Dear Colleagues,

Welcome to CDI.NEWS from the Centre for Democratic Institutions, Australia.

CDI is Australia’s foremost democracy promotion and training institution, working in the area of good governance (particularly parliaments, judiciaries, civil society and media) with a geographic focus on Southeast Asia and the Southwest Pacific.

CDI’s mission:
- To harness Australian and international best practice in support of developing countries’ needs for democratic governance

CDI aims to provide:
- high quality training programs in key democratic institutions and processes
- in-country technical assistance
- applied research

CDI’s core budget is provided by AusAID, Australia’s Agency for International Development.

CDI.NEWS will keep you informed periodically of activities and upcoming events at CDI.

1. **ASIA PACIFIC JUDICIAL EDUCATORS FORUM**

CDI was proud to participate in the establishment of an important new piece of regional architecture, the Asia Pacific Judicial Educators Forum, which was launched at an inaugural meeting in Manila hosted by the Philippine Judicial...
Academy from 11-14 February 2003.

In his address to the Forum, CDI Director Roland Rich noted the fundamental importance of the rule of law to the successful practice of democracy and the crucial role of the judiciary in delivering the rule of law. Just as other areas of governance require better international communications in our global village, the judiciaries of our region will benefit greatly from this new Forum. The Forum brings together judicial educators from Australia, Bangladesh, Cambodia, Indonesia, India, Laos, Myanmar, the Pacific islands, Pakistan, Papua New Guinea, the Philippines, Thailand and Vietnam.

Australia was represented by Justice Susan Kenny of the Federal Court, Mr Ernie Schmatt, Chief Executive of the NSW Judicial Commission and the CDI Director. The newly established National Judicial College of Australia, which like CDI is based at the Australian National University, was also invited. The Pacific Islands were represented by Mr Enoka Fereti Puni of the Pacific Judicial Education Program at the University of the South Pacific in Fiji, Justice John Manglona of the Commonwealth of the Northern Marianas and Justice Don Sawong of the Supreme Court of PNG.

2. REPORT OF PNG MEDIA WORKSHOP

Building on two earlier CDI workshops, sixteen PNG journalists came together at a week-long workshop to review media coverage of the 2002 PNG elections and develop strategies for covering future elections. The Election Reporting Review Workshop followed a Public Affairs Reporting Workshop in November 2001 and an Election Reporting Workshop in March 2002.

The workshop provided an opportunity for reporters to share experiences and insights with a view to developing a set of practical principles that could be used by PNG journalists covering future elections, with the broader goal of contributing to the improved governance of Papua New Guinea. The Program was built around a series of lectures, workshops and discussions, leading to the generation of a draft 10-point plan to help journalists in their approach to covering future election campaigns.

3. AUSTRALIA - VIETNAM JUDICIAL EXCHANGE PROGRAM

As part of its program of cooperation with the Supreme People’s Court of Vietnam, CDI invited a delegation of 7 senior Vietnamese judges to visit Australia in March 2003 to study the judicial process and exchange ideas with Australian judges. This is the third year of Australia-Vietnam Judicial Exchange, and the fourth exchange activity. The delegation was particularly interested to study the jurisdictions practices and procedures of the Federal Court of Australia, the Family Court of Australia, and the Children’s Court of New South Wales.

This delegation was lead by His Excellency Justice Hoang Khang, Deputy-Chief Justice of the SPCV, and included provincial chief justices and other senior judicial officers from around Vietnam:

4. CDI /AVI VOLUNTEER TO INDONESIA PARLIAMENT

CDI along with Australian Volunteers International (AVI) is pleased to
announce the appointment of Ms Halina Nowicka as a language consultant and research assistant in the secretariat of the Indonesian Parliament (DPR). Ms Nowicka’s position was designed following a visit to Jakarta by a CDI delegation comprising senior officers of the Australian Parliament. In this increasingly globalised community, the DPR secretariat considered it needed to strengthen its language skills in dealing with various international bodies and issues. Ms Nowicka was selected, after the position was advertised by Australian Volunteers International. She holds degrees and diplomas from the University of Melbourne, Deakin University and La Trobe University. She has previously worked as an editor and a teacher in Australia and Vietnam and her most recent employment was as an Indonesian language teacher. The appointment is for one year with a possibility of an extension for a further year.

