



# A Call for Rule of Law Leadership

*5 September 2023*



**World Justice  
Project**



**Commonwealth  
Lawyers Association**



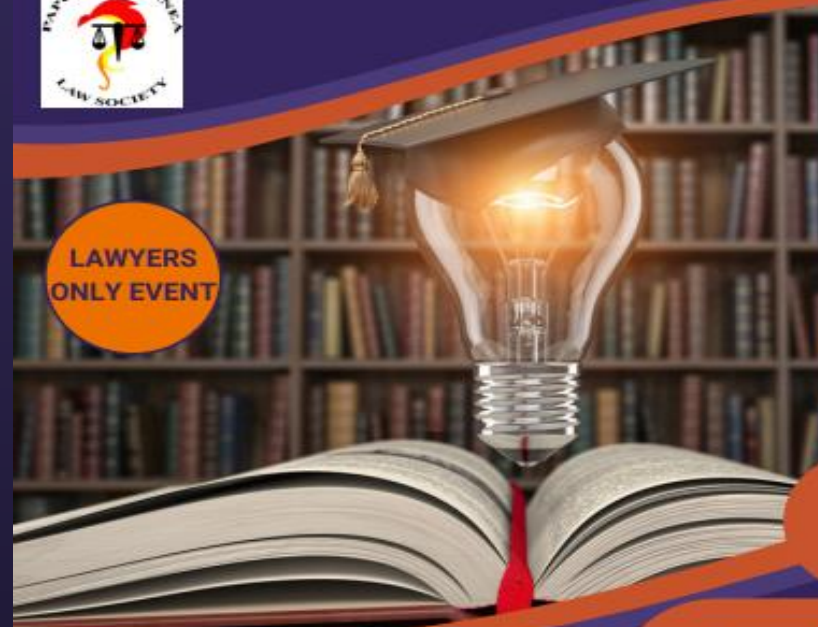
Commonwealth  
Lawyers Association



# PNG CONTINUING LEGAL EDUCATION FOR MEDIATION & COMMERCIAL LAW



LAWYERS  
ONLY EVENT



5TH  
SEPTEMBER  
3.30 - 7.20 PM



BALLROOM 1&2  
CROWN HOTEL  
PORT MORESBY



IN-PERSON  
ATTENDEES  
REGISTER VIA



[vhla@pngjudiciary.gov.pg](mailto:vhla@pngjudiciary.gov.pg)

[https://youtube.com/live/  
JHh2XX3TXnA](https://youtube.com/live/JHh2XX3TXnA)



Opening Session  
3.30 pm

Deputy Chief Justice  
Ambeng Kandakasi &  
David Denniston, PNG  
CLA Council Member



Session 1  
4.00-5.20 pm

Commercial Law Basics & Developments

Chair: Eunice Perua, LL.S & PNG Law Society Council Member  
Presenters: Richard Flynn, Ashurst • *PPSA fundamentals*  
Serah Kuman, Allens Linklaters • *Recent changes to the  
Companies Act, Investment Promotion Act & Associations  
Incorporation Act*  
Michael Sullivan, LL.S • *Key laws and developments relevant to  
a client with an investment in a company listed on PNGX*

Session 2  
5.30 - 6.50 pm

Advocacy Skills in Mediation

Chair: Hon Justice J A Logan RFD  
Presenters: Andrew Crowe KC & Deputy Chief Justice  
Ambeng Kandakasi

Session 3  
7.00 - 7.20pm

New Legal Technology and Tools for PNG  
Presenter: Daniel Hobson, Head of Business  
APAC vLex Global Markets

Followed by light refreshments



v|lex

[www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)

The Rule of Law is Like Oxygen...

**Most Noticed in Its Absence**



January 6, 2021







**Asia Pacific Report**  
Independent news and analysis

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## 'Enough is enough', say PNG women over gender crimes by 'callous men'

By [APR editor](#) - January 11, 2022





The Australian

<https://www.theaustralian.com.au> > ... > "News Story" ⋮

## Modern weapons help bring new viciousness to PNG tribal

...

