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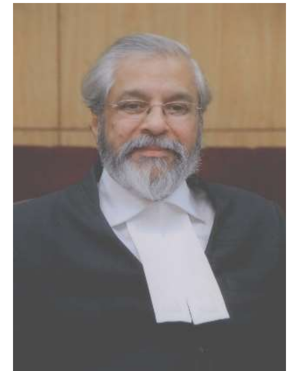
Message from the President



The Commonwealth Judicial Education Institute (CJEI) is always on the look-out for innovative methods for imparting judicial education, and in some respects, it is a trend-setter. The Biennial in Port of Spain (Trinidad and Tobago) saw the introduction of music as a tool for judicial education. As one would expect, the reactions were varied but the overall assessment was that music could be an innovative tool for judicial education. How to 'harness' music is a challenge, but like all other challenges, the CJEI will overcome it in due course.

It was heartening to note during the Biennial that the Judicial Education Institute of Trinidad and Tobago (JEITT) is encouraging young judicial educators (some of whom made excellent presentations) and is also using technology to the maximum. The experience in T&T gave rise to the possibility of using Artificial Intelligence (AI) to benefit the judiciary. This is a project that the CJEI is taking up in right earnest and will be discussing it in detail in the meeting of Chief Justices of the Commonwealth hosted by the CJEI alongside the Commonwealth Lawyers Association conference in Livingstone, Zambia. Our Fellows are invited to contribute ideas that can take the project forward.

The value of associating with the CJEI is being increasingly felt across the Commonwealth and some judicial education institutes that were somewhat dormant (by our very exacting standards) have evinced interest in renewing the relationship. We are looking ahead to greater interaction, while maintaining the quality of our commitment and devotion to judicial education.

Madan B. Lokur

Judicial Education – A Necessity for Judicial Success

JOHN GF CAREY, JP[♣]

ABSTRACT

Judicial Education is a specialised area in which law and education intersect. Its development and acceptance in the judiciary is relatively new.

This paper discusses judicial education and its impact on judicial success. It provides insights into the expectation of judicial education and how it informs on the competency of the judiciary and confidence of the public in the judiciary. It examines the term judicial success and connects this with the recognition of judicial education as necessary. Further, it suggests that evaluation methodologies for judicial education programs are critical to confirming judicial success because judicial success is based on improved access to justice.

It is anticipated that this research will contribute to the academic work in judicial education and provide a foundation for future studies which critically analyse through more literature review and empirical data on the connectedness of judicial education and success.

CONCEPTS IN JUDICIAL EDUCATION

Judicial Education is a critical component for any Judiciary wishing to perform at its optimum in the proper administration of justice. The process of judicial education is engaging adults who may be assumed to be unique learners and sophisticated learners given the cohort of individuals who are Judges and Magistrates. For the legal professional, it may at first appear to be a fairly straightforward continuum in the education process which follow academic and vocational training prior to qualifying.

Successful Judicial Education requires an understanding of the Judiciary's needs in terms of growth and development. Further, this will require recognition that the individuals who are the focus of the educational programs are astute and successful, and may be national or even international experts on multifaceted aspects of law.

There may be many who do not see the relevance or significance of judicial education when the target audience is expected to have all of the knowledge, skills and attitudes required to perform in their judicial roles. However, there is always more to learn, and academic and vocational training, while perhaps preparing 'lawyers' for practice, is unlikely to prepare them for the specialised role of the judiciary.

There are benefits to training for the judiciary and this can be evidenced by the improvement in performance and in the confidence of the public of that performance. The Judiciary performs a very important and unique role in society and as one of the three pillars of government (i.e. Executive, Legislative and Judicial) is accountable. Judicial Education enhances the ability of the Judiciary in its accountability to the public as its purpose is to ensure access to justice.

Judicial education underpins judicial reform and development in countries which have established democratic systems functioning at the level of international best practices. In developing countries where rule of law and corruption issues are often the norm, the need for judicial education is even more pronounced. This is required in order to assist the judiciary in meeting these challenges which if left unchecked could potentially destroy those societies.

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The Independence of the Judiciary is something that must be jealously guarded. Judicial education which influences the judiciary should be controlled by the judiciary to ensure that judicial independence is preserved and further programs which strengthen judicial independence should be developed. The obligation of those engaged in judicial education should be clearly understood to be to assist the judiciary in the performance of its duties as a fair, impartial and independent branch of government. Citizens rely on the judiciary to adjudicate matters when all else fails in society. Judicial education buttresses the judiciary's ability to do that effectively.

Recently, the judiciary has been more ready to recognise the need for judicial education. In a 2003 study conducted by Wallace J, that included Judiciaries in the South Pacific Countries a common theme identified was the need for judicial education and training for judiciaries[1]. 'We have progressed from the practice of each country developing judicial education without outside resources to regional interaction and resource-sharing'.[2] This is a significant departure from the approaches taken by the judiciary over half a century ago in relation to judicial education and its applicability. The change of view of the judiciary toward judicial education throughout the Commonwealth and including the South Pacific is notable[3]. In Papua New Guinea this evidenced by the formation of the Papua New Guinea Centre for Judicial Excellence (PngCJE) in 2006 whose focus is on the delivery of Judicial Education and Training program for the Judges, Magistrates and Law and Justice Sector in Papua New Guinea. Further, as the PngCJE has developed capacity it now shares resources and facilitates judicial education and training on a limited basis for 14 Pacific Island jurisdictions.

Judicial Education aims to enhance competencies through training which develops knowledge, skills or attitudes.[4] The Judiciary is the beneficiary of improved knowledge, skill or awareness training and the public is better served as a result. This is significant because the training is coordinated, organised and presented using methodology which recognises that its target audience is different from that of other types of adult education.

Initially, judges and lawyers in common law jurisdictions, did not support continuing educations for judges.[5] As such, judicial education did not develop in a structured manner.[6] However, for the past fifty years in the global arena judges have embraced judicial education and training.[7] This engagement by judges in judicial and education is much different than many of their predecessors in the judiciary.

The ability to lead and demonstrate leadership skills should be a primary trait associated with judicial officers. The Judiciary should ensure that it is prepared to handle the challenges of the administration of justice.[8] This requires leadership. Notwithstanding the qualifications and skills that come with serving in such high office, it is not enough to be a good manager to be effective in such a role. 'A leader must be uneasy with routine and habit, vigilant against complacency, and ruthless in attacking smugness and arrogance.'[9]

The demands placed upon judges mean they may be overwhelmed simply by hearing cases and making decisions. It therefore, becomes critical that Judicial Education is available to assist in strengthening leadership capabilities while also refining managerial skills.

