
EDITORIAL

Before getting to the substantive content of this issue's editorial, we wish first to make formal mention of the fact that, effective January 2019, Judge Thomas S. Woods of the Provincial Court of British Columbia, Canada, took over the reins from Dr. Aldo Zammit Borda as editor-in-chief of the *Commonwealth Judicial Journal*. You can learn more about Judge Woods and his background by reading the short profile, entitled "Introducing Our New Editor-in-Chief," further on in these pages. Words of appreciation for the valuable contribution of Dr. Zammit Borda during his term as editor-in-chief are found at the end of this editorial.

On, then, to business.

To say that change is difficult but unavoidable is merely to repeat a commonplace. We all know it and yet many of us find ourselves resisting it. Change is "disruptive"—a word that enjoys new prominence in modern parlance. Today, considered and thoughtful disruption is increasingly seen as being not only a good thing but essential if genuine progress is to be made on many fronts. But change—and perforce *disruptive* change—brings, at least temporarily, a sense of discomfort, a sense of the loss of the conceptual and institutional landmarks that for so long made the world intelligible and predictable. (And, yes, *comfortable*.) Change, thus, inevitably meets with resistance, some of it appropriate. It therefore behooves the architects of progressive (and sometimes disruptive) change to anticipate that resistance and intelligently prepare the way for the reforms that they believe are called for.

We see this phenomenon writ large in the efforts unfolding around the Commonwealth to make better use of technology in order to improve the quality of service provided by justice systems to the citizens and other entities they serve. But like the "paperless office" that was so confidently touted two decades or more ago, the "paperless courtroom" and the "paperless justice system" have generally been shown to be more promise than reality. Zealous proponents of technology are sometimes given to overselling their wares, only to find that they are later unable to meet the expectations they have engendered. Still, as technological

knowledge and know-how evolve, progress in adopting it *does* gradually occur. That process of growth and evolution in justice systems is heavily dependent, however, upon buy-in at every level—from judges and magistrates, through court administration and court staff, to other stakeholders (like the bar, law enforcement officials, prison administration, &c.) and, most importantly, members of the public. Buy-in is dependent, in turn, on proper consultation with those affected—not just *pro forma* consultation but dialogue that is real and meaningful. Technological innovations intended to improve access to justice and the administration of justice that bear the imprint of those most affected have the greatest prospect of being successful. Given the wide range of computer literacy reflected amongst the members of the public whose lives intersect daily with adult and youth criminal courts, family courts and courts handling civil disputes throughout the Commonwealth, we must be careful that the incorporation of technological innovations not become *de facto* access-to-justice impediments.

It is interesting to note that some of the strongest leadership in this important area is emanating from developing nations. The Chief Justice of Rwanda, the Hon. Sam Rugege, recounts in his article in this issue of the *Commonwealth Judicial Journal* the remarkable progress that has been made in his country in incorporating electronic methods for processing the cases that come before the Rwandan judiciary. It is an extraordinary story of determined adaptation that Chief Justice Rugege tells, the more so when one considers that it has unfolded against the historical background of the horrific genocide that occurred so recently in Rwanda. While still a work-in-progress, what the Rwandans have already achieved in displacing paper with electronic court file handling rather puts comparable efforts in some of the more developed nations to shame.

And Rwanda is but one of a number of beacons in this regard to be noted within the Commonwealth. Commenting upon the remarkable work that is now being done to upgrade the information technology employed in the court system of Papua New Guinea,

Lord Burnett of Maldon LCJ observed recently that the UK is, in fact, lagging seriously behind that country and others in its uptake of such technology. In an article reported online in *Legal Cheek*, the Lord Chief Justice is reported to have told an audience at the Royal Courts of Justice in March of this year that:

It is sobering to think that despite being one of the most advanced economies in the world, with as mature a legal system as exists anywhere, that we are only now moving towards widespread electronic working and filing in our civil courts.