26 Aug 2023 — Modern weapons help bring new viciousness to **PNG tribal warfare**.

Grainy footage of tribal fighters, many armed with guns and machetes, ...



What is  
**rule of law NOT rule by law?**

# What is the Rule of Law?

The rule of law is a durable system of laws, institutions, norms, and community commitment that delivers **four universal principles**:



## Accountability

The government as well as private actors are accountable under the law.



## Just Law

The law is clear, publicized, and stable and is applied evenly. It ensures human and procedural rights as well as property and contract rights.



## Open Government

The processes by which the law is adopted, administered, adjudicated, and enforced are accessible, fair, and efficient.



## Accessible and Impartial Justice

Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are accessible, have adequate resources, and reflect the makeup of the communities they serve.



# THE RULE OF LAW



Equality  
under the law



Transparency  
of law



Independent  
judiciary



Accessible  
legal remedy

# Constitution of the Independent State of Papua New Guinea

## Rule of Law / Protection of the law

Most Pacific Island constitutions contain rule of law provisions / protection of the law provisions.

### **Basic Rights**

- 32. Right to freedom.
- 35. Right to life.
- 36. Freedom from inhuman treatment.
- 37. Protection of the law.**

### **Qualified Rights**

- 42. Liberty of the person.
- 43. Freedom from forced labour.
- 44. Freedom from arbitrary search and entry.
- 45. Freedom of conscience, thought and religion.
- 46. Freedom of expression.
- 47. Freedom of assembly and association.
- 48. Freedom of employment.
- 49. Right to privacy.
- 50. Right to vote and stand for public office.
- 51. Right to freedom of information.
- 52. Right to freedom of movement.
- 53. Protection from unjust deprivation of property.
- 55. Equality of citizens.
- 56. Other rights and privileges of citizens.

### **Enforcement**

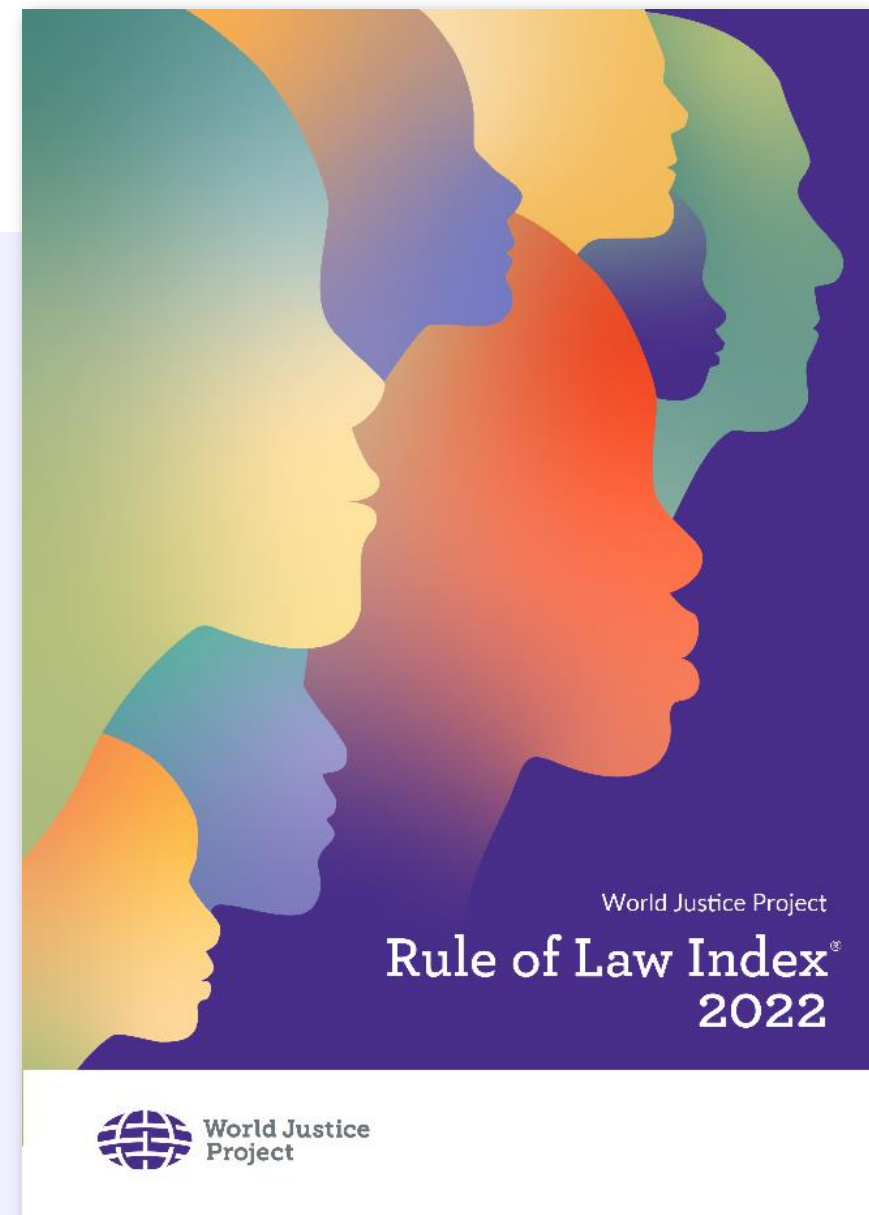
- 57. Enforcement of guaranteed rights and freedoms - a basic right or freedom can be protected by any person with an interest in the maintenance of the principles commonly known as the **Rule of Law**.
- 58. Compensation.