Teaching is hard work.[10] Judicial Education involves more than just teaching. It has its own pedagogy and style which is unique to its target audience of learned men and women. Delivering training through lectures, panel discussions, online webinars, and publications is quite common in

[1] Wallace, J. Clifford, "Globalization of Judicial Education, 28 Yale Journal of International Law, 2003

[2] Ibid p. 364

[3] Partington, M, "Training the judiciary in England and Wales: the work of the Judicial Studies Board, C.J.Q. p.319-336

[4] Armytage, Livingston, "Bench Books: Key Publishing Guidelines", Journal of the International Organization for Judicial Training, Issue 4. 2015, p. 92

[5] Armytage, Livingston, Judicial Education on Equality, 1995, 58 MOD. L. REV. p. 160, 162

[6] Goldbach, Toby S, From the Court to the Classroom: Judges' Work in International Judicial Education, 2016, 49 Cornell International Law Journal, p. 669

[7] Ibid p. 670

[8] Smellie, Hon. Anthony, Chief Justice of the Cayman Islands, addressing Judicial Education Conference in St. Lucia, 2003

[9] Harrari, Oren, The Leadership Secrets of Colin Powell, McGraw-Hill, 2002, p. 86

[10] Sanders, J Oswald, Spiritual Leadership, Moody Publishers, 2007, p. 42

jurisdictions such as Australia, New Zealand and Papua New Guinea.

> "Forms of Judicial Education include collegial meetings (international, national, regional and local) and all professional information received by judicial officers (Judges & Magistrates) and court staff through the media of print, audio, video, video teleconferencing, computer disk, satellite television, on-line, mentoring, organized feedback such as performance evaluations, self-study material, e-learning, work attachments, mentoring, etc."[11]

The concept of Judicial Education is one which is not readily accessible in terms of material in academia. There is limited material on judicial education when doing a literature review and it is generally not included in academic studies. In fact, most curricula in law schools make no mention of Judicial Education as a topic. It is very likely that Judicial Reform would be an area of discussion robustly debated in law schools. However, for lawyers who will transition into Judicial Education in the future either as a facilitator or user of the programs, it is an area in academia that would be beneficial to include in a legal course even if on the same footing as Judicial Reform.

As a legal professional considering the next step of one's career[12], significant thought is given to the requirements for being on the bench if that is the intended goal. However, it is very likely that one does not consider the requirements for continuing professional development through Judicial Education as the competency enhancer that it is. It is essential for ensuring that Judges remain on the cutting edge of delivering Justice in their courts.

'An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice.'[13] Judicial Education at its foundation aims to achieve what is in the Commonwealth Latimer House Principles. Public confidence in the Judiciary can only be strengthened when Judicial Education is employed to support the Judiciary.

'The competent and conscientious performance by judges of the duties of their office is the most effective way to maintain respect for the rule of law.'[14] Based on the dearth of literature on judicial education one may argue that it is not sufficiently recognised as important or relevant. However, in spite of the intelligence and ability of the professionals who are Judges and Magistrates there is a need for Judicial Education.

Challenges associated with social contextual issues vary by jurisdiction. 'Judicial education addressing social context assists judges to respond effectively to these challenges.'[15] It is paramount in promoting justice that context is clear and understood. Hence, the phenomenon of social context which differs by jurisdiction should be included in judicial education programs.

Throughout most Commonwealth Countries, Judiciaries either have Judicial Education Committees or Judicial Education Institutes or Colleges whose focus is to provide judicial education for their Judiciaries. The concept of judicial education is now firmly established in Commonwealth Countries and in many other jurisdictions around the globe. This demonstrates that the necessity of judicial education has been widely recognised.

Often times there is a view that face to face delivery of judicial education is the best method because it allows people of like minds to congregate in one location and to fellowship and share ideas which in theory should improve their respective abilities in the performance of their judicial duties. However, fundamental education theory has proven that various styles of learning are suited to different learners and not all individuals learn at the same rate or through the same style as effectively as possible.

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[11] Papua New Guinea Centre for Judicial Excellence Business Plan 2013 – 2017, p.6

[12] Elliott, Catherine, English Legal System Sourcebook, Pearson Education Limited, 2006, p. 86

[13] Commonwealth (Latimer House) Principles, 2009, Part IV, p.11

[14] Brennan, Sir Gerard, former Chief Justice of Australia, addressing the National Judicial Orientation Programme, Wollongong, Australia, 13 October 1996

[15] Dawson, T. Brettel, "Judicial education on social context and gender in Canada: principles, process and lessons learned, 15 April 2015, p. 259

Given the level of education, time constraints and prominence of the target audience in judicial education, self-directed learning is a helpful tool to produce the desired result. Published works that can be read by the judiciary can greatly assist in continuing professional development. In many jurisdictions there has been a demand for more published material to be used in self-guided training by Judges.

> "Bench books are a very important tool in building judicial capacity…..The rationale for a bench book is to provide a special resource to supplement the existing literature and provide targeted assistance for the quite particular needs of judges."[16]

If more judicial education programs are able to deliver more bench books, it is likely that the accessibility to more knowledge, skills and attitudes training becomes instantly available for those judiciaries. 'Delineating goals for judicial education is not merely a theoretical exercise.'[17] There are practical implications through which programs are developed and the impact which should be monitored and evaluated by an effective measuring standard whether qualitatively or quantitatively, will be felt by the public.

Ethics and Integrity inform on the behaviour of individuals in society. It is an accepted position that the judiciary while also subject to the law, are the upholders and guardians of the law on a personal and professional level. Judicial education ensures that there are opportunities to refresh the intellect and stimulate the thoughts of these learned men and women in continuing to be beacons of justice for all in society. Efforts to eliminate judicial corruption are critical components to engendering societal support of the judiciary. Judicial education assists in reinforcing the types of attitudes and behaviours and the expectations by society of the judiciary as men and women above reproach.

WHAT IS JUDICIAL SUCCESS?

Reality is merely an illusion, albeit a persistent one – Albert Einstein. One may advance the view that judicial success is relative and not absolute. Is the public trust and confidence an indicator of judicial success?

> "…it has long been recognized that the preservation of public confidence in the judiciary requires maintaining a standard of excellence in the performance of judicial work. To maintain this standard, ongoing participation in judicial education is required."[18]

Judicial Success is measured by a number of subjective and objective indicators. Invariably one may look at the number of matters that are heard by a court in contrast with the number of issues that are available to be heard. Although quantitatively getting this information may be unlikely, qualitative inferences can be drawn from court user fora.

Competency may be regarded as judicial success.

> "A competent judge, imbued with qualities of professionalism and feeling accountable, has no fear of anyone or anything… Thus, judicial training and education serve to make judges acquire the necessary knowledge, competence, and independence to take on the challenges"[19]

Judicial success gives the judiciary achievements with which to emulate and the public confidence with which to embrace. It inspires ordinary people to aspire for higher heights and promotes the rule of law as a concept worth following because justice is not only done but also seen to be done in the communities that judiciaries serve.

