

**INTERNATIONAL MALAYSIA LAW CONFERENCE 2023**

By : DATO' SERI ANWAR IBRAHIM

Date : 10/07/2023

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**Keynote Address By**

**The Right Honourable Dato' Seri Anwar Ibrahim**

**Prime Minister of Malaysia**

**10 July 2023**

**(10.30 a.m.)**

**Opening Ceremony**

**International Malaysia Law Conference 2023**

**Shangri-La Hotel Kuala Lumpur**

**Salutations**

His Royal Highness Yang di-Pertuan Besar Negeri Sembilan, Tuanku Muhriz Ibni Almarhum Tuanku Munawir,

Her Royal Highness Tunku Ampuan Besar Negeri Sembilan, Tuanku Aishah Rohani binti Almarhum Tengku Besar Mahmud,

Yang Amat Arif Tun Tengku Maimum binti Tuan Mat, Chief Justice, Federal Court of Malaysia,

Yang Amat Arif Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim, President of the Court of Appeal,

Yang Amat Mulia Tunku Ali Redhauddin ibni Tuanku Muhriz, Tunku Besar Seri Menanti,

Yang Berhormat – Yang Berhormat,

Yang Arif – Yang Arif,

Judges of the Federal Court, Court of Appeal, High Court, and Judicial Commissioners,

President of the Malaysian Bar,

Members of the IMLC Organising Committee 2023,

Distinguished Guests,

Ladies and gentlemen,

1. Time present and time past

Are both perhaps present in time future,

And time future contained in time past.

If all time is eternally present

All time is unredeemable...

What might have been and what has been

Point to one end, which is always present.

2. Those are the words of T.S. Eliot – poet, critic and philosopher – whose works are highly recommended – especially for those who spend substantial time in solitary confinement, whether voluntarily, or sentenced by a court of law.

3. I quote these immortal lines, of course, from Four Quartets, “Burnt Norton”, because they were the first to come to mind when I read that the fifth edition of the International Malaysia Law Conference carries the theme: “**Navigating the Present, Exploring the Future**”. It is indeed a theme most aptly crafted but I thought I would have added the caveat **Remembering the Past!**

Ladies and gentlemen,

4. Those who know me personally know that I have a high regard for lawyers, regardless of their political persuasions or field of speciality. But of course the highest regard is given to those who have been with me through my trials and tribulations. So, let me take a brief moment to pay tribute to three dearly departed members of the legal fraternity. Let me seize this moment to state my enduring gratitude and admiration for Raja Aziz Addruse, a genteel legal giant; Karpal Singh, a lion of lawyers and lastly my fiery friend Christopher Fernando, a pillar of strength. Though no longer with us, they remain etched in my memory as quintessential lawyers.

5. I am grateful to the Malaysian Bar for inviting me to give this keynote address at this conference which brings together such an illustrious, and if I might add, **formidable**, gathering of judges, lawyers and members of civil society. Needless to say, it is such a great honour to be here among you.

6. I was asked to give due consideration in my speech to the subject of judicial independence, but truth be told, that prompting is quite unnecessary for I need no reminder about the imperative of such a topic, having been personally subjected to the toss and turns, the ups and downs of the wheels of justice. But what do we exactly mean by the term justice itself?

7. Indeed, this is not an exact science and the quest for exactitude in attempting to define it may well be an exercise in futility. However, to my mind, some guiding posts are helpful. Going through the expositions of the great philosophers including Confucius and Plato and Immanuel Kant on the subject, reference to John Rawls' theory of "justice as fairness" may prove instructive. Indeed, it is here that "being fair and impartial" is one of the hallmarks of judicial independence.

8. There is no need to reinvent the wheel here for when we talk of the independence of the judiciary, it means that the "judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences...." This is of course the language of the UN General Assembly. In other words, a judiciary that is independent, impartial, and competent is fundamental to the rule of law and engenders public confidence. We could well say it is the very bulwark of justice itself.

9. Now, this sounds easy on paper but, from the empirical standpoint, going back to certain years in the past, such independence may not be that evident and in many ways through no primary failing of the judiciary itself.

- Thanks to the blatant violation of the principle of separation of powers by those holding the reins of power not too long ago, we have witnessed the naked and brutal assault on the judiciary. This culminated in the emasculation of the judicial process itself

particularly in cases involving politicians who had posed a serious threat to the powers that be. Being held to ransom by the said personalities, certain judges consequently made judicial decisions which completely offended against our sense of justice and good conscience.

10. Nevertheless, as I stand here today, I can say with utmost certainty, that since my taking office as Prime Minister, not only have I not encroached upon even a single inch of this sacred terrain, but that I shall defend, at all costs, the independence of the judiciary.

