establishing new policies.





2. Transparency Public and private sectors are not spared from corruption, collusion and nepotism. This is due to the lack of transparency. The public does not really have an access to the information, report and cannot supervise the performance of both the government and some private sectors.

Solutions:

1.) Check-and-Balance System

- Strict separation of power should be regulated in the constitution to guarantee that the government will not become too powerful.
- Establishment of an independent organization that has the authority to examine government and private sectors both in terms of policies and financial matters.

2.) Public Participation

- Process of public hearing and referendum to ensure that important policies are responsive to people's need
- Channels for the people to provide feedback, for consultation with any private sector that may be significantly impacted in drafting legislation.

3.) Sanctions

- Penalties:
Punishment must be imposed on any public sector that involve in corruption, collusion, and nepotism. License or permit of private sectors found to be part of corruption must be suspended or revoked.



- Awards:

A Public sector who to provide best services to the people must be awarded. Reduction of tax rate should be offered to any private sector that assists the government in solving problems as to poverty, unemployment, environment, education, etc.

Role of Youth:

1) Study hard, do some research, and be innovative in a way that made you a vital part in helping the government solve the problems of its people.

2) **NGOs Set Up by Youth:** Non-Government Organization set up by youth can facilitate a path where public services become a norm.

3) With the advanced technology, can be utilized to disseminate information. People can participate in the process and monitor the progress of public and private sector.

Discussion Group E: The Rule of Law and Crime Prevention and Criminal Justice for Sustainable Development

Youth Moderators:

Jakarin Treedara

Tatyalurk Kraisin

Bowornluk Thongmark

Phimprang Punyasmita



>> GETTING STARTED: Background of the issue

Crime and deficient criminal justice are problems that international communities have been concerned for the past decades. They are harmful to people's standard of living throughout their daily lives. Poverty and limited access to justice are also factors worsening mobilizing these problems. Some groups of people may become victims of the judicial inequity and partial justice system. Upholding the rule of law and strengthening its mechanism will effectively help prevent the crime. The youth must be the key factor in transferring the important message of the rule of law.

Along the process, we must improve our criminal justice system, that comprises legislation, adjudication, and corrective justice. The criminal justice system must be made available for everyone in the society. There are five specific areas on which we, as the youth, want to emphasize: corruption, arbitrary use of power by law enforcement, access to justice, discrimination, and competent and independent judiciary.

>> AIM OF THE DISCUSSION

The aim of the discussion is to draft a recommendation concerning the following issues:

- How to raise public awareness and promote education system?
- What are the roles of youth in promoting the rule of law?
- What are concrete measures to strengthen the rule of law?





>>FINAL OUTCOME

As the group discussion has separated the participants into two smaller groups, the recommendation paper is separated into two parts as well.

Firstly on the crime prevention, the group briefly pointed out how the role of the youth is important in preventing crimes. Youths among the Asian countries should form a connection in order to prevent crimes by strengthening the education system, emphasizing the process of check and balance towards the government, and connecting groups of people in certain parts in order to increase the access to justice.

Secondly, the criminal justice should be strengthened by using the rule of law principal in order to prevent further crime committed. For in many cases where the criminal justice fail, it is because the lack of the rule of law.

Through these recommendations, focusing on the roles of the youth, the world peace can be maintained. The international communities will have to work together to bring about peace and development along with promoting the rule of law while making it last for the generations to come.

Criminal Justice System

1. Corruption

To tackle this problem, on legislative level, we suggested that the government carry out domestication of international corruption law such as the UN convention against corruption. Also, the freedom of information law should be enforced for mandatory disclosure of corruption-related information.

On adjudication, we recommended that an independent body against corruption be set up. Its status and power should be guaranteed by the constitution. The public should be able to raise judicial review action, when necessary.

2. Arbitrary Use of Power by Law Enforcement

This issue hinders the protection of citizens, directly violates human rights and sabotages the rule of law by building distrust in the system. We believe that effective monitoring, education, and

rules-making are paramount in safeguarding the rule of law in the criminal justice system.

Monitoring process is essential and must be conducted by an independent body with actual investigating power and ability to implement its decisions. The public should have access to the information without unreasonable restrictions. Education for human rights, law, and professional ethics would also facilitate the ability to act civilly and properly. Rules must be constantly updated to reflect new requirement and actually be effectively enforced.

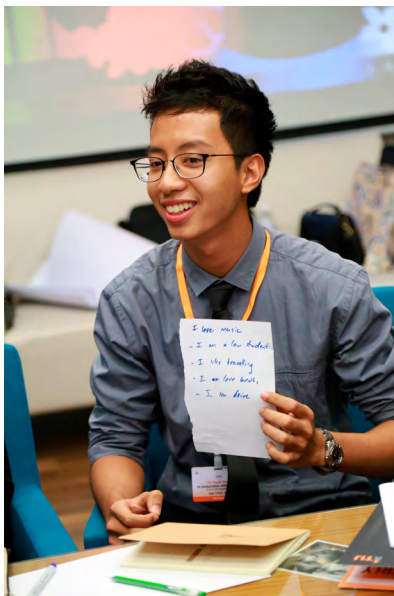
3. Access to Justice

Ideally, it is a fundamental right that a person must have access to laws and legal services regardless of sex, race, economic status, or political affiliation.

In accordance to Article 8 of the Universal Declaration of Human Rights, each and every individual is entitled to be given effective legal remedy. However, the cost of legal services may hinder in inciting legal procedures.

A possible solution to this problem is the creation of a body that can provide free or affordable legal services. Another idea is to have an Income-based attorney's fee system, in which the fees be based on the client's income.

Ultimately, the goal of criminal justice is to rehabilitate those who had conflict with the law. Unfortunately, some prisons are not up to the international standards, which defeat the purpose of reformation.



We recommend that correctional systems be constantly improved, from the facilities, personnel, classification systems, and consideration of alternative penalties to non-violent offenses. This is in line with the United Nation's Standard Minimum Rules for the Treatment of Prisoners

4. Discrimination

Various forms of discrimination remain common place in all countries. We suggest a localized approach to gradually eradicate discrimination so as to ensure that every person enjoys equal opportunity to education, work, and so on. For countries which have already legislated protection against certain forms of discrimination,

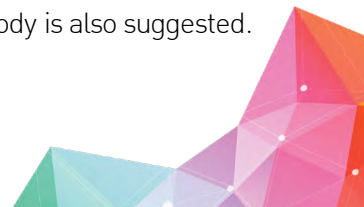
they should make efforts also protect against discrimination as by, sexual orientation as well as other types of personal characteristics. The current international convention committees' reporting mechanism is sometimes ineffective when countries refuse to cooperate. As of 2008, 20 parties had failed to report for more than 10 years. Without effective monitoring system, it is difficult for the United Nations to notice or deter any non-compliance. We suggest a close cooperation with independent human rights organs to ensure the submission of national reports.

5. Competent and Independent Judiciary

Rule of law could only be ensured if the judiciary is competent and independent to deliver justice. One of the major hindrances of fair justice has been identified as the lack of separation of power. If the judiciary is influenced by the political interest, the decisions are inevitably affected. The process of judge appointment system also plays a vital role in the effective justice delivery.

Proper check-and-balance system is the most important measure to maintain the competence and independence of judiciary. Appalling practices like pressuring and influencing judges in decision-making process should not be entertained. UN Basic Principles on the Independence of Judiciary needs to be followed in the judges' appointment process.

Finally, the regulatory body of the judiciary needs to formulate strict provisions related to discipline, suspension, and removal of the corrupt judges. Specialized judicial monitoring body is also suggested.





Crime Prevention

1. Regional Youth Tours

We recommend the establishment of regional youth tours to troubled regions. These include prisons so that the youth can have a first-hand experience about the conditions caused by inmates overcrowding, how petty criminals remain behind bars as a result of inability to seek legal aid, and how internal drug trades are rampant. Such visits can be integrated into Community Involvement Program already operated by many schools. Through these visits, youths can understand the climate of prisons, and how they lead to repeat offenders. They can raise awareness on the issues through social media, which will in turn pressure local officials to improve access to justice for the accused.

2. Youth as Middlemen

The role of youth as middlemen cannot be discounted. As young adults who are well-educated about social problems and global organizations, youth can be sensitive to the problems faced by troubled communities and can recommend a growing pool of help/ services for these communities. Hence, they can connect potential criminals who may just need counseling, with regional welfare groups.

We recommend that more youth should serve as middlemen between addicts in remote, rural regions, and medical practitioners who are willing to offer free or subsidized drug counseling. This will allow potential criminals to seek trouble-free and uncomplicated recourse to healthcare staffs, so they can better control their addiction.

Youth can also connect micro-financiers with the rural under-privileged. As majority of those people tend to resort to the path of becoms they lack resources or literacy skills to compete in the job market, increased access to funding could assist them in agricultural, manufacturing, or IT-related enterprises. Youth will be able to connect such individuals with the micro-financiers when they have a better knowledge of willing parties. By putting this connection to good use, youth can potentially end cyclic poverty in multiple regions.

In addition, youth can link social workers with victims of organ trading and sex trafficking. Young researchers can identify key districts in troubled regions where such victims are tarked. By working with

town or municipal officials, along with leaders of social groups, youth can ensure that such victims or their families receive special attention from skilled professionals.

3. Regional Youth Groups

We recommend the formation of Regional Youth Religious Groups (RYRGs). These are organizations affiliated with particular faiths Islam, Hinduism, with branches in each Asian territory. During times of sectarian conflict, members can liaise with the headquarters or across the branches to understand the problems their religious communities are facing. This will allow RYRGs to more efficiently address issues of tension in imminent perspectives before the conflict arises.

Similarly, regional youth tutoring groups can also be established. Education can be a crucial tool to improve competitiveness, making potential criminals more viable in the job market and less prone to criminal activities. Youths can conduct IT literacy workshops or basic English courses in rural or less developed regions, bringing important skills to the doorsteps of the less fortunate.

4. General activities to encourage governments



We recommend that youth actively encourage governments, especially municipal officials, to develop more regulatory practices to tackle money laundering activities. As the drug trade is rampant in the Golden Triangle, these funds are often disguised as other “productive” business activities. Increased regulatory presence in

these regions can effectively detect more unlawful activities. Youth need to stress the need for such agencies to local governments who may not yet targeting the link between the drug trade and money laundering.

To combat cyber crimes, we recommend that youth work with local officials to organize recruitment events for young experts on coding. Programs like Hackathons would offer an opportunity for talented coders to work with governments and prepare them for evolving security risks in the digital age. This will allow states and federal security officials to update their IT infrastructure accordingly. Hence, events like the attack on 117 Indian government websites are less likely to recur.


