

IN HONOUR OF JEREMY POPE

Transparency International New Zealand: Formal Presentation to DIANA POPE of the 2013 Assessment of New Zealand's National Integrity Systems

Address by Tuiloma Neroni Slade

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I feel especially honoured in being allowed this role as we gather to remember Jeremy Pope. It is honour in double measure that we do so on the occasion of this evening's formal presentation of the National Integrity System's assessment to Diana Pope, and in the presence of so many of you who toil for the protection and strengthening of the national integrity systems of New Zealand and I'm sure, integrally, for the strengthening of transparency and accountability systems of our Pacific region.

For those of us who know them, the duality of the Diana-Jeremy partnership is a family affair widely acknowledged and admired for their personal example and the extraordinarily high standards of their professional lives, for the extensive friendships they had developed worldwide, for their celebrated travels and writings about New Zealand and, as a special measure, the warmth and closeness of their family environment.

And so, Madam Chair/ Dr Helen Sutch, I want to thank you for your kindness in your invitation to me and for your very generous introductory words.

I knew the name Jeremy Pope long before I met the owner, and I'm sure like generations of lawyers of my time Jeremy stood out and we gave to him our highest admiration for his work as Editor of the *New Zealand Law Journal*. I thought he was superb as Editor: always seemed to be bubbling with ideas; fresh, intelligent and stylish in his writing and with his hall-mark of personal integrity and independence. These were Jeremy qualities I came to know so well in my later professional years with him.

For a Pacific lawyer in my own time with few legal assistants and even fewer legal resources, I found the *Law Journal* necessary reading and of inestimable value in its outreach, with its commentaries and views on the legal issues of the day and the affairs of a legal system I had been trained in. Jeremy's language, typical of his legal writing, gave a dimension of clarity and un-fussiness about the law, made it more accessible; certainly, for some of us, welcomed release from the 'heaviness' of statutes and law reports. In Jeremy's hands, too, the *Journal* was an instrument for advocacy on new legal ideas, new ways of doing things (he was a force in the establishment of the NZ duty solicitor scheme) and on the function of law in society, on issues of freedom and fairness and what he considered the protection the law must provide to citizens and the community. Some of you will know that



in his earlier career Jeremy was a noted activist and lawyer on civil rights and the environment (like the “Save Manapouri” environmental movement). I think it is more popularly known that he was beyond clarity in his condemnation of *apartheid* and fiercely opposed to sporting contacts with the apartheid regime in South Africa; and he did not hesitate to use the pages of the *New Zealand Law Journal* to make public his opposition.

Jeremy’s firm views on these issues and about the policies of the Government of the day, will have laid prelude to the family leaving New Zealand in 1976 when he accepted a position with the Legal Division of the Commonwealth Secretariat in London. Jeremy’s move to London was blessing untold for, ultimately, I believe the Commonwealth gave bloom to a talent that was exceptional in its imagination, inventiveness and global reach.

It is important to remember that when Jeremy joined, the Secretariat, established in 1965, was very much in its infancy and seeking to register its mark among Commonwealth countries and with the wider international community. It was a time of creation and furious activity for the relatively slender staff; open season to the challenge for needed actions and directions of vision and leadership. Jeremy rose to that challenge with almost unbounded energy, with the brilliance of his creativity, with the depth of his understanding and unwavering belief in the rule of law and with his humanity. In so many ways, over his 17 years with the organisation, Jeremy contributed substantively and in abundance to a broad range of programmes and to the imagery of a modern Commonwealth.

As Director of the Legal Division for much of his long tenure at the Commonwealth, history will record his immense and singular contribution to law and the development of the institutions of law right around the Commonwealth. I can probably keep you here a fair bit of this evening with an accounting of his initiatives and leadership. But, rather than that, let me mention one or two so that we can begin to have some insight of the legacy of Jeremy’s life and work.