It is plain that when it comes to integrating technological reforms into systems of justice, collaboration and mutual facilitation between and among Commonwealth nations has been and should continue to be a two-way street, with the smaller and less developed nations often pointing the way forward for the larger ones. Undoubtedly, the sharing of information and general cross-pollination that now occurs at CMJA conferences and, indeed, in the pages of this journal, has been in some measure an engine of progressive change relating to court system technology. Long may that sharing and cross-pollination continue. (Incidentally, the CMJA has been contributing to the United Nations Office on Drugs and Crime (“UNODC”) Guidelines on the Use of Social Media by Judges that are due to be published later in 2019.)

And speaking of sharing and cross-pollinating, an excellent opportunity to do just that on myriad topics will arise at the CMJA 2019 conference to be held, conveniently, at Port Moresby, Papua New Guinea from September 8-12, 2019. That conference has “Parliamentary Democracy and the Role of the Judiciary” as its theme but, as past experience attests, impromptu discussions in the corridors will undoubtedly range widely across many subject areas, including technological ones. The draft program—which is easily accessible online at www.cmja.biz shows that much fascinating content will be on offer again this year. Don’t forget to register.

Readers will likely be familiar with other progressive CMJA initiatives that have been active since the last issue of the *Commonwealth Judicial Journal* was published. As you will be aware from reading the last *CMJA Newsletter*,

the Association has continued to work actively in the provision of training courses for judges and magistrates, with a training course for magistrates in the Gambia organised jointly with the English and Welsh judicial college, and a fourth training course on Judicial Case Management and Ethics which was held in London in February. The next training course runs from 13-18 July 2019. The CMJA is also contributing to the Commonwealth Secretariat’s work in the development of Commonwealth Anti-Corruption Benchmarks. Similarly, the association is collaborating with the International Association of Judges and the International Bar Association on a proposal for a panel session at the second meeting of the UNODC Global Judicial Integrity Network to take place at Doha, Qatar in November 2019.

A few words now about the substantive content in this issue.

His Hon. Chief Judge Dr. John Lowndes, former CMJA President, and Her Excellency Paula-Mae Weekes, President of Trinidad and Tobago, have each written convincingly and compellingly on the importance of judicial independence, the responsibilities that come with judicial independence and some of the steps that have been, and can in future be, taken to preserve and strengthen judicial independence.

Mention has already been made of the Hon. Chief Justice Sam Rugege’s interesting and informative piece on the evolution of court technologies in Rwanda.

Dr. H.D.F. Silva has shared with our readers in this issue a fascinating and affectionate portrait of the Rt. Hon. L.M.D. de Silva Q.C.—the first member of the Judicial Committee of the Privy Council from Sri Lanka (or Ceylon, as it was then known).

Justice Emmanuel Ekundayo Roberts of the Supreme Court of Sierra Leone makes a compelling case, in his article in this issue, for enhanced training for judges and magistrates in basic economics, in part so that those judicial officers are better prepared to confront certain realities regarding the cost of litigation—to the party participants as well as to justice systems and the societies that fund those systems.

The June 2019 issue is rounded out with LRC

case summaries of recent, and important, decisions given by courts in a number of Commonwealth countries and a book review by CMJA Secretary General Dr. Karen Brewer providing her impressions of a scholarly analysis and treatment of that sometimes-fraught topic, judicial humour.

Lastly, we wish to close this editorial with fitting tributes to two of the *Commonwealth Judicial Journal's* own.

The first is Dr. Peter Slinn, the chairperson of our editorial board. While (thank heavens!) he continues on in that role, Peter retired from the Executive Committee of the Commonwealth Lawyers Association (“CLA”) at the Commonwealth Law Conference (“CLC”) this April in Zambia. He served in that capacity for many years and his extraordinary career and contributions were acknowledged at the CLC in an homage that was delivered by CMJA Secretary General, Dr. Karen Brewer. Peter’s accomplishments and achievements are legion, but to mention just a few:

- He taught international, constitutional and natural resources law for over 40 years at the School of Oriental and African Studies (“SOAS”) at the University of London where he became the head of the Law Faculty;
- In retirement he took over as the director of the M.A. in International Studies at SOAS’s Centre for International and Diplomatic Studies;
- He continues to teach as a Professor of Law at the University of Notre Dame in London;
- He was instrumental in establishing the Law Reports of the Commonwealth, published by LexisNexis, in 1985 and served as the series’ co-editor until 2016;
- He served as co-editor of the *Journal of African Law*;
- He is a founder member of the Commonwealth Human Rights Initiative; the Commonwealth Legal Forum; and the Latimer House Working Group.
- He is currently UK Vice-President of the Commonwealth Legal Education Association;

