



FINAL REPORT

Executive Summary

From January 26 to January 28, 2011, 140 leaders from 35 countries congregated in Kuala Lumpur, Malaysia for the World Justice Project (WJP) Asia Pacific Rule of Law Conference. The conference focused on three issues of critical importance to the region: Mitigating Environmental Degradation, Ensuring the Rights of Migrants and Refugees, and Building a Better Business Enabling Environment.

Utilizing information gained from panel presentations on the WJP Rule of Law Index™ and each of the above topics as well as their own expertise, conference participants gathered in small group working sessions to generate new cross-disciplinary plans to advance the rule of law in the region. The result of these efforts is the development of 36 action plans, ranging from a community-based pollution monitoring system to an independent certification process for recruitment agencies designed to curtail human trafficking. In the months ahead, the WJP will help to facilitate the implementation of these projects, monitor progress, and cull lessons learned and best practices for adaptation and replication among practitioners in the future.

Context

Comprising well over half of the world's population, the Asia Pacific region is arguably the world's most diverse, stretching from the remote Pacific Islands to the regional powerhouses of China and India, and further still to the former Soviet republics of Central Asia. The region faces a host of rule of law issues: while some are unique to individual countries, others represent common challenges.

The World Justice Project (WJP) Asia Pacific Rule of Law Conference, held in Kuala Lumpur, Malaysia from January 26 to January 28, 2011, convened **140** leaders from **35 countries** across the region and from a breadth of professional disciplines to address some of the most pressing rule of law issues in the Asia Pacific region. This was the second such effort hosted by the WJP in the Asia Pacific region and marked a continuing endeavor to strengthen the rule of law by incorporating it into the work of non-legal professionals.

Drawing upon the WJP's groundbreaking Rule of Law Index as well as experiences and lessons in rule of law advancement that are as dynamic as the region itself, the Asia Pacific Rule of Law Conference focused on three crucial topics in particular: Mitigating Environmental Degradation; Securing the Rights of Migrants and Refugees; and Building a Better Business Enabling Environment. These issues, described in greater detail below, were addressed through plenary panels as well as working sessions, in which participants designed concrete and realistic projects to advance the rule of law.

Mitigating Environmental Degradation

The Asia Pacific region faces countless environmental challenges as it continues on its path of rapid development. Some of the region's most difficult issues – Asia's largest cities' notoriously poor air quality; access to safe drinking water; and the environmental cost of extracting natural resources, from timber and

minerals to fish stocks and oil and gas – have profound implications for effective rule of law. It is far easier to catalog these many challenges than to propose concrete solutions that recognize the Asia Pacific region’s need for continued growth and balance the often competing interests of business, government, and civil society.

Ensuring the Rights of Migrants and Refugees

Whether due to conflict, oppression, natural disaster, or economic opportunity, residents of the Asia Pacific region are growing increasingly mobile. There are vast differences between political refugees fleeing persecution, natural disaster, and conflict; economic refugees and migrants pursuing employment; and the men, women, and children who fall victim to human trafficking. The commonality between these diverse groups of migrants lies in the ambiguous legal nature of their citizenship or residency status and their basic rights.

Building a Better Business Enabling Environment

Though much of the Asia Pacific region has experienced remarkable growth in the past twenty years, barriers continue to prevent the private sector from achieving its tremendous potential to stimulate economic growth, to lift individuals out of poverty, and to champion reforms both within and outside the business community. Uneven enforcement of business regulations and a lack of knowledge of or ability to access key legal business information create an environment of uncertainty and increase the susceptibility of the private sector to pressures from unscrupulous government regulators and inspectors.

Plenary Sessions

The World Justice Project’s Founder, President, and CEO, **Bill Neukom** ([presentation](#)), opened the Asia Pacific Rule of Law Conference on January 27, 2011 with a description of the WJP’s mission and programs and a charge to conference participants: We have work to do.

The opening keynote speaker, **Michael Kirby**, former High Court Justice for Australia gave remarks on the crucial distinctions between the rule of law, in which laws are the starting point for realizing justice, and the law of rules, in which laws are used as a means of oppression (as in Nazi-era Germany). In other words, having laws is not sufficient; laws must be just and they must, at their heart, represent the best interests of mankind.