Australian Volunteers International website

5. PROFESSOR ANDREW MACINTYRE APPOINTED TO REVIEW GROUP

Professor Andrew MacIntyre, Director of the Asia-Pacific School of Economics and Management at the Australian National University, has joined CDI’s ANU Review Group, replacing Professor Ron Duncan. The ANU Review Group acts as an academic quality control group reviewing the work of CDI.

At a recent workshop at Stanford University, Professor MacIntyre delivered a discussion paper tackling the vexing question of how Indonesia was able to achieve rapid economic growth amid a system of corruption and collusion. The paper argues that the political and institutional circumstances of Suharto’s Indonesia were such that they gave the leader a powerful incentive to ensure that bribes were not priced excessively and that arbitrary behavior was contained within tolerable limits. In short, to ensure that corruption was conducted in an orderly fashion that was within the limits of what the market would bear. The paper then goes on to examine the rather different current political economy of corruption in Indonesia.

Report page

6. NEW EXECUTIVE OFFICER

Felicity Pascoe has been appointed as the new Executive Officer for CDI. Felicity completed her Bachelor of Arts (Hons) degree at the Australian National University with Honours in Political Science and majors in Development Studies and English. Felicity’s thesis was written on the debate between the Australian Government and the non-government sector surrounding conceptualizations of NGO effectiveness within Australia. In 2001 Felicity worked with a local Indian NGO in Rajasthan. Within the Women’s and Child’s Development Unit Felicity worked to improve child health, nutrition and childcare practices in remote tribal villages. More recently Felicity worked with the Australian Council for Overseas Aid, initially as an intern while completing her thesis. Felicity worked in the area of Australian NGO effectiveness within ACFOA’s Standards and Development Practice section and on Pacific issues. Following this, Felicity worked as ACFOA’s Policy Officer (Sri Lanka/Burma/Pacific). Felicity has also been involved with the United Nations Development Fund for Women (UNIFEM) facilitating a youth forum in Canberra in 2002.

Contact CDI

7. WAR AGAINST IRAQ AND THE AUSTRALIAN DEMOCRATIC DEFICIT

The Graduate Program in Public Policy (GPPP) of the Research School of
Social Sciences, under the auspices of the National Institute for Government and Law of the ANU, presented a seminar on 6 February on the issue of War against Iraq and the Australian Democratic Deficit. The seminar was chaired by Professor Glen Withers, Executive Director, GPPP, and the speakers were Dr Greg Austin, GPPP, Mr Ross Cottrill, Executive Director of the Australian Institute for International Affairs, Professor Murray Goot, Politics Department, Macquarie University, and Mr Roland Rich, Director, Centre for Democratic Institutions.

Roland Rich's paper reviewed the rules of international law in relation to the use of force and the central role of the Security Council in the implementation of those rules. His paper then examined the politics of the Council and noted the apparent democratic deficit in the decision making process. The paper then asked whether there was any aspect of democratic peace theory that may help fill this apparent deficit.

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8. JUDICIAL GLOBALIZATION – PHILIPPINE SUPREME COURT

JUSTICE ARTEMIO V. PANGANIBAN

Philippine society is politically active, internationally outward-looking and highly litigious. The Philippine Supreme Court is learned, engaged and prolific. Out of this ferment has come a substantial and significant body of jurisprudence that is of broad international interest. A brilliant insight into the jurisprudence of the Supreme Court can be found in Justice Paganiban's thought provoking paper entitled “Judicial Globalization”

The paper covers a wide range of issues discussing Supreme Court decisions touching on economic globalization, WTO membership, deregulation and decentralization. It also deals with issues of electoral democracy such as automatic counting and the party list system. The paper then covers issues of human rights and citizenship including a discussion on capital punishment, the right to privacy and the right to free expression. Justice Paganiban's views on the abolition of the death penalty are similar to the views expressed by Roland Rich in a paper he delivered to the 12th Commonwealth Law Conference in 1999 entitled ‘Death Penalty: An Abolitionist Perspective. Even in our different jurisdictions, we can benefit from each others’ insights and scholarship. This applies also to our judiciaries in their consideration of persuasive authorities from foreign jurisdictions.