Understanding how to achieve judicial success does not necessarily happen as a result of legal training at the

[16] Armytage, Livingston, "Bench Books: Key Publishing Guidelines", Journal of the International Organization for Judicial Training, Issue 4. 2015, p. 91

[17] Cowdrey, Diane E., "Teaching New Judges What It Means To "BE" A Judge, Journal of the International Organization for Judicial Training, Issue 4. 2015, p. 83

[18] Crabtree, Thomas, Bovard, Joseph W., and Serwin, Magdalena, "Online Programming at the National Judicial Institute", Journal of the International Organization for Judicial Training, Issue 4. 2015, p. 21

[19] Hussain, Faqir, "Continuing Judicial Education in Pakistan", Journal of the International Organization for Judicial Training, Issue 4. 2015, p. 55

academic or vocational level. It is true that Judges are not trained to be judges until they become judges. This is the general rule and therefore a gap in the transition from being a successful lawyer. It is reasonable to assume that the only way for a Judge to become a better judge is through a combination of experience as a judge and training while a judge in the form of judicial education.

The planning of an appropriate curriculum and the pedagogy are paramount in the program development of judicial education. Working closely with the Judiciary is essential to getting this right. Judicial education is neither purely academic nor vocational. As such, the approaches to instruction design and delivery are not regurgitation of adult education theory or college lecture styles.

Judicial Competence and professional development are connected through judicial education. The extent to which the efficacy of the judicial education programs are functioning is demonstrated in the judicial success that results. Whether the underlying legal system is civil or common law, judicial education is being adopted.[20] As the foundation of judicial reform, judicial education is a key component because of its impact on skills and attitude change.[21] Judicial education achieving sophistication inspires changes in attitudes which result in the judiciary meeting the societal expectations.[22]

The debate on the need for judicial education is now a matter of history, however, it is interesting to note the philosophical debate as outlined by Armytage (2015). [23] In the 21st century it seems difficult to grasp the far-fetched views of learned men and women who dismiss the opportunity to improve on their ability to adjudicate in matters and in effect have become "gods unto themselves" by what a reasonable person may infer is their self-perceived superior intellectual and experiential dispensation.

'With the settled acknowledgement of the need, it is now safe to say that even the most conservative and traditionalist of our judges have come to accept the idea of continuing education and training.'*[24]* In jurisdictions whose focus are financial services and which have significant impact on the global financial transactions, ensuring that the judiciary is kept up to date on trends in the law is highly relevant to the success of the global financial community.

When the judiciary meets its responsibility for judicial governance it engages the public and assures confidence. Judicial education is necessary to assure this type of judicial success. It fosters learning. *'*One of the things that I love about being a Judge is that I am constantly learning.'*[25]* Learning is a key function of the judicial education process and judicial success is truly realised when judges actively engage and have a desire to continue to learn.

Judges must seek fairness for all.[26] This results in judicial success given the role of judges to uphold the rule of law. Judicial education fosters understanding in facilitating

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[20] Wallace, J. Clifford, "Globalization of Judicial Education, 28 Yale Journal of International Law, 2003, p. 358

[21] Judge Sandra Oxner report on judicial education and the state of the Philippine Judiciary in June 1990

[22] Ibid p. 2

[23] In his book, Educating Judges: Towards Improving Justice, renowned Judicial Education Expert and Scholar, Dr. Livingston Armytage elaborates on the debate for the need for judicial education in Australia, New Zealand and the United Kingdom (UK). In the UK, Lord Devlin and Lord Hailsham opposed and suggested that the capacity of being a judge is acquired in the course of practicing the law. Dowsett JA argued that judicial education which is systemized constituted a "serious threat".

[24] Address of Hon. Anthony Smellie, Chief Justice of the Cayman Islands at the Second Biennial Meeting of Commonwealth Judicial Educators in St. Lucia in 2003 on The Need for Continuing Judicial Education and Training – The Caribbean Perspective; "In my own experience I can say that some Caribbean States; notably the Cayman Islands, the Bahamas and within the Organisation of Eastern Caribbean States (OECS) the British Virgin Islands, Antigua and St. Lucia can already point to the need for continuing education in such areas as trusts, corporate insolvency and commercial law because of the type of litigation engendered by the growth of their offshore financial services sectors."

[25] Chief Justice Ivor Archie, Chief Justice of Trinidad and Tobago, "Judicial Training and The Rule of Law", Journal of the International Organization for Judicial Training, Volume 1, Number 1, 2013, p.20; "Knowledge of the law is only one item in a judge's tool kit. The judge of tomorrow must be an efficient manager versed in case management techniques and litigation support technology. He or she must be reasonably knowledgeable about emerging science and technologies."

[26] The Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada. April 23, 2009. Remarks on the Opening of

justice. However, it is important that in planning and executing judicial education plans that judicial educators are aware of the effectiveness of their programs. 'Without evaluation of the educational experience, we cannot be sure that it was worthwhile.'[27] Judicial education requires evaluation to determine its effectiveness. This impacts judicial success because an effective judicial education cannot achieve its optimum success without evaluation.

'The next thing that is needed for effective learning by judges is a widespread acceptance in the judiciary that life-long learning for judicial officers will be most effective if it is self-directed and collaborative.'[28] As judiciaries advance and develop their judicial education programs it is anticipated that greater judicial success will be more easily identifiable and thoroughly evaluated. While monitoring and evaluation of judicial education programs is important, in practical terms the identification of methodology to perform this objectively and eliminating the subjectivity with credibility is blurred and not necessarily indicative of judicial success. As more quantitative methods are employed in the evaluation of judicial education programs, it is reasonable to deduce that there will be more objective measures of the success associated with these curricula.

CONCLUSION

As judicial education becomes a mantra in the majority of jurisdictions around the globe, there will be a continued push to measure its success. With a 360 degree turn around in the views of lawyers and judges with regard to the relevance or importance of judicial education, it will be interesting to observe the progress in this niche area of the intersection of law and education. While it has limited academic study it has even more limited published material. There are relatively few judicial educators on the planet and there is a significant demand given the aging population of the existing individuals in the field.

'In broad terms, judges epitomize adult learners. Within this…formalized judicial education should be seen as a process of facilitation based on self-directed learning rather than authoritarian model of teaching.'[29] It has been established by judges, legal practitioners, academics and international agencies that judicial education is necessary. The evaluation of judicial education has been validated as being "inadequate and lacking methodological rigour."[30] 'Continuing education is integral to the ongoing professionalization of the judiciary.'[31] Through adult learning in the areas of knowledge, skills and attitudes for the judiciary there should be expectation of judicial achievement.

One may argue that with the limited information in terms of research on judicial education it is not likely that there will be significant qualitative evidence and that most of what is available is primarily connected to anecdotal indication. Such a position has merit but with more judicial educators documenting the process and systems engaged to deliver judicial education and engaging monitoring and evaluating protocols, there will be more empirical evidence to show judicial success interlinked with judicial education.