A presentation on the **WJP Rule of Law Index** ([report](#)) by the WJP’s Senior Economist **Alejandro Ponce** ([presentation](#)) and Rule of Law Index Director **Juan Botero** ([presentation](#)) revealed the breadth and depth of information that can be garnered from the Index, which now covers 35 countries including eight countries in the Asia Pacific region. They explained the methodology for the Rule of Law Index and provided specific examples of Index findings for the region.

Over the next two days, the Asia Pacific Rule of Law Conference featured three topical panels: Mitigating Environmental Degradation; Ensuring the Rights of Migrants and Refugees; and Building a Better Business Enabling Environment.

Mitigating Environmental Degradation

The panel on Mitigating Environmental Degradation highlighted the many environmental challenges facing the Asia Pacific region and offered solutions which ranged from greater utilization of renewable energy to enhancing the power of civil society to hold business and government accountable for pollution. The panel was moderated by Robert Ward, Regional Counsel for the United States Environmental Protection Agency, and featured Dipal Barua, Founder and Chairman of Bright Green Energy Foundation; Ma Jun, Director of the

Institute of Public and Environmental Affairs; and Antonio Oposa, Jr., President of The Law of Nature Foundation.

Dipal Barua ([presentation](#)) focused his remarks on the ability of solar power to lift people out of poverty and to empower women. A recipient of the Zayed Future Energy Prize, he hopes to create 100,000 green jobs in Bangladesh by 2015, with a particular focus on empowering women entrepreneurs.

Ma Jun ([presentation](#)) described how his unique and innovative pollution mapping project in China can be used to encourage greater public participation on environmental issues and hold both government and businesses to account. Governments at the municipal level and businesses have improved their practices using the data Ma Jun has collected as a baseline of air and water pollution, governments at the municipal level and businesses have improved their practices.

Tony Oposa ([presentation](#)) underscored the importance of addressing the root causes of climate change, expressing a desire for the world to shift from the “economics of consumption” to the “economics of CPR” (conservation, protection, and restoration).

Ensuring the Rights of Migrants and Refugees

The panel on Ensuring the Rights of Migrants and Refugees emphasized the need to address all aspects of unsafe migration, from prevention efforts, to access to justice and rehabilitation and reintegration for victims. The panel was moderated by Andrew Bruce, Regional Representative for South East Asia for the International Organization for Migration, and featured Anuradha Koirala, Founder and Executive Director of Maiti Nepal; Liu Kaiming, Founder and Executive Director of the Institute of Contemporary Observation; and Thetis Mangahas, Deputy Regional Director for Policy and Programmes in the Regional Office for Asia and the Pacific at the International Labour Organization.

Liu Kaiming ([presentation](#)) examined the socioeconomic disadvantages encountered by migrant workers in China and discussed how recent labor shortages have started to shift power towards workers.

Thetis Mangahas described the economic motives that lie behind migration and which make economic migrants vulnerable to labor exploitation and sex trafficking.

Anuradha Koirala ([presentation](#)) used Nepal as a case study to underscore the effects of human trafficking, from physical and psychological abuse to the spread of infectious diseases and to illustrate the factors that have made Maiti Nepal successful.

Building a Better Business Enabling Environment

The panel on Building a Better Business Enabling Environment addressed the importance of regulatory reform to spur entrepreneurship and facilitate growth for small and medium-sized enterprises (SMEs). The panel was moderated by Lakshmi Venkatachalam ([remarks](#)), Vice President of Private Sector and Cofinancing Operations at the Asian Development Bank, and featured Paul S.P. Hsu, Chairman & CEO, PHYCOS International Co., Ltd.; William Saito, Founder and CEO of Intecur, K.K.; and Wong Meng Meng, President of the Law Society of Singapore.

Paul S.P. Hsu emphasized the importance of removing obstacles and promoting reforms to encourage the growth of SMEs.

Wong Meng Meng highlighted the business environment issues most important to local and multinational companies, such as low levels of corruption and stability.

William Saito ([presentation](#)) explained how enacting new legislation and regulations often have unintended consequences, as was the case with Japanese policies aimed at stimulating growth and curbing deflation.

Concluding keynote remarks were offered by **Tassaduq Hussain Jillani** ([remarks](#)), a Justice of the Supreme Court of Pakistan. He catalogued some of the current struggles facing his country, but struck an optimistic tone that the tolerant silent majority would continue to support rule of law. Moreover, Justice Jillani emphasized the role of all – not just lawyers and judges – in upholding the rule of law in Pakistan and throughout the world.