Sessions at the AsianSIL Inter-Sessional Conference

The outcome of the group discussions presented at the closing ceremony of the AsianSIL conference demonstrated clearly that the youth recognized current threats in their society and realized how the rule of law could help solving these problems. They went further into trying to answer the question of how the rule of law principal could actually be implemented by providing suggestions and recommendations to the relevant authorities and introduce some guidelines and campaigns where any youth could easily partake. Most importantly, the presentation of the youth representatives expressed vividly that the youth felt inspired and empowered that they too can be imperative in bringing about positive changes.



Representatives from the Youth Forum emphasized that the rule of law is a foundation for peace and sustainability. Youths recommended the adaptation of the rule of law concept in public and private spheres to create a strong society where ways of development is sustained. It was further noted that the most powerful tool is to effectively create change in the society public awareness and the youth engagement. It was also stressed that public awareness on the rule of law is vital for the top-down implementation of the law and strengthening check-and-balance system— a mechanism to measure development issues through citizen participation. Youth also proposed to increase the level of participation to address environmental degradation, crime, and poverty. More youth forums and initiatives to educate disadvantaged children should continue to be created in order to increase awareness and understanding on human rights which will enable youth to advocate for equality, fair protection, and security at a young age.

They further stressed that a functioning justice system is a system trusted by all. It requires an independent and competent judicial system, a monitoring of law enforcement agencies by independent bodies and by the public, and the access to justice which is equal and free from discrimination or limitation of economic status.





Systemic injustice must be cured,
so the Rule of Law's emphasis on
procedural fairness benefits everyone.



Mr. Shriram Jayakumar
Singapore Management University
Participant to the TIJ Youth Forum

A



“Together, we believe that with further inputs from stakeholders, we can create a greener and more sustainable Asia for ourselves and our children and children of children.”

Eric Lai from Singapore

B



“Plato once said that justice in the life and conduct of the State is possibly only as first it resides in the hearts and souls of the citizen.”

Jing Kei Lai from Hong Kong

C



“We have transformed the multiplier theory of economics into the multiplier theory of society, from monetary injections to the economy, into an education injection to the society.”

Taam Tingcharoen from Thailand

D



“We believe by, following the rule of law, good governance in public and private sector in ASIAN region for sustainable development can be realized as soon as possible.”

Gina Sabrina from Indonesia

E



“In short, none of our wishes for a better society could be realized without a proper criminal justice system.”

Fan Yua Yip from Hong Kong

2. Recreation Activities

Recreation activities were meant to create bound of friendship among high-caliber individuals who have the potential to be in the front line of the region. We believe they will meet again in future international stages to steer the development policies globally.

- Ice-breaking activities
- Welcome dinner: theme “Disco Night”
- Farewell dinner: theme “Cultural night”









Books Zone




JOURNALISM CHALLENGE



THE OUTCOME

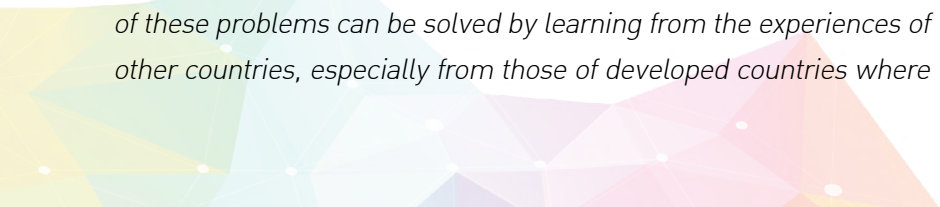
Our Achievement

The forum was proved to be a very efficient platform for disseminating knowledge and raising awareness of the rule of law among youth. The discussion session, in particular, enabled an exchange of the brightest ideas and provided the most inspiring intellectual venue for young minds to share and develop extraordinary thoughts with their counterparts. According to the post-evaluation survey, the group discussion was indeed the favorite activity for the participants. The results also revealed that, through the group discussion, the participants gained an in-depth understanding of the rule of law, not only as a principle behind the law enactment and the implementation of regulations, but also as a fundamental element of a stable and safe society, contributing to the sustainable development. They acknowledged several persistent challenges in implementing the rule of law in Asian region. In addition, the AsianSIL Inter-Sessional Conference provided a rare



opportunity for young people to gain insight on various aspects of the rule of law as discussed in the global arena. An opinion of a Pakistani student clearly represented the value of such experience; *"I am more concerned about the integration of the rule of law in my country as well as in other Asian societies than ever before. Attending this conference has exposed me to the importance of rule of law in the development of a nation. There is an urgent need to address this issue in all Asian countries and specifically in my own country, Pakistan. Asian countries fall behind in development compared to their European and American counterparts due to the inefficient legal systems. Discussions at the forum and the keynote speakers' speeches have inspired me to raise awareness of the rule of law in my society and also on higher levels."*

The feedbacks evidently show that participants have fully engaged themselves in the issues of the rule of law in Asian context. Different perspectives were presented with various supporting cases and examples from the participants' countries of origin. One participant described that *"It was an eye-opening experience to hear all sorts of examples and learn the situation of each country during the discussion"*. However, the discussion did not stop there; it went as far as intensively seeking for and suggesting possible solutions to the persisting challenges. By sharing their thoughts, the participants claimed that they *"...learned that in almost all Asian countries, the challenges we have towards the rule of law are very similar. Some of these problems can be solved by learning from the experiences of other countries, especially from those of developed countries where*





they already have seen the success in dealing with similar issues". The suggestions made by participants from three-day discussions are considered to be "mostly feasible and will have positive results in all Asian countries".

"Inspiration" is the word that best describes what the forum brought to the participants. They were inspired and empowered to make a difference in their societies.

1. "Now I know ... that one does not need to be the president of a country to work for the rule of law, but in fact everyone can do it and should do it". Another responded in the same way,



2. “All the speeches made by keynote speakers were very inspiring. They show us that the power of young people can create a great impact in making a change. I also learned that even our small action can contribute in making the world a better place”. Some even found the path to their future career through this journey. One participant wrote in the survey that
3. “It made me think about my future career and further study plan in this field. I’m thinking to maybe go for a Masters in International Human Rights Law” while another said
4. “I began to be more interested in policy making...”.



Youth Initiatives

In summary ,the TIJ Youth Forum was a place for the youth with an innovative mind to share ideas on how to cultivate the culture of lawfulness, promote the rule of law, and build faith in the justice system. The outcomes of the group discussion reflects a great deal through of bright ideas through recommendations and proposed campaigns to combat the injustice. The forum also encouraged the young participants to bear in mind their unlimited power to shape the future. It also made the youth experience the sense of self-righteousness as one of them said, *“I feel proud of myself and all the other young people who were in the youth forum. I understand now that if we all take parts in making a better future for our societies, we, as young leaders, are the light of the future”*. The self-empowerment is indeed a key factor that encourages the youth initiatives in different parts of the society.

Feedback from the AsianSIL Inter-Sessional Conference

The president of Asian Society of International Law, His Excellency Professor Dr. Surakiart Sathirathai, expressed his appreciation to the presentations made by the representative of the forum during the closing session of the AsianSIL Inter-Sessional Conference. He stated that they were ‘remarkable and intellectually energized.’reflecting the rich and thorough understanding of the linkage between the rule of law, sustainable development, and economic advancement. In addition, the delegates at the Conference recognized the advantage of having the participation of youth in

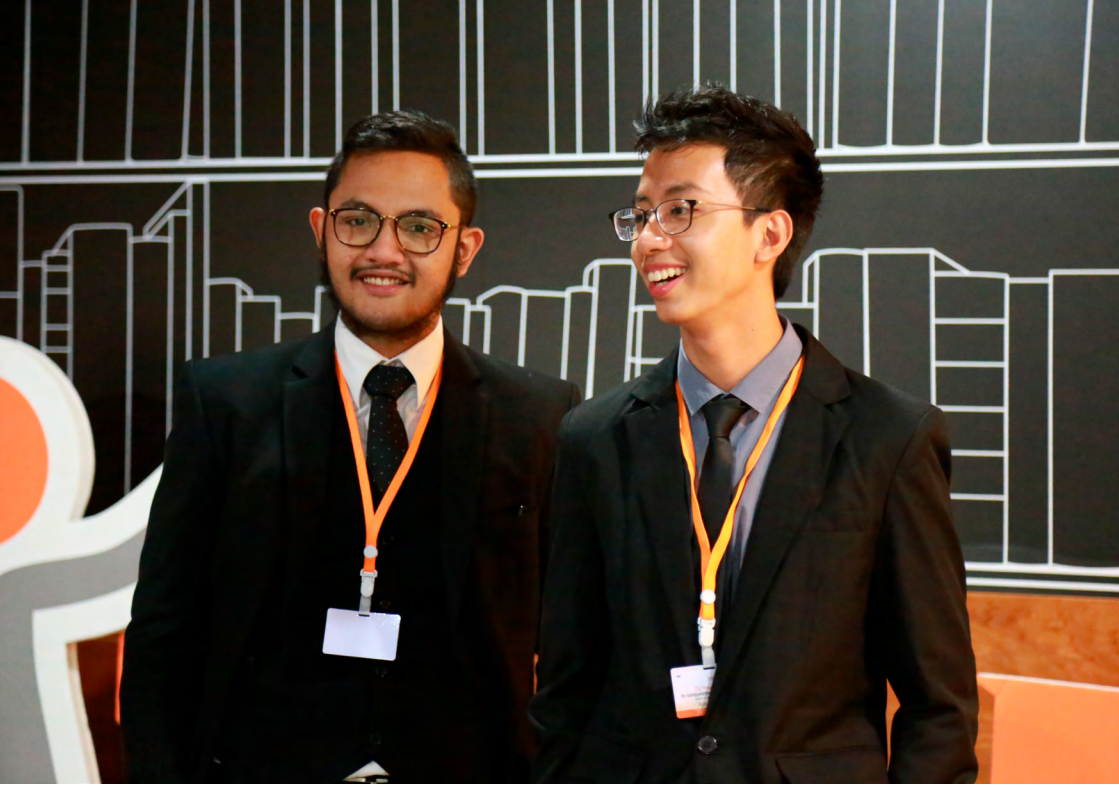
such important social issues for it is an approach to a truly people-centered development. The idea of the forum is also in line with the discussion of the Conference about the need for a creative mean to promote public participation in advancing of the legal and justice system.

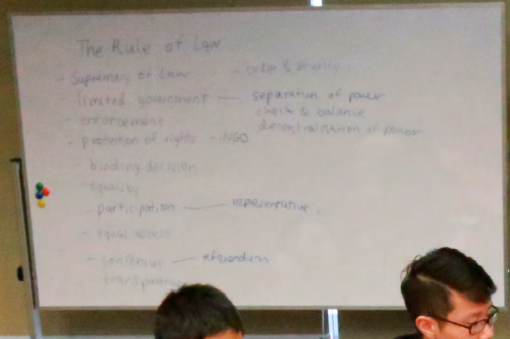
The board of AsianSIL Inter-Sessional Conference and the TIJ team agree that creating the forum was the right decision and will consider hosting another youth forum during the 5th Biennial Conference of the AsianSIL to be held in November 2015. The parties will also consider the possibility to introduce similar forum, when appropriate, in other international events they may take part in the future.