The author is of the view that in order to advance civilization as a more just and equitable species, the way in which the behaviours of people are regulated will be improved through a more competent and enlightened judiciary which can only happen with the implementation of judicial education. Judicial education is necessary for judicial success. The quality of life will be enhanced when there is judicial success.

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the Twentieth Anniversary Seminar of the National Judicial Institute.

[27] Edwards, Mary Frances, "Evaluation Of Continuing Judicial Education Programmes: Reaction, Learning Acquisition/Retention & Behaviour Changes", Journal of the International Organization for Judicial Training, Volume 1, Number 1, 2013, p.113

[28] Former Chief Justice of the Supreme Court of Tasmania Peter Underwood AO, "Educating Judges: What do We Need?"- Speech delivered in 2004 – Interestingly he states, "So, in the brief time available to me I respectfully suggest for your consideration, that judges do not need educating at all, but they do badly need to willingly embrace the need for life-long learning in a collaborative style, but this will require a huge cultural change."

[29] Armytage, Livingston, Educating Judges: Towards Improving Justice, Brill Nijhoff, 2015, p. 136

[30] Ibid p. 218

[31] Ibid p. 228

Governance Structure of CJEI

The governing committee of the Institute consists of the Honourable Justice Madan B. Lokur, President; the Right Honourable Sir Dennis Byron, Chair; the Honourable Chief Justice Sophia Akuffo, Vice President (Special Projects); the Honourable Justice Abdu Aboki, Vice President (Outreach); the Honourable Justice Peter Jamadar, Vice President (Programming); the Honourable Justice Kashim Zannah, Vice President; the Honourable Roshan Dalvi, Vice President; retired judge Sandra E. Oxner, O.C., Founding President; the Right Honourable Beverley McLachlin, Canada; the Honourable Chief Justice Ivor Archie, Trinidad & Tobago; the Honourable Chief Justice Asif Saeed Khan Khosa, Pakistan; the Honourable Chief Justice Irene Mambilima, Zambia; the Honourable Mr. Justice Adrian D. Saunders, Trinidad & Tobago; the Honourable Justice Leona Theron, South Africa; the Honourable Judge Gertrude Chawatama, Zambia; Professor Michael Deturbide, Canada and Professor Emeritus John A. Yogis, QC, Honourary Treasurer and Ms. Sandra J. Hutchings, Secretary.

Chief Justices of the Commonwealth countries are Patrons to the Institute. The Executive Directors of Commonwealth judicial education bodies form an Advisory Board to the Institute.

CONFLICT AND DISPUTE RESOLUTION: THE RAM JANMABHOOMI-BABRI MASJID DISPUTE IN INDIA

Justice Roshan Dalvi (Retd), CJEI Vice President and Fellow 2009

BACKGROUND

Ramayan and Mahabharat are the two great epics of India. Ramayan depicts the life and times of Ram, the 7th Avatar of the Hindu God Vishnu, who ruled in ancient India. He was an exemplary beneficent ruler and known as the Apostle of Truth and Justice. He is considered as God by most Hindus who are the earliest ancient people of India, as it then was, and who now form the majority of the population. Though the precise date of Lord Ram's birth in the pre-historic times is not documented, the event is as important as the birth of Christ in the Christian world and is stated to date back to a millennium before Christ (BCE). We are not concerned as much with the date as with the place of Lord Ram's birth.[1] He is stated to have been born in what is today the city of Ayodhya in Faizabad district of the State of Uttar Pradesh in North India. It is widely believed that a Temple existed at the place of his birth called Ram Lalla or Ram Temple. Since it was at his birthplace, which is 'Janmabhoomi' in local languages, it is now referred to as Ram Janmabhoomi. Since when it has been so called is also not documented. Excavations from the Archaeological Survey of India have shown a pre-dating Hindu religious structure at this site which may justifiably and arguably be nothing other than a Ram Temple, but the date of its construction remains disputed by researchers. Ram Temple is stated to be on a land of 2.77 acres in area. It now has a surrounding land of 67(or 68) acres in area which is vacant and acquired by the State.[2]

Islam, as a religion, started in the Arabian Peninsula 14 centuries ago. Present day India then consisted of many kingdoms inhabited and ruled by Hindus. The Islamic expansion out of the Arabian Peninsula was initially

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[1] Ram Janmabhoomi Wikipedia: Ramayan is stated to have shown the birthplace of Ram on the banks of River Sarayu in the city of Ayodhya which was the capital of Ram's empire.

[2] The acquisitions of lands are to be done in public interest and for public purpose under the Land Acquisition Act, 1894 and the land was acquired under the newly passed litigation, the Right to Fair Compensation and Transparency in Land acquisition, rehabilitation and resettlement Act, 2013 which came to be challenged as mala-fide action.

into what was then the Persian empire and then to the Hindu kingdoms to the North-East of Arabia. What is India today was conquered by many tribal chieftains and marauders coming into the region mainly from the North-West mountains which is the geographic region of the Hindukush mountain range, perhaps, so called because it was the gateway to the land of the Hindus, the people who inhabited the area. One such conqueror was the Moghul Ruler Babur who established the Moghul dynasty in India. It is widely accepted that Islamic ideology was monotheistic and believed in but one God called Allah in Arabic and was fiercely opposed to any form of idol worship. Hence many temples of ancient gods worshipped by the Hindus were demolished by the Muslims who conquered the kingdoms. One such Temple is stated to be the Ram Temple.

The real Conflict under consideration is the fact that a Mosque (Masjid) was built at the site of Ram Janmabhoomi upon demolition of the Ram Temple. It was, therefore, called Masjid-e-Janmabhoomi. As per the inscriptions at site in Persian language, the Mosque was built in 1528-29 CE by one Mir Baqi, the Commander of Babur, the then ruler of the Moghul Dynasty, on the order of Babur. It is, therefore, known as Babri Masjid.[3] The Mosque stands on a hill called Ramkot (Ram's Fort). The precise date of the construction of the Mosque is also not of much concern in view of the admitted position of the existence of the Mosque for the last more than four centuries by all the parties to the Conflict.[4]

Though Ram Temple is merged in antiquity, Babri Masjid was also an ancient monument, statutorily protected.[5] The name 'Ayodhya' denotes this paradigm: **A** means **Without** and **Yudha** means **War** in Sanskrit.

The teachings in the Holy Koran show: **Air, water and land belong to no man as they were created free by Allah.**

The last century has witnessed sporadic acts of violence and conflicts concerning the Temple / Mosque. That is now of only academic importance. The event known to all is the demolition of the Mosque upon religiously motivated and politically backed violence which resulted in riots and bomb blasts with about 2000 casualties of innocent Hindus as well as Muslims in India and a fierce backlash in various neighboring countries notably Bangladesh, Pakistan, Iran and UAE in the Middle East.[6] The violence fueled further communal conflicts and sentiments which changed the tolerant, pacifist Indian ethos as a peace-loving society and put a blot upon its image as a home of peace and harmony. This event is the nucleus of the proposed Resolution of the Conflict which has culminated in several litigations and awaits a peaceful end.