Custom can have a role in some freedoms, see: [https://www.icnl.org/wp-content/uploads/cfr\\_LawSouthPacific.pdf](https://www.icnl.org/wp-content/uploads/cfr_LawSouthPacific.pdf)



# WJP Rule of Law Index

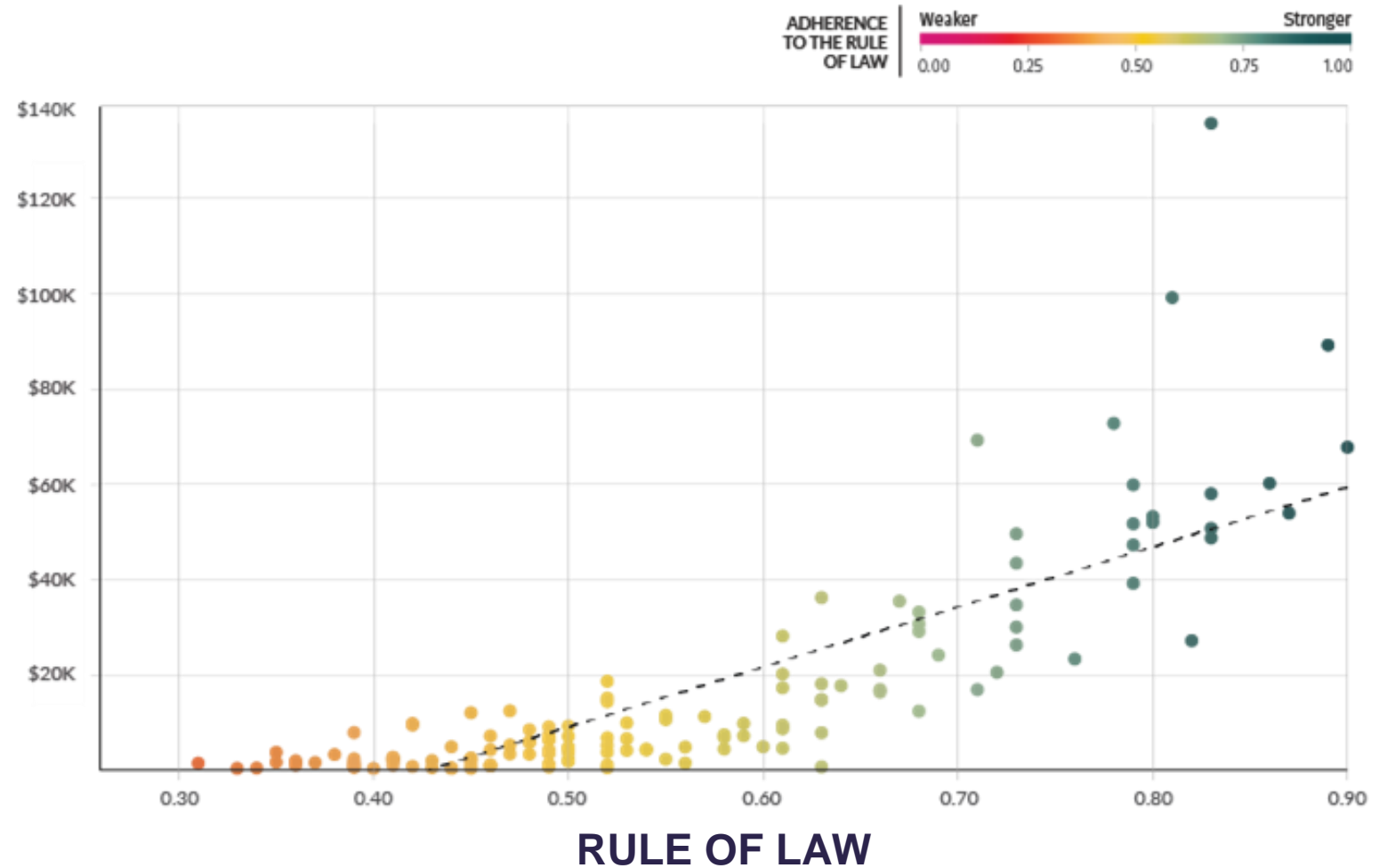
- Measures rule of law in **140 countries** and jurisdictions.
- Draws on surveys of **154,000+ households** and **3,600+ experts**.
- Reflects peoples' experiences and perceptions.
- Evaluates 8 factors, 44 sub-factors