The Way Forward

The end of the first TIJ Youth Forum marked a new beginning of a journey in the participants' paths of embracing the 'Rule of Law' in their lives. Each of them became a 'TIJ Agent of Change'. The true triumph was not only the outstanding presentation at the closing ceremony, but Their success in making people realize that the rule of law matters to everyone as a member of the society. The voice of youth resounded in the most inspiring way that the rule of law needs all of us to be fully engaged.

The TIJ Agents of Change are encouraged to keep track of the rule of law in the global context, advocate for its value in their own community, and sparks the trending toward the culture of lawfulness through the post-forum activities that await them.





ANNEX





AGENDA

2 June 2015

- Arrival of the participants and check in at the Mandarin Hotel
- Optional Sightseeing and Shopping accompanied by volunteered Thai participants

3 June 2015

7.30 – 8.00	Leave the hotel for TIJ Office
[At TIJ Office]	
8.00 – 8.45	Registration
9.00 – 10.30	Opening Ceremony
	- Welcome Remarks: Dr. Kittipong Kittayarak, Executive Director, Thailand Institute of Justice
10.30 – 10.45	Coffee Break
10.45 – 12.00	Ice-breaking Activities
12.00 – 13.00	Luncheon
13.00 – 14.30	Youth Panel Session
	- Keynote Speaker: Miss Tze-wei Ng, Hong Kong Director of the PILnet
14.30 – 14.45	Coffee Break
14.45 – 16.30	Breakout Session: Group Discussions
16.30 – 17.00	Leave for Mandarin Hotel
[At the Mandarin Hotel]	
17.00 – 18.00	Relax/ Prepare for Welcome Winner
18.00 – 21.00	Welcome Dinner
	Theme: Disco



4 June 2015

8.30 – 9.00	Leave the hotel for Plaza Athenee Bangkok (At the Plaza Athenee Bangkok)
9.00 – 10.00	Registration
10.00 – 10.30	Joint Session with AsianSIL Inter-Sessional Conference Opening Ceremony
11.00 – 12.30	Open Plenary
12.30 – 13.30	Luncheon
13.30 – 13.45	Leave for TIJ Office (At TIJ Office)
13.45 – 15.00	Breakout Session: Group Discussions
15.00 – 15.15	Coffee Break
15.15 – 17.30	Breakout Ssession Prepare for presentation
17.30 – 18.00	Leave for MBK shopping center
18.00 – 20.30	Dinner at MK Suki restaurant and shopping



5 June 2015

8.30 – 9.00	Leave the hotel for TIJ Office
(At TIJ Office)	
9.00 – 12.00	Breakout Session: Prepare for presentation
12.00 – 13.00	Luncheon
13.00 – 13.30	Leave for Plaza Athenee Bangkok
(At the Plaza Athenee Bangkok)	
14.00 – 15.30	Joint Session with AsianSIL Inter-Sessional Conference International Law and ASEAN Integration
15.30 – 16.00	Coffee Break
16.00 – 17.00	Closing Session Youth representatives' presentation
17.00 – 17.30	Leave for Mandarin Hotel
(At the Mandarin Hotel)	
17.30 – 19.00	Relax/ Prepare for Closing Dinner
19.00 – 22.00	Cultural Night/ Closing Dinner



ORGANIZING COMMITTEE



Ms. Sommanat Juaseekoon
Director of Strategy and
Planning, Thailand Institute
of Justice



Ms. Kanravee Kittayarak
Project Manager



Ms. Busayapa Srisompong
Publication and Communication



Ms. Chonlada Kummoun
Event design/ Back Office
(Financial Management)



Ms. Thanida Asadornborikarn
Event design/ Back Office
(Financial Management)



Ms. Kamolnan Chearavanont
Academic Contents/
Youth Moderator Management

LIST OF YOUTH MODERATORS



Thanawit Krintrakul

E-mail: thanawit.k@hotmail.com

Mobile Phone: +66-82-402-5074

Faculty of Law, Chulalongkorn University

"Being a part of TIJ Youth Forum is the best experience for me as a law student. I would like to say 'thank you' to all TIJ staffs for creating this wonderful event and taking care of me in both moderator training and the youth forum session."



Trin Ratanachand

E-mail: j.ratanachand@gmail.com

Mobile Phone: +66-91-191-2895

Faculty of Law, Chulalongkorn University

"I learned so many things from the challenges of being a youth moderator at TIJ Youth Forum, from conducting the discussion and taking care of lovely foreign participants, from whom I've learnt so much. So, big thanks to the organizing committee and everyone involved for making this happened and for giving me the chances. I hope you guys do it again."



Wichaya Chatsikharinthorn

E-mail: Wichaya.csk@gmail.com

Mobile Phone: +66-80-551-5786

Faculty of Law, Chulalongkorn University

"Gaining experiences cannot be done unless one starts doing. I may have not realized our unlimited youth competence if I had not joined TIJ as a moderator. This forum opened my point of view towards many current things happening in Asia. It's even more interesting to moderate the discussion and to learn new things from various participants simultaneously. Greatly applaud TIJ for holding this youth forum."


Thamonwan Na Nakara

E-mail: thamonwan@rocketmail.com

Mobile Phone: +66-84-058-8123

Faculty of Law, Chulalongkorn University

“Being a youth moderator, I feel so privileged to have had the opportunity to work and come into contact with so many young people of different nationalities in Asia. Listening to inspiring stories of those who try to tackle social issues that affect people around the world make me realize that young people are the key players in solving these problems. Thanks to those who make this forum happen and for ensuring that voices of young people are heard at international level! ;)”


Phatra Sedtanaranon

E-mail: bring.phatra@gmail.com

Mobile Phone: +66-86-770-3919

Faculty of Economics (Major in Public Economics, Development and Political Economics), Thammasat University

“At TIJ youth forum, everyday is a new challenge for me. I have been empowered surrounding by amazing people from many countries who share the same interest. As a youth moderator, I have a chance to learn from other participants as well as to discover my capability. I would like to give many thanks to TIJ for hosting this inspiring conference.”


Pawarun Limtrakool

E-mail: evelimtrakool@hotmail.com

Mobile Phone: +66-87-360-9026

Faculty of Law, Chulalongkorn University

“Being a moderator in TIJ Youth Forum is my very first time. I was really scared of not accomplishing this task but through the training and with help from all the staffs, I finally did my job. It has given me the greatest experience like moderating the discussion, handling with participants and getting to know new people. It also makes me more confident and I’m sure I won’t be scared of what will be coming in the future anymore. Thank you TIJ Youth Forum for this important step of my life.”



Zaiyaf Ratchadaewa

E-mail: abuzaiyaf@hotmail.com

Mobile Phone: +66-80-536-6079

International Language Academy, Fatoni University

"I would like to say thank you too much to TIJ for giving me a grateful chance to be moderator in this occasion, honor and taking care me well as important guest especially for reserve Halal food and praying room for me and my Muslim friends. this forum very valuable for me to understand deeply about the Rule of Law and toward practice within the law of my living. Rule of Law is very important for us and especially in our society event we never care for it."



Teelada Rujirawanichtep

E-mail: binkiruji@gmail.com

Mobile Phone: +66-84-720-9000

Faculty of Law, Thammasat University

"My experience as a moderator at TIJ Youth Forum was inevitably one of the best experiences I've ever had. Working as a moderator has made me realized that The Rule of Law is very well related to the youth community and we are able to make a difference. I would like to thank the TIJ's organizing committee for giving me this opportunity."



Jakarin Treedara

E-mail: treedara@gmail.com

Mobile Phone: +66-81-377-5333

Political Science (International Relations)

Chulalongkorn University

"The TIJ Youth Forum shows me that there is no boundary of knowledge in building one peaceful and lawfulness society. The gathering of university students from different areas of study and backgrounds make this platform a very productive one. Becoming a forum moderator, my skills have been developed from the preparation till the end of the event. Moreover, I have been fulfilled when surrounded by the young generations who believe in making a better society."





Police Cadet Tatiyarerg Chaisinlapa

E-mail: tyrg.ch@gmail.com

Mobile Phone: +66-91-737-7112

Royal Police Cadet Academy

"Little droplets make an ocean. We, youths, who are holding the fate of the world, have an opportunity to decide whether to be isolated droplets, small and powerless, or congregate, to be a powerful, mighty ocean. TIJ Youth Forum provides that opportunity, to be part of the ocean, and to change the world."



Phimprang Punyasmita

E-mail: p.punyasmita@gmail.com

Mobile Phone: +66-86-080-0606

Political Science (International Relations)

Chulalongkorn University

"Working as a moderator for TIJ Youth forum, I had a chance to meet new friends who share the same passion in advocating the Rule of Law and Sustainable Development. Not only has this forum left us with fruitful exchange in idea but also a good friendship among participants. The outcome has ensured me that our young voices will grow and eventually create the difference for our ASEAN community."



Bowornluk Thongmark

E-mail: bowornluk.t@gmail.com

Mobile Phone: +66-86-393-2465

Political Science (International Relations)

Chulalongkorn University

"It is always said that our generation is a hope for the better world. During the TIJ Youth forum, I was ensured that the world we want is not too far to reach. I was seeing those young people working so hard with a strong passion to create an impact to the society in a better way. At the end of the day, the most important thing the forum has succeeded is making those young people realize that their voices matter and they can be a changemaker."

