



COLOMBO DECLARATION

STATEMENT ADOPTED AT THE ROUNDTABLE MEETING OF CHIEF JUSTICES OF THE ASIA PACIFIC REGION HELD ON THE SIDE OF THE 29TH LAWASIA GOLDEN JUBILEE CONFERENCE OF LAWASIA AT COLOMBO, SRI LANKA, FROM 12TH – 15TH AUGUST 2016

At Colombo on the 13th day of August 2016.

PREAMBLE

WHEREAS, fifteen (15) Chief Justices of the Asia Pacific region and their representatives who are attending LAWASIA Golden Jubilee celebrations, and participating at a Roundtable Discussion held on 13th August 2016 in Colombo on the sides of the 29th LAWASIA Conference which is being held in Colombo from 12th to 15th August 2016;

AND WHEREAS, the theme of this 29th LAWASIA Conference is “50 Years of Supporting the Rule of Law”

AND WHEREAS, the Rule of Law is the foundation to establish and maintain a civilised, safe, just and prosperous society;

AND WHEREAS, the need to ensure that the Rule of Law prevails and is protected has been universally recognised by the community of nations and is reflected, *inter alia*, in the Universal Declaration of Human Rights (1948) and the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (2012);

AND WHEREAS, it is also universally recognised that, an independent judiciary within an independent judicial system which functions with impartiality and integrity and provides and ensures the right of equal access to justice for all, is essential to secure and maintain the Rule of Law;

AND WHEREAS, this principle is reflected in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, which, *inter alia*, states “*We are convinced that the independence of the judicial system, together with its impartiality and integrity, is an essential prerequisite for upholding the rule of law and ensuring that there is no discrimination in the administration of justice*”.

AND WHEREAS, the minimum standards required to maintain independence of the Judiciary as listed in the “Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA Region” which was adopted at the 6th Conference of Chief Justices of Asia and the Pacific held in Beijing on 19th August 1995 as amended at Manila on 28th August 1997 and is signed by thirty two(32) Chief Justices of the Asia Pacific region and their representatives, have gained widespread acceptance and acclaim.

STATEMENT

It was decided at the aforesaid Roundtable Meeting of Chief Justices and their representatives held on 13th August 2016 that, the following statement be made and released to reiterate that, independence of the Judiciary is essential to secure and maintain

the Rule of Law and to draw attention to the need to continuously assess and update what is required to establish independence of the Judiciary.

The Rule of Law encompasses: ensuring the supremacy of the Law and the application of the Law equally to all who are similarly circumstanced; ensuring all persons have equal and unobstructed access to the system of justice; ensuring the impartiality and integrity of the system of justice; ensuring the protection of human rights for all in conformity with the Law and the principles set out in accordance with the Universal Declaration of Human Rights; ensuring the implementation of the Law facilitates development in an equitable and sustainable manner with transparency and accountability; and the several other factors which will collectively establish the true Rule of Law.

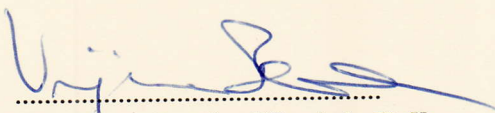
Establishing and maintaining the Rule of Law requires a sufficient degree of separation of powers within a constitutional framework which ensures that the Judiciary which interprets and applies the Law is independent of the Legislature which makes the Law and the Executive which implements the Law.

In this background, we reiterate the view that, the Constitution and Laws of a country should ensure and guarantee true and effective independence of the Judiciary.

We are of the view that, the minimum standards required to maintain independence of the Judiciary as listed in the "Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA Region" may require amplification in the light of subsequent social, economic, political and global developments and challenges which affect the maintenance and protection of independence of the Judiciary.

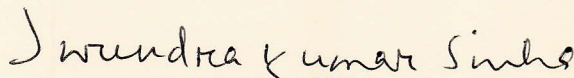
In this background and keeping in mind that two decades have passed since 1995, we urge the LAWASIA Conference of Chief Justices of Asia and the Pacific to reaffirm the "Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA Region" and to commence an appropriate process to consider whether subsequent social, economic, political and global developments and challenges make it necessary to further develop the said Statement of Principles and the minimum standards listed therein.

SIGNATORIES AT COLOMBO, SRI LANKA, 13TH AUGUST 2016:



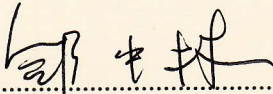
The Hon. Justice Virginia Bell

Judge of the High Court of the Commonwealth of Australia
Representing the Chief Justice of the Commonwealth of Australia



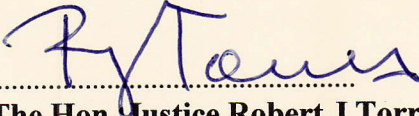
The Hon. Justice Surendra Kumar Sinha

Chief Justice of the People's Republic of Bangladesh




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The Hon. Judge H E Zhonglin

Judge of the Supreme People's Court of the People's Republic of China
Representing the Chief Justice and the President of the Supreme People's Court of the
People's Republic of China



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The Hon. Justice Robert J Torres

Chief Justice of the Territory of Guam

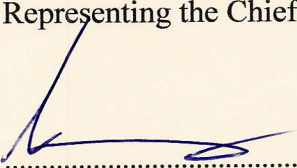


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The Hon. Justice Madan Bhimarao Lokur

Judge of the Supreme Court of the Republic of India
Representing the Chief Justice of the Republic of India


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The Hon. Judge Masataka Nakagawa

Judge of the Supreme Court of Japan
Representing the Chief Justice of Japan



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The Hon. Justice Tan Sri Md Raus Sharif

President of the Court of Appeal of Malaysia
Representing the Chief Justice of the Malaysia



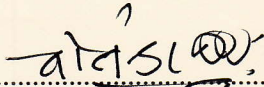
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The Hon. Justice Abdullah Saeed

Chief Justice of the Republic of Maldives



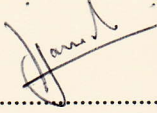
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The Hon. Justice Tha Htay

Judge of the Supreme Court of the Republic of the Union of Myanmar
Representing the Chief Justice of the Republic of the Union of Myanmar



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The Hon. Justice Cholendra Shumsher JB Rana

Judge of the Supreme Court of the Federal Democratic Republic of Nepal
Representing the Chief Justice of the Federal Democratic Republic of Nepal



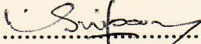
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The Hon. Justice Anwar Zaheer Jamali

Chief Justice of the Islamic Republic of Pakistan



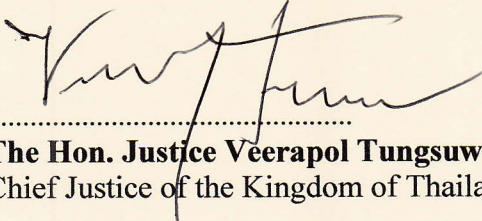
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The Hon. Justice Sir Salamo Injia

Chief Justice of the Independent State of Papua New Guinea



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The Hon. Justice K. Sripavan

Chief Justice of the Democratic Socialist Republic of Sri Lanka



.....
The Hon. Justice Veerapol Tungsuwan

Chief Justice of the Kingdom of Thailand



.....
The Hon. Justice Deolindo dos Santos

Judge of the Court of Appeal of the Democratic Republic of Timor-Leste
Representing the Chief Justice of the Democratic Republic of Timor-Leste