# The Rule of Law Matters

Where rule of law is stronger, so is the **economy**

GDP PER CAPITA



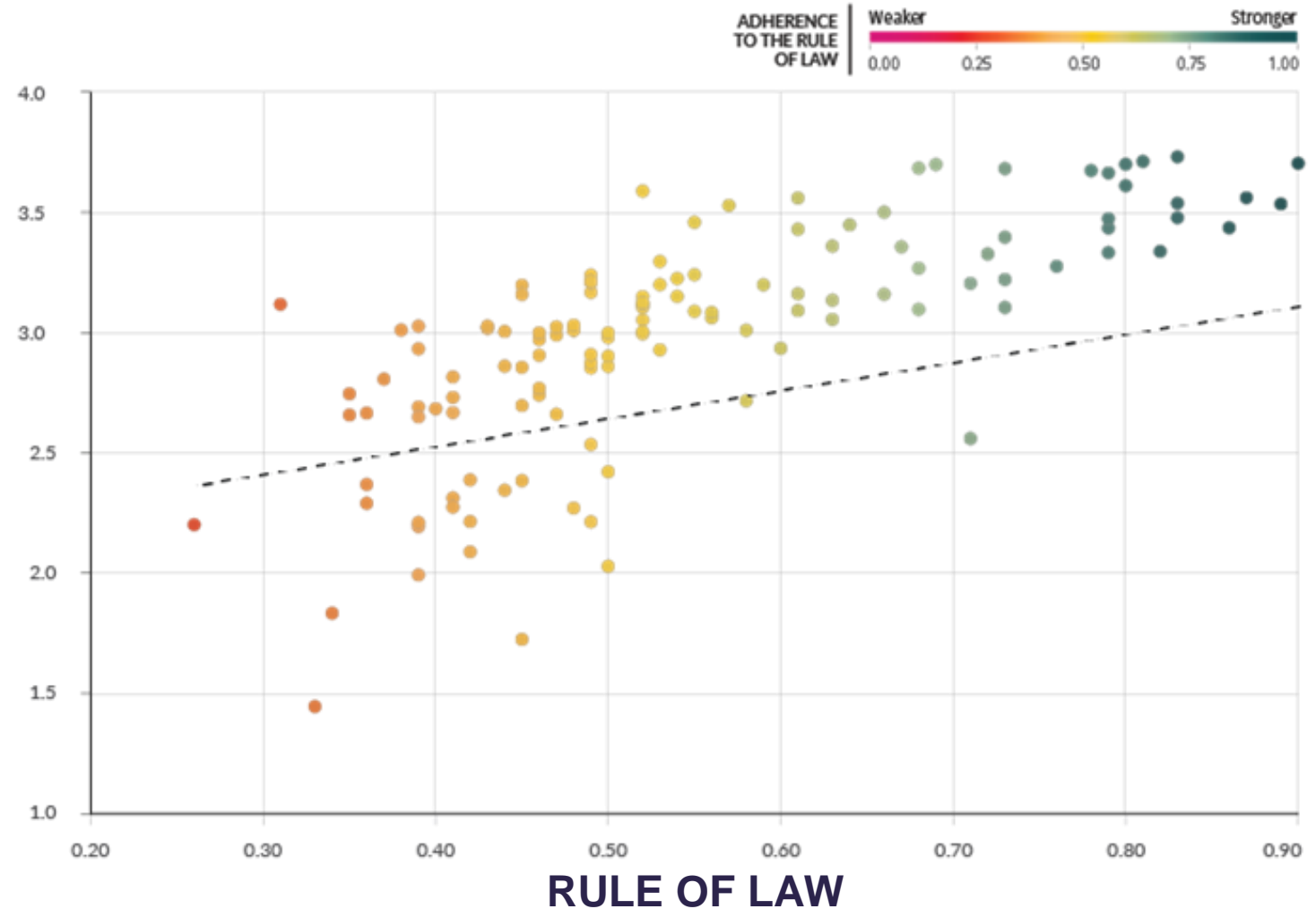
Sources: The World Bank, WJP Rule of Law Index 2022



# The Rule of Law Matters

Where rule of law is stronger, there is more peace

GLOBAL PEACE  
INDEX



**Sources:** Vision of Humanity Global Peace Index 2022 (inverted to align higher scores with greater peace), WJP Rule of Law Index 2022

