

Lord Neuberger gives the closing address at the Global Law Summit

Queen Elizabeth II Conference Centre, London

25 February 2015

1. The past three days have involved a full menu with a large succession of rich courses prepared by distinguished chefs and cooks. But, like all the best meals, the balance and contents of the items have ensured that you have not developed mental indigestion.
2. For this, we have to thank the many distinguished lecturers and discussants. There have been so many impressive and inspiring contributors it is impossible to list them all, and it would be invidious to identify only some of them. But equally important are the organisers of the Summit and their partners, including their strategic partner, Thomson Reuters, as well as the sponsors and exhibitors. These organisations and individuals helped make the Summit the great success that it has been, and I am sure that you would want me to record our appreciation of their contribution as well.
3. Three main themes ran through all the sessions. The importance of the rule of law in delivering a harmonious and cohesive society; the importance of the rule of law in ensuring a just and fair society; and the importance of the rule of law in ensuring thriving commerce. Prosperity, peace and justice are mutually inter-dependent, and each is founded on the rule of law.
4. Prosperity, peace and justice may be found in the three surviving clauses of Magna Carta, which, as we all know, was sealed by King John 800 years ago this year. Clause 1 confirms

the freedom of the church, which in the 13th century would have been regarded as supporting peace – at least domestically; clause 9 confirms the liberties of the City of London, which reflects respect for a thriving economy; and clause 29 contains the famous seeds of a guarantee of justice for all.

5. Prosperity, peace and justice are also reflected in two fundamental individual rights, the right of self-expression and the right to justice.
6. The right of self-expression is the most fundamental form of freedom from the state. It is a negative right in that it requires the state to keep out. It consists of the right to say what you want and do what you want (for instance to say unpopular things or to carry on business). Such freedom has its limits in order to protect the rights of others: you can't shout "fire" in a crowded cinema; you can't express yourself by killing people.
7. The right to justice is, by contrast, a positive right in that it requires the state to do something. There is no more fundamental form of positive right than the right to justice. Without the right to justice, we do not have the rule of law, and without the rule of law, social economic cohesion collapse.
8. The right of self-expression is very wide. It encompasses many fundamental rights, such as freedom of speech, freedom to work, and freedom from discrimination. As to discrimination, a society which does not accord equality to all its citizens does not permit genuine freedom of expression to the underprivileged. Further, to its economic and societal detriment, such a society deprives itself of the services of some of its ablest citizens. And such a society does not really observe the rule of law.

9. In some ways, the right to justice is even more far-reaching than the right of self-expression: dangerous people may need to have their rights of self-expression curtailed to protect others, but they are entitled to justice; indeed, the extent to which its prisoners and mentally afflicted people are accorded access to justice is a measure of the decency of a society.

10. But the rights to self-expression and to justice are not just theoretical notions. Individuals, businesses and other entities must be able to understand their rights, and to enforce and defend those rights through the courts. In the civil, family, criminal and public law fields, genuine access to justice, in terms of competent advice and representation in an impartial court, is essential if a society is to maintain genuine adherence to the rule of law. Access to the courts is the best, probably the only way of vindicating public and private rights of individuals, companies and groups.

11. In today's world, with the power of governments growing ever greater and the law getting more complex, it is vital that there is a legal system which is truly accessible to everyone and is properly funded and administered. A few weeks ago in the Financial Times, John Thornhill wrote this:

“The late, great historian of the Communist Party of the Soviet Union, Leonard Schapiro, used to argue that of all the factors distinguishing democracies from autocracies, the most important was the rule of law. The right to vote a self-serving government out of office was a wonderful privilege. Free speech, free markets and a free press were all to be cherished. But the ability of an individual to defend his or her rights in a court of law – even against the predations of a government or a ruling party – was the most precious freedom of all. ‘The law has always been and, I believe, always must be the acid test of a free society’, he wrote”.

12. The danger of large international gatherings is that the delegates all come together in a sort of mutually self-congratulatory bubble, say all the right things about fundamental rights or social and economic justice, and then go away and carry on exactly as before. But like all worthwhile aims, maintaining the rule of law can be demanding. So I think an important message we should all take away from this Summit should be: don't just say it, do it. Words are easy, but actions are more difficult, and it's ultimately actions which matter.
13. Thus, Governments must accept that upholding freedom of self-expression can sometimes mean standing up for uncomfortable causes. Prisoners and asylum seekers are not a popular cause in some quarters, but, at least as much as others, they need protection and rights. Freedom of self-expression can also lead to difficulties with maintaining security. In a free society, security cannot be as rigid as in a totalitarian society, but if we make security the overriding aim, then we become a totalitarian society, which is not worth securing in the first place.
14. Governments also have to accept that maintaining the rule of law can be demanding. It costs money to give people genuine access justice, and to recruit first class judges. It can also be irritating when people insist on their right to seek the court's assistance against the Government. But a Government which undermines its citizens' rights to go to court, or does not ensure a first class judiciary, undermines the rule of law.
15. But it is not just the Government which has a duty to ensure that people have access to legal advice and representation and to the courts. The duty extends to lawyers and to Judges. Subject to commercial realities, lawyers owe a duty to make legal advice and representation for people as clearly and cheaply as possible. And judges have to be ready to help to ensure

that court proceedings are as quick and cheap as they can be. All those involved with the law have a duty to ensure the rule of law.

16. Magna Carta is seen by many to represent the first step towards the rule of law in this country, and indeed in much of the world. Historians can argue as much as they please about its immediate contemporary significance in the 13th century, but that misses the point. What is extraordinary about Magna Carta is its influence over the past eight centuries, and the way it is perceived today by so many people across the world; the influence over the founding fathers of the United States is a prime example. This country has every reason to feel proud and lucky that it was an English document, and is now a United Kingdom document. Indeed, it is a Commonwealth document, and it is fitting that there is to be a Commonwealth Law Conference in Glasgow in April this year. I am sure that it, too, will be a great success.
17. 13th century England did not just produce Magna Carta; it also produced the first Parliament. And English judges were the originators and developers of the common law with its unique flexibility and commerciality. The United Kingdom has exported the common law across the world, and this has been assisted by the fact that both its legal services and judiciary have an outstanding world-wide reputation. The UK's lawyers and judges have unrivalled experience and expertise when it comes to international commercial contracts, issues and disputes.
18. It is therefore very fitting that a summit about the rule of law should be taking place in London, where so much international legal work is done, and will continue to be done. With 2300 delegates from over 100 countries, so many distinguished contributors, and such valuable discussions and talks on so many important topics, this Summit has been a fitting tribute to the values and principles of Magna Carta.

19. I started with a gastronomic metaphor; if I may end with one, I think and hope that this Summit has provided us all with considerable food for thought. I hope that the verbal food will serve to nourish and improve the body of the rule of law in every country in the World.

20. Thank you very much for coming to this remarkable event. I very much hope that you have all found it enjoyable, informative and worthwhile.

David Neuberger

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