- He drafted the Commonwealth (Latimer House) Guidelines on Parliamentary Supremacy and Judicial Independence at its first colloquium in 1998. The 10 principles that were distilled from those guidelines were endorsed by the Commonwealth Heads of Government in 2003 and are now part of the Commonwealth Fundamental Values that have been incorporated into the Commonwealth Charter;
- He has played a major role in the running of the Commonwealth Moot Competition since its inception more than 25 years ago; and
- He was appointed Officer de l’Ordre des Palmes Academiques for service to Anglo-French cooperation in the field of the international law.

We take this opportunity to congratulate and thank Peter for his enormous contribution to the promotion of the rule of law throughout the Commonwealth as exemplified by the points noted above. We thank him for his continuing and valuable involvement as the Chairperson of the Editorial Board of this journal.

The second of our own who we wish to acknowledge and celebrate here is Dr. Aldo Zammit Borda, the former editor of the *Commonwealth Judicial Journal*. Aldo retired as Editor with the publication of the December 2018 issue.

Aldo is a former Maltese diplomat who, as an academic and legal scholar, specialises in European Union law and public international law. He is a senior lecturer at Anglia Ruskin University in the UK and serves as well as the director of the Professional Doctorate in Law Programme at that institution.

Earlier in his career, Aldo served as first secretary in the Ministry of Foreign Affairs of Malta during the country’s accession to the European Union. He then joined the Commonwealth Secretariat as legal editor of the *Commonwealth Law Bulletin*, following which he ultimately became the editor-in-chief of the *Commonwealth Judicial Journal*.

Aldo’s research interests include the sources of, and approaches to, international law;

international criminal law and adjudication; and comparative law. His resignation as editor-in-chief of the *Commonwealth Judicial Journal* was necessitated by the fact that he is currently pursuing those research interests (and is at work on a book that reflects them) while on sabbatical leave from his teaching

and research responsibilities at Anglia Ruskin University.

The CMJA is indebted to Dr. Zammit Borda for his years of dedicated service to the CMJA, the *Commonwealth Judicial Journal* and the journal's readers.

CALL FOR SUBMISSIONS

The *Commonwealth Judicial Journal* (CJJ) is the flagship publication of the Commonwealth Magistrates' and Judges' Association and has a readership of judges, magistrates and other legal practitioners from the Commonwealth and beyond. The CJJ invites submissions of manuscripts on various aspects of the law, in particular manuscripts focusing on the judicial function at the domestic, regional and/or international level. Essays, book reviews and related contributions are also encouraged.

Please read the following instructions carefully before proceeding to submit a manuscript or contribution.

Contact Details

Manuscripts sent by email, as a Word document, are particularly encouraged. These should be sent to: info@cmja.org. Alternatively, manuscripts may be sent by post to: CMJA, Uganda House, 58-59 Trafalgar Square, London WC2N 5DX, United Kingdom.

Information for Authors

1. Manuscripts should ideally be submitted in Microsoft Word format.
2. Articles should include a 200-word (maximum) abstract.
3. Submissions should be accompanied by details as to whether the manuscript has been published, submitted, or accepted elsewhere.
4. Manuscripts should normally range from 2,000 to 3,500 words in length.
5. Any references and/or citations should be integrated in the main body of the manuscript, as footnotes/endnotes will normally be removed.

6. The CJJ encourages authors to refer to material from one or more jurisdictions across the Commonwealth.
7. All manuscripts received are evaluated by our Editor in consultation with the Editorial Board. Notification of acceptance, rejection or need for revision will generally be given within 12 weeks of receipt of the manuscript, although exceptions to this time frame may occur. Please note that our evaluation process takes account of several criteria, including the need for a balance of topics, the CJJ's particular areas of interest which may change over time, etc., and this may also influence the final decision. Therefore, a rejection does not necessarily reflect upon the quality of a piece. The Editorial Board retains the discretion as to whether or not an article may or may not be published.
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