



A Call for Rule of Law Leadership

3 September 2024



**World Justice
Project**



**Commonwealth
Lawyers Association**

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

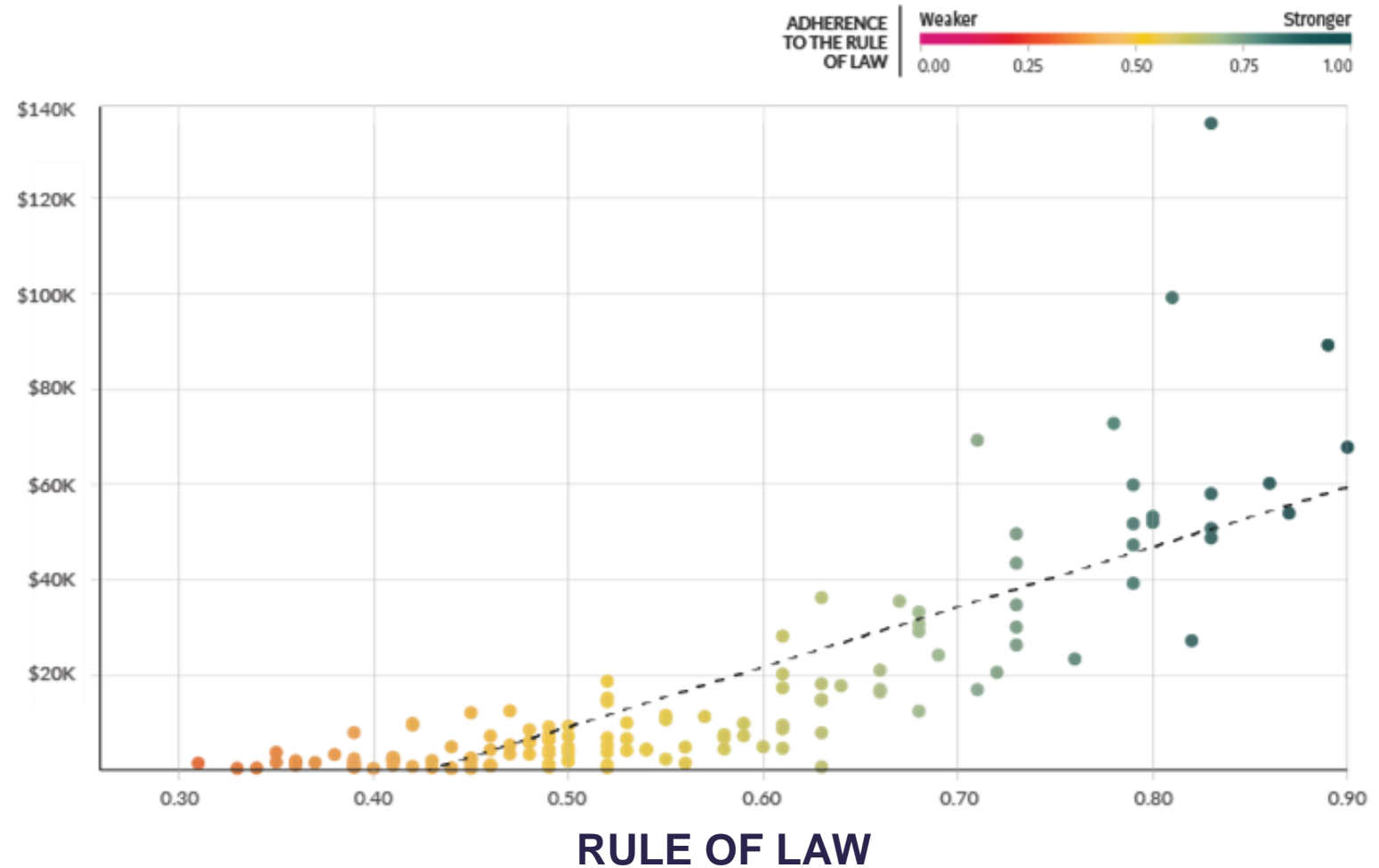


Accessible
legal remedy

The Rule of Law Matters

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