Working Sessions and Action Plans

The main objective of the Asia Pacific Rule of Law Conference was to generate new cross-disciplinary plans to advance the rule of law in the region. Working sessions represent the realization of the WJP's goal of facilitating multidisciplinary collaboration as the most effective mechanism for strengthening the rule of law. Utilizing information gleaned from the Rule of Law Index as well as conference plenary sessions, cross-disciplinary groups of conference participants separated into nine separate working sessions, largely aligned with the three over-arching themes for the conference:

- Combating Human Trafficking
- Ensuring Access to Safe Water
- Fostering a Business Enabling Regulatory Environment
- Improving Access to Information on Business Regulation
- Incentivizing a Sustainable Use of Resources
- Mainstreaming the Rule of Law
- Mitigating the Impact of Pollution
- Protecting the Right to Land
- Securing the Rights of Migrant Laborers

These nine working sessions yielded **36 action plans**. Though a full description of each session and each resulting action plan is available in Appendix C, it is worth highlighting a few particularly innovative action plans:

- Develop an independent certification process for recruitment and placement agencies working on labor migration to prevent labor trafficking (*Combating Human Trafficking*).
- Prepare a handbook on business regulations which can be easily understood by non-professionals, especially young entrepreneurs and SMEs, and which is written both in relevant and internationally-recognizable languages (*Improving Access to Information on Business Regulation*).
- Publish a letter inviting the establishment of working groups to study the WJP Rule of Law Index (*Mainstreaming the Rule of Law*).
- Establish a community-based air quality and emissions monitoring system which trains individuals to monitor pollutants inside the home, allowing collected information to be reported and analyzed (*Mitigating the Impact of Pollution*).
- Create a public environmental information resource to plug gaps in government reporting, increase transparency and knowledge (especially in real time), and encourage greater engagement on

environmental issues among the public with a focus on the Pearl River Delta (*Mitigating the Impact of Pollution*).

- Develop a South Asia internship program which encourages young lawyers to engage in public interest law, with a particular focus on land issues, as a part of their broader law practice (*Protecting the Right to Land*).
- Establish an online one-stop information services center to protect the rights of migrant workers, with the eventual goal of founding a physical one-stop shop (*Securing the Rights of Migrant Workers*).

In the coming months, the World Justice Project will work with the lead implementer of each action plan to help facilitate the project's implementation. Progress on action plans will be updated on the Asia Pacific Conference website, www.apac2011wjp.org.

Lessons Learned

Based on feedback from participants as well as WJP Board Members, a number of recommendations have emerged to help the WJP better meet its objectives at future mainstreaming events. These suggestions can be grouped broadly into two categories: substantive and procedural.

Substantive Recommendations

- Pre-conference communications need to be improved to ensure that it is clear what the WJP expects of conference participants. Moreover, the WJP should provide conference participants with detailed and topical reading in advance, particularly in an effort to make the conference blog a more effective pre-conference communication tool and to encourage greater blog use.
- The WJP should seek to engage a greater number of youth and business officials as conference participants.
- At the conference, the WJP should place greater emphasis on ensuring that conference participants understand why and how they are stakeholders in the rule of law.

Procedural Recommendations

- The structure of plenary panels was not conducive to discussion or to questions and answers from conference participants. The WJP should employ a stronger and more experienced panel moderator and structure panels to be more discussion-oriented.
- The WJP should provide biographical information on all conference participants, not just speakers, in advance.

Conclusion

The Asia Pacific Rule of Law Conference brought together an impressive group of 140 leaders from across the region and a diversity of professional disciplines. Participants addressed some of the Asia Pacific region's most fundamental rule of law challenges, including Mitigating Environmental Degradation, Ensuring the Rights of Migrants and Refugees, and Building a Better Business Enabling Environment, through both plenary sessions and small group working sessions. The conference achieved its goal of stimulating innovative cross-disciplinary projects that strengthen the rule of law in the Asia Pacific region, though the hard work is just beginning. The true success of the conference – its impact in advancing the rule of law at the community level – will be determined by committed follow-through efforts of conference participants in the months ahead. The WJP will endeavor to facilitate project implementation and ensure that best practices are shared widely for replication.

Appendices

Appendix A: Conference Overview

Appendix B: Conference Agenda

Appendix C: Working Session and Action Plan Descriptions

Appendix D: Participant List

Appendix E: Leadership Biographies

Appendix F: Media Report