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9. FEEDBACK FROM THE INDONESIAN PARLIAMENT

Following the publication on the CDI website of Struggling to Change: The Indonesian Parliament in an Era of Reformasi - A report on the structure and operation of the Dewan Perwakilan Rakyat (DPR), CDI received a most welcome letter from the Secretary-General of the DPR, Ibu Sitti Nurhajati Daud, in which she said

"I would like to thank you very much for sending me a copy of report of the research project undertaken by Dr. Stephen Sherlock a couple of months ago at the Indonesian House of Representatives. My thanks should also go to CDI that has made such project possible, and to Dr. Sherlock who has shown a great interest to the work of the Indonesian House and offered a valuable research. We always welcome and appreciate highly any effort to provide us with inputs regarding the performance of the Indonesian House. I believe that only with open mind to any assessment or constructive critique, the Indonesian House would be able to improve its performance."

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Stephen Sherlock's paper
10. CDI WEBSITE ADDED TO PANDORA

As part of its role in ensuring that Australians will have access to a comprehensive record of Australian history and creative endeavour now and in the future, the National Library of Australia developed PANDORA, an archive of online publications. At the beginning of 1996, selection guidelines were developed for Australian online publications intended for preservation by the National Library. The huge volume of electronic publications and the low research value of many of them led to the adoption of a much more selective approach to online publications.

To be selected for national preservation, a significant proportion of an online publication should be about Australia or be on a subject of social, political, cultural, scientific or economic significance and relevance to Australia and be written by an Australian author. High priority is given to authoritative publications with long term research value.

The CDI website has now been selected for inclusion in PANDORA. The Library will catalogue the website and add it to the National Bibliographic Database (a database of catalogue records shared by over 1,100 Australian libraries), as well as to the Library's online catalogue. The work of CDI will now be able to reach many more Australians.

PANDORA Archive Website

** Upcoming Events **

11. 2003 CDI ANNUAL ADDRESS

The 2003 CDI Annual Address will be delivered on 30 April by Dr Surin Pitsuwan MP, former Foreign Minister of the Kingdom of Thailand. Dr Surin is one of the leading political thinkers in ASEAN and has been strongly involved in Thailand's democracy building efforts. He is also the leading Muslim political figure in Thailand and his Address will be on the subject of "Islam and Democracy". CDI.NEWS subscribers wishing to attend should contact CDI by email.

12. TRAINING FOR JUDGES FROM EAST TIMOR

In association with the Federal Court of Australia, CDI is sponsoring the visit of two judges from East Timor to undertake an observational tour of the court system in Darwin and attend the Judicial Conference of Australia's annual meeting in Darwin in May. The visit will allow the judges to investigate aspects of court processes and case management as well as meeting many Australian judges participating in the Conference.

** Featured Web Article **

13. PROMOTING THE RULE OF LAW ABROAD – THE PROBLEM OF KNOWLEDGE

Western aid agencies prescribe rule-of-law programs to cure a remarkably wide array of ailments in developing and post-communist countries, from corruption and surging crime to lagging foreign investment and growth. Yet there is a surprising amount of uncertainty about their actual impact on these problems, as well as a lack of knowledge at many levels of conception, operation, and evaluation of the entire rule-of-law field. In his new working paper, Thomas Carothers argues that the rapidly growing field of rule-of-law assistance is operating from a disturbingly thin base of knowledge — with respect to the core rationale of the work, how change in the rule of law occurs, and the real effects of the changes that are produced.

Thomas Carothers, a senior associate at the Carnegie Endowment, is the founder and director of the Endowment’s Democracy and Rule of Law Project. He is the author of several books on democracy promotion, including Aiding