

# TIJ-IGLP INTERNATIONAL VIRTUAL WORKSHOP

## SUMMARY REPORT

**BANGKOK • THAILAND**  
**JANUARY - JUNE 2021**

THAILAND INSTITUTE OF JUSTICE  
IN COLLABORATION WITH  
THE INSTITUTE FOR GLOBAL LAW AND POLICY  
AT HARVARD LAW SCHOOL

## TIJ-IGLP International Virtual Workshop on the Rule of Law and Policy

January – June 2021 | Bangkok, Thailand

### September 2021

#### Disclaimer:

This work is intended to be a summary of the TIJ Workshop proceedings as interpreted and compiled by the TIJ's academic team. The views and opinions expressed by the TIJ Workshop faculty and the editors of this publication do not necessarily reflect the official policy or position of Thailand Institute of Justice (TIJ) and the Institute for Global Law and Policy (IGLP).

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## Prof. Dr. Kittipong Kittayarak

Director of the Rule of Law and Development Program (RoLD)  
and Special Advisor to Thailand Institute of Justice

## FOREWORD

I am honored to oversee the Rule of Law and Development Program (RoLD), a continuing series of dialogues about innovative cross-cutting regional and national approaches to and issues in mainstreaming the rule of law, along with the efficacy of these attempts and first-hand experiences that embody the rule of law in action. This year's trainings were facilitated via virtual platforms to overcome travel restrictions resulting from the COVID-19 pandemic.

The RoLD Program seeks to strengthen human capacities to formulate and develop a true understanding of how the rule of law operates within our multi-faceted society through two core curriculum components, namely The RoLD 2020: The Resilient Leader and the TIJ-IGLP Workshop for Emerging Leaders on the Rule of Law and Policy. Both programs work in tandem and seek to provide an unparalleled opportunity for experts and practitioners from diverse sectors to engage with their peers from across the globe in policy conversations facilitated by a network of international and interdisciplinary faculty from the Thailand Institute of Justice (TIJ) and the Institute for Global Law & Policy (IGLP) at Harvard Law School.

It is in my utmost hope that this summary report will underscore salient points of discussions that took place throughout the 6 monthlong program, especially how to use the concept of the rule of law as a lens to better understand the complex and dynamic socio-economic paradigms and challenges in order to re-define and create a more nuanced systematic framework that can better inform policy development at the local, regional and international levels. In our pursuit to promote a more peaceful and just society as the foundation for sustainable development, the TIJ will continue to strengthen people-centered justice through multi-stakeholder collaboration and innovative policy tools under the RoLD Program.



## Phiset Sa-ardyen

Executive Director,  
Thailand Institute of Justice

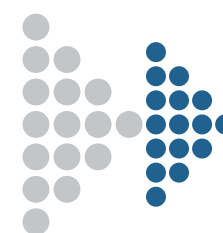
## FOREWORD

I am delighted that the fourth installment of the TIJ-IGLP International Virtual Workshop on the Rule of Law and Policy concluded with resounding success despite the COVID-19 crisis. On behalf of the Thailand Institute of Justice (TIJ), I would like to express my sincere gratitude and heartfelt appreciation for the team and faculty at the Institute for Global Law and Policy (IGLP) at Harvard Law School for making this program possible, as we continue to embark on our shared vision to enhance the rule of law education.

I would like to congratulate and commend the Class of 2020 Fellows for their hard work, dedication, and insightful contributions throughout the duration of the Workshop. It is my hope that they have benefited from the peer mentoring curriculum, as well as learned how to approach policymaking and leadership from innovative angles. The viewpoints and experiences shared over the past months can be leveraged to create positive and impactful changes in their respective areas of work.

The Workshop was conceived as a project to foster meaningful dialogue and raise awareness on the intersection between the rule of law and sustainable development. As a think-tank institute affiliated with the United Nations Crime Prevention and Criminal Justice Programme Network (UN-PNI), the TIJ seeks to promote the rule of law as a cornerstone of sustainable development, as well as a guiding principle for robust response and rapid recovery efforts to build back better a more inclusive post-COVID-19 world. As part of this endeavor, we would like to also thank the network of IGLP Faculty, who devoted their time and effort in coaching and engaging with over 51 Fellows from 9 countries over the course of 6 months.