Jeremy believed totally in the accessibility of law. Law needed to be clear and just, available and written in terms that citizens can understand; constantly reviewed and reformed; and adjudicated by qualified, fair and independent tribunals. And with that he led his Legal Division and the Commonwealth in to an amazing range of legal activity which embraced, amongst others: substantial enlargement and transformation of the *Commonwealth Law Bulletin* and a series of *Law Reports of the Commonwealth*; an extensive, and much acclaimed, Commonwealth-wide programme for training in legislative drafting and the improvement of the statute book; formalising contacts and Commonwealth arrangements on law reform; creation of the Human Rights Unit in the Secretariat and enlargement of Commonwealth collaboration with human rights organisations and a series of support and training activities for judges and lawyers. Jeremy was responsible for my own move to the Commonwealth in 1983 and it was my good fortune, and eternal debt to him, to have been involved in many of the Commonwealth activities I’ve just mentioned.

First published in 1974, the *Commonwealth Law Bulletin* was basically a mimeographed pamphlet of a few pages. With initiated changes under Jeremy’s editorship from 1976 it is today a major flagship publication of the Commonwealth for the dissemination of legal information and developments and essential reading for judges, academics, law practitioners,

human rights and law reform agencies and legal researchers worldwide. The *Bulletin* helps to foster harmonised approaches to emerging legal issues in the Commonwealth, of particular importance in critical areas such as human rights and law reform. Uniquely, this is a publication that relies substantially on material collated and contributed by “correspondents” carefully nurtured by the Legal Division within Commonwealth law ministries, academia and other productive sources.

Jeremy was a most curious man, attracted by ideas. With ease he caught the attention and confidence of people, partly I suspected because he loved worthwhile conversation and had the ability to converse on a wide range of subjects. He had a bagful of enthralling anecdotes; a sense of fun and laughter that took people along; and an expert on sport, cricket and rugby in particular. I had not known a person with such an array of contacts and friendships across the Commonwealth and which he was careful to renew and to keep under repair. Jeremy enjoyed excellent personal rapport and working relationships with the judiciary, law ministries, academia and the practising profession. More especially, he was supremely good at getting people and his friends to work for the love of principle and the Commonwealth!

These carefully developed personal relationships, the *modus operandi* of the Legal Division, made possible the idea, for example, of the series of judicial colloquia launched in 1989 on the domestic application of international human rights norms. Working closely with the former Chief Justice of India, Jeremy had arranged for selected senior Commonwealth judges, and also Justice Ruth Ginsburg of the US Supreme Court to come to the City of Bangalore to share experiences on how judges might approach the thinking that was developing around the domestic application of international human rights norms. It is important to provide for essential intellectual underpinnings to new developments and innovations, but also to ensure that the new idea initiated has prospect to take root and be sustained. And this called for the involvement of Commonwealth luminaries like former Chief Justice Bhagwati of India, Justice Michael Kirby of Australia, and Justice Rajsoomer Lallah of Mauritius, all great friends of Jeremy’s. This first colloquium in 1989 gave birth to the *Bangalore Principles* which today have become widely accepted as the benchmark in national jurisdictions for advancing human rights by reference to international human rights law and development.

Jeremy was also pragmatic, and I think he had realistic appreciation of the development process in a Commonwealth where the majority of members are developing countries, hugely diverse, and all facing significant social, economic and environmental challenges. It seemed clear that even with proposals that seemed feasible, the Commonwealth just did not have the budget for a fully effective and sustainable response, without much more funding. It was also clear that without critical partnerships, including those with civil society and the private sector, Governments alone did not have the ability to deal with the demands of a modern society, in particular with respect to the protection and advancement of human rights.

Jeremy was quick to recognise the potential of the Commonwealth Secretariat’s catalytic approach and to develop it with intelligence. He helped to pioneer a series of arrangements or schemes designed to promote mutual legal co-operation between Commonwealth jurisdictions, such as schemes for the Rendition of Fugitive Offenders, for Mutual Legal

Assistance in Criminal Matters, for the Transfer of Convicted Prisoners and for the Protection of Material Cultural Heritage. By legal nature these schemes were agreed by governments in keeping with the largely common legal systems and practice of the Commonwealth and with its voluntary nature as an association of states, but without the complexities and formality normally associated with multilateral treaties. The point that was well acknowledged by Governments was the advantage of the schemes in that they were relatively quicker and cost effective to conclude as compared to the resources and time it usually took to negotiate treaties among sovereign states. What was particularly critical and typical of Jeremy's methodology and connections with Commonwealth professionals, he had involved eminent law professors, including New Zealanders like the distinguished Roger Clark at Rutgers, to undertake the large body of technical work involved for the design and operation of the schemes.