GDP PER CAPITA

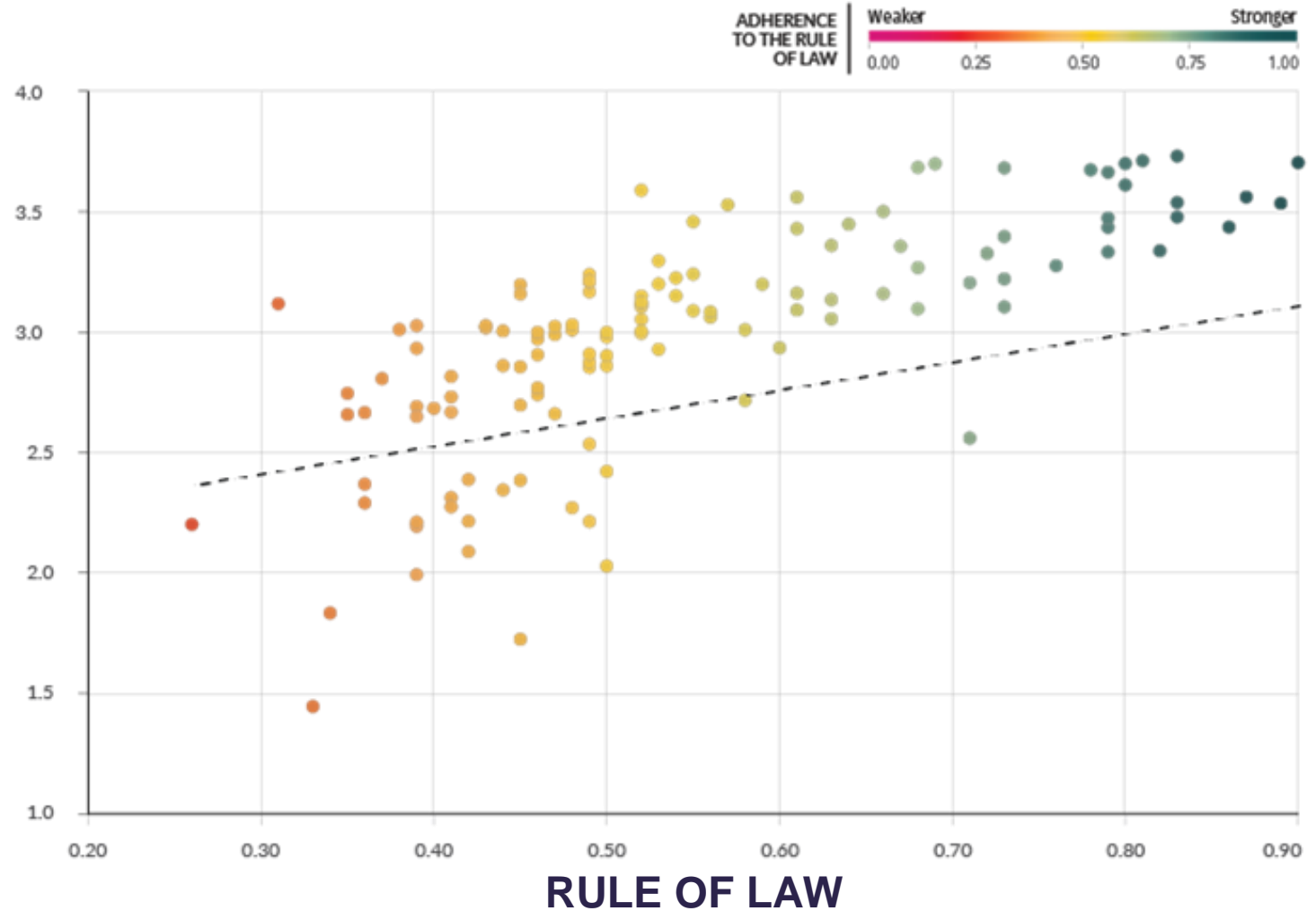


Sources: The World Bank, WJP Rule of Law Index 2022

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

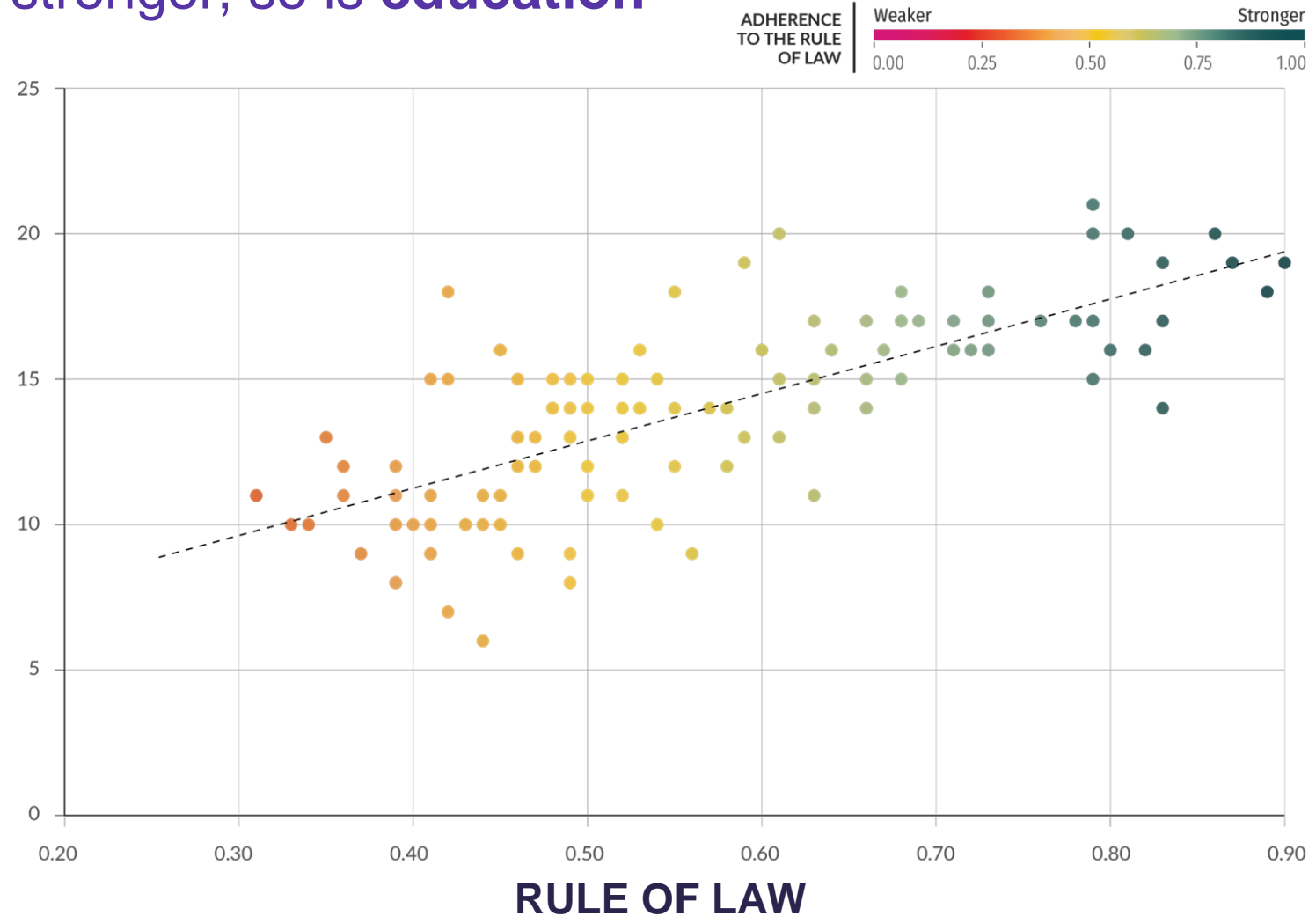


Sources: The World Bank, WJP Rule of Law Index 2022

The Rule of Law Matters

