

ADDRESS OF THE PRIME MINISTER AT THE
OFFICIAL OPENING OF THE FOURTH CON-
FERENCE OF THE COMMONWEALTH MAGIS-
TRATES' ASSOCIATION AT DEWAN TUNKU
ABDUL RAHMAN, JALAN AMPANG, KUALA
LUMPUR ON 11TH AUGUST, 1975

Mr. President, Sir Thomas Skyrme, My Lord President, Tun Mohamed Suffian, My Lord Chancellor, My Lords, Distinguished Guests, Ladies and Gentlement.

I am delighted to be here with you today, to declare open the Fourth Conference of the Commonwealth Magistrates' Association.

It is indeed a great pleasure to us that your Association has chosen Kuala Lumpur as the venue of its Fourth Conference and both our Government and our people were very pleased when you accepted our invitation to come to Malaysia.

With memories of the recent meeting of Commonwealth Heads of Governments in Kingston, Jamaica, fresh in my mind, it is most gratifying that thirty-three Commonwealth countries are represented by their respective Chief Justices. Most noteworthy indeed that the United Kingdom is represented, apart from you, Mr. President, by the Lord High Chancellor himself, by the Lord Denning and by the Lord Cameron.

Never in our history have we seen so many distinguished Judges, Magistrates and Lawyers under the same roof. I understand that there are some 200 of you altogether, which is one-fifth of the strength of the entire legal profession of our country.

I am especially pleased that the Lord Chancellor (who is the head of the judiciary in the United Kingdom, and of the judiciary of those Commonwealth countries that still retain appeals to the Privy Council, and a Cabinet Minister with always a very tight schedule) can find the time to attend this Conference.

I am also very pleased that the Lord Denning who has been a judge for more years than anybody cares to remember, is also with us here today. His presence gives me personally a particular pleasure because it was he who presided during the ceremony when I was made an Honorary Bencher of Lincoln's Inn four years ago (April 1971).

Mr. President, My Lords, Ladies and Gentlemen,

Speaking as a member of the legal fraternity, I very much regret that I myself never practised law, except in a modest capacity as a Magistrate when I was an Assistant District Officer thirty years ago. Later in my career, though trained as a lawyer, I never had a chance to practise our profession, for as fate would have it, I became instead a politician, for which role, as you know, no qualification or training whatsoever is necessary.

I certainly share the view expressed by Sir Robert Menzies (former Prime Minister of Australia) and, like him, law was my first love. I would not wish to say that politics was an untimely interruption of my enjoyment of the law, because law was a love which I had no opportunity to enjoy. Now that I have spent the best years of my life in politics though law will be my last love, it will be a love which I also can never hope to enjoy.

However, I am pleased that in an indirect way, I am still involved in the law. For one thing, my Government has the responsibility for making the law. My view is that the law is not something immutable written on tablets of stone, but that the law is to serve man, not that man should serve the law, though of course he should obey it.

Furthermore, the law is a living thing that should be kept under constant review that should be brought up to date from time to time so that it will always retain public acquiescence and remain suitable for contemporary needs. It can be used as an instrument for satisfying the hopes and aspirations of the people.

In a developing country such as Malaysia, the legal profession has a great responsibility towards society in always keeping in view the desirability of law reform. Lawyers are by nature conservative and it would be easy for us to accept things as they are, and exploit the citizens who are in the main semi-literate and bewildered by the necessary bureaucracy of a modern state.

But, I submit that Lawyers being the most articulate members of the society, especially in a developing society, should be the first to identify antiquated laws and to suggest amendments that will increase the citizen's opportunities for economic, social and political advancement, and create and increase his opportunities for progress and prosperity.

Mr. President, My Lords, Ladies and Gentlemen,

As I have a hand in making the law, naturally I believe in the rule of law, as do my colleagues in the Cabinet. Nor can it be otherwise, when apart from myself, eight federal Ministers are also lawyers. Outside the Federal Cabinet, two Deputy Ministers are lawyers. Apart from the fact that when taking office, we swore to uphold the Constitution and obey the law, it would be quite ludicrous if the law that my colleagues and I make, is not obeyed

As Prime Minister, I also have a hand in choosing suitable men for elevation to the Bench, and in this connection, I am happy to note that one of the topics that you will discuss is the independence of the judiciary. Here let me say at once that the Government which I have the honour to lead, sincerely believes in the independence of the judiciary. This is not only as a matter of principle, but also for two practical reasons.