11. In this regard, I must commend our Chief Justice Yang Amat Arif Tun Tengku Maimum for her courageous role in strengthening our faith in the Judiciary. And by this, I mean that thanks to her steadfast stand on the independence of her judicial office and that of her judicial brethren in the face of relentless attacks, the horizon for continued judicial independence appears bright and promising.

Ladies and gentlemen,

12. From the lessons of history, we know that it was corruption and bribery that constituted one of the primary causes for the collapse of the Roman Empire, and subsequent empires as well. And it is not just the existence of corruption but the scale and long-term global effects that should concern all.

13. Much has been said about my so-called pre-occupation with the issue of corruption and that not a day goes by without me shouting myself hoarse about waging war on corruption. While we have no empire as such, nevertheless our nation's history is marred by abuse of power and corruption no less. This scourge has permeated the fabric of our society, stymied our progress and national aspirations and undermines our foundations of good governance.

- In this regard, the time has come for a review of the Whistleblower Protection Act 2010 with a view to expanding protection and the avenues for disclosures to appropriate agencies without fear of punishment.

16. In tandem with this, I would like to call on esteemed members of the legal fraternity to continue to support our initiatives to institutionalise good governance by advocating transparency and reinforcing our current efforts to hold to account the gross abuses of power as well as corrupt practices of those who had full control over the reins of power. No doubt working on the present for the better of the future is essential but equally imperative is to bring to justice the perpetrators of corruption in the past. Giving them a free pass without accountability is to give a blank cheque for the perpetration of future abuses. We need to see a forceful demonstration of this fervour from the Bar. This is the essence of democratic accountability – that we are not only accountable but must be seen to be accountable as well. And this too is the affirmation of justice.

17. In this regard, I am reminded of His Royal Highness Sultan Azlan Shah,” who upon his ascent to the throne in 1989 as Yang diPertuan Agong made the pledge “to rule Malaysia with utmost justice based on the Laws and the Constitution of the nation ... to stand for justice and peace of the Nation”.

18. With regard to the rule of law, it cannot be viewed purely from the prism of theoretical jurisprudence for such a principle cannot be realised if the man in the street or those lacking the economic resources are unable to access the halls of justice. In this vein, I applaud the Malaysian Bar for their valiant efforts in providing Legal Aid, via a scheme established more than 40 years ago.

19. Working in tandem, the Government established the Yayasan Bantuan Guaman Kebangsaan (YBGK) and I am glad to note that since the beginning of operations in 2012, this model has seen hundreds of thousands of persons being represented in criminal proceedings. Access to justice has been greatly enhanced and YBGK has become the largest provider of legal aid in the country. The Government acknowledges the role of the Malaysian Bar in this initiative.

20. To take this framework to the next level, I cannot furnish any specific details as yet. But suffice it to say that the Government acknowledges that access to justice is a fundamental right and I am prepared to give serious consideration to the views of the Malaysian Bar in this matter. The ball is at your court.

21. On the plight of stateless persons, the Home Ministry has received numerous citizenship requests under Article 15(A) of the Federal Constitution which underscore the urgent need for action.

22. Several critical issues contribute to the challenges faced by stateless persons in Malaysia. As for children born overseas to Malaysian mothers, efforts are already underway to resolving the issue of citizenship for them. We will be tabling amendments to the Federal Constitution to replace the words “whose father” in Part I and Part II of the Second Schedule with the words “at least one of the parents”.

Ladies and gentlemen,

23. As a nation, I believe we are at an inflection point in our path towards systemic reforms and a just and equitable society. There is much to do but I am grateful to have the opportunity to make this journey with my fellow citizens. I am sure that the Malaysian Bar will be a vigilant and dependable companion in this odyssey.

24. The IMLC provides a unique avenue for collaboration, dialogue, and the exchange of ideas. As we gather here today, the global landscape is rapidly evolving, presenting new challenges and opportunities that demand our collective wisdom and concerted efforts. The issues faced require lawyers to not only be astute legal practitioners but also compassionate agents of change, striving for justice, inclusivity, and sustainability. This is Malaysia MADANI writ large.

25. The legal profession is essential to the administration of justice and facilitation of economic activity, comprising capable, diligent and intelligent individuals with immense potential to contribute on a national and global level. It is my hope that Malaysian lawyers embark on this trajectory to elevate the legal profession and become a beacon, for the region and the globe.

26. In closing, I extend my sincere gratitude to all those who have worked tirelessly to make this conference a reality. Your dedication and efforts have created an exceptional platform to shape the future of the Malaysian legal landscape. May the next few days be filled with insightful discussions, fruitful collaborations, and meaningful interactions that leave an indelible impact on our collective quest for a more just, inclusive, and prosperous Malaysia.

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