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

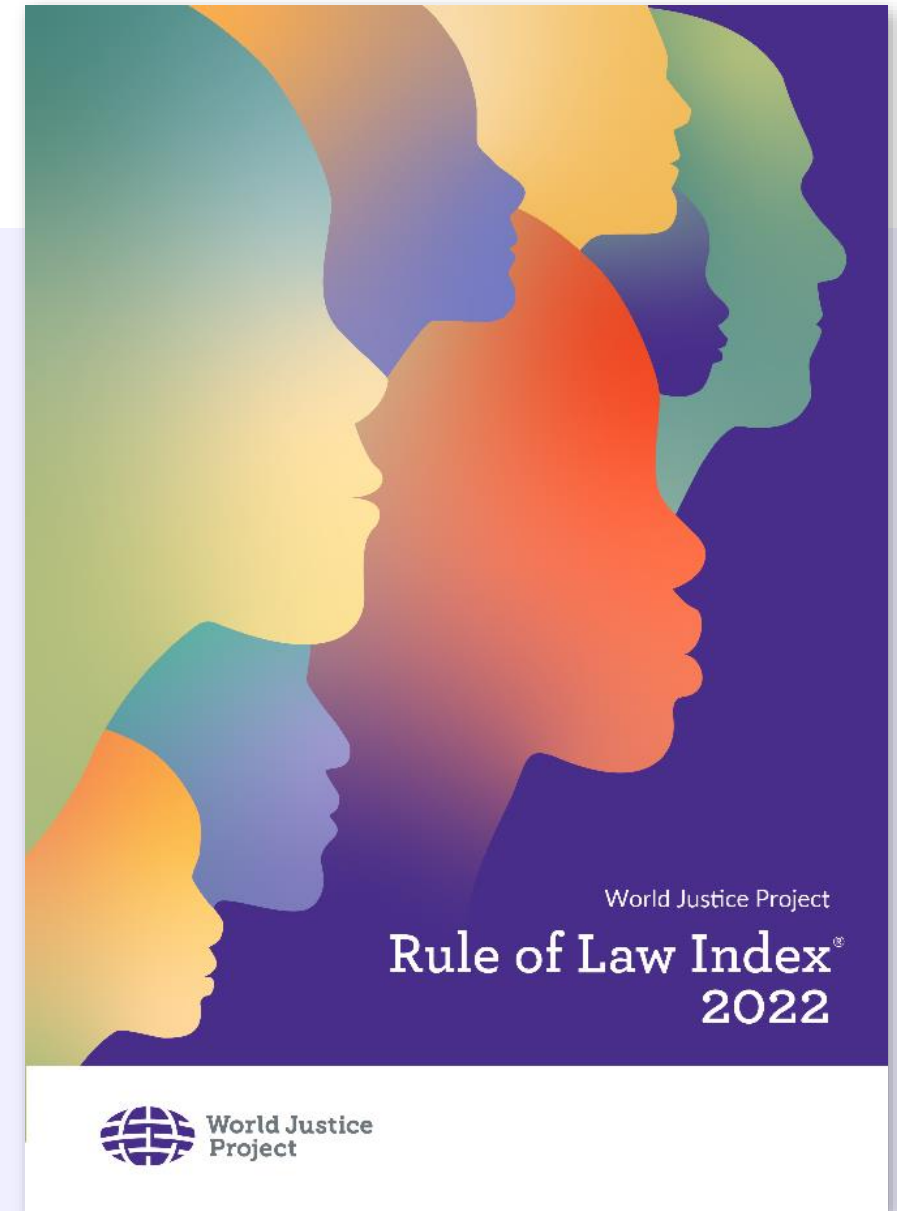
**CHILDREN STAY IN
EDUCATION**



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

WJP Rule of Law Index

- Measures rule of law in **140 countries** and jurisdictions.
- Draws on surveys of **154,000+ households** and **3,600+ experts**.