First, from time to time, the validity of legislative and executive acts of the Government is challenged in court. Whenever the Government does something, we first make sure that it does not contravene the law, and naturally we would wish the courts to be free to judge our acts in accordance with the law. Secondly, politicians do not remain in office for ever, and some of us naturally desire an independent judiciary for the days when we are back in practice at the Bar. Otherwise, many of my Cabinet colleagues would not be sure of making a living when we are thrown out of office.

In Malaysia, the judiciary is respected by all including the Government—which, incidentally, has had its fair share of reverses and embarrassments in the courts—and the doctrine of dispensation of justice without fear or favour is an accepted

thing. And though so much changes have taken place in this country, nothing has happened to undermine public confidence in the judiciary.

On the contrary, there is evidence that more and more people are seeking justice in the courts and the Government itself is committed to uphold the rule of law which is embodied in our National Principles—Rukunegara—on which it is our cherished aims and determination to build a more just and prosperous society.

In world affairs, ever since we achieved independence eighteen years ago, Malaysia has worked steadily and consistently towards the promotion of friendship and goodwill among nations and for international peace and understanding. We believe in solving international differences by peaceful means and it has been our policy to be friendly with all nations whatever their political ideologies or systems of Government may be.

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If peace is to be preserved in the world, it is vital that countries, big or small, should respect each other's independence and integrity and should not interfere in each other's internal affairs. This has been the guiding principles on which we have based our foreign policy and that is why we have endeavoured to play our part in promoting regional co-operation in Southeast Asia, in the promotion of understanding and co-operation among countries in the Commonwealth and also in the third world.

We are happy that the world which was once sharply divided into two camps—the bi-polar world has now evolved into a multi-polar world, into an era of detente. We hope and trust that this detente among the super powers will be real and deep-rooted and will bring peace and understanding among all nations of the world.

We in Malaysia therefore believe not only in the principle of the rule of law inside our country but also in the rule of law internationally. This, we feel, is the only way of ensuring a world order and permanent peace among nations.

Mr. President, My Lords, Ladies and Gentlemen,

I would like to say again that your presence here is a great honour to us. It gives our judges and magistrates and lawyers an opportunity to meet so many distinguished jurists from so many Commonwealth countries, to learn of the way how you have solved your problems, some of which I am sure have also arisen here.

This is an opportunity which seldom occurs, for this is the first International Judicial Conference that has ever been held in our Capital City and it is not likely that the next one will be held here again for one or two decades.

Apart from the opportunity of enhancing our knowledge professionally, I am sure that members of our Bar will also learn a great deal from you on a less formal and more personal basis from talks and discussions between sessions and on social occasions.

In that way, I hope that some firm friendship will also be established between Malaysians and distinguished participants from overseas so that they will gain a wider and deeper understanding of the way the Judiciary functions and of the Administration of the laws.

Furthermore, acquaintances with their counterparts in other Commonwealth will make it easier and more pleasant for Malaysians to visit those countries.