The publication of this summary report is intended to provide an avenue of reflection and highlight key discussions that took place over the course of the Workshop in order to expand to the knowledge base of rule of law education. It is in our belief that "justice is everyone's matter", the TIJ will continue to foster participatory and multi-stakeholder platforms and look forward to continuing our pursuit in diversifying our network of changemakers to include non-traditional actors, or those outside of the legal field, to broaden perspectives and encourage conversations on how to translate the rule of law into action.



## ACKNOWLEDGEMENTS

The Thailand Institute of Justice (TIJ) would like to thank the Institute for Global Law and Policy (IGLP) at Harvard Law School for their continued collaboration and for making TIJ-IGLP International Virtual Workshop on the Rule of Law and Policy a great success. A special thanks to Prof. David Kennedy and his team, Kristen Verdeaux and Ginelle MacDonald, for their tireless commitment towards this project.

This International Virtual Workshop Summary Report was made possible thanks to our contributors Juthathat Kugasemrat, Nattanun Somchoe, Paricha Duangtaweesub, Salila Narataruksa, Suparat Sawetamal, Thanaporn Techaritpitak, Panpisut Thamavisitkul, Pimchanok Naiyananont, Plearn Janvatanavit and Thanyaporn Khunnathumpong. A special thank you also to the design team at the Knowledge Development Center Co. Ltd. (KDC) and the editor in chief, Araya Arayawuth.

## INTRODUCTION

The TIJ-IGLP International Virtual Workshop on the Rule of Law and Policy was the fourth installment of the exclusively designed rule of law-based curriculum as a result of the continued collaboration between the Thailand Institute of Justice (TIJ) and the Institute for Global Law and Policy (IGLP) at Harvard Law School. This year, most of the discussions took place via virtual platforms due to the ongoing COVID-19 pandemic. The Workshop itself is the centerpiece of TIJ's vision to become a pioneer in rule of law education, by providing practitioners from different sectors a unique opportunity to engage with and learn from their global peers in policy dialogue facilitated by a network of international and interdisciplinary faculty members from both the TIJ and IGLP.

The primary objective of the Workshop is to build a network of changemakers by encouraging policy practitioners, professionals from all fields and scholars to collaborate in an effort to better understand the interconnectedness between the rule of law and policy-making processes.

## WORKSHOP OVERVIEW

The 2021 experience included two complementary core curricula, namely The RoLD 2020: The Resilient Leader (5 monthlong from January to May) and the TIJ-IGLP International Virtual Workshop on the Rule of Law and Policy (1 weeklong in June), which consisted of Special Lectures, a total of five Policy Skills Teams, Problem Labs and the TIJ International Virtual Forum. A summary of each of these sessions is provided in this report.



