

Asia Pacific Model UN Conference

Final Plenary Session

Closing Address

Chief Justice French AC

15 July 2011, Canberra

Ladies and gentleman, I am delighted to have the opportunity of speaking to you and of presenting awards at this closing ceremony for the 17th Asia Pacific Model United Nations Conference.

There are over 500 students, representing 32 universities from 10 different countries, participating in the conference.

The aim of the conference is to introduce students to the values and mechanisms of the United Nations. The conference theme is 'Common bonds for a common endeavour' and the theme of the United Nations International Year of Youth 'Dialogue and Mutual Understanding'.

The conference has offered to all of you the opportunity to deepen your knowledge and sharpen your perspectives on the operations of the United Nations and its executive, law-making and judicial arms. You have considered in your deliberations a range of pressing contemporary issues of global significance. These have included population growth, United Nations peace-keeping operations, climate change, refugees, the international monetary system, the threat of epidemics and pandemics, world heritage, and piracy. The Legal Committees have considered the crime of aggression, the responsibility of States to protect people within their boundaries, the regulation of the Internet and the application of international law to the use of drones in armed conflict. Through the knowledge and the perspectives

which you have gained this week, you should have acquired a greater awareness of the ways in which the peoples of the world can come together in the interests of building a rational, fair and just global community. You should also have an awareness of the difficulties of principle and practice which attend that endeavour. You have been required in the exercises which you have undertaken, to grapple with the sometimes tragic realities of our fractious world.

My generation was the first generation in human history to see our planet from the surface of the moon looking through the lens of an astronaut's camera. Your generation has become accustomed to such images taken from the moon and further afield, and from the array of satellites that circle the Earth.

Those images and those taken by telescopes looking outwards to our galaxy and beyond, tell us something of the smallness and the fragility of our global home and, so far, its rarity as a vessel of intelligent life. Those images tell us that a rational, just and co-operative international order is not merely a noble aspiration. Given what history and science have to say about the impact of the world's peoples on each other and on the living environment, it is a survival imperative. There is, of course, no shortage of persons to urge upon you that aspirations for a rational, fair and just international order are pipe dreams and that the inadequacies of human nature will always stand in the way of its achievement. The great Jesuit palaeontologist, Teilhard de Chardin in his book *The Future of Mankind* wrote of those who think nothing can change and of those who believe in the future of mankind. The first category he called "the immobilists" who, he said:

... forbid the earth to move. Nothing changes, they say, or can change. The raft must drift purposelessly on a shoreless sea.

He contrasted them with those who have:

... left the huddle where the rest of the crew sit with their heads together telling time-honoured tales. Gazing out over the dark sea ... the ripple of water, the scent of the air, the lights in the sky -- become linked together and acquire a new sense: the fixed and random Universe is seen to move.

Like Galileo muttering against the priestly guardians of the doctrines of earthly stasis, they say 'and yet it moves'.

You would not be here if you were not in the latter category. While your optimism and idealism will ultimately be tempered by the hard lessons of experience, they provide the energy and the inspiration for the continuance of the great endeavour, not only for your generation, but beyond it.

There is cause for optimism on a number of fronts. My experience as a Judge and as Chief Justice has led me to believe that among the judiciaries of the world there is an increasing awareness of the things they have in common and a wide spread commitment to the rule of law. The notion of an impartial judiciary, independent of executive government and powerful vested interests, is recognised internationally as indispensable to the rule of law and the protection of human rights. Article 10 of the 1948 Universal Declaration of Human Rights provides:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

That standard is reflected in Article 14 of the International Covenant on Civil and Political Rights.

There have been a number of international documents which have focussed particularly on this important element of the rule of law. The 'United Nations Basic Principles on the Independence of the Judiciary' were endorsed by the General Assembly in 1985. There are many other similar statements of principle. One of

those, which is important in our region, is the 'Beijing Statement of Principles of the Independence of the Judiciary', first adopted by the 1995 Conference of the Chief Justices of Asia and the Pacific in Beijing. The declaration reflects two important things: the decisional independence of individual judges and the independence of courts as institutions. What we expect of the domestic judiciaries of nation States, we are also entitled to expect of international judicial institutions such as the International Court of Justice and the International Criminal Court. It is also fundamental to their integrity that the judges who are appointed to them are truly independent and impartial judges, not representatives of particular national interests.

I congratulate the organisers of this Conference. An event over five days, with over 500 delegates and a variety of sessions and venues can be a logistical nightmare. Organising it must, in some respects, resemble herding cats. For the organisers it is probably good preparation for a career in international treaty negotiation. I would also like to congratulate the sponsors and supporters of the conference: the Australian National University, the Australian Government, through the Department of Foreign Affairs and Trade and AusAid, and the United Nations International Year of Youth.

I note from the program that you have had the opportunity not only to engage in serious business, but also some significant social events and that tonight you will be having your 'Under the Southern Cross' Finale ball at the Great Hall of Parliament House. No doubt you will want some time to prepare for that event, so I will conclude my remarks with best wishes to all of you for your future careers, wherever they may take you. I hope that the visions which this conference has engendered in you are a lasting inspiration.