LIST OF PARTICIPANTS

Name	Country	University	E-mail
Abdul Waris Hakim Syal	Afghanistan	The American University of Afghanistan	awhakimsyal.ug@auaf.edu.af
Abdullah Al Mamun	Bangladesh	University of Asia Pacific	mamunuap2012@gmail.com
Armaghan Khan	Qatar	Broward College	armaghan06@hotmail.com
Arpakorn Kongpermpool	Thailand	Thammasat University	arpakornkongpermpool@hotmail.com
Aye Chan Aung	Myanmar	University of Yangon	aca.ayechanaung@gmail.com
Azad Saleem	Pakistan	National University of Science and Technology, Islamabad	azadsaleem71@gmail.com
Burane Viriyangamwong	Thailand	Thammasat University	bubblueboo@hotmail.com
Chen Hoi Kei	China	University of Hong Kong	chenhoikei@gmail.com
Daniel Ng Ming Zhong	Singapore	National University of Singapore	ng_danny@msn.com
Emilia Tiurma Savira	Indonesia	Universitas Indonesia	etsavira@gmail.com
Eugene Barblut Sein	Myanmar	Hong Kong Institute of Education	sein.b.eugene@gmail.com
Fan Yua Yip	China	The Chinese University of Hong Kong	claudiayipfy@gmail.com
Farhana Sultana	Bangladesh	University of Asia Pacific	hridifarhana.880@gmail.com
Gina Sabrina	Indonesia	Brawijaya University	gnsbrn@hotmail.com
Hnin Htet Htet Naing	Myanmar	University of Yangon	hhtethtetnaing@gmail.com
Ho Man Kwan	China	University of Hong Kong	simon212@hku.hk
Jaber Ahmed	Bangladesh	University of Asia Pacific	m.ibn.jaber@gmail.com
Jenuarani Artha Adinda	Indonesia	Brawijaya University	artha.adindaputri@yahoo.co.id
Jing Kei Lai	China	University of Hong Kong	jingkei@yahoo.com.hk
Kamolnhan Chearavanont	Thailand	New York University	fkc217@nyu.edu
Krishna Saha	Bangladesh	University of Asia Pacific	krishna497236@gmail.com
Loecky Harvianto	Indonesia	Surya University	harveyloecky@gmail.com
Luciana Sari Maulida	Indonesia	Islamic University of Indonesia	lucianasarimaulida@yahoo.com
Marinta Yogana	Indonesia	State University of Jakarta	tatayogarin@gmail.com
Muzhgan Masoomi	Afghanistan	The American University of Afghanistan	muzhgan2012@gmail.com
Napasindhu Siriakarpaisal	Thailand	Chulalongkorn University	napasindhu.s@gmail.com

Name	Country	University	E-mail
Napasorn Charoenwareekul	Thailand	Chulalongkorn University	nuimater@hotmail.com
Nontaphop Charoenkhwan	Thailand	Chulalongkorn University	tongpolsci@gmail.com
Ogaki Mutsimi	Japan	California State University	mutsumi@mail.fresnostate.edu
Pipat Charoensuk	Thailand	Chulalongkorn University	oattoable@gmail.com
Pyae Pyae Phyo	Myanmar	University of Yangon	p3pisces.13@gmail.com
Qin Zhou	China	University of Hong Kong	qzhou1987@hotmail.com
Rafif Muhammad Rizqullah	Indonesia	Universitas Paojaojaram	colrafif101@gmail.com
Reena Theresa Marquez	The Philippines	San Beda College Alabang	rtcmarquez17@gmail.com
Saiful Islam Rumon	Bangladesh	University of Asia Pacific	uap.rumon@gmail.com
Santipap Charasphaew	Thailand	Chulalongkorn University	santipap.crp@gmail.com
Sarita Khanal	Nepal	Nepal Law Campus, Kathmandu	advocatesarita.0101@gmail.com
Sheba George	Qatar	Georgetown University	sg1010@georgetown.edu
Shriram Jayakumar	Singapore	Singapore Management University	shriramjk@gmail.com
Suthasiny Sudprasert	Thailand	Thammasat University	suthasiny.s@gmail.com
Taam Yingcharoen	Thailand	University of Edinburge	tammy_galamangbear@hotmail.com
Thant Phone Pyae Linn	Myanmar	University of Yangon	phonepyae97@gmail.com
Thita Sripraiwalsupakit	Thailand	Chulalongkorn University	gigi.thita@gmail.com
Warantorn Rattanasombat	Thailand	Chulalongkorn University	warantorn5@gmail.com
Yanida Hanifah	Indonesia	Islamic State University of Jakarta	yanidaadinay@hotmail.com
Yong Ming Eric Lai	Singapore	Singapore Management University	eric.lai.2013@jd.smu.edu.sg
Zhan Hui Lim	Singapore	Singapore Management University	sean.lim.2014@law.smu.edu.sg
Zhen Kai Giam	Singapore	Singapore Management University	zkgiam.2014@law.smu.edu.sg
Zun Nwe Tun Oo	Myanmar	University of Hong Kong	zunwetun004@gmail.com

Welcome Speech
Dr. Kittipong Kittayarak
Executive Director, Thailand Institute of Justice

Good morning.

I am truly excited to have all of you here at **Thailand Institute of Justice** today. Not only because this is **the very first Youth Forum on Justice and the Rule of Law**, but I am also very excited to have you here because to me, and to my generation, you young people are our “hope”.

Our society has long recognizes **the unlimited power of youth** in shaping **the future of our society**. And now here today, I have to say that I am thrill to see you, **the leader of the next generation** gather together in recognition of the importance of the rule of law and even take a step forward, travel far away from your home to join us here in this TIJ Youth Forum. And when you the leader of the next generation embrace to principle of the rule of law into your heart, that’s when I see **the light of hope**.

Why is the rule of law so important? It has, by now, become the general notion that the rule of law enables a condition in which any society can achieve peace and security. And for peace and security is the most crucial foundation for a society to develop. **Without peace and security, the sustainable development will never be attained**. The importance of the rule of law as the root of peace and security in the society has been affirmed in the high-level meeting of the United Nations and in such recognition, the rule of law is considered to be included in one of the post 2015 development goals.

In light of the ever-increasing importance of the word ‘rule of law’, in the time that the word ‘rule of law’ is mentioned more frequently than ever, yet **the true meaning of such word has not been truly understood** as much as it should, especially in term of **how can we engrave such principal into our society**.

From my experience, which is a 30 year long in the field of justice reform, I can attest that the key of a successful implementation of the rule of law principle lies in creating a ‘**culture of lawfulness**’.

Let me share with you briefly **my 30 year journey** and what I came to realize. I started out as **an assistant public prosecutor** after I came back from the US finishing my LL.M. degree in international economic law. I spent the first year totally enjoy my role, as the prosecutor, a powerful position. I felt so proud as I finished each case sending the 'bad guys' to jail. I remembered myself having some kind of a personal diary to jot down the number of bad guys that I have overcame. I felt like being a hero saving the world, **until one day I began to see that there was a flaw in our system.** I felt that the accused did not have a fair trial. They were not allow to see a lawyer during interrogation, legal aids were not available or inefficient, there were flaws in the trial system where the accused were not adequate protected. And at some point, I event felt that these accused 'bad guys' did not actually commit a crime. They were found guilty because the criminal justice system made them so. And I unjustly sent these accused to jail just because I played by the rule of criminal justice system. **There must be something wrong!**

Determined to change things, **I decided to devote myself to improve the system.** I sought the scholarship to go back to study again, this time in criminal justice and human rights at the best law schools in the world, holding firmly just one and only goal, to reform the criminal justice system in thailand.

From that day till this day, 30 years have gone by. **There were many accomplishments that I am proud of.** I was the spearhead paving the way in rewriting the criminal procedural code, where the accused are adequate protected and guaranteed a fair trial. Despite all the pride I have, seeing things from where I stand today, **there still a lot to be done than those which have been done.** There are still problems out there, innocents still being blamed and offenders are getting away. However, my 30-year time was not spent in vein. I realized what is even more important than having a written code that is just. No matter how long and detailed the code is, all are just words written on papers and nothing more. **What matters is the value of society. What matters is what you think should do or should not do. What matters is the culture of the society you live in.** What the laws say will never be supreme as long as they are not inline with the society's value. What the laws say will never be alive as long as the culture of lawfulness is absent. **And without the culture of lawfulness, the true principal of the rule of law will never be attained.**

My ultimate goal is to see whether people get better access to justice, whether the justice system can efficiently perform its function. As a lawyer, **I always see law and the justice system as a vehicle to achieve or render justice but not "justice" in itself.**

I have spent almost half of my life revamping the criminal law and justice system. I have tried my best and other people in my generation who share the same goal, which is to bring a better change to our society - have given their best shot too. But sometimes, **there is something you would say that it is too big and too important to leave it to only adults, people in my generation.** Ensuring that the rule of law is present in our society is one of those things.

We adults will not be able to finish this job. Maybe we have to admit, honestly and humbly, that we failed. But as I mentioned, the rule of law is something too important to leave with my generation. This is why I am standing here, thrilled to see young generation open up their heart and start embracing the rule of law. **Because our generation had failed to finish what we have started, we are counting on you to bring change into our society.**

Believing that, TIJ seized this opportunity to organize this very first TIJ Youth Forum on justice and the rule of law in parallel with the AsianSIL Inter-Sessional Conference 2015, and in partnership with the Asian Society of International Law (or AsianSIL) and Thailand's Ministry of Justice, **on the topic of "The Rule of Law and Development Nexus: A New Deal for Asia?"**.

It is my pleasure to engage with you on the importance of rule of law and let you explore how diffuse the rule of law actually does in our lives. Not only through an exchange of ideas during the group discussion activity, you are invited to join the AsianSIL conference which will draw on the wisdoms of international experts including former leaders, high-level policy makers, academia, representatives of the United Nations, private sector and legal practitioners. **We all do believe in strengthening the rule of law and criminal justice system as a means to achieve sustainable development.**

I wholeheartedly wish that this forum will be **a place for the voice of the youth to be heard**, and for fruitful and effective dialogue to occur in order to assist our society in effectively responding to the problems related to the Rule of Law.

The Rule of Law being a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards - requires constant enforcement, revision and implementation periodically, especially from generation to generation - and that **this my hope for this forum.**

I believe that **it is a responsibility and duty of my generation to invest in your generation** like cultivating a tree hoping one day in the future this tree will grow big and strong, this tree will root deeply and hold every pertinent of the society together the same way it could hold this earth. It is also a responsibility of my generation to encourage your generation to step up for and work to better the lives and bring justice to those who have had their rights violated today and everyday, and to inspire the your generation of aspiring change makers to take on the torch to guide them.

I believe that in addition to national policies, public participation to strengthen crime prevention and criminal justice can also bridge social and economic gaps and promote the rule of law. To address these gaps requires more than strengthening the capacity of governments. **The public must instill a sense of responsibility that they, too, have a personal stake in this cause.** All citizens must play an active role in promoting trust in the justice system and the belief that laws are fair and apply universally, regardless of socio-economic status.

Your role should be considered as vital as adults. After all, you are our future, you are the leaders of the next generation and you are the ones who hold the ability to implement and succeed in global change. With vision and determination you can guide policy and make recommendations for permanent solutions. **I truly believe that youth are the voice of the future.** I am very much looking forward to hearing your voice on the stage of AsianSIL's closing ceremony. And hope that those voices will keep echoing - from one generation to another.

Thank you.

Shriram Jayakumar, Singapore

Rule of law and development nexus: A New deal for Asia?