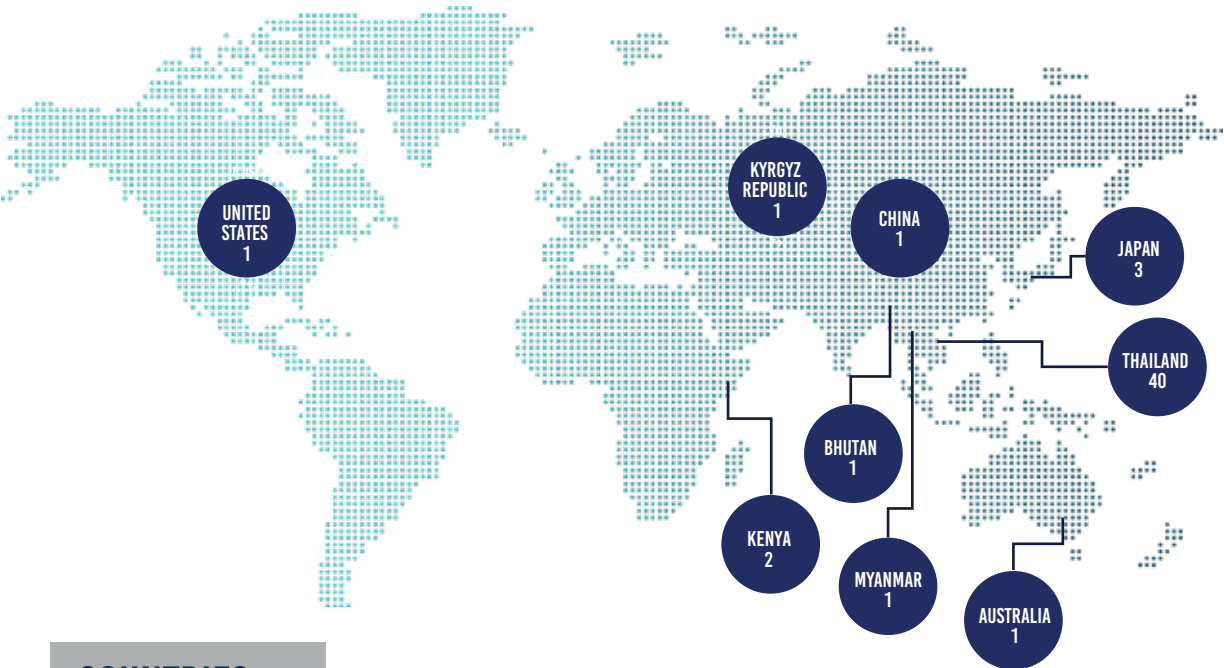
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THE 9TH TIJ PUBLIC FORUM ON THE RULE OF LAW AND SUSTAINABLE DEVELOPMENT  
THE INTERNATIONAL VIRTUAL FORUM: RESILIENT LEADERSHIP IN PRACTICE  
FRIDAY, 11 JUNE 2021 | 13.00 - 21.30 HR. GMT+7 BANGKOK TIME  zoom

# THE PARTICIPANTS

The TIJ-IGLP International Virtual Workshop was conceived as a project to foster dialogue that would uncover the intersection between the rule of law, sustainable development, and practical applications of these theories across all sectors. The fourth cohort of TIJ fellows came from diverse backgrounds and nationalities.

Admitted participants breakdown (total of 51)

Gender	Nationality
Male 25 (49%) Female 26 (51%)	Thai 40 (78%) International 11 (22%)



COUNTRIES
Australia 1
Bhutan 1
China 1
Japan 3
Kenya 2
Kyrgyz Republic 1
Myanmar 1
Thailand 40
United States 1