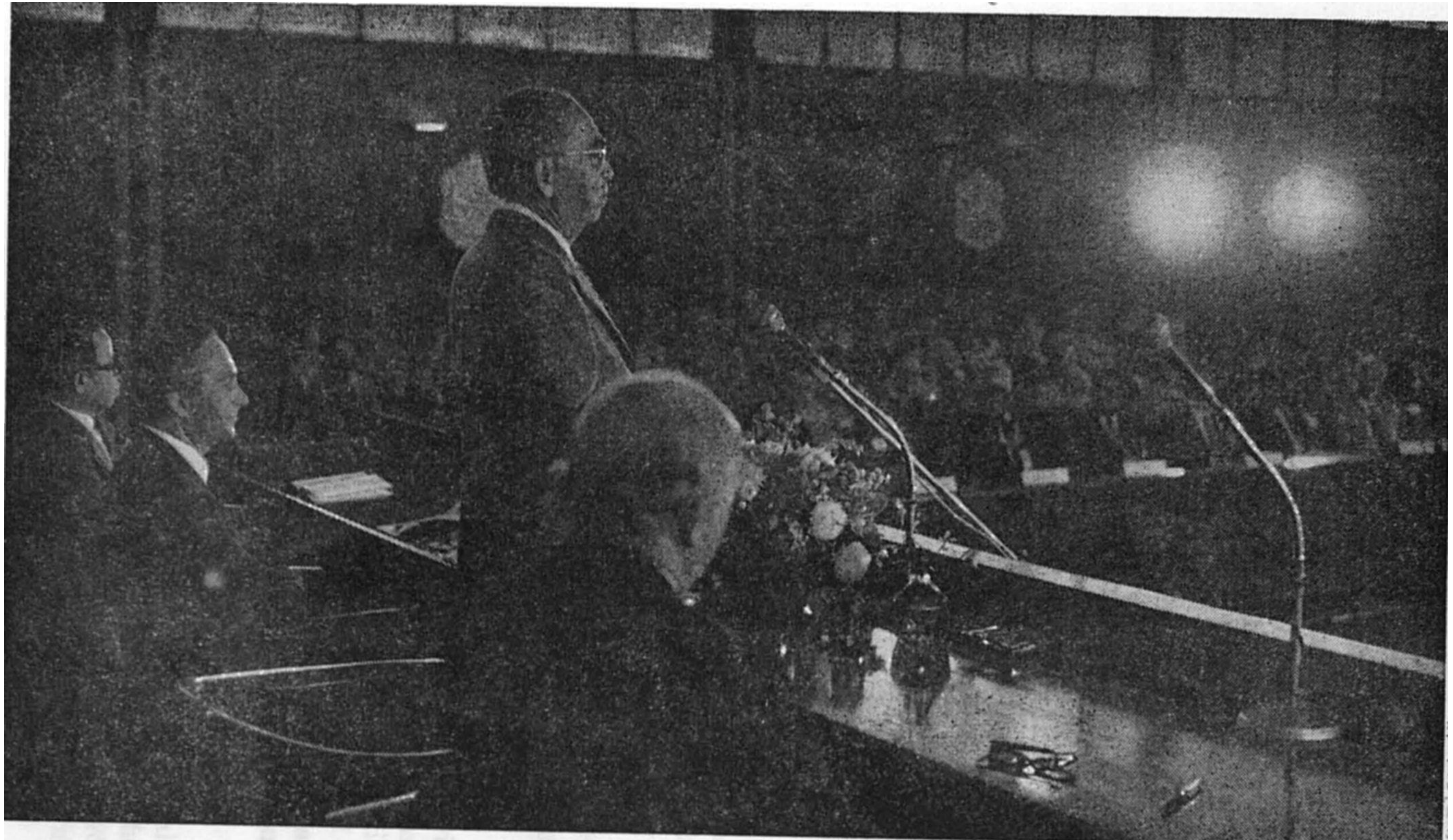
I sincerely believe that the world is a small place and with rapid advancement in modern transportation, it is a continuously shrinking place. Therefore, its inhabitants should learn to live together in peace and harmony. As the Commonwealth itself is so diverse and widely dispersed throughout the world, I am certain that this Conference will assist in promoting international understanding and amity.

I hope that while you are here, you will also find opportunity to get to know our people in various walks of life and visit other parts of our country, so that when you return to your home, you will have a better understanding of the things that we are trying to accomplish here either in the legal or other fields.

Malaysia is a federation of thirteen states which were once autonomous and independent states which have many different characteristics, traditions and historical backgrounds. I am sure if you can find the time to visit these states, there is much that you can see and learn. It is my confident hope that at the end of this Conference and your tour of our country, you will carry back with you pleasant and happy memories of your stay in Malaysia.

Mr. President, My Lords, Ladies and Gentlemen,

Lawyers talk much, politicians are worse; and, as I am both, I am sure that I have already talked too much. There remains only my pleasant duty now to declare this Conference open and to wish you all a successful and fruitful deliberations and a pleasant stay in our country.



Y.A.B. Tun Haji Abdul Razak bin Hussein sewaktu merasmikan pembukaan Persidangan Keempat Majistret-majistret Kommenwel di Dewan Tunku Abdul Rahman Kuala Lumpur pada 11hb Ogos, 1975