In similar manner Jeremy had helped to initiate and nurtured a number of independent Commonwealth organisations which continue to thrive, including the Commonwealth Human Rights Initiative (CHRI), an international non-governmental organisation working for the practical realisation of human rights throughout the Commonwealth, the Commonwealth Association of Legislative Counsel (CALC), the Commonwealth Lawyers' Association (CLA) and others. These, too, involved the collaboration of his many colleagues and friends.

Jeremy's talents and ability to function at multiple levels was easily spotted at the Secretariat, and thus he was drawn in on many other related areas of the Commonwealth's work. He had a very close working relationship with the Secretary General, Sir Shridath (Sonny) Ramphal, one of the greatest orators of our time. Jeremy was constantly on hand, with speech drafts and strategic and policy briefings. With his own flair and love of words, Jeremy contributed substantively to the learning and eloquence of Ramphal's oratory, as he did to the development of Commonwealth principles on democratic elections and observation. He took part in a number of observer missions, including as secretary to the Observer Group which monitored the historic independence elections in Zimbabwe in 1980. As I think is more popularly known, Jeremy was a member of the Commonwealth Group of Eminent Persons appointed by Ramphal in 1986 to visit South Africa and which set in train critical events which paved the way for the release of Nelson Mandela.

From its early years, the Commonwealth has been pre-occupied with the need to find effective responses to the special needs of small states several of which, as in the Pacific, had recently become independent, Solomon Islands and Tuvalu in 1978, for example, Kiribati in 1979 and Vanuatu in 1980. Jeremy was at the forefront of Commonwealth efforts to find practical ways to respond to the disadvantages of small jurisdictions and their attendant problems of isolation and scarce resources. To ensure proper understanding and tailored responses he proposed dedicated studies of the legal resources of small developing states in the Caribbean, the Pacific and in East, Central and Southern Africa as the basis for framing the needed Commonwealth assistance.

We can be thankful that Jeremy was proud of his Pacific roots and never far from the region. He called on yet another friend, the late Dr George Barton QC, a former Dean of Law at

Victoria University in Wellington, to undertake in 1980 a study¹ of the legal resource needs of several Pacific jurisdictions (Cook Islands, Fiji, Kiribati, Solomon Islands, Tonga, Tuvalu and Samoa) including my own country, Samoa. George Barton was of acknowledged eminence as an academic and as senior counsel, and with a long list of important cases and clients in New Zealand and in the Pacific countries; and thus had all the right credentials for the task. I had been privileged to study under George Barton; and as then Attorney General of Samoa, I was delighted to receive him when he visited to conduct his research.

One immediate harvesting of the Pacific study was a meeting of Chief Law Officers master-minded by Jeremy Pope and hosted by the Attorney General of Vanuatu a year later in 1981 to consider in detail the George Barton findings and recommendations. Jeremy travelled from London to attend it. It was the first ever such meeting among the Pacific Law Officers. I am pleased to say that the Law Officers have met continuously every year since 1981, and that their proceedings, now considerably enlarged with the engagement of others (judiciary, lawyers associations, regional Universities, others), have contributed substantively to the development and strengthening of legal systems and arrangements across the region. One such development, resulting directly from the efforts of Pacific Law Officers and from George Barton's report, was the establishment of the Law School of the University of the South Pacific in Port Vila, Vanuatu, in 1994, with another Victoria University legal academic, Professor Don Paterson, as first Head of School. The Law School today, in addition to the growing numbers of degree holders graduating each year, contributes in very significant ways to the professional training of judges and lawyers and the recordation and provision of legal material and information to all Pacific countries.

The pioneering partnership with Peter Eigen in the co-founding of Transparency International in 1993 was possibly the most policy-focused and concentrated period in Jeremy's stellar career. Perhaps his crowning achievement and lasting legacy, because so much of his beliefs and his thinking had become distilled in his work with TI and with the subsequent development of Tiri. For so long Jeremy had worked within the support system of the Commonwealth and its extensive associations. And yet, with his work to expose and internationalise corruption, he seemed at the height of his powers. That he was inspiration to so many, that the world listened and embraced his message is the surest acknowledgement, the loudest of accolades.