- WJP met with many experts in PNG during the recent APMF Conference to discuss bring PNG into the index.



COUNTRY

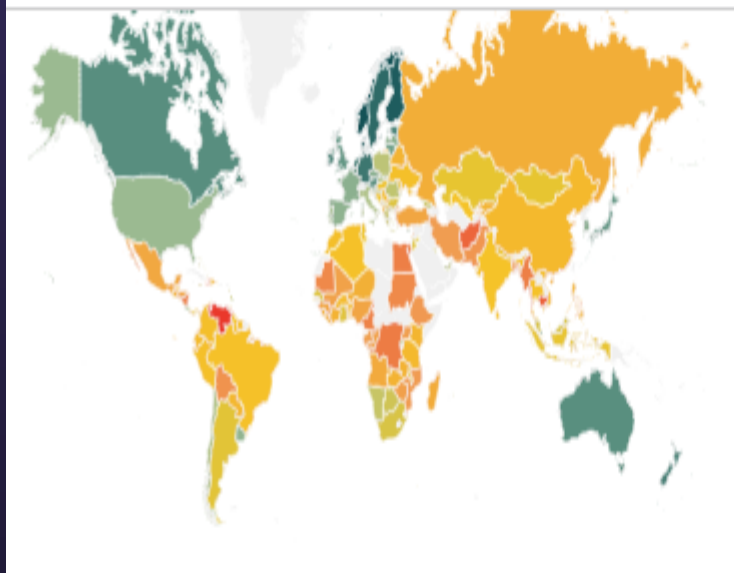
2023

ADHERENCE TO THE RULE OF LAW

WEAKER

STRONGER

0.00 0.25 0.50 0.75 1.00



RANKING HISTORICAL TABLE

Filter By:

REGION

or

INCOME



Countries Scored by Overall Score

Denmark	1	0.90
Norway	2	0.89
Finland	3	0.87
Sweden	4	0.85
Germany	5	0.83
Luxembourg	6	0.83
Netherlands	7	0.83
New Zealand	8	0.83
Estonia	9	0.82
Ireland	10	0.81

OVERALL INDEX SCORE

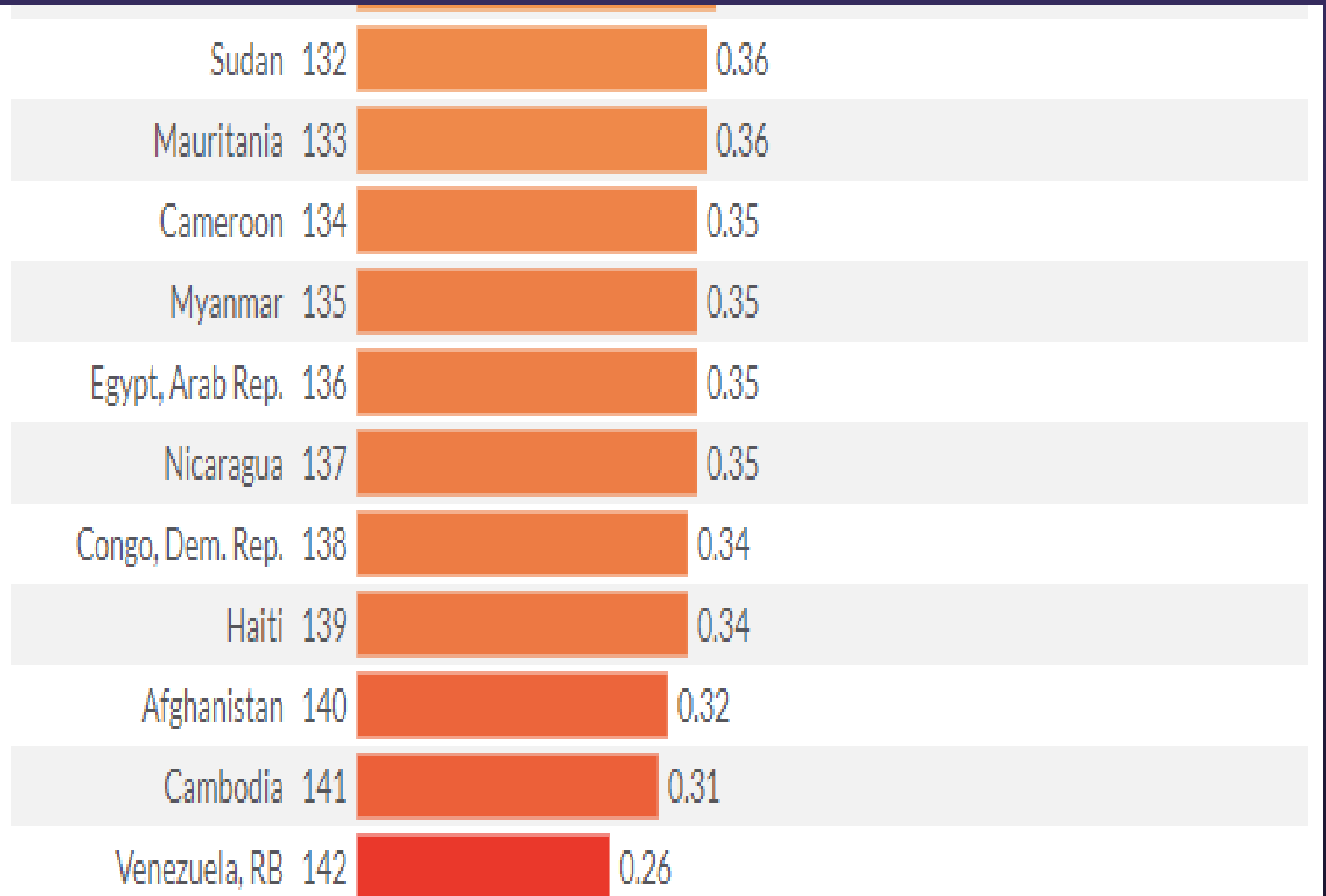
Explore by Issue/Factor

1 | CONSTRAINTS ON GOVERNMENT POWERS