CONFLICT SITUATION AND CONTEXT

Whether or not there was a pre-existing Temple at the site where Babri Masjid stood prior to its demolition on December 6, 1992, is the matter in dispute in a protracted litigation between the Hindus and Muslims of present day India and which has caused an acrimonious religious Conflict between the two peoples. Four civil suits on title have been filed. The ownership, possession, use and occupation of the structure on a piece of land

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[3] Some documented accounts by foreign historians and travellers in later centuries do show that what is called Babri Masjid was, in fact, built by Aurangzeb, the last known Moghul ruler of Hindustan and believed to have been a fanatic who destroyed more than he built, unlike the previous Moghul Emperors who built mosques, tombs and madrasas. The report of the survey of Gorakhpur Division, of which the disputed site forms a part, made by Francis-Bacon-Hamilton on behalf of the East India Company during the British rule in India in the British Library archives states the construction by Babar. The architecture suggests that it was built in the pre-Moghul period which would be the reign of the Delhi Sultanate.

[4] Ram Janmabhoomi-Babri Masjid dispute Wikipedia

[5] See Ancient Monuments and Archaeological Sites and Remains Act, 1958.

[6] There were widespread riots in Bangladesh. See Lajja (Shame) by Taslima Nasreen, more specially pages 27, 29, 30, 55, 71, 74, 75, 105, 117, 128, 131, 133, 139, 141, 147, 148, 160, 163, 168, 169, 176, 179, 188 and 196. The book written in 7 days following the Babri Masjid demolition relating to the communal bloodbath upon the persecution and "hunting" of the Hindus condemning fundamentalism and communalism demonstrates the courage of a woman author against the fundamentalist forces in the country. The book was banned after sale of 60,000 copies and a Fatwa was issued against its author. Several temples were demolished in Pakistan. The UAE Government criticized the Indian Government for not being able to stop the violence.

admeasuring 2.77 acres have been agitated. Evidence of the findings of the Archaeological Survey of India in its report forms the basis of the claim of the existence of the Ram Temple at the site by the Hindu parties. The allegation of fabrication of records is also made. Sunni and Shia Muslims have made independent claims that the Mosque belonged to them; Sunnis claim it as Babur was a Sunni, Shias claim it as Mir Baqi was a Shia!
By a Judgment of the Allahabad High Court[7] dated September 30, 2010 the disputed land of 2.77 acres has been ordered to be partitioned in three equal parts and granted to the Hindus, represented by Ram Lalla, the deity, the Muslims, represented by the U.P. Sunni Central Wakf Board and one Nirmohi Akhada sect. The civil action is pending in the Supreme Court of India in its final appeal. The Supreme Court has referred the parties to Mediation as a better alternative to adjudication. This promises to be the largest ever Mediation in the world involving numerous stakeholders. It can be easily described as the most activist pacifist role of the Supreme Court.

There have been a large number of pacifists on both (or rather all) sides of the dispute who put the future before the past. They strive for communal harmony and desire the progress - economic, cultural and financial - that peace begets and that conflict hinders. Hence this Conflict Analysis concerns itself not with who was responsible for the generation of the present conflict and who did the undesirable. It only seeks to repair the harm and renovate the site. It seeks to assuage the hurt and medicate the wound. It hopes for a better tomorrow for the generation of today and their children and grand-children.

The seminal requirement is to map the prevailing conflict and the desired peace. Risk and Opportunities assessment become vital to analyze thus:

MAPPING THE CONFLICT

Areas	**Risk Assessment**	**Opportunities Assessment**
Location	India	India
Timing	Election time 2019	Perpetuity
Political Context	Challenge to the Ruling party	Secularism
Military Context	Alertness for riots and bomb blasts (BSF/SP/RP/CG)	No military requirement and consequent expense
Social & Cultural context	Religious divide	Progress & Prosperity
Economic Factors	Damage to public property	Indigenous and Foreign investments Employment opportunity

MAPPING THE PEACE

<table>
<tr><th>Actors</th><th>Areas</th><th>Particulars</th></tr>
<tr><td rowspan="5">Educators
Corporates
Film / Sports Personalities
Media</td><td>Objectives</td><td>Peace</td></tr>
<tr><td>Interest</td><td>Peaceful co-existence</td></tr>
<tr><td>Means</td><td>Dialogue
Giving & Sharing

Respecting values of each other</td></tr>
<tr><td>Obstacles</td><td>Attitude & Behavior</td></tr>
<tr><td>Opportunities</td><td>Making example, setting trend</td></tr>
</table>

[7] The Judgement is of the 3 Judge Bench of the Lucknow Division of the Allahabad High Court which is the highest court in the State of Uttar Pradesh, one of the 25 states of India. It is in 4 civil suits on title. It has declared joint title and possession of three parties to the suits. A preliminary decree of partition came to be passed. The suits numbers are regular suits 2 of 1950, 26 of 1959, 12 of 1961 and 236 of 1989 renumbered as O.O.S. suits 1, 3, 4 and 5 of 1989.

We may view this Mediation process as an *'Onion'*. It has many layers. It represents four distinct parts: the need, interest, position and fears of the parties. Understanding each of these would divulge and clarify what each party must have, what each party wants and what each party says he wants thus:

Need	What each party must have	Communal harmony and peace to beget progress and prosperity
Interest	Wants	Representation / Symbol of Religion
Position	Says he wants and why	Legal – who is right and who is wrong
Fears	Anticipates as the aftermath	Backlash / after-effects of a decision or agreement

To better appreciate and peel the flakes of the onion, we would do well to build upon the **'***Conflict Pillars'* that support the super structure of the disputed site. This requires a consideration of the various forces that drive the players in the resolution of the conflict. An objective view of the events that have transpired would demonstrate the forces and the objectives behind them[8]; religious fervor, political designs, the role of educationists and scholars, culture and Judiciary, the Final Arbiter.

If Law + X = Justice, Law + X + Y = Peace

It would take the art and science of **Negotiation, Felicitation, Mediation and Conciliation** to bring to the fore the hitherto underground attitudes and sentiments for both parties for bridging gaps and building communal harmony.

We may move in the direction of a solution of this problem by understanding the root causes that led to the dispute which escalated into conflict and resulted in violence. The unmistakable fact is that there stood a Mosque, tall and serene, at the disputed site which came to be demolished on a given day in an era of peace (as opposed to the earlier era of conquests). It stood the ravages of four centuries until it met with its unfortunate fate. It was an ancient monument protected under the law of archaeology for heritage structures.[9] That is not all.