I. INTRODUCTION

1. The rule of law, in its purest form, speaks of procedural fairness and ensuring the rights of all parties are respected in the eyes of the law. Fundamentally, it boils down to the concept of equality before the law,¹ with no preferential treatment given to one party. This mitigates abuses of power or discriminatory practices.
2. By upholding this principle of equality before the law, a culture of accountability will be created that will keep our region vibrant and reliable. The rule of law thus allows progress in Asia is thus tied to developments in the region.
3. This paper will examine the following:
 - (a) How the rule of law has contributed to sustainable development in various aspects of Asian societies;
 - (b) Challenges in implementing the rule of law, moving forward; and
 - (c) How Youth involvement can solve such issues.

II. RULE OF LAW'S IMPACT ON DEVELOPMENT IN ASIA

A. Fostering Political Progress

4. Adherence to the rule of law creates effective checks and balances on power, in Asian societies. This in turn leads to more reassured citizens, who know their legal systems are responsive to civil and criminal violations by people in power.
5. In Singapore, this system of checks and balances is achieved, is through the separation of powers, as laid out in the Constitution. In 1991, the constitution was amended to create the office of the elected presidency so as to prevent any "untrammelled power" that the parliamentary executive may enjoy.²
6. In Hong Kong, the Sally Aw case stirred controversy, when the chairperson of a newspaper group, who had close ties with government officials, was not prosecuted in a fraud case, though her employees were. This mounting public criticism led to the Legislative Council to introduce a motion of no confidence in her.³

¹ Thio Li Ann, "Constitutional Principles" in *A Treatise of Singapore Constitutional Law* (Academy Publishing, 2012), at p.171, para 03.040.

² Thio Li Ann, "Constitutional Principles" in *A Treatise of Singapore Constitutional Law* (Academy Publishing, 2012), at p.161, para 03.021.

³ Albert H.Y. Chen and Anne S.Y. Cheung, "Debating Rule of Law in the Hong Kong Special Administrative Region, 1997-2002" in *Asian Discourses of Rule of Law: Theories and implementation of Rule of Law in twelve Asian Countries, France, and the US* (Randal Peerenboom ed) (Routledge, 1st ed, 2004), at pp. 264-265.

7. Actions of Singapore and Hong Kong illustrate that all parties associated with government figures will be subjected to the same limits of the law as regular individuals.
8. This emphasis on checks and balances by Asian nations, has led to an increasing climate of incorruptibility. This will placate dissidents and usher in more investors, whose trust in the system will increase the region's appeal.

B. Foresting Economic Progress

9. Staying true to key tenets of the Rule of Law will bring numerous economic benefits to our region. This can be achieved through increased transparency through the law, such as effective criminal justice models and securing the economic rights of individuals.

(1) Criminal Justice Models

10. Ensuring all agitators to the public order are swiftly dealt with by the law, is critical to ensuring that all parties equally face the force of the law for their transgressions. This discussion on access to criminal justice often raises social and political merits; however, the economic merits of such a move are not frequently mentioned.
11. All governments strive to provide security of the person through police, legal and penal institutions. Failure to do so would bring about conflict that would not only destroy infrastructure, but divert resources from productive private activity into violence.⁴ The factors that make Asia so viable for economic activity, would be weakened by a failure of institutions to prevent criminal violations.

(2) Securing Economic Rights

12. The economic rights of parties must be secured through increased transparency of legal procedures. This will allow private and corporate entities to engage more freely in commerce.
13. This can be seen in Singapore, where the rule of law is "primarily conceived as an instrument to facilitate economic growth".⁵ Clear investment laws and credible dispute resolution mechanisms secure property rights, which in turn allays investor anxieties in the nation.
14. The importance of property rights in less developed countries is also significant. As Asia has long been a hub for agricultural activities, increased awareness of land rights can lead to agricultural productivity, long-term investment and employment.⁶ This will allow farming communities to rise from their states of poverty since they have increased access to legal mechanisms.

⁴ Stephan Haggard & Lydia Tiede, "The Rule of Law and Economic Growth: Where Are We?" [2010] (unpublished paper, for presentation at "The University of Texas Rule of Law" on March 25-26, 2010) at p. 5.

15. Hence, securing the economic rights of private and corporate parties will incentivize them to be productive in Asian territories, where they know their interests are not subordinated to others in the eyes of the law.

C. Fostering Social Progress

16. Equal treatment of all parties before the law, will engender greater confidence by the public in their countries' legal systems, which could mitigate sentiments of civil unrest. This can be observed on two fronts: citizen engagement in national policies and growing emphasis on human rights.

(1) Citizen Engagement

17. When citizens know that their voices count for something, they will take a more proactive role in the affairs of the country. An informed citizenry would reap great social benefits in Asia, as government policies for growth will be more responsive to the needs of the people. This will mitigate dissent and reduce criticism of our communities by other international organizations.
18. In this vein, Thailand has embraced more and more participatory processes over the years. When a new constitution was drafted in 1992, there were many public hearings involving different parts of the community, before the draft was put to parliament for adoption.⁷ Furthermore, at least 50,000 Thai citizens may submit a draft law to parliament for consideration, with the public having a right to participate in referendums.⁸ It is true there have been many political shifts within the country. However, citizens have been able in many ways to remain engaged in the political processes.
19. With such engagement, citizens in Asian countries will be reassured that their interests are not divorced from the interests of their leaders.

(2) Emphasis on Human Rights

20. Asian nations have upheld this tenet of equality through a growing recognition of human rights in national policies. This mitigates sentiments of government overreach, allowing citizens to feel they are fairly treated by the law. In 1994, Indonesia adopted a National Human Rights Commission in response to criticism on its human rights record.⁹ Myanmar followed suit, due to similar criticisms, in 2012.¹⁰ Hence, the emphasis on human rights has led to key social developments in Asian regions.

⁵ Li-ann Thio, "Rule of Law Within a Non-Liberal 'Communitarian' Democracy – The Singapore Experience" in *Asian Discourses of Rule of Law: Theories and Implementation of Rule of Law in twelve Asian Countries, France, and the US* (Randal Peerenboom ed) (Routledge, 1st ed, 2004), at p 192.

⁶ Hamid Rashid "Land Rights and the Millenium Development Goals – How the legal empowerment approach can make a difference" in *Legal Empowerment: Practitioners' Perspectives* (Stephen Golub ed.) (IDLO, 2010) at p. 217.

III. CHALLENGES IN IMPLEMENTING RULE OF LAW

A. Understanding Cultural Apprehensions to a strict Rule of Law'

21. Many Asian societies may not strictly apply the Rule of Law, as their own priorities may require some flexibility with the concept. This can be seen through the Internal Security Act in Singapore¹¹ and the concept of guanxi in China.
22. The Internal Security Act currently restricts judicial review to issues of procedural compliance. This restriction was included in the aftermath of a decision that deemed the Act to be unconstitutional.¹²
23. Critics have argued this restriction prevents equality before the law since theoretically, certain legislation could bypass constitutional compliance. However, Justice F A Chua in *Teo Soh Lung v Ministry for Home Affairs*¹³ stated that legislation targeted against subversion must include provisions that ensure the efficiency of preventive detention, which is what the amendments do.¹⁴
24. As Singapore Courts regarded the exclusion of judicial review in the context of preventing threats to public order, it was a genuine contention on their part that such ouster clauses are within the purview of the Legislature. This may sit uneasy with traditionalist proponents of the Rule of Law, who may call for a strict separation of judicial and legislative powers in all instances.
25. The criticism of guanxi in China, or rule by relationships, is also instructive in this regard. In guanxi, there is a strong emphasis on alliances and reciprocal expectations that militates against a formal articulation of disputes and grievances.¹⁵ For this reason, Chinese business communities often rely more on informal relationships than the letter of the law.¹⁶
26. Proponents of the rule of law may be disturbed by this finding, as guanxi may encourage Chinese businessmen to bypass legal mechanisms in their corporate dealings. This concern has merit, as one party's legal rights may not be respected by another party, without the oversight of courts and tribunals. Equality before the law would hence not be achievable.

7 V. Muntarbhorn "Rule of Law and Aspects of Human Rights in Thailand: From conceptualization to implementation?" in *Asian Discourses of Rule of Law: Theories and implementation of Rule of Law in twelve Asian Countries, France, and the US* (Randal Peerenboom ed) (Routledge, 1st ed, 2004), at pp. 356-357.

8 V. Muntarbhorn "Human Rights and Human Development: Thailand Country Study" in *Occasional Papers* (36) (UNDP, 2000) at p.10.

9 Adriaan Bedner, "Editorial – Developing the Rule of Law in East Asia", *Hague Journal on the Rule of Law* 2013; 5; 141-145, at pp 143-144.

10 Adriaan Bedner, "Editorial – Developing the Rule of Law in East Asia", *Hague Journal on the Rule of Law* 2013; 5; 141-145, at pp 143-144.

11 Cap 143, 1985 Rev. Ed.

27. However, there is an indisputable benefit that guanxi offers. It can be seen as an alternate form of trust that mitigates the risk of arbitrary bureaucratic interference that is not in the interests of investors,¹⁷ thus upholding mutual respect and trust.¹⁸ As with the ISA in Singapore, there may not be a clear answer as to whether guanxi is compatible with the rule of law, due to the merits and drawbacks it poses.
28. These developments show that some parties may respect the rule of law, albeit from different vantage points owing to their unique contexts. These differences need to be resolved in order to ensure that no party is given preferential treatment in the eyes of the law. However, such resolution must take place through measured dialogue that takes into account, the needs of each party, such as the importance of public order and the vulnerability to external threats.
29. This measured dialogue can take place more effectively with the involvement of youth, through casual roundtable discussions with policy officials in the government. As many young adults have not been involved in the drafting of legal policy for a country, their perspectives are untainted by the anxieties of senior political leaders and the hard-headed convictions of dissidents. Hence, educated youth are more likely to employ logic and reason in balancing these competing interests.

B. Recognizing deep-seated inequalities which obstruct the Rule of Law

30. Equal treatment before the law can only become a reality, if all classes of people are considered to be equal before the law intervenes. However, many influential members of society often sweep stories of inequality under the rug, and are later surprised to see disenfranchised people not benefitting from legal protection.
31. The physical abuse of women in some parts of East Asia is an issue of equality as differing moral expectations are placed on them, compared to men. This affects their perception in Courts, where their testimonies may carry less weight. Similarly, Asian countries that boast a high percentage of billionaires but large swathes of slums or undeveloped villages face an equality crisis as well. Many of their citizens are deeply entrenched in systemic poverty, and may not have effective recourse to Courts to settle disputes, as the filing of administrative fees and processing times may put the wealthier people in an advantage.

¹² *Chng Suan Tze v Minister for Home Affairs* [1988] 2 SLR(R) 525.

¹³ [1989] 1 SLR(R) 461.

¹⁴ [1989] 1 SLR(R) 461, at [48].