2 | ABSENCE OF CORRUPTION

7 | CIVIL JUSTICE

8 | CRIMINAL JUSTICE



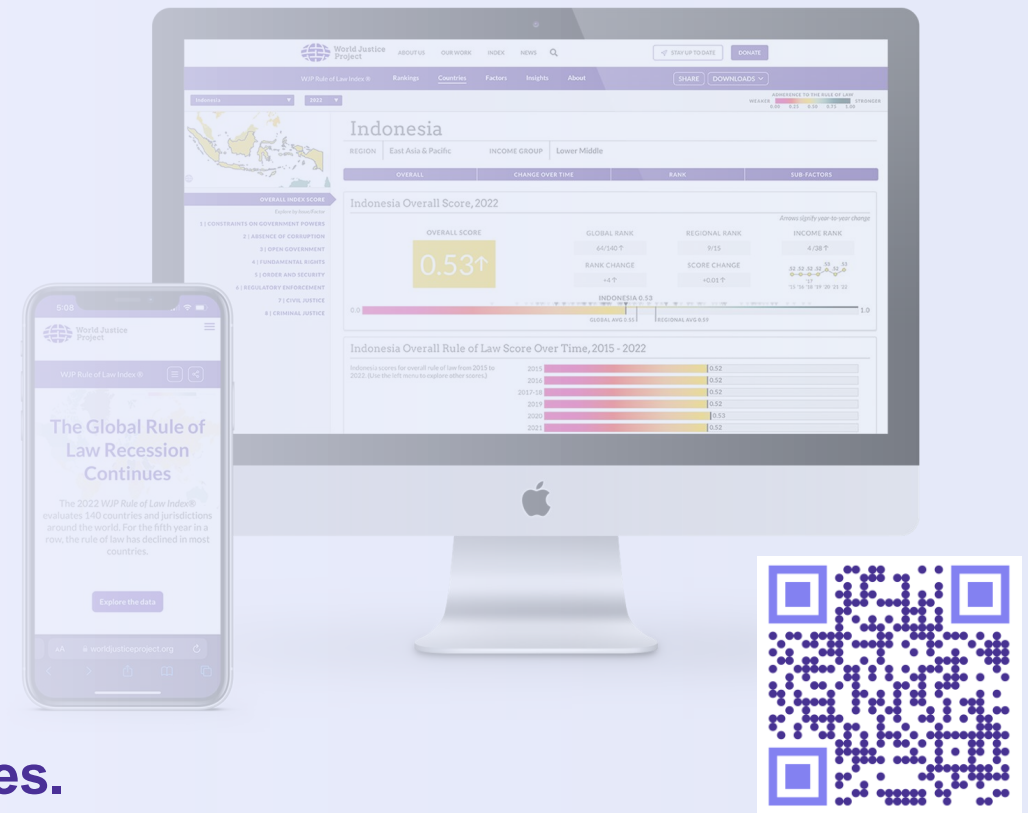
What Can We Do?

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

Activities:

- Funded Nauru, SI and Tuvalu as CLA Members
- Offered LTI free vLex subscriptions & dedicated terminals
- Wants to meet with UPNG to offer the same

