



CPLR Webinar Series on Asian Perspectives on Human Rights (III)

Defining and Defending the Rule of Law

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The rule of law is a principle of governance, at the very minimum requiring that all institutions, entities and persons should be subject to and should comply with legal norms. ‘Thicker’ versions of the rule of law go further in incorporating human rights and democratic governance. Some observe that the rule of law is under increasing threat in certain Asian jurisdictions, following a recent authoritarian turn. On 14 March 2022, the Public Law and Human Rights Forum (CPLR) hosted the third webinar in the Asian Perspective of Human Rights Series to discuss the definition and protection of the rule of law in the Asian context, focusing specifically on the sub-regions of East and Southeast Asia.



From left to right:

top row - Dr. Daniel PASCOE, Ms. Cristina BONOAN, Dr. Jothie RAJAH;

bottom row - Dr. Kristina SIMION, Prof. GIAO Vu Cong, Prof. Raphael PANGALANGAN, Dr. Benjamin LAWRENCE

The webinar was moderated by **Dr. Daniel PASCOE** (Associate Professor, School of Law, City University of Hong Kong; CPLR Core Member). He welcomed all participants and introduced the six distinguished panellists: **Prof. Jothie RAJAH** (Research Professor, American Bar Foundation, Chicago), **Prof. GIAO Vu Cong** (Associate Professor, Department of Constitution and Administration, Vietnam National University, Hanoi), **Prof. Raphael PANGALANGAN**



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(Assistant Professor & Associate Dean, Jindal Global Law School), **Ms. Cristina BONOAN** (Lawyer; Senior Lecturer, College of Law, University of the Philippines), **Dr. Kristina SIMION** (Research Fellow, Swedish Institute of International Affairs' Asia Programme) and **Dr. Benjamin LAWRENCE** (Post-Doctoral Fellow, School of Law, National University of Singapore).

Dr. Daniel PASCOE invited the panellists to discuss how lawyers, politicians and civil society in their jurisdictions define the rule of law and whether such definitions are different from those popular within academic scholarship. **Prof. Jothie RAJAH** stated that there are two sets of meanings among the population in Singapore. One is the orthodox Diceyan conception, whereas the other meaning puts more emphasis on safeguarding property rights and minimizing corruption within government. Nevertheless, the tightly controlled media environment hinders the general public from understanding and debating the rule of law. **Dr. Kristina SIMION** commented that few legal practitioners in Myanmar can explain the rule of law in a way that reflects universal principles, because Myanmar's various military governments have twisted the concept's meaning to promote law and order and to oppress the population. **Ms. Cristina BONOAN** indicated that the Philippines has slowly departed from the rule of law definition and framework outlined in the 1987 constitution. **Prof. Raphael PANGALANGAN** added that a distinction would need to be drawn between the normative understanding of justice and the governance approach that the country has taken. **Dr. Benjamin LAWRENCE** stated that, in Cambodia, there was a resurgence in rule of law and legal discourse in the post Civil War period. He also outlined the ways that Cambodia has used rule of law discourse to achieve stability. **Prof. GIAO Vu Cong** said in Vietnam, some think that there is no difference between rule of law and rule by law, while others shared similar views with the United Nations that all parties in the country must be accountable to laws. He noted that a similar understanding on the 'socialist rule of law' is present in both Vietnam and in China.

In considering the role universities in East and Southeast Asia can play in strengthening the rule of law, the panellists suggested that exchange programmes can allow more law students from these jurisdictions to observe how the concept operates in other countries. Advancing and protecting academic freedom is also important. Law-related educational and vocational programmes should be carefully designed to ensure future legal practitioners can develop the necessary skills and motivation to contribute to safeguarding the rule of law in the public, judicial and political spheres.

On behalf of CPLR, **Dr. Daniel PASCOE** thanked the panellists for their inspiring views and thanks the audience for their participation. The webinar proved a great success.