The vast land adjoining the disputed site, now a mighty heart that is lying still, can be the catalyst for a peaceful solution to bury the past and envisage the future. Both the Temple and the Mosque would have had pathways leading to them and courtyards in open spaces surrounding them when the demographic situation was more conducive than at present. Archaeology may not discover those treasures of intangible assets under the Iceberg. Yet they have been perceived and the Indian Government has acquired 67 acres of land surrounding the demolished Mosque. This land is now vacant and fallow. It can only be used for a public purpose under the acquisition law.[10] This land has the potential to be utilized for the greater good of all. It is an available resource for sustainable exploitation and development for religious and secular purposes to be enjoyed by all communities. How best it can be utilized may be subject of a dialogue not only between the parties at dispute, but other binding, healing, educating and empowering forces in the country.

Much has been said about WHAT, but it would also be apt to analyze and consider HOW this can be achieved and WHO would achieve it. It would require sensitization training of the “insiders” and the “outsiders” who are equally potent and important forces to consider; the government and religious representatives (insiders), the

[8] http//edtimes in 2017/18 “This is the solution of the Ram Mandir-Babri Masjid issue” in Ram Janmabhoomi Dispute Report titled: “Demolition of Babri Masjid: History, timeline of events that challenged India’s secular fabric”.
[9] Ibid 8
[10] Ibid 2

educators, NGOs working for peace, corporate donors, film and sports persons and the media (outsiders). The other forces (outsiders) would be the Architects, the Police, the Supervisory officers, and other grassroots workers. The last of the actors in this chain would, of course, be the *Public* for whom the exercise is undertaken in the first place.

This would be made possible not by proving positions (legal in this case) in a judicial pronouncement, but by what is called **Multi-Party Interest-based Negotiation and Facilitation, Mediation and Conciliation.**

This exercise takes time and patience. It builds on goodwill and memories. It brings about not only negative peace (absence of war), but positive peace (absence of conflicts and violence) leading to peaceful socio-cultural society with democratic use of power resulting in Justice for all.

> ***"If you want peace, work for Justice" – a quote displayed in a compound of a small church in Halifax, Canada.***

The interests and options of each person would have to be put up for understanding while each person's feelings and thoughts are recognized, acknowledged and respected. It is then that key mutual interests would surface. They can be rated, enumerated and combined. These would be common interests. They would result in a consensus. Others would have to be worked upon in smaller heterogeneous as well as homogeneous groups to better understand and appreciate the underlying conflicts and feelings that might wreck havoc later if not tended to.

Even more erudite and elitist communication modes for Conflict Analysis are the *Advanced Facilitation* processes of great significance and value in a dispute of this nature. One such is the *Appreciative Inquiry***.** It is a process of discovery of the key participants who are seemingly at odds and working within the conflicting forces that tend to break negotiations to obtain a mutually beneficial result. It consists of positive steps of ascertaining what works and building on past successes.

Such is the new concept of Dispute Resolution. It can be replicated anywhere.

Biennial Meeting of Commonwealth Judicial Educators

CJEI's 9th Biennial Meeting of Commonwealth Judicial Educators hosted by the Chief Justice and Judiciary of Trinidad and Tobago was held at the Hyatt Regency in Port of Spain, Trinidad and Tobago from November 15 – 18, 2018. The meeting is by invitation only to Chief Justices and leaders in judicial education in the Commonwealth to exchange judicial education human and material resources including teaching tools, to exchange responses to challenges and experiences, to plan future common programming and to identify areas where special CJEI support may be useful.

The meeting was attended by 50 judicial educators from Barbados, Belize, Canada, England and Wales, Ghana, Guyana, India, Jamaica, Nigeria, Pakistan, Saint Lucia, Saint Vincent and the Grenadines, Scotland, Suriname and Trinidad and Tobago.

The overall theme of the meeting "Teaching Effective Behavioural Change Programming**"** had the following subcategories: (1) "Delay Reduction" chaired by the Right Honourable Sir Dennis Byron; (2) "Human Rights and the Environment" chaired by The Honourable Mr. Justice Madan B. Lokur; and (3) "Achieving Just Results through judges' increased understanding of equality issues in the context of the lives of women, children, visible

minorities and sexual orientation (Social Context)" chaired by The Honourable Mr. Justice Peter Jamadar. All sessions illustrated teaching techniques to achieve effective behavioural change.

The programme objectives were as follows:

1. To inculcate receptivity to change.
2. To provide judges with techniques to identify personal bias, arrogance and a path towards intellectual humility.
3. To develop programme modules on "Delay Reduction"; "Human Rights and the Environment" and "Achieving Just Results through judges increased understanding of equality issues in the context of the lives of women, children, visible minorities and sexual orientation" ready to be taken away for presentation by national judicial education organizations.
4. To exchange information on common problems and solutions in Commonwealth judicial education.
5. To gather research in preparation of a report on the status of judicial education in the Commonwealth. When completed, this report will be used as a baseline to chart the progress of Commonwealth national and regional judicial education.
6. A meeting of our Board of Directors and heads of Commonwealth judicial education bodies to evaluate work completed over the last two years and chart a work plan for the coming two years.

In addition to the above noted objectives, the Biennial Meeting seeks to introduce cutting edge programming and to model throughout the sessions appropriate adult education techniques.

There were keynote addresses on "Creating a Personal Culture for Change", "Human Rights and the Environment" and "Changing the Judicial Culture to Achieve Just Results – A New Perception of Civil Justice – Redesigning the civil justice system not for lawyers and judges but for the public and court users".

Other topics presented included: Judgment Writing; Protecting the Human Rights of Persons with Mental Disabilities in Society and the Courtroom; Human Right to Water; Increasing your Effectiveness by Managing your Time; Teaching Behavioural Change: Workshop on Equality Issues; Understanding Vulnerable Groups: Consciously Uncoupling Sex and Gender; Equality and Discrimination: Self and Unrepresented Litigants; Climate Change, Sea Level Rise and Small Island Developing States (SIDS): Role of the Judiciary; Does the judicial discipline process change attitudes and behaviour on the Bench? and The Use of Music as a Pedagogical Aid to Adult Education.

The opening ceremony was attended by High Commissioners posted to Port of Spain and Mrs. Gloria Richards-Johnston, Project Director of the JURIST Project.

Participant session evaluation forms and evaluative meetings of faculty were of the view that the objectives were achieved although, as usual, there were requests for further time to be given to many of the topics discussed.

The social events included a welcome drop in reception hosted by the President and Judges of the Caribbean Court of Justices at the Hyatt Regency; dinner hosted by the Honourable Chief Justice Ivor Archie and the Judiciary of Trinidad and Tobago at Jaffa's at the Oval and a Reception hosted by Her Excellency Paula-Mae

Weekes, President of the Republic of Trinidad and Tobago. All social events were congenial and provided opportunities for information exchange.