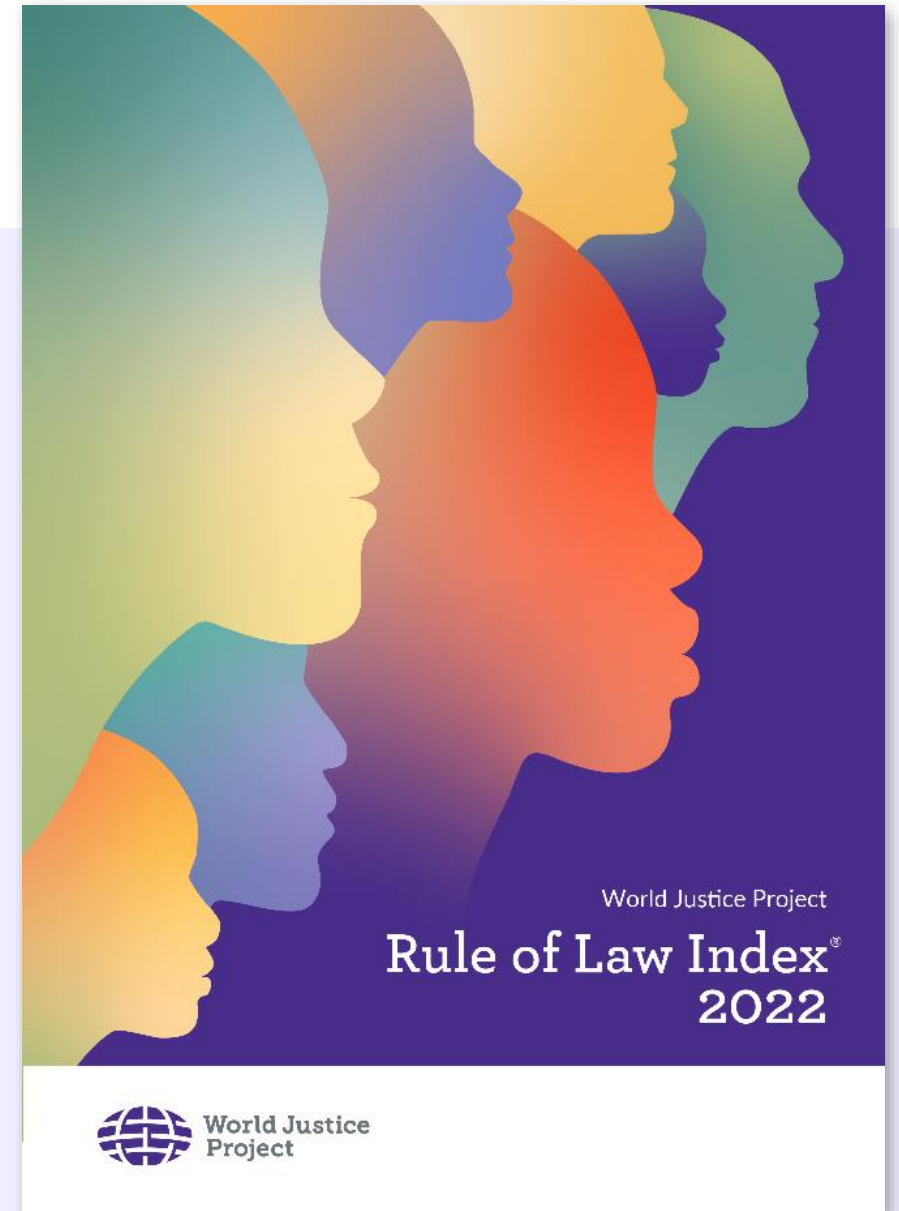
AI solutions to legal research and drafting available

PNG service constantly being updated, improved and new resources added

PNG Judiciary now using vLex

CLA Role

- Support the rule of law in PNG and across the Commonwealth.
- Legal education.
- Commonwealth lawyers networking





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.



CLA Statement on Atrocities
in Papua New Guinea

[Read More](#)



CLA Statement condemning
the arrest, abduction and
killing of civilians protesting
the Finance Bill in Kenya

[Read More](#)



CMJA, CLEA and CLA Joint
Statement on the Removal
and Deportation of Justice
David Lambourne

[Read More](#)



CLA Statement on The
Gambia and a proposed
repeal of the ban on Female
Genital Mutilation (FGM)

[Read More](#)



News | Crime

Papua New Guinea declares state of emergency after 15 killed in riots

PM announces 14-day state of emergency in the capital, Port Moresby, suspends police chief and top bureaucrats.



People run out of shops with looted goods in Port Moresby [Andrew Kutan/AFP]



Post-Courier

THE HEARTBEAT OF PNG

SINCE 1969

WEDNESDAY, JULY 24, 2014

K2.00 FOR B/LAB | K5.00 OTHER CENTRES

THE NATION BUILDING NEWSPAPER

COI: READ STORY ON PAGE 3

NCD: READ STORY ON PAGE 4

CENTRAL: READ STORY ON PAGE 9

MANNING OBJECTION TO INQUIRY REJECTED

K20M TO RESETTLE BUSHWARA SETTLERS

FIRST PROVINCIAL MP TO WALK KOKODA

MASS KILLING

26 dead in brutal killing spree

Most were mothers with their babies

A BRUTAL killing spree in the Kokoda area of Angoran district in East Sepik Province has left 26 women and children dead.

The cost of loss to human life is climbing such they advise a serious police operation is launched immediately, acting East Sepik Provincial Police Commander Senior Inspector James Douglas said yesterday.

- CONTINUE ON PAGE 5



POLICEMEN checking for bodies along the Sepik River near Tansari village where the massacre took place. PICTURE SUPPLIED.



PORT MORESBY TODAY

READ ALL THE REMEMBRANCE DAY STORIES FROM WITHIN PORT MORESBY AND CENTRAL PROVINCE IN YOUR PORT MORESBY TODAY!