# The Rule of Law Matters

Where rule of law is stronger, so is health



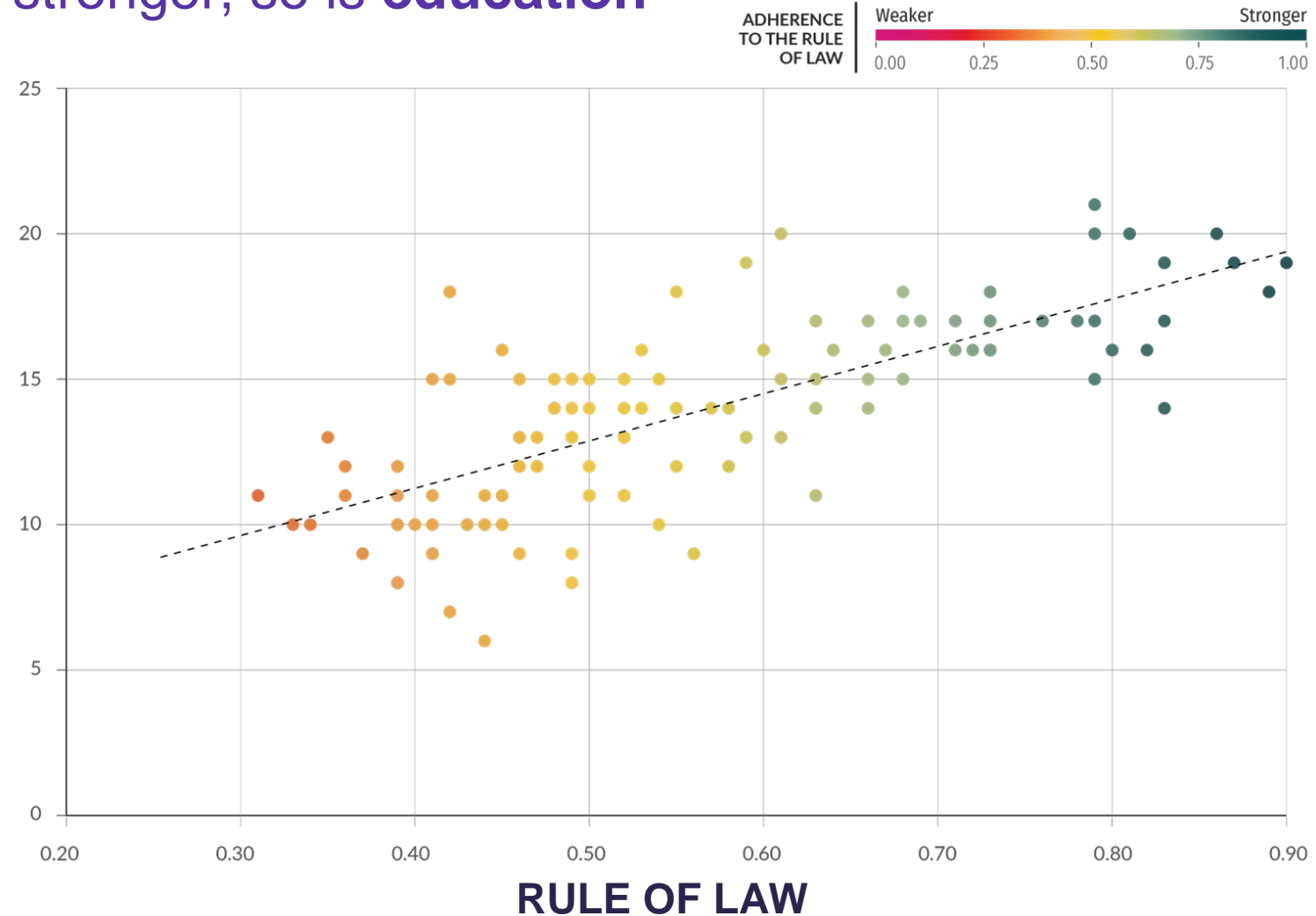
Sources: The World Bank, WJP Rule of Law Index 2022



