

## **17th Conference of Chief Justices of Asia and the Pacific and 30<sup>th</sup> Conference of the Law Association for Asia and the Pacific**

Chief Judge Isaac, Judge Armstrong and Judge Coxhead had the pleasure of attending conferences in Tokyo.

Judge Isaac and Judge Coxhead attended the 17th Conference of Chief Justices of Asia and the Pacific. Judge Isaac attended representing the Chief Justice of Niue and Judge Coxhead attended representing the Chief Justice of the Cook Islands. Judge Armstrong attended the Law Association for Asia and the Pacific (LAWASIA) conference.

Both conferences were jointly hosted by the Supreme Court of Japan and the Judicial Section of the Law Association for Asia and the Pacific (LAWASIA).

### **30<sup>th</sup> Conference of the Law Association for Asia and the Pacific**

Founded in 1966, LAWASIA is the Law Association for Asia and the Pacific and was initiated at an inaugural conference held in Australia, with attendance of representatives from Australia, Afghanistan, Sri Lanka (then Ceylon), Taiwan, China, Hong Kong, India, Indonesia, Iran, Japan, Korea, Malaysia, Nepal, New Zealand, Philippines, Singapore, Thailand and Vietnam (then South Vietnam). Its Council is comprised of organisational membership from more than 30 countries of the Asia Pacific region and beyond, with individual members in more than 50 countries throughout the world.

The LAWASIA Council consists of presidents or other office-bearers of the peak legal bodies of each member country. The LAWASIA president, vice presidents and executive committee members are elected by the Council from amongst its members.

The 2017 conference was attended by over 1400 delegates 30 Chief Justices' from throughout the Pacific and 13 Presidents of Law Societies. There were more than 350 people (lawyers and Judges) attending this conference. Australian lawyers and judges had quite a presence at the Conference.

One of the interesting sessions was on alternative dispute resolution. The thread of discussions from presenters and conference attendees is that arbitration is the preferred form of dispute resolution in many overseas jurisdictions. This has resulted in extensive

development of arbitration provisions in statute and regulation. A number of countries have now incorporated into those regulations provisions which allow arbitrators to grant urgent interim relief such as an urgent interim injunction. They have effected this by amending the rules of arbitration in their country (a form of regulation) to provide for this. If an arbitration agreement in a contract refers to those rules, the arbitrator then has jurisdiction to grant binding interim relief. There are still enforcement issues with this process including the inability to bind third parties who are not privy to the arbitration agreement (such as banks where an order is sought freezing funds).

The highlight of the Conference was hearing from His Royal Highness, Naruhito, the Crown Prince of Japan, who opened the conference. The Royal family rarely make public appearances in Japan, and to have the Crown Prince open the conference was a great honour, to the extent that the MC had to keep telling the 1600 delegates in attendance not to stand every time he entered the room. The session on the independence of the judiciary and the rule of law was also very informative. We heard from the Hon T F Bathurst AC, Chief Justice of The Supreme Court of New South Wales, Mr Kohei Nasu, former Judge of Supreme Court of Japan, Mr Wenxian Zhang, Vice President of the China Law Society, the Hon Geoffrey Tao-li Ma GBM QC SC, Chief Justice of the Hong Kong Court of Final Appeal, Dato' Mah Weng Kwai, former Judge of Court of Appeal of Malaysia and Dr Oliver Stolpe, Senior Program Officer, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime. These presenters spoke on judicial independence and the rule of law and the issues they face in their country. This ranged from protections they are implementing in China to protect lawyers to allow them to prosecute cases without being persecuted by the State, to the unfair reporting of judicial decisions in general and social media in Hong Kong, and to corruption amongst the judiciary in Malaysia where (apparently) lawyers have been known to turn up to Court with bags of money.

### **17th Conference of Chief Justices of Asia and the Pacific.**

This was the 17<sup>th</sup> Conference of Chief Justices of Asia and the Pacific. The conference is held every two years and always in conjunction with the LAWASIA Conference. In all there were 34 Chief Justices (or representatives).

This year's conference was attended by Chief Justices (or their representatives) from Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, China, Cook Islands, Fiji, French Polynesia, Guam, Hong Kong, Japan, Korea, Macau, Malaysia, Marshall Islands, Myanmar, Nepal, New Caledonia, New Zealand, Niue, Pakistan, Palau, Papua New Guinea,

Qatar, Russia, Samoa, Singapore, Solomon Islands, South Africa, Sri Lanka, Thailand, Timor-Leste, Tuvalu, Vanuatu, and Vietnam.

The Chief Justices and Judges and their delegations attended the opening ceremony and first session of the LAWASIA Conference session at the New Otani Hotel. Several Justices/Judges also presented at the LAWASIA Conference. All other sessions of the Chief Justices Conference were held at the Supreme Court of Japan.

While a number of the sessions were not directly relevant to our work in the Māori Land Court, all sessions were interesting and had aspects which made you think about the work we do and how we do our work.

It was fascinating and sometimes astonishing to hear some of the comments of Chief Justices from context and systems so very different from the system we have. The rep for the Chief Justice of Pakistan made the comment that their judiciary has made a major move this year in that they now publish their decisions. The Chief Justice of Russia spoke about their Supreme Court's role in drafting and promoting legislation – while still being independent of the legislator. The Chief Justice of Thailand spoke about the “important proactive” role the judiciary takes in working with the executive and legislative branches to solve legal issues.

One of the interesting sessions was on "Enhancing Public Trust in the Courts". The three presenters Hon Susan Kiefel AC (Chief Justice of Australia), Zhou Qiang (Chief Justice of the People's Republic of China and President of the Supreme People's Court) and Assoc. Prof., Dr. Nguyen Hoa (Secretary of the Central Party Committee and Chief Justice of Vietnam) providing contrasting presentations.

The Chief Justice of Australia explained how the Australian High Court's website was a central focus in the Court's early attempts to educate the public about the Court's role. The website was substantially upgraded in early 2011 and now provides:

- Judgments;
- one page summaries of all decisions except decisions by judge alone;
- transcripts of oral argument;
- summaries of pending cases;
- public access to the parties' written submissions in upcoming cases. The parties are obliged to certify whether the submissions are suitable for the internet. Accessing the

individual case pages, where written submissions are available for download, accounts for nearly one-third of the usage of the Court's website; and

- audio-visual recordings of Court proceedings. Cases of public interest have attracted many viewings. The recordings may be used by schools and universities for educational purposes. Publication of recordings in this manner "enables the public to view entire, unedited proceedings" and at the same time "enables the Court to retain control of the recordings".

It would be interesting to see the response if our Maori Land Court required the parties' written submissions in upcoming cases to be uploaded to the Maori land Court website prior to hearings.

Besides the opening ceremony as mentioned, a further highlight of the Conference was the Gala dinner at Akasaka Palace State Guest House. The main building of the State Guest House was originally constructed in 1909 as the Palace of the Crown Prince. It is the sole neo-baroque Western-style palace in Japan, built from the all-out efforts of the first-class architects and artisans of early 20th century Japan. In 1974, the Palace was remodelled into a facility to welcome state and official guests, and a Japanese-style annex was newly built to entertain such guests with the Japanese spirit of hospitality. Since its opening, the State Guest House has provided accommodations for state and official guests from countries around the world. The State Guest House, serves as a venue for extending hospitality to foreign heads of state and government, and other dignitaries visiting Japan.