¹⁵ Carol A. Jones, "Capitalism, Globalization and Rule of Law: an Alternative Trajectory of Legal Change in China", *Social and Legal Studies* 1994; 3: 195-220, at 204.

32. Hence, there must be an increased awareness of such inequality issues so it remains at the forefront of citizens' minds. Systemic injustice must be cured so the Rule of Law's emphasis on procedural fairness benefits everyone.
33. Youth can play a critical role in wiping out entrenched social prejudices. Young adults, having had the benefit of increased communication through globalization, have interacted with people from all walks of life. They are thus reliable sources to educate older members of society with prejudicial attitudes, on how every woman, every race, every income group and every face, has equal value. Youth would be very interested in engaging with an older crowd this way. It would allow them to transcend the age gap and educate their seniors for a change. Hence, there must be more efforts made to create channels of communication between young folk and adults, such as town-hall meetings with youth officials and neighborhood residents.

IV. CONCLUSION

34. Asian nations have increasingly embraced the rule of law, which has directly resulted in developments across various sectors. In order to sustain this growth, key challenges to the implementation of equality before the law must be addressed in a sensitive and deliberate manner. Furthermore, authorities must tap into the perspectives and efforts of youth, to galvanize support for the rule of law.

16 Ch'u Tung-tsu, *Law and Society in Traditional China* (Mouton, 1961); Michael J. Moser, *Law and Social Change in a Chinese Community* (Oceana Publishers, 1982).

17 Alan Smart, "Gifts, Bribes, and Guanxi: A Reconsideration of Bourdieu's Social Capital", *Cultural Anthropology* 1993; 8(3); 388-408, at 398.

18 Berry Kwock, Mark X. James, and Anthony Shu Chuen Tsui, "Doing Business in China: What is the Use of Having a Contract? The Rule of Law and Guanxi when Doing Business in China", *Journal of Business Studies Quarterly* 1993; 4(4); 56-67, at 65.

Emilia Tiurma Savira, Indonesia

Bridging The Gap: Supporting The Development Goals by Reinforcing The New Conception of The Rule of Law

The Security-Development Nexus has been discoursed in the international world. In the International Peace Academy Conference, it is said that at the first place, law and security are important to be implemented if we want to reach all of the points that have been listed as the development goals. However, there are some obstacles that causing this nexus did not really work well. International Peace Academy actually had already stated several solutions to overcome this problem. They proposed four points to be the key form of conflict management strategies, such as the need of research relevance, local participation, and strategic approaches to conflict management interventions, and long-term engagement. By reading to these four points—that may be considered as enough—we cannot avoid the fact that we still need to make a clear cut conception of the nexus when it comes contextually to Asia cases.

Asia is a region with the most diverse rule of law in each part of the continent. This diversity makes it impossible to just say that this nexus is completely a deal for Asia states regarding to the context of international law. However, we also cannot refuse that even most of human right issues are happened in Asia. If we take a look at nowadays reality, it seems so hard to find the feel the presence of this nexus towards these conditions. Human rights issues can be taken as the most general example of the today's justice problem. Human trafficking, death-penalty, illegal migration—and the relation to asylum seekers, are problems that are still exist in Asia region. The rule of law, both in action and administrative sectors, is needed to decrease these problems. The discussion will be even more complicated if we talk about several conflict areas in Asia. It may make us starting to think about how a country could think about the development while the citizens' lives even in danger and surrounded by uncertainty.

However, since there is a similarity between Asia's justice problems and the rule of law—they both appear from the administrative level to the most active action level—it is actually possible if we want to set the rule of law as the key point to support countries achieving their goals. Socialization is what we need in most of the field we are fighting for. Knowing what you should do and what things should be given to you as the citizen is really important. The reason why the four advance solutions from International Peace Academy is not really successful to show its presence is simply because it still puts the citizens as the object of the rule of law, while citizens actually have their roles in implementing the rule of law, and their role is as important as other institutions below this umbrella. That is why,

although International Peace Academy already mentioned about local participation, the solution seems not really impactful. The perspective of looking the citizens—these huge global citizens—as the active engagers really matters in pursuing the position of the rule of law, and achieving the development goals itself.

Now, if we are talking about whether we really need to take a serious look at this nexus as the new deal for Asia, we shall see the challenge ahead which needs a serious consideration. It is clear that there are many cases that happen in Asia and it is also obvious that injustice and criminal actions will be the obstacles to reach the development goals. However, we also have to remember that this nexus at first came from the concern of international world to the intra-state conflicts, which may have different needs in accomplishing the development goals. People often this sentence “the most common mistake that we may make is to make the un-equal things equal”. If we want to put the nexus as the new deal for Asia, we need to make sure that the rule of law as the general guidance is really available to accommodate the diversity that appears in each country. I am sure we do not want the law to punch its face back for being in justice in the name of justice.

My last point, rule of law is a fundamental core of conduct that helps us to feel safe and give us the certainty. The development needs it in order to eliminate the obstacles that may appear when a country starts to make an improvement or take a decision about something. The rule of law helps to keep both government and citizens in the track of the main goals, which is the development itself. That is why it became the nexus and it is kind of hard to separate it. In order to make it even stronger and relevance to both international and national cases, the rule of law needs to be understood by the citizens, and stay relevance and close to the citizens. I offer for the rule of law to not making a far distinction and exclusively apart from citizens’ daily life, because rule without people to make it alive is just another writing on a piece of paper.

Aye Chan Aung, Myanmar

The Rule of Law and Development Nexus: A New Deal for Asia?

The rule of law primarily refers to having a comprehensive and transparent framework of laws by which all persons and entities must abide, including the government itself. It has been a long time that the rule of law plays a fundamental part in our society. Since the early days of human race, communities throughout the world have civilized with the contribution of the rule of law. Establishing the rule of law is fundamental to achieving communities of opportunity, equity and harmony. And also, promoting the rule of law is essential to shaping communities that offer good governance, decent policy, public security and low corruption which all leads to sustainable economic development. So the rule of law becomes a new deal for Asia as it still has great deficits in it despite its dramatic development through last several decades.

Basically, the rule of law provides the stable background and solid foundation of all economic activities, and thus of economic development. It secures property and contract rights which are the fundamental blocks of market economies. The right to own property encourages investments to enhance productivity. Recognition of intellectual property rights encourages activities in research and development. And a well-established framework for enforcing contracts assures entrepreneurs that contracting parties will comply with their obligations. Private parties need to feel secure from abuses of government and private crimes before investing their time and capital. Under the rule of law, people can trust that the benefits of their efforts will not be lost or stolen.

Nowadays, the world leaders claim that the rule of law is of fundamental importance for political dialogue and cooperation among all States and for the further development of the three main pillars upon which the United Nations is built: international peace and security, human rights and development. In fact, it is a major factor for ensuring security, safeguarding participation, improving public health and fighting poverty. Without the rule of law, people are killed in criminal violence; women in rural areas remain unaware of their rights; medicines do not reach health facilities due to corruption, and costs of firms increase due to expropriation risk. These are the challenges developing Asia has to face.

Asia is one of the most diverse and complex continent in the world. We can find a great diversity even within ASEAN. Some countries from Asia are among the top in the rule of law index. They have relatively low levels of corruption, open and accountable governments and effective criminal and civil justice systems. On the other hand, many developing countries face challenges in combating corruption, promoting accountability, improving judicial systems and cultivating a culture of respect for the rule of law.

For example, the leading economic power, Japan, has an effective judicial system. The courts are among the best in the world. Low level of corruption and its security ensures the confidence in investment and trade, contributing its sustainable development despite due process violations of criminal justice. In contrast, Cambodia, a developing Southeast Asian country, remains quite weak in legal institutions. Poor access to civil justice, corruption and police abuses are significant problems for its development. In addition, an emerging economy of India is operated by its independent judiciary, strong protections for freedom of speech and a relatively open and accountable government. But administrative agencies are corrupted and the civil court system cannot perform very well. Order and security is still a serious case for its sustainable development. Therefore, some countries are able to attain its sustainable development with the help of the strong rule of law. Regardless, all Asian countries have to deal with the challenges against the rule of law for the development of each of the countries.

In order to promote the rule of law for the purpose of development, the government and its officials and agents must be accountable and responsible under the law. Also, these laws shall be stable, fair, and clear and protect the fundamental rights including the security of persons and property. The process by which the laws are enacted, administered and enforced must be fair and efficient, too. Likewise, justice shall be delivered by competent, ethical and independent representatives and neutrals in order to be free from discrimination and bias. Moreover, the countries have to make a plan to enact and effectively and efficiently enforce laws for environmental challenges. Additionally, we have to promote public awareness for the importance of the rule of law for sustainable development in Asia, for instance, by holding a youth forum. And we have to check and balance the rule of law with sustainable development goals of the United Nations from Asian perspective. Furthermore, we have to cultivate good governance in public and private sectors. At last but not the least, crime prevention is a major factor in creating a safe and secure atmosphere for sustainable development in Asia.

In conclusion, Asia should be more aware of all the issues of the rule of law for its development. Ban Ki-moon, Secretary-General of United Nations, says, "There is no peace without development, no development without peace, and there is no lasting peace or sustainable development without respect for human rights and the rule of law." Consequently, it is important to build a lawful society that respect for the rule of law for sustainable development in Asia.

Reena Theresa C. Marquez, The Philippines

The Rule Of Law In The Philippines And Its Implication To Development Nexus

His eyes started to water when I asked him about what he felt when the crime of homicide was imputed against him. Even though no words came out of his mouth, it was obvious from his reaction that he was thwarted with the allegations against him and he believes that he is being unfairly incarcerated. At that moment I begin to question our criminal justice system. If laws are properly applied, he must not be in prison if he was truly innocent and the schemes against him must be punished and prevented. But such predicament happens, because of utter disregard of the rule of law.

His story is not uncommon. In the Philippines, it is not unusual that innocent people are being incarcerated to crimes that they have no actual involvement. A statement by the Supreme Court on 2004 revealed that 71.77% of judicial error from 1993 to 2004 exists¹. This is a reflection of how the laws poorly rule the Philippine society. Laws being a product of logic and experience, aims to have a society that runs harmoniously towards a greater development of a nation. That is why laws govern every facet of our lives: from our birth and our names, to the products we consume, to the contracts and obligations we enter, and essentially to our freedom to say or express our ideas. Laws also aims to protect the society from potential harm and tries to preserve the peace and order amongst us. Thus, penal laws are created to meet such objective.

