

DATO' SRI MOHD NAJIB BIN TUN HAJI ABDUL RAZAK
PERDANA MENTERI MALAYSIA
PLENARY HALL, CENTRE CORE, KLCC
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INTERNATIONAL MALAYSIA LAW CONFERENCE 2012 (IMLC)

1. I am honoured to have been invited to deliver the opening address of this International Malaysia Law Conference 2012. I am given to understand that you have re-engineered your regular Malaysian Law Conferences and transformed it into this new and inaugural International Malaysia Law Conference. I think such a transformation is both timely and appropriate. Malaysian lawyers, indeed all Malaysians, can no longer afford to be parochial and insular in their outlook. With global competition and worldwide liberalisation, the recipe for success is not to hunker down behind protective barriers of trade and services, but to rise up, enlarge and expand into external markets. Malaysian services providers must leverage on the excellent competitive advantages that we possess in order to thrive and succeed in the international arena.

2. Even as we venture forward, we have to be conscious that concurrently we have to open up our own domestic markets to foreign participation. Earlier this year, Parliament passed amendments to the Legal Profession Act to allow for the entry of licensed foreign lawyers to practise in Malaysia. The competition will no longer just be on overseas shores, but in our own back yard.

3. In order to survive in a much more gruelling environment, Malaysian lawyers need to have a greater and keener grasp of issues and information. Not only one must be of great legal acumen but, must also possess rich knowledge and strong appreciation on the socio-economy aspect of every issue that comes before them. For this, I commend the organizer's effort to line legal and non-legal topics throughout conference. I am certain that your conference will be an excellent forum for such a robust intellectual exchange.

Excellencies, ladies and gentlemen,

4. I am reminded that my late father, Allahyarham Tun Abdul Razak, gave the opening speech of the very first Malaysian Law Conference on 15 July 1971. It is indeed a great honour for me to quote some of his many words of wisdom. In his speech, he said -

'...the law itself, as you are well aware, is dynamic. It has always responded to change; it is constantly adapting existing laws or making new ones to meet the changing necessities of both time and place. In the developing world especially, we have need for a progressive legal system for the formulation of laws which are an expression of our own needs and responses to our own problems. In times of rapid economic, industrial and social development, we must have the courage to reject and to change whatever legislation which no longer squares up to the facts of our society.'

That was said in 1971, and every word of it remains just as true today.

5. The record of this government has been to successfully deliver on the promises of law reform that have been made. We promised the Rakyat for a more open and dynamic democracy in Malaysia, and we annulled the 3 Proclamations of Emergency which lead to the expiry of Emergency Ordinances, an action which is unimaginable by many. We promised the Rakyat for a more human-rights friendly legal environment, and we repealed the three controversial laws i.e the Internal Security Act 1971, Banishment Act 1959 and Restricted Residence Act 1933. We promised the Rakyat for a better right to freedom of speech and expression, and we amended the Printing Presses and Publication Act 1984. We said we will uphold the rights of every Rakyat to their freedom of assembly, and we abolish section 27 of the Police Act and introduce the Peaceful Assembly Act 2011. We said we want to hear constructive criticism from the Rakyat in order for us to become a better government, and we announced the intention to repeal the Sedition Act 1948. These are the few examples to corroborate when we said 'We walk the talk'.

Judge me not by what I say, but by what I do.

6. Notwithstanding the more progressive legislation that has been gradually introduced over the last year, I am fully aware that there are some amongst you, especially those in the human rights community, who will still choose to see the glass as half empty rather than half full. To them I have this to say: walls are more easily crumbled than foundations raised. The painstaking effort of building strong and solid foundations that will stand the test of time, takes time. Just as Rome was not built in a day, the building of a just, equitable and democratic Malaysia cannot be achieved overnight. And as the ancient Chinese saying goes, the journey of a thousand miles begins with the first step. We have embarked on many steps already, but the journey is long and will continue and the reforms will be irreversible.

Excellencies, ladies and gentlemen,

7. One of the steps that we have also taken has been to try to ensure that access to justice is made available to all who are arrested. The launch of the Yayasan Bantuan Guaman Kebangsaan, or National Legal Aid Foundation, has been a milestone in the administration of justice in this country.

8. I would like to thank the Malaysian Bar, the Sabah Law Association and the Advocates Association of Sarawak for their assistance in helping to get the Yayasan Bantuan Guaman Kebangsaan (YBGK) up and running. I still remember the meeting between the Bar Council, and myself on 7 January 2010. During that meeting they spoke to me about their collective concern for the many people appearing in our courts who did not have access to legal advice or were legally unrepresented. At that meeting they pointed out to me that it had been revealed in Parliament in November 2009 that about 78 percent of the accused persons in the magistrate courts were unrepresented in 2008. I was staggered and I could immediately understand where the Bar Council were coming from and I agreed with them that it was indeed a great cause of concern that so many people were left legally unrepresented.