But Jeremy was also a practical man, with extensive experience of development in the real world, and knew well the ground rules and the political realities. Development challenges are complex and so are the solutions, and there is no one measure that could find the fixes for every community. Indeed, as will be evident from some of the examples I have mentioned of some of Jeremy's work and initiatives in the Commonwealth he had an encompassing and holistic view of development. Integrity and governance are influenced by and directly linked to the enabling social and economic conditions of the community. I think he saw two complementary approaches: one, at the macro level, focusing on strengthening national integrity systems in an holistic and informed manner; and second, working with citizens on the ground, actively involving them in the formulation and implementation of policies that affect their daily lives.

¹ G P Barton, *Report on some Pacific Jurisdictions: The Legal Resources Needs in Small States*, 1980, Commonwealth Secretariat.

I think many of you will know that a great deal of work is now ongoing in the region, particularly in the context of the sustainable development of small island developing States (SIDS) and with the new Framework for Pacific Regionalism approved by Forum Leaders earlier this year to replace the Pacific Plan. New Zealand's aid programme in this effort is longstanding, generous and critical, both in the quantum of the investment, and also for the policy emphasis on the rule of law and the inter-dependencies between sustainable economic development, education, health, governance, environment and security.

Forum Leaders have embraced as part of Pacific values good governance, the full observance of democratic values, the rule of law, the defence and promotion of all human rights, gender equality, and commitment to just societies. This sets the right political aspirations and direction for the region and for individual member countries. The reality though is that on matters of detail and given the extreme diversity of the region, there are significant challenges. There are regional mechanisms now in place, such as the *Biketawa Declaration* of 2000 which sets a framework for regional crisis management and conflict resolution in situations where Forum values are in jeopardy, and which provided mandate for the Regional Assistance Mission to Solomon Islands (RAMSI) and the Forum's response to the situation in Fiji from 2006. There are also creative ways to share cooperative approaches to supporting governance and rule of law institutions through, for example, the Pacific Ombudsman Alliance, the Pacific Association of Supreme Audit Institutions and the Pacific Law Officers Network to which I have referred. The viability of a regional human rights mechanism and some form of regional court of appeal has been talked about. The Forum Leaders' Declaration on Gender Equality in 2012 has generated greater attention to measuring the incidence of violence against women, and good effort is being made in the monitoring of progress for Pacific countries in the achievement of the Millennium Development Goals and the new Sustainable Development Goals. I think Transparency International in New Zealand is already working with counterparts in the Pacific, including on the ratification of the United Nations Convention Against Corruption.

But, with our demanding and questioning world, there is need to do a great deal more. While the Transparency International Corruption Perceptions Index of 2012 gave the highest rating to New Zealand as the most corruption free in the world (at 90, with Denmark and Finland), other Pacific countries are ranked either seriously low (Papua New Guinea at 25 or 150th out of 176 countries) or not at all (Fiji, Solomon Islands, Vanuatu), apparently for lack of reliable data. I would note that the assessment report being presented to Diana Pope this evening cautions that while the integrity systems of New Zealand are fundamentally strong, there is always room for strengthening and that there is no ground for complacency. As it is, the disparity between New Zealand and the other Pacific countries is too startling. Madam Chair, I'm sure that Pacific countries and the work that many have begun on their own National Integrity Systems reporting will benefit greatly from your continuing support and the experience of your work in New Zealand.

And so, Madam Chair, ladies and gentlemen, this has been a tribute to a professional colleague, friend and mentor. I should like to feel that collectively it is our tribute, because through his work we have all been blessed to know Jeremy Pope. He crossed in to the

unknown to take on at the high table of global attention a public curse in the name of humanity and the rule of law.

As the poet² has said, 'Simply by sailing in a new direction/You could enlarge the world'. By his life's sailing and the power of his integrity and intellect Jeremy Pope set new global direction, and with his humanity left much to an enlarged and grateful world.

Thank you

² Allen Curnow, *Landfall in Unknown Seas*, Commonwealth Poems of Today