The idea is, to penalize those who have done wrong and indemnify those who have been wronged. However, some laws are not being applied properly, or worse, being completely ignored that innocent lives are forced to pay the price. To put into perspective, a man, enjoying the comforts of his home: was interrupted by authorities that are in search of dangerous drugs. Unaware of his constitutional right, the man allows the entry of such authority and in the process a sachet of shabu – a known dangerous drug – was supposedly found in his possession. That man claims to be innocent, but he is found to be in violation of a law, which in return forced him to face sentence in prison, denying him of freedom and to be with his family. In this case, a clear violation of Article III, Section 2 of the 1987 Philippine constitution² was clearly violated by the authorities themselves. Unfortunately, such scenario of ignoring the rule of law is becoming too prevalent in the Philippines. The rule of law dictates, that evidence obtained during unlawful search and seizure is inadmissible as evidence. Unfortunately this exclusionary clause is being neglected by law enforcement agencies in some cases. The case of *People vs. Rubio*³ is an example of how the lower court failed to appreciate the constitutional right of an individual and such seizing of one's property is unlawful.

To not give a proper credit to Philippine judicial system would be unfair. The Supreme Court of the Philippines has been steadily trying to protect the Philippine constitution and has been a firm body on justice. As exemplified in a decision with regards to the Priority Development Assistance Fund or PDAF⁴ which stirred controversy in the Philippine politics, the Supreme Court held that such allocation of funds is unconstitutional because it gives way to the president to have influencing power over the legislative body of the Philippines, contrary to constitutional provision of separation of powers in the 1987 constitution⁵. Various government agencies also exist to ensure that laws are fully implemented and protected. However, various concerns such as issues of corruption are still evident⁶.

Every Filipino dreams to have a sustainable and fruitful economy. To be in a society where the rates of criminality would be lower and employment rates would be higher. Unfortunately, if rule of law does not prevail, then such aspiration becomes impossible. It is clear that laws are made for the betterment of society and disregard of rule of law hinders progress. In essence, ignoring the importance of rule of law creates a nexus that affects the development of a nation. Overlooking of rule of law, which is manifested by various criminal violations and irregularities in the judicial system does not reflect well with foreign investors, which in return limits the possibility of job generation and opportunities. This creates a cycle in our society: because of poor economic status, some chooses to ignore the rule of law. Unlawful taking of property becomes a means for some just to feed themselves and their family.

The government must be firm to protect the rule of law, but unfortunately some areas of the government deliberately ignore the rule of law⁷. We the people are also guilty of ignoring rule of law. Some of us chooses to be ignorant and even violates the simplest of laws; that even the simplest traffic rules and regulations are being breached everyday⁸. It is given that everyone would like to have economic progress, but each and everyone must realize that such desire can only be attained if each and every Filipino gives significant importance in the rule of law. The short amount of time I have in the prison system in the

1 Give Up Tomorrow. [2012, October 24]. Retrieved from PBS.org:

2 Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

3 *People of the Philippines vs. Rubio, L--35500*, October 27, 1932]

4 *Belgica vs. Executive Secretary*, G.R. Nos. 208566, 208493 and 209251, November 21, 2013

5 See Articles V, VI and VII of the 1987 Constitution of the Philippines.

Philippines opened my eyes to the realities of life: Our laws are made but deliberately ignored. Some circumvent our laws in order to feed their own personal agenda, while others use money as currency to belittle those who are powerless. And worse, some people in the judicial system are part of machinations done to deliver unlawful judgments.

In the end, we must not turn a blind eye to the rule of law in the midst of indifference that happens in our society. To do so would mean conceding the hope for a developed country. It may not be easy to stand in the side of justice, but doing so will eventually lead to a chain of progress

6 Bueno, C. F. (2014). *Social Anatomy of Graft and Corruption in the Philippines*. Retrieved from *International Journal on Graft and Corruption Research* : <http://philair.ph/publication/index.php/ijgc/article/view/231>

7 Ombudsman releases list of gov't agencies with most number of cases in 2013. (2014, March 5). Retrieved from *Office of the Ombudsman*: <http://www.ombudsman.gov.ph/index.php?home=1&pressid=NDM3>

8 Macairan, E. (2004, April 12). *MMDA reports 28,000 traffic violations daily in Metro Manila*. Retrieved from *The Philippine Star*: <http://www.philstar.com:8080/metro/245846/mmda--reports--28000--traffic--violations--daily--metro--manila>

Eric Lai¹, Singapore

The Rule of Law and Development Nexus – A New Deal for Asia?

Towards Smart(er) and Green(er) Cities

Introduction

The Rule of Law and Development Nexus is crucial for sustainable development. As one of the world's fastest growing region with dynamic synergies amongst its countries, Asia stands to gain the most as it harness its collective strengths and competitive advantages to overcome its constraints. However, it is pertinent that in the pursuit of development, countries must be mindful that unfettered development will only rake up debts that are repayable by our future generations. Therefore, sustainable development is paramount in our pursuit of development. The deal we strike today must not saddle our future generations with debts. The Rule of Law plays an important role in ensuring that development comes in a sustainable manner. This paper shall focus on the nexus between development and environmental challenges. It will also discuss about how the development of Smart Cities, supported by a conducive set of legal frameworks, will enhance sustainable development. These recommendations serve as a useful reference for stakeholders to adapt and modify in their respective countries accordingly.

The New Nexus and Climate Change

Development, or the desire to strive for development, is omnipresent in Asia since time immemorial. Despite the different forms of government or systems of law, countries have constantly strived for development and greater security. The new deal is to ensure that development comes in a sustainable and responsible manner. One of the most important non-traditional security challenges that virtually no country is immune from is climate change. The grave importance climate change has on our societies has led to the formation of international and supra-national organizations to look into environmental challenges. Platforms include the United Nations Framework Convention on Climate Change² (UNFCCC) and the ASEAN Regional Forum on Climate Change³ (RFCC) and international agreements such as the Kyoto Protocol⁴. Key factors that led to human-induced climate change include the excess emission of carbon dioxide due to combustion of fuels and deforestation⁵ – activities that are associated with development.

1 The writer is a final year law student at Singapore Management University. He also holds a B.A (Hons) in Linguistics and Multilingual Studies from Nanyang Technological University. All opinions expressed in this paper are those of the writer and do not necessarily reflect the views of the organisations with which he is affiliated.

The extreme weathers taking place globally are a grim reminder of how destructive Mother Nature can be if we continue to ignore sustainability in our pursuit of greater development. Singapore, a country that is insulated from many natural disasters due to its geography, was also not spared from the brute force of climate change, as flash floods swept its city centre in recent years⁶.

In addition, other environmental issues include the haze, which affected a number of countries in the South East Asia. This has led to the ASEAN Agreement on Transboundary Haze Pollution⁷, aimed at reducing haze pollution in the region.

The Rule of Law and Beyond

The Rule of Law which operates in international agreements and on multilateral platforms, plays an important role in regulating development as it provides the legal framework and guidance for stakeholders. However, despite the existence of these frameworks, the ill effects of climate change are still frequently observed globally. This necessitates the need to look into new ways to effect fundamental changes to lifestyles towards a greener culture. The Rule of Law, through penalties and negative actions, can only do so much to regulate behaviors. It is therefore important for us to explore other avenues that would motivate and inspire an adoption of a greener lifestyle. Smart Cities may be the key to this.

Smart Cities

A "Smart City"⁸ is one which maximizes the use of technology to enhance the capabilities and lifestyles of its people. The adoption of smart(er) solutions leads to more effective utilization of resources and infrastructure. In short, technologies that simplify the way people do things and the carbon footprints that they leave. Take cloud computing for instance, where data can be stored remotely and retrieved from our palm through mobile devices wherever one may be. This reduces the need for people to print out documents and thus minimizes carbon footprints.

² The United Nations Framework Convention on Climate Change was entered into force on 21 March 1994. It sets an overall framework for intergovernmental efforts to tackle the challenges posed by climate change. More information can be found at: http://unfccc.int/essential_background/convention/items/2627.php.

³ The Regional Forum on Climate Change will take place in Thailand from 1-3 July 2015.

⁴ Kyoto Protocol – United Nations Framework Convention on Climate Change. More information can be found at: http://unfccc.int/kyoto_protocol/items/2830.php.

⁵ Lee Poh Onn [2010]. *Climate Change: Implications for Southeast Asia in South and South East Asia: Responding to Changing Geo-Political and Security Challenges*. Kesavan K and Singh D (eds). KW Publishers Pvt Ltd: New Delhi at p119.

⁶ More notably was the severe flooding in Orchard Road on 23 December 2011. More information can be found at: http://eresources.nlb.gov.sg/infopedia/articles/SIP_780_2004-12-30.html?v=1&utm_exp=85360850-6.qN00YF40RhKK6gXsQEaAJA.1&utm_referrer=https%3A%2F%2Fwww.google.com.sg%2F.

There is little doubt that the evolution of smart technologies has inspired green(er) lifestyles. For example, the growth of numerous mobile applications for taxi-hiring leads to more effective allocation of taxi resources. The amount of time empty taxis spent plying on the road would be reducing fuel usage and pollution. Commuters are able to conveniently book a taxi at the touch of a few buttons and even track the location of the arriving taxi real-time on their smart phones. Vehicles (including taxis⁷) on the roads are also increasingly relying on clean(er) sources of fuels¹⁰, which benefits the environment and the passengers (as these vehicles tend to be quieter, resulting in a more pleasant experience). It is not difficult for people to be hooked onto the Smart City-lifestyle, and this would trigger a chain of positive effects.

Smart Cities and the Rule of Law

The greater convenience of technology is, however, accompanied with potential vulnerabilities. In the case of data security, the data may be stored on servers located in multiple jurisdictions with different laws. Thus there is the need for countries to come together to harmonize their laws to achieve an optimal balance between security and innovation. The Rule of Law plays an important role in laying down the legal frameworks and defines the legal boundaries¹¹. For instance, the Monetary Authority of Singapore (MAS) has published the Technology Risk Management Guidelines¹² which laid down risk management frameworks to manage Information Technology outsourcing risks. There are ample opportunities for countries to harmonize their laws, and this may branch out from existing multilateral arrangements, such as the ASEAN Economic Community¹³ (AEC) and the Trans-Pacific Partnership¹⁴ (TPP).

⁷ The ASEAN Agreement on Transboundary Haze Pollution was signed on 10 June 2002 – the first regional agreement in the world that is targeted at haze arising from forest and land fires. More information can be found at: http://haze.asean.org/?page_id=185.

⁸ A Smart City is defined by the IEEE Smart Cities (the world's largest professional association for the advancement of technology) as a city which brings together technology, government and society in the following areas: economy, mobility, environment, people, living and governance. More information can be found at: <http://smartcities.ieee.org/>.

⁹ Southeast Asia's most environmentally friendly taxis based on the latest Euro 6 BlueTEC technology with Adblue tanks that help reduce harmful emissions by transforming 90% of the nitrogen oxide into environmentally friendly particles, are hitting the Singapore roads this week (4 May 2015). More information can be found at: <https://www.cdgtaxi.com.sg/mediaviewer?mediaid=1233>

¹⁰ More information on the Euro 6 Standard (to reduce vehicle emissions) can be found at: http://europa.eu/legislation_summaries/environment/air_pollution/l28186_en.htm.

