

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Distinguished guests, colleagues, ladies and gentlemen.

Assalaamu 'alaikum and a very good morning to all.

Let me start by expressing my appreciation for inviting me to the 2nd China-South Asia Legal Forum, and extending invitation to prosecutors from my Office who are taking part in the 1st Course of China-South Asia Legal Training Base, which is being held parallel to this forum. It's wonderful to be in the Spring city, the beautiful Kunming, at this time of the year. And I am sure all of you are as excited as I am.

Maldives and China has always maintained a good working relationship. Especially now more than ever. Both our countries have had a remarkable history of constitutional reform and law reform in general. Both our countries enjoy a rich culture of inclusiveness and working towards the betterment of our societies.

Like the Maldives, over the past century, China has had several constitutions. The current Constitution states that people of all nationalities, all state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings in the country must take the Constitution as the basic norm of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation. The Constitution of the People's Republic of China is nominally the supreme law within the People's Republic of China.

From the first attempt to implement a constitution during early 1900s of the Qing Dynasty to the current Constitution of 1982 with Amendments through 2004 to include guarantees on private property and human rights, China has come a long way.

It is impressive how China has positioned itself as one of the greatest powers of the world, and as a major power within Asia today. Introduction of market mechanisms,

modern technology and management, introduction of the open and reform policy, but most important of all, good governance has put China at the centre of the world's economy as the largest trading power, and the second largest economy. I think it's safe to say that we can all take something from China's experience.

Maldives is a small island nation compared to China. Maldivians have lived under a system of law for over two millennia. The origins of the Maldivian legal system find its roots in a legal system which prevailed in the ancient Buddhist kingdom of Sri Lanka during the first millennium. However, since the Maldives converted to Islam in the 12th century, the development of the legal system has been greatly influenced and shaped by Islamic Law.

Maldives is in a period of major changes. Both economically and in its legal framework. With the adoption of the new constitution of 2008, Maldives has embarked on a new system of governance and legal structuring. While the new constitution enshrines the freedoms and rights afforded to people, it brought mechanisms on checks and balances, and accountability.

Maldives, as a country has gone through drastic changes since its first Constitution in 1932. Whilst the first constitution was mainly based on cultural values, social norms and other traditional administrative practices, the constitution of 2008 is rights based, in accordance with internationally recognized democratic principles of governance and giving way to a multi-party democracy. The adoption of the new Constitution was a crucial step in our attempts to reform and modernize the system of governance and delivering to the people, a better, a fairer and a judicious system with a thriving and robust economy. Although the Maldivian legal system has made great strides in its modernization efforts, it still has many more challenges to overcome in fully transitioning to a democracy as envisaged in our Constitution.

Our countries have different legal systems. Maldives has a legal system which is based on an admixture of Islamic Law and English Common Law. English Common Law greatly influences the civil and commercial laws of the country. Laws on familial matters in the Maldives are highly influenced by Islamic Law. Whereas the Chinese legal system is a socialist system of law based primarily on the Civil Law model.

When we look at our systems, both China and the Maldives Constitutions places all powers in the people. Fundamental principles of democracy, such as the right to equality, the right to vote and stand for election, freedom of speech, freedom from oppression, is enshrined in our Constitutions, with supremacy of the Constitution at the heart of it. Among differences, in the Chinese model, courts do not have the

general power of judicial review and cannot invalidate a state on the ground that it violates the Constitution. The Standing Committee of the National People's Congress is bestowed with the task to review laws and regulations for constitutionality. Whereas in the Maldives, the Supreme Court and the High Court can review on the point of constitutionality.

Legal systems in Asia are going through rapid changes, mainly owing to the economic growth in China and India. India, the world's most populous democracy, is a federation with a parliamentary system governed under its Constitution. Unlike the Maldives and China, the Constitution of India is not created by the parliament. It is created by a constituent assembly and adopted by its people. Parliament cannot override the Constitution. Indian laws too draw on a number of sources. Hindu law is, in general, the personal law applying to the great majority of the population and constituting the main juridical product of Indian civilization.

Common law was a critical part of the British system of administration of justice. Hence, it's inevitable that both India and the Maldives legal systems have English influences in it.

Including China, though we share heritage with foreign law, we maintain our distinct identities. On that note I conclude my speech in the hope that through this forum we would be able to share and learn from each other's experiences, and best practices, which would help in our efforts back home.

·Thank you