OUT TOMORROW



Marape: Incorrect wording on warrant

BY GORETHY KENNETH

PRIME Minister James Marape has assured the Gull people that no funds meant for them including the Papua LNG project, have been diverted elsewhere.

Aud Yeasover Ian Ling Stacey on Friday also announced that Gull funds were intact and the earlier warrants were withdrawn and that the issue has been rectified due to an incorrect wording. But yesterday an

Irato Gull Governor Sir Chris Malvea said his position still stands - that he will file the court proceedings today and allow the courts to correct the system and get to the bottom of this.

- CONTINUE ON PAGE 5



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July 25, 2024

MEDIA STATEMENT

Condemnation of Barbaric Killings in Angoram District, East Sepik

As President of the Law Society, I unequivocally condemn the recent barbaric killings in the Angoram District of East Sepik.

These heinous acts of violence are utterly unacceptable and have no place in our society. The Law Society stands in solidarity with the victims and their families during this distressing time.

I call upon law enforcement agencies to respond promptly and appropriately to these atrocities.

It is imperative that the perpetrators are swiftly apprehended and brought to justice. The rule of law must prevail, and the community must see that such crimes are met with the full force of our legal system.

Why is violence a failure of the rule of law

Laws exist for:

- Basic human rights:
- The role of security forces:
- Funding the security forces:
- Training the security forces.

If these fail, we have a failure in law & order which is a failure in the rule of law.




Asia Pacific Report
Independent news and analysis

NEWS ANALYSIS REPORTAGE COUNTRY EDITOR'S PICKS

Home > Culture > Enough is enough: PNG women over gender crimes by 'callous men'

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

By APR editor - JANUARY 11, 2023



Statement / CLA Statement on Atrocities in Papua New Guinea

The CLA notes with grave concern a Statement from the Papua New Guinea Law Society condemning what they described as recent barbaric killings in the Angoram District of East Sepik.

The CLA joins with the Papua New Guinea Law Society in stating that such heinous acts are utterly unacceptable and a gross violation of human rights.

The oldest and simplest justification for government is as protector: protecting citizens from violence. The CLA agrees with the PNG Law Society that the rule of law must prevail to protect the people of Papua New Guinea and their human rights.

It is noted that the Constitution of the Independent State of Papua New Guinea (the PNG Constitution) provides in its Preamble a section on Basic Rights where it states:

“all persons in our country are entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever their race, tribe, places of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the legitimate public interest, to each of the following:– (a) life, liberty, security of the person and the protection of the law;”

The PNG Constitution also contains Section 37 which provides:

“Every person has the right to the full protection of the law”, and Section 55 which states:

“Subject to this Constitution, all citizens have the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.”

The PNG Constitution further provides at Section 197, in relation to the police, that:

“The primary functions of the Police Force are, in accordance with the Constitutional Laws and Acts of the Parliament– (a) to preserve peace and good order in the country;”

Appropriate application of the rule of law ensures resourcing and improved functioning of the police and those responsible for law and order.

The Commonwealth Charter, which forms part of the fundamental values of the Commonwealth, of which Papua New Guinea is a member, contains provisions and commitments regarding Human Rights and the Rule of law as follows:

HUMAN RIGHTS

We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights,..... We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively. We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief, or other grounds.

RULE OF LAW

We believe in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government. In particular we support an independent, impartial, honest and competent judiciary and recognise that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice.

The 2005 UN World Summit Outcome is a General Assembly resolution adopted at the level of Heads of State and Government. Paragraph 138 represents an important political commitment by Member States and provides:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it.

Noting the PNG Constitution, and the international obligations of UN member states, and the Commonwealth Charter commitments of members of the Commonwealth, the CLA:

1. Calls upon the Government of Papua New Guinea to ensure adequate protection is provided to all its citizens;
2. Urges swift action by law enforcement agencies, such as the police, to bring perpetrators to justice;
3. Supports the Papua New Guinea Law Society in its calls for justice to be delivered through working collectively to ensure communities can live securely without fear of violence and
4. Commends that all necessary steps are taken to ensure the rule of law is respected and prevails.

Commonwealth Lawyers Association (CLA)

26th July 2024

Conference

24th Commonwealth Law Conference Malta

Our Sponsors

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Commonwealth Lawyers Association

Maintaining and promoting the rule of law
throughout the Commonwealth.



Accredited partner organisation of



The Commonwealth