Biennial Meeting Participants

News and Notes

BAHAMAS

The Honourable Chief Justice Stephen Isaacs (CJEI Fellow 2000) passed away on Friday, August 24 at Doctors Hospital, Nassau. A State Funeral Service for Chief Justice Isaacs was held on Friday, September 7, 2018 at 11:00 am at Christ Church Cathedral, George Street. Chief Justice Isaacs was called to the Bahamas Bar in 1982 and started his judicial career some 12 years later in 1994 when he was appointed Assistant Registrar of the Supreme Court. During an illustrious career, he also served as Registrar of the Court of Appeal and on the Industrial Tribunal, before being appointed to the higher judiciary as a Supreme Court Justice in September 2002 when he assumed office as an Acting Justice of the Supreme Court and was stationed in Freeport, Grand Bahama. He was promoted to the rank of Senior Justice of the Supreme Court in 2015 and appointed Acting Chief Justice in December 2017. He was confirmed to the substantive post of Chief Justice on July 9, 2018. Throughout his career, Chief Justice Isaacs was universally lauded as being a "judge's judge;" as being the epitome of the highest standard of conduct of a judicial officer; and for upholding the Rule of Law, justice, order and proper decorum in his courtroom. Chief Justice Isaacs is survived by his children Stephen Jr and Capri.

INDIA (submitted by Swarana Kanta Sharma, Principal Judge, Family Court, New Delhi, India, CJEI Fellow 2018)

LANDMARK JUDGMENTS

- In the matter of **Navtej Singh Johar and others v. Union of India** (Writ Petition (Criminal) No. 76 of 2016), the Supreme Court of India, while upholding the constitutional rights and liberties of the LGBT community, decriminalized same-sex relations as well as sexual intercourse between consenting adults of the same sex. Section 377 of the Indian Penal Code, 1860 was declared to be unconstitutional partially by the Court in this judgment. As per the said section, whoever voluntarily had carnal intercourse against the order of nature with any man, woman or animal, could have been punished with imprisonment for life, or with imprisonment of either description for a term which could have extended to ten years, and was also liable to fine. Now, only the portions of Section 377 relating to sex with minors, non-consensual sexual acts, and bestiality remain in force. The Court said that "history owes an apology to members of the LGBT community". It held that "the choice of whom to partner, the ability to find fulfilment in sexual intimacies and the right not to be subjected to discriminatory behaviour are intrinsic to the constitutional protection of sexual orientation". It also observed that homosexuality was not a mental disorder and the majoritarian views and popular morality cannot dictate constitutional rights. [5 Judges bench/ Date of Judgment: 06/09/2018]

- In the matter of **Common Cause (A Registered Society) v. Union of India and Another** (Writ Petition (Civil) No. 215 of 2005), the Supreme Court of India held that right to live with dignity also includes the smoothening of the process of dying. It also recognized and permitted the concepts of passive Euthanasia and Advance Medical Directives, as per which, a person can choose, in advance, not to remain in a vegetative state with life support system if they go into a state when it will not be possible for them to express their consent. Guidelines for passive euthanasia, both in the presence and absence of such directive were also provided. [5 Judges bench/ Date of Judgment: 09/03/2018]

- In the matter of **Joseph Shine v. Union of India** (Writ Petition (Criminal) No. 194 of 2017), Section 497 of the Indian Penal Code, 1860, which made adultery an offence was struck down as unconstitutional being violative of Right to Equality and Right to Life and Liberty. Adultery now only remains a ground for divorce. As per the said section, it was considered to be an offence committed by the man indulging in adultery against the husband of the adulteress. It is noteworthy that it did not make the woman liable for the offence, not even for abetment. Consent or connivance of the husband of the adulteress condoned the act. Also, the wife of the accused could not initiate any criminal proceedings against her husband. This embargo was there by virtue of Section 198(2) of the Criminal Procedure Code, and it was also declared to be unconstitutional to this extent. The Court observed that it "demeans or degrades the status of a woman" and "what is clear, therefore, is that this archaic law has long outlived its purpose and does not square with today's constitutional morality, in that the very object with which it was made has since become manifestly arbitrary, having lost its rationale long ago and having become in today's day and age, utterly irrational." [5 Judges bench/ Date of Judgment: 27/09/2018]

JUDGMENTS MAKING THE SYSTEM MORE TRANSPARENT, EFFICIENT AND REDUCE DELAY

- In the matter of **Swapnil Tripathi v. Supreme Court of India** (and other tagged matters) (Writ Petition (Civil) No. 1232 of 2017), the Supreme Court of India allowed live streaming of its proceedings. The Court noted that live-streaming of court proceedings will effectuate the "public right to know" and bring in more transparency in judicial proceedings. It said that "sunlight is the best disinfectant" and rules in regard to live-streaming will be framed. Matrimonial matters, sexual assault cases and other sensitive matters will not be broadcasted. [3 Judges bench/ Date of Judgment: 26/09/2018]

- In the matter of **Asian Resurfacing of Road Agency Pvt. Ltd. and Another v. Central Bureau of Investigation** (Criminal Appeal Nos. 1375-1376 of 2013), the Supreme Court of India has directed that in all civil and criminal matters where stay against proceedings operating will come to an end on expiry of six months from the date of the judgment unless in an exceptional case by a speaking order such stay is extended. It also held that the speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. It prohibited the trial Court where order of stay of civil or criminal proceedings is produced from fixing a date beyond six months so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced. [3 Judges bench/ Date of Judgment: 28/03/2018]

- While deciding an interlocutory application (no. 297 of 2010) in the matter of All India Judges Association and Others v. Union of India and Others (Writ Petition (Civil) No. 1022 of 1989), the Supreme Court of India ordered that professionally qualified court managers, preferably with an MBA degree, must be appointed to render assistance in performing the court administration. It said that the said post of Court managers must be created in each judicial district for assisting Principal District and Sessions Judges. The Court was of the view that Court Managers would enable the District Judges to devote more time to their core work, that is, judicial functions, which would enhance the efficiency of the District Judicial System. It would be their duty to identify the weaknesses in the court management systems and recommend workable steps under the supervision of their respective judges for rectifying the same. Some other measures relating to infrastructure were also directed to minimize inconvenience to litigants and judges and ensure health, safety and efficiency of all. [3 Judges bench/ Date of Order: 02/08/2018]

NIGERIA (submitted by The Honourable Justice Adenike J. Coker, High Court Lagos State, Nigeria, CJEI Fellow 2016)

Update on Reforms in the Lagos State Judiciary

The Lagos State Judiciary has set up a committee to look into the development of a Lagos State Judicial Institute and Library to bring continuous judicial education to all cadre of staff of the Judiciary and for the preservation of all useful resource materials. So far the Profiles of all current serving Judges is being compiled for easy access.