9. Thus the launching of the YBGK on 25 February 2011 was a result of our meeting and our coming together on an issue of mutual concern. This is an era of transformation and the government is always prepared to accept constructive suggestions on ways in which we can better serve the rakyat and uphold and strengthen constitutional provisions. As I have previously said, the era of "government knows best" is over, and a caring government needs to listen to its citizens. In this case, we listened and we acted.

10. YBGK has been set up as a public company limited by guarantee. It has 11 member Board of Directors with the Attorney General serving as the Chairman and assisted by other members from the legal profession and government agencies. It is an independent body that will administer a fund that has been made available for the provision of legal aid and advice for criminal matters, to enhance accessibility to the services of lawyers to represent those needing legal representation, to determine the guidelines for the administration of the national legal aid scheme, and to initiate and carry out educational programmes designed to promote understanding amongst members of the public of their rights and duties under the laws of Malaysia. Funding for legal aid and advice has come from both government and the private sector. This is another example of a smart partnership forged between the government and private sectors that benefits the nation as a whole.

11. YBGK provides free legal aid and advice to all Malaysians (irrespective of their financial means) at the police station during questioning, the remand hearing and when they are charged in court. Insofar as trial work is concerned, a means test will be applied and only Malaysians whose income does not exceed RM36,000 per year will be entitled to receive free legal representation.

12. It is estimated that some 539 persons are arrested every day by the police in Peninsular Malaysia alone. The vast majority of them do not have the financial means to engage a lawyer. Although the right to access to legal advice and representation is included in Section 28A of the Criminal Procedure Code, the establishment of YBGK is a firm expression of the government's commitment to breathe life into Article 5(3) of the Federal Constitution, which states that when a person is arrested he "shall be allowed to consult and be defended by a legal practitioner of his choice". The establishment of

YBGK provides, for the first time, a comprehensive and sustainable legal aid programme for those ensnared in the criminal justice system.

13. YBGK began operations on 2 April 2012. The Malaysian Bar through the various state bar committees has established legal aid centres in every state and these centres are doubling up as offices of YBGK to assist YBGK in its delivery of services. I would like to acknowledge and thank the Malaysian Bar for making available the administrative infrastructure and staffing that has allowed YBGK to reach out to everyone in Peninsular Malaysia. My sincere appreciation also goes to the Legal Aid Department for their kind assistance in providing facilities to our YBGK Operation Centre in Sabah and Sarawak

14. The positive result of this initiative is apparent. Between April and July 2012 alone, YBGK lawyers have assisted 16,274 persons from remand up to hearings.

15. Indeed, the establishment of YBGK heralds a new era of cooperation between the Attorney General's Chambers, the law enforcement agencies, the judiciary, Malaysian Bar, the Sabah Law Association and the Advocates Association of Sarawak.

Ladies and gentlemen,

16. Despite the occasional bellicosity and belligerence, both in politics and in the legal profession, which is a part of the cut and thrust of debate and discussion in the public sphere in a free and democratic society, I would like to strongly reiterate my late father's affirmation of the legal profession. The Malaysian Bar is an important partner in the rule of law and the administration of justice. When it speaks, we listen. We may not always agree with the views emanating from the Malaysian Bar, or even some of the activities that they undertake, but we hear what they say and observe what they do with interest. We may make the occasional joke about lawyers, but they nonetheless have a unique and important role to play in our country.

17. If I may be permitted, I would like to draw my speech to a close by once again quoting from the words that my late father spoke when he declared open the inaugural Malaysian Law Conference in 1971:

"We rely on the Bar for their loyalty and support. In framing the law, we as legislators have to be acutely conscious of the realities - political, economic and social, which exist in this country. The law does not, and cannot, exist in a theoretical vacuum. As administrators and interpreters of the law, you will, I am sure, be equally conscious of these realities. It will be your task to apply the strictest tests. But the vigour of your standard can only have validity and can only be useful to the legislators and to society if they are firmly grounded upon the realities of our society as it is in this time and place.

Needless to say, the pace of change in Malaysia today and the gravity of the issues before us demand a greater response from us all even beyond the duties of our specialised spheres. National consolation is the responsibility of everyone. As lawyers and citizens, I urge everyone to leave the sidelines and forsake the fence-sitters. You are an influential body and can be a very strong and useful force for good in this country. Our society, unfortunately, has become fragmented, even polarised, and so we must look for a new synthesis. To replace the communal groupings of the past, we look to other groups to be the new bridge for greater understanding and co-operation. The legal community possesses a multi-racial unity already, well secured by a professional bond which transcends race, religion and political affiliations. It is your duty, therefore, to devote your earnest attention and dedicate yourselves to the promotion of racial harmony to achieve national unity."

18. It is with these words ringing in our ears and lingering in our thoughts that I am pleased to declare open this inaugural International Malaysia Law Conference.

Thank you very much.

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