¹¹ For instance, the usage of drones are being regulated in various jurisdictions. In Singapore, the parliament has recently tabled the Unmanned Aircraft (Public Safety and Security) Bill in April 2015 to mitigate aviation safety, public safety and risks associated with the flying of drones in Singapore.

Looking Ahead¹⁵

It would be most desirable that the Rule of Law and Development nexus be tackled from a two-prong approach to ensure sustainable development; governments coming together to harmonize frameworks and jointly update their laws to incorporate the latest technologies, as well as the development of a green(er) lifestyle inspired by Smart Cities. This is especially useful in tackling climate change both top-down and bottom-up.

¹² The Monetary Authority of Singapore Technology Risk Management Guidelines 2013. Accessible from: <http://www.mas.gov.sg/-/media/MAS/Regulations%20and%20Financial%20Stability/Regulatory%20and%20Supervisory%20Framework/Risk%20Management/TRM%20Guidelines%20%2021%20June%202013.pdf>

¹³ The ASEAN Economic Community. More information can be found at: <http://www.asean.org/communities/asean-economic-community>.

¹⁴ Trans-Pacific Partnership. More information can be found at: <https://ustr.gov/tpp>.

¹⁵ Due to the word limit imposed on the essay, ideas and thoughts expressed in this paper are condensed. The writer looks forward to the opportunity to further elaborate and engage with the conference participants on the issues discussed.

Sean Lim Zhan Hui, Singapore

The Rule of Law and Development Nexus: A New Deal for Asia?

I. Introduction

In recent years, commentators have openly acknowledged the axis of power surreptitiously shifting from West to East.¹ In light of the region's growing clout and ASEAN's slated economic integration², it is worth considering the role that the rule of law will play in its collective development. The primary question then, is how the rule of law should be employed in charting the "New Deal" of Asia's increased dominance.

This paper will first examine how the unique qualities of Asian nations affect their rule of law. It will then discuss the rule of law's place in economic development, criminal justice and environmental justice. This discussion will disclose three challenges that Asian countries must overcome. Following this, the paper will consider whether a supranational rule of law is desirable in light of ASEAN's economic integration. It will then conclude with how Asian nations may situate the rule of law in its development nexus.

II. Rule of law: Uniquely Asian Features

While the rule of law has enjoyed increasingly recognizance in Asia,³ its precise form is affected by Asia's overarching development narrative, and its multifarious value systems.

First, the development narrative in many Asian countries affects the citizenry's demand for a rule of law.⁴ The East Asian Barometer Round 3 indicated that citizens prioritize economic development over democracy and its electoral accountability structure.⁵ This is accompanied by a willingness to defer to decisions made by the government.⁶ This mindset contrasts starkly with the liberal notion that human rights and the accountability of the state are of paramount importance.

Second, while the character of the rule of law in the West is of liberal color, the national ideologies of many Asian nations are communitarian or integralist.⁷ These ideologies infuse Eastern rule of law. For instance, communitarianism is apparent in Singapore's conception of the rule of law where its Constitution provides that the citizen has the right to freedom to speech, subject to restrictions "expedient in the interest of the security of Singapore".⁸ Thus, the rule of law has been modified by each nation's unique ideology during its transplantation from the West.

The implication of the above analysis is that forcing the adoption of the rule of law as promulgated by the West is unproductive, for this fails to consider the unique cultural factors that feature in Asia. Instead, the region's formulation of a rule of law must be catered to local narratives and ideologies.

III. Specific areas of law: Challenges

This section focuses on the rule of law in Asia through the lens of various legal disciplines, and highlights obvious deficiencies. It then focuses on the key challenges revealed by this examination.

As regards commercial law, the rule of law is easily measured by the formality of a nation's economy. The more formal a business is, the more it is able to enforce contracts and property rights⁹. It can seek legal protection, and use its assets as collateral for bank loans. Thus, the size of the formal economy and the barriers to registering a business is a key indicator of whether the rule of law is adhered to.¹⁰ It is important for the rule of law to feature strongly in Asia's new developmental nexus because trade can only take place between formal businesses. Such trade is necessary to capitalize on each nation's comparative advantages and maximize economic productivity. In 2012, as much as 63% of South-East Asia was employed in the informal sector.¹¹

As regards criminal law and human rights, the ASEAN Declaration of Human Rights sets the tone for an Asian human rights regime.¹² Despite the ratification of these codes by most members, many fail to comply with them.¹³ For example, NGO reports in the Philippines signal that the infamous Davao deaths squads – extra-judicial executors – are still at large¹⁴. Its criminal justice system does not feature bona fide due process, for trials are often based on trumped-up charges and drawn out over months.

Environmental justice as an aspect of the rule of law is crucial because it ensures that economic progress is sustainable. Tellingly, the Rio 20+ conference cemented environmental justice as a substantive aspect of the rule of law.¹⁵ This has prompted an integrated response from South Asia. In 2013, the Thimphu Declaration was adopted in the Second South Asia Judicial Roundtable.¹⁶ Apart from collective action, individual nations have also taken steps to alleviate pressing environmental concerns. Bangladesh has taken the admirable step of instituting distinct Environmental Courts to enforce the provisions of its Environmental Conservation Act.¹⁷

¹ Robert D. Kaplan, *"Asia's Cauldron: The South China Sea and the End of a Stable Pacific"* (Random House, 2014).

² ASEAN, "ASEAN Economic Community" <http://www.asean.org/communities/asean-economic-community> (accessed 9 May 2015).

³ Setsuo Miyazawa, Weidong Ji, Hiroshi Fukurai, Kay-Wah Chan and Matthias Vanhullebusch, *"East Asia's Renewed Respect for the Rule of Law in the 21st Century The Future of Legal and Judicial Landscapes in East Asia"* (Brill Nijhoff, 2015).

⁴ Björn Dressel, *"Public administration and the rule of law in Asia: Breadth without Depth"* (Asia Pacific Journal of Public Administration, 2014) at page 15.

⁵ *Ibid* at page 15 (Precise results unavailable).

⁶ *Ibid* at page 15.

⁷ *Ibid* at page 19.

The cursory examination above divulges three key revelations.

First, the implementation of the rule of law in Asian nations must be coordinated. In the context of globalization, the actions of one nation will inevitably affect another. The enforceability of contractual rights in one nation will affect potential investment inflows from other nations. The environmental regime of one nation will have potential ramifications on another. For example, the Indonesian practice of burning forests to clear land for plantations has generated air pollution that adversely affects many of its neighboring states. Thus, Asian nations must agree to a substratum of substantive content in its rule of law if collective economic, environmental and civil rights progress is to be made. This content must be tailored to the unique qualities of Asian nations; thus, it cannot be transplanted directly from the West.

Second, practically speaking, this coordination must take place through the diffusion of law. ASEAN will likely play a key role as a donor of legal policy in the region. Also, the diffusion of law could take place through regional legal education and scholarship.

Third, as noted above, the Asian discourse vis a vis the rule of law is infused with a developmental mindset. Consequently, criminal justice and environmental laws are subjugated to economic growth. Thus, Asia faces the challenge of balancing the practical requirements of each area of law in a way that gives due regard to the Western conception of universal rights, without ignoring its indigenous "Asian values". This balancing exercise will feature prominently in its developmental nexus for the future.

8 Constitution of the Republic of Singapore [1999 Reprint] Art 14(2)(a).

9 Michael Touchton, "Trapping the tigers: Regulation of market entry and the rule of law in SE Asia" (*The Social Science Journal*, 2015) at page 9.

10 *Ibid*, at 17.

11 Charnes, J., "The informal economy worldwide: Trends and characteristics" (*The Journal of Applied Economics*, 2012) at pages 103–134.

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13 Theodor Rathgeber, "Human Rights and the Institutionalisation of ASEAN: An Ambiguous Relationship" (*Journal of Current Southeast Asian Affairs*, 2014) at page 151.

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15 United Nations, "United Nations Conference on Sustainable Development" <http://www.un.org/en/sustainablefuture/about.shtml> (accessed on 2 May 2015).

16 Asian Judges Network on Environment, "Proceedings of the Second South Asia Judicial Roundtable on Environmental Justice" (Asian Development Bank, 2013).

17 Dr. Noor Mohammad, "An Overview of the Environmental Justice Systems in Malaysia and Bangladesh" (*International Journal of Academic Research*, 2014) at page 295.

IV. Coordinated rule of law - Viability of a supranational regime

As ASEAN gears up for economic integration, a live concern is whether legal coordination should be taken to the next step - the implementation of a supranational rule of law regime as part of Asia's "New Deal". The difficulty of instituting such an international policy cannot be understated. A supranational rule of law might partially infringe the unique ideologies of each member nation. Ensuring compliance will be a massive challenge. However, the benefits for member states will be significant if Asia can establish itself as a single bloc. This paper submits that the legal basis for a supranational rule of law is practically workable. This is reflected in the successful implementation of European Union law. Presently, academic research should be directed toward the formulation of an overarching legal framework that can accommodate the multiple narratives and ideologies of Asian countries. This will form a theoretical foundation when the time comes for policy makers to debate the issue.

V. Conclusion: Rule of law in the Development Nexus

This paper is of the firm view that efforts to implement substantive components of the rule of law must be coordinated between member nations. This should take place through ASEAN as a donor, and through legal education. In this process of coordination, Asian cultural values and predominant narratives must be taken into account. This is necessary to striking the appropriate balance between liberal Western notions of the rule of law, and indigenous conditions. Finally, academic exploration of the supranational rule of law will provide a useful theoretical substratum for the formulation of policy when the appropriate time comes.

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Ms. Tze-wei Ng
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(GESI)

Dr. Mana Nimitmongkol
(ACT)

Ms. Boonlarp Phusuwan
(Thai Publica)

Mr. Vipon Kititasnasorchai

Mr. Chatchawal Hirayangkura

Mr. Sawarut Noppawong Na Ayudhya

Ms. Anuwan Vongpichet

Ms. Min Jee Park

Mr. Jutha Saovabha

Mr. Itt Thirarath

Mr. Ukrit Sornprohm

Editorial Team

Sudarak Suvannanonda
Kanravee Kittayarak
Paphonpat Chaisirivikrom
Office of Knowledge Management



THAILAND INSTITUTE OF JUSTICE

GPF Building, Tower B, 15th - 16th Floor
Witthayu Road, Lumpinee, Pathumwan
Bangkok 10330, Thailand

Tel: +66(0) 2118 9400, Fax: +66(0) 2118 9425-6

E-mail: info@tijthailand.org

www.tijthailand.org