I am currently the Head of the Criminal Division in Ikeja Division and Chair of our Prison Decongestion Committee. As you may know, our Prisons in Lagos State are bogged down with high numbers of Awaiting Trial Inmates (AWT). This is being addressed by regular Prison Visits and amnesty releases of AWT inmates of 2 years and above who have committed minor offences, of 5+ years for more serious offences, where cases have questionable viability and cases of severe ill health, whether mental or physical with the former being referred for psychiatric medical assistance. In addition, Courts especially the lower Courts are being urged by the Hon. Chief Judge to dispense quickly with cases not eligible for this periodic amnesty.

We have also just reviewed our High Court Civil Procedure Rules. I served on the Committee for same which came into effect on the 31st January 2019. There were many new innovations centered around inter alia speedy dispensation - a crackdown on delays with imposition of heavier costs for undeserving adjournments, introduction of pre-action protocols to ensure that all appropriate methods of ADR are explored before a resort to litigation. The once cumbersome procedure and forms for obtaining Letters of Administration and Probate were also streamlined.

As the Chair of the Criminal Justice Reform Subcommittee and Member of our Administration of Criminal Justice Practice Directions Committee and after a very successful Plea Bargain two-day workshop in collaboration with the British Council and US based National Institute for Trial Advocacy, we deliberated and proposed 2 major reforms:

1. To save time and costs of a full trial where possible, that a Plea Bargain Protocol be introduced to Defendants at a semi-formal case management forum before or at their arraignment to enable them consider that option. This has been successful and a lot of cases determined using this tool.

2. A leaning towards Restorative Justice - with more meaningful 'punishments' of retribution and community service. The 'victim' now being more 'visible' in the consideration of the principle of justice being a 3 not 2 way street.

Lastly, I was recently conferred with an Award of Outstanding Judicial Personality of the Year and received a Masters Certificate for completion of a one-week Arbitration Masters Course at the Lagos Court of Arbitration Training Institute.

PAKISTAN

The Honourable Mr. Justice Asif Saeed Khan Khosa (CJEI Director and Fellow 2006) was sworn in as the 26th Chief Justice of Pakistan on Friday, January 18, 2019. This event was attended by The Honourable Narin Ferdi Sefik, President of the Supreme Court of the Turkish Republic of Northern Cyprus; our President, The Honourable Madan B. Lokur of India; our Vice President, The Honourable Chief Judge Kashim Zannah of Nigeria and our founding President, Sandra E. Oxner.

PAPUA NEW GUINEA (submitted by Mr. John Carey, Executive Director, Papua New Guinea Centre for Judicial Excellence, CJEI Fellow 2018)

Chief Justice Lecturer Series

Justice Dame Susan Glazebrook, President-Elect of the International Association of Women Judges, delivered the lecture at Chief Justice Lecturer series in Port Moresby, Papua New Guinea on 30 November 2018. The title of the lecture was "The Interaction between Custom and Human Rights in the Constitution of Papua New Guinea and Other Commonwealth Countries".

L to R: Justice Dame Dr. Susan Glazebrook – New Zealand, Chief Justice Sir Gibbs Salika – Papua New Guinea (CJEI Fellow 2006), Justice Berna Collier – Australia/Papua New Guinea and Mr. John Carey (CJEI Fellow 2018)

Sir Gibbs Salika appointed as Chief Justice

Sir Gibbs Salika, CJEI Fellow 2006, has been appointed as the new Chief Justice of Papua New Guinea for a term of 10 years. Prime Minister Peter O'Neill said, "Justice Salika is the longest serving judge of the National and Supreme Courts and will be a strong and independent Chief Justice of Papua New Guinea. I congratulate Justice Salika on his appointment and I am confident he will provide the sound leadership required of the Chief Justice. Through our history, Papua New Guinea has demonstrated that we have a strong and vibrant democracy based on rule of law. The Chief Justice is required to administer the Judiciary independent of the Executive Government and the National Parliament as the other two arms of Government. Through this system of governance, our nation has remained strong and unified while other countries have experienced problems." Mr O'Neill added that "a resilient and independent judiciary gives confidence to the global community and the private sector and this stimulates investment and economic development."

CJEI Fellow 2012 elevated to Deputy Chief Justice

Justice Ambeng Kandakasi was appointed Deputy Chief Justice of the Supreme & National Courts of Papua New Guinea on 13th December 2018. His Honour is also Chair of the upcoming International Mediation and Arbitration Conference to be held in Port Moresby, Papua New Guinea, 25 to 29 March, 2019 http://imaacpng.org/committes/.

SINGAPORE (submitted by Judge Paul Quan, Executive Director, Singapore Judicial College, CJEI Fellow 2018)

We are pleased to share with our CJEI alumni members the suite of international programmes that the Singapore Judicial College will be conducting in 2019:

- Judgment Writing and Oral Judgment (27 – 28 Feb)
- Assessing Credibility of Witnesses (20 – 21 Mar)
- Judgment Writing: Construction of Contract (23 – 24 Apr)
- Effective Management of Litigants-in-Person (15 – 16 May)
- Case Management (22 – 24 Jul)
- Judicial Educators Programme (28 – 29 Aug)
- Judiciary-Wide Induction Programme (21 – 25 Oct)

The details of the programmes can be found at www.supremecourt.gov.sg/sjc/programme-offerings. The programmes are subject to change, due to inter alia the need to accommodate contingencies including the background and feedback of registered participants, and availability of course trainers and logistics requirements.

Besides the course fee that is payable per participant for each programme, all participants will have to bear the cost of and make their own flight, accommodation and transport arrangements for their stay in Singapore. Participants are also responsible for their own subsistence costs and any other costs incidental to their stay in Singapore.

We encourage early application to avoid unsuccessful enrolment for a programme that is over-subscribed. Successful enrolment will be on a first come, first served basis.

INTENSIVE STUDY PROGRAMME FOR JUDICIAL EDUCATORS

CJEI's 26th annual Intensive Study Programme for Judicial Educators (two weeks or three weeks) will be held June 2 - 21, 2019 in Halifax, Ottawa and Toronto, Canada. A programme to teach skills and techniques to produce and present effective judicial education programming that measurably and positively impacts judicial performance.

For information,
contact CJEI at cjei@dal.ca.

Upcoming Events

Event	Date
CJEI Intensive Study Programme for Judicial Educators, Halifax, Ottawa and Toronto, Canada	2 – 21 June 2019
CMJA Conference, Port Moresby, Papua New Guinea	8 – 12 September 2019
IOJT Conference, Cape Town, South Africa	22 – 26 September 2019
Caribbean Association of Judicial Officers Conference, Belize	31 October – 2 November 2019

Editor: Professor N.R. Madhava Menon
Associate Editor: The Hon. Roshan Dalvi

We are eager to share in the CJEI Report news on judicial education developments, judicial reforms, elevations, honours, or obituaries and other news related to the judiciary such as new innovations to tackle arrears and delays, strategies to improve access to justice, landmark judgments, or recent judicial education initiatives in your country.

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