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Transnational judicial training: A win-win for participants and instructors

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The Singapore Judicial College (SJC) is big on peer-to-peer training for judges from ASEAN and beyond. SMU Associate Professor Maartje De Visser has secured a research grant from SJC to examine how such training can boost participating judges' competencies as well as the Singapore judiciary's reputation.



By Alvin Lee

SMU Office of Research & Tech Transfer – On the website of the Singapore Judicial College (SJC), one can find a section of its international programmes for 2020, which includes courses such as “Judgment Writing and Oral Judgment”, “Effective Engagement of Litigants-in-Person”, and “Case Management”.

In the latter, foreign judge participants are introduced to Singapore's experience in dealing with case backlog and will “[e]xplore the challenges that foreign jurisdictions face and the relevance of the various strategies adopted by Singapore in terms of the legislative framework, case management framework and philosophy and the use of technology in this process”.

“SJC focuses heavily on sharing insights regarding administrative or logistical issues,” explains Maartje De Visser, Associate Professor of Law at SMU. “That's sensible because that helps equip courts within this region with the capacity to dispense justice efficiently. Among the prerequisites for a solid rule of law is having well resourced, capable, independent courts.”

In her latest research project, which was awarded the SJC's Empirical Judicial Research Grant, Professor De Visser seeks to do the following:

1. Investigate how exactly transnational judicial training can benefit participating judges and judicial officers; and
2. Inquire whether and how the delivery of such training to foreign participants can enhance the

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reputation of the host institution and the host country's legal system.

In Professor De Visser's view, SJC's peer-to-peer approach of judges training fellow judges holds out considerable promise.

"The judges are effectively training each other, and the logic there is that since both the instructor and the participants operate in a similar professional environment with similar responsibilities and challenges, the instructor is probably better able to do so than an academic or a lawyer because she knows what exactly judicial work entails," she offers. "She therefore knows what judge participants need to learn, what needs to be emphasised, the kind of questions they may have. And, crucially, the participants know that they can trust the judge-trainer not to clearly pursue a particular commercial or political agenda."

While noting that judicial training takes place in many countries, Professor De Visser points out that "seats are typically reserved for judges from that particular country". She cites the contrary example of Europe as the region where cross-border judicial workshops and training opportunities take place on a relatively large scale. She also highlights how difficult that is to emulate.

"Europe was one of the first regions where this really took off," observes Professor De Visser, who is also the Associate Dean (PG Curriculum & Teaching) at the School of Law. "And that is mainly because of the nature and the extent of European integration. It created a very practical motivation to say, 'Look, we have a common set of rules that should be interpreted and understood in the same way in all of the different member States, and for that to happen, it is important for courts to talk to one another to arrive at a shared understanding."

"The challenge in Asia is twofold. One, there is no regional equivalent to the European Union or the African Union, an organisation that covers most, if not all, of the geographic area and adopts a comprehensive set of rules that apply to the entire continent. So, that reduces the practical incentive for investing in transnational judicial training.

"And two, you have to deal with a vast discrepancy in terms of economic and legal development. So, if you want to engage in training and education, there may be budgetary constraints that countries or their courts are faced with."

Judicial diplomacy

Professor De Visser points to other issues that judicial administrators have to consider, such as cases that might take longer to decide in the absence of judges who have gone on training.

But finance, and a solid infrastructure, are key considerations.

"Singapore has the infrastructure to do this [transnational judicial training] and the Ministry of Foreign Affairs has at times sponsored judges from other ASEAN countries to come to Singapore to attend SJC courses," Professor De Visser tells the *Office of Research and Tech Transfer*. "It's very much based on the objective that the government and the Supreme Court often emphasize: We all need to rise together within ASEAN. For Singapore to benefit from deepening regional integration, it should care about judicial capacity-building across ASEAN and improving mutual trust among courts in the neighbouring countries."

While that may be the ostensible goal, SJC's training programmes can at the same time be viewed as a form of judicial diplomacy. Professor De Visser suggests that a foreign judge who has attended an SJC course might be inclined to follow the approaches adopted by Singaporean judges, who are heavily involved in delivering the training.

"That's one of the things that I'm particularly interested in, that this can be a very effective strategy to enhance a judiciary's standing with other courts and exert judicial leadership in a soft way," she elaborates. With regard to what she expects to find in her research on this issue, Professor De Visser believes there could be quantitative evidence to corroborate this hypothesis.

Professor De Visser says: "I suspect that, especially for judges who come from the economically or legally developed countries, including those within ASEAN, that they may leave with a significant positive impression of Singapore's judicial and legal system.

"This could be translated in repeated applications from that court or that jurisdiction to join in more SJC trainings, thereby producing a virtuous cycle as far as the impact of judicial diplomacy for Singapore is concerned."

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