# The Rule of Law Matters

Where rule of law is stronger, so is **education**

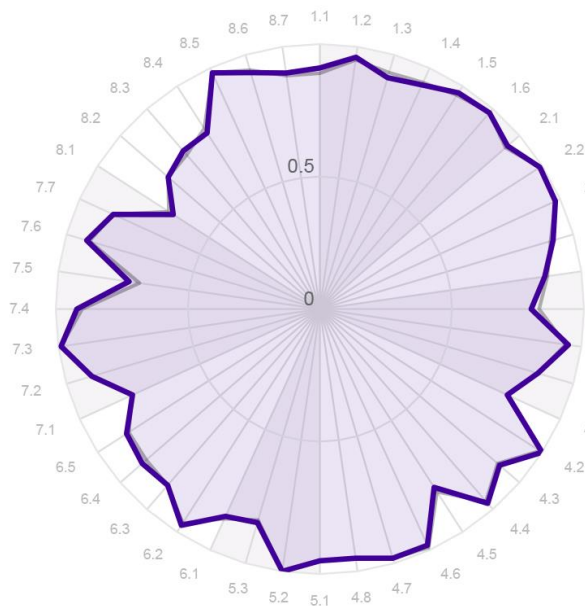
**CHILDREN STAY IN  
EDUCATION**



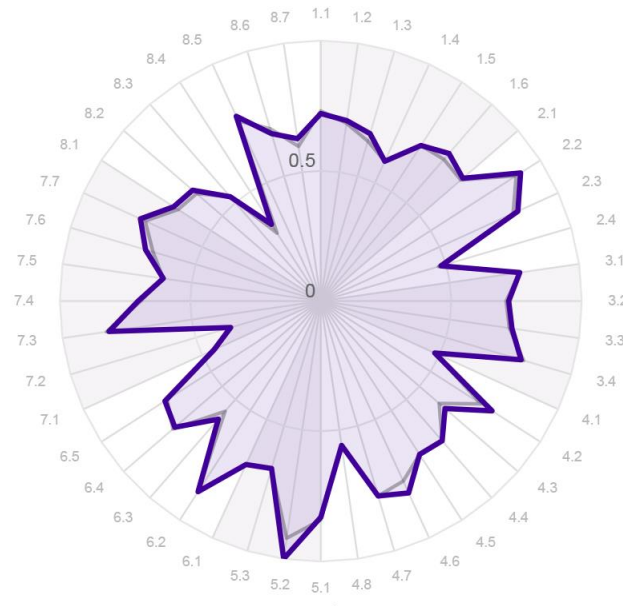
*Sources: The World Bank, WJP Rule of Law Index 2022*

# WJP Rule of Law Index 2022

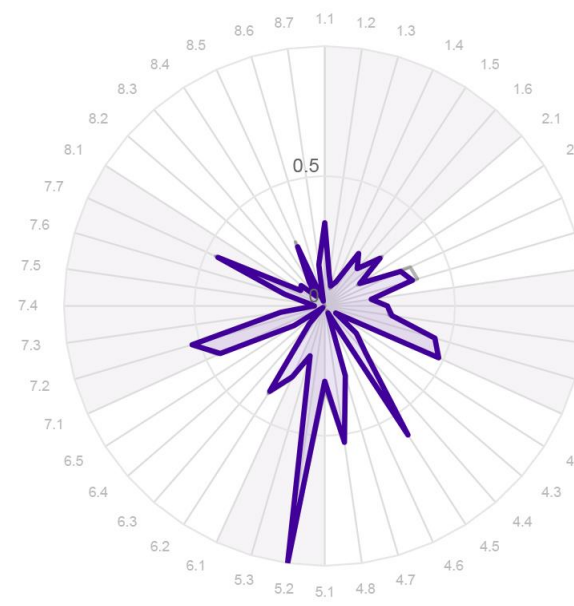
— 2022 Score



**Denmark**  
**#1**



**USA**  
**#26**



**Venezuela**  
**#140**

# What Can We Do?

## Identify local rule of law priorities

Such as:

- **Equal access to justice**
- **Election integrity** and voting rights
- **Trust in government institutions**, especially fair and impartial courts

**PNG is not yet in the WJP Rule of Law Index, but the index gives many examples of rule of law issues.**





# What Can We Do?

## Take action to address local rule of law priorities

For instance:

- **Create a task force** of bar and judicial leaders to issue recommendations
- **Expand legal aid** efforts for low-income individuals
- **Engage public and private sector leaders** in upholding the rule of law and addressing justice gaps
- **Collaborate with community groups** on policy reform
- **Educate Others.** Partner with law schools and civic and cultural institutions to promote public awareness and civic engagement



CLA & vLex  
South Pacific Bar Association Group

## Statements

One of the pillars of the role of the Commonwealth Lawyers Association is to maintain and promote the Rule of Law throughout the Commonwealth. Thus, we seek to expose its abuse whenever and wherever it arises in the Commonwealth by publishing statements, on our own account, or in conjunction with other Commonwealth organisations with similar objects, detailing the circumstances of such abuse and calling for the Rule of Law to be upheld.



Statement Commending the  
Zambian and Ghanaian  
Governments for Abolishing  
the Death Penalty



Statement concerning Hong  
Kong



Statement in solidarity with  
the victims of police brutality  
in Kenya following public  
demonstrations over the cost  
of living



Statement regarding the  
Independence of the  
Judiciary following remarks  
at the CARICOM Regional  
Symposium to address Crime  
and Violence as a public  
health issue 17-18 April 2023





# Commonwealth Lawyers Association

Maintaining and promoting the rule of law  
throughout the Commonwealth.

Accredited partner organisation of



The Commonwealth