SPEAKERS &  
WORKSHOP  
FACULTY





# GLOBAL WEBINAR PANELISTS



**Nicholas Booth**  
Thailand  
UNDP  
(Bangkok Regional Hub)



**Anne Orford**  
Australia  
University of Melbourne



**Martti Koskenniemi**  
Finland  
University of Helsinki



**Vasuki Nesiah**  
United States  
New York University



**Sheila Jasanoff**  
United States  
Harvard Kennedy School of  
Government



**Saptarishi Bandopadhyay**  
Canada  
Osgoode Hall Law School



**Nikolas Rajkovic**  
Netherlands  
Tilburg University



**Gerry Simpson**  
United Kingdom  
London School of Economics  
and Political Science



**Osama Siddique**  
Pakistan  
Law and Policy Research  
Network



**Benjamin Hurlbut**  
United States  
Arizona State University



**Jennifer Bair**  
United States  
University of Virginia



**Dan Danielsen**  
United States  
Northeastern University



**Libby Adler**  
United States  
Northeastern University



**Luis Eslava**  
United Kingdom  
Kent Law School



**Aya Gruber**  
United States  
University of Colorado



**Andrew Lang**  
United Kingdom  
University of Edinburgh



**Robert Wai**  
Canada  
Osgoode Hall Law School



**Yifeng Chen**  
China  
Peking University



**Lucie White**  
United States  
Harvard Law School



**Dennis Davis**  
South Africa  
High Court of Cape Town



**Willy Forbath**  
United States  
University of Texas at  
Austin



**Karen Engle**  
United States  
University of Texas at  
Austin



**Kerry Rittich**  
Canada  
University of Toronto

## PROBLEM LAB SPEAKERS



**Ora-orn Poocharoen**  
Thailand  
School of Public Policy,  
Chiang Mai University



**Pannin Sumonthasetkul**  
Thailand  
FutureTales Lab (FTL)



**Chaiyatorn Limapornvanich**  
Thailand  
National Innovation Agency  
(NIA)



**Potiwat Ngamkajornwiwat**  
Thailand  
Futuristic Research in Enigmatic +  
Aesthetics Knowledge  
(FREAK Lab) at King Mongkut's  
University of Technology Thonburi

## WORKSHOP FACULTY



**David Kennedy**  
United States  
Harvard Law School



**El Cid Butuyan**  
Philippines  
Harvard Law School  
(2014-2017)



**Osama Siddique**  
Pakistan  
Law and Policy Research  
Network



**Helena Alviar**  
Colombia  
Sciences Po Law School



**Günter Frankenberg**  
Germany  
Goethe-Universität  
Frankfurt am Main



**Dennis Davis**  
South Africa  
High Court of Cape Town



**Ermal Frasheri**  
Albania  
Harvard Kennedy School  
of Government



**Arnulf Becker**  
Chile  
Harvard Law School



**Shunko Rojas**  
Argentina  
Former Undersecretary  
for International Trade of  
Argentina



**Jorge Esquirol**  
United States  
Florida International  
University College of Law



**Robert Chu**  
United States  
Grundisse Group

## TIJ-IGLP GLOBAL WEBINAR SERIES



## TIJ-IGLP GLOBAL WEBINAR SERIES

Six Global Webinars, or intensive online mini courses hosted by the IGLP were offered during the Workshop, allowing participants to engage in interactive discussions about the regional trends and developments, emerging challenges, as well as policy implications related to the COVID-19 crisis. The Fellows attended these sessions alongside participants from the Rule of Law and Development Program, a concurrent Workshop for leaders in executive roles in Thailand. This is a residential program that annually brings together a national cohort of senior policymakers and practitioners from across all sectors for intensive collaboration, experience-sharing and cross-training.





The 2021 Global Webinars included

01

## GLOBAL ORIENTATION

RULE OF LAW IN THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT



### NICHOLAS BOOTH

Officer-in-Charge, Governance and Peace-building Team and Advisor on Conflict Prevention, Access to Justice and Human Rights, United Nations Development Programme (Bangkok Regional Hub)

At the outset, Mr. Booth highlighted the momentous moment when the United Nations General Assembly adopted the 2030 Agenda on Sustainable Development or the Sustainable Development Goals (SDGs) to replace the Millennium Development Goals (MDGs) as the new overarching framework for international development. This constituted a shift towards a more holistic and integrated vision of sustainable development. While the MDGs contained a limited set of partial targets, the SDGs rests on the principle of “leaving no one behind”. This is the central and transformative promise of the 2030

Agenda, representing the unequivocal commitment of all UN Member States to eradicate poverty in all its forms, end discrimination and exclusion, and reduce the inequalities and vulnerabilities that leave people behind and undermine the potential of individuals. Coupled with this, the SDGs places the importance on forging a multi-stakeholder partnership between governments, UN agencies, private sector and civil society in the implementation and realization of its Goals and Targets.

More importantly, the inclusion of Goal 16 on Peace, Justice and Strong Institutions in the SDGs was timely and critical. Arguably, the rule of law is one of the most essential elements, which serves to tie all of the 17 Goals and 169 Targets together by creating an environment for the achievement of sustained, equitable and inclusive development. Mr. Booth's approach in defining the rule of law included the following characteristics:

- 1) Accountability of all, including the State, public and private entities, along with individuals
- 2) Laws are publicly promulgated, equally enforced and independently adjudicated
- 3) Consistent with international human rights norms and standards
- 4) Inclusive participation in decision-making. As such, the rule of law not only engenders effective, accountable and transparent institutions at all levels, but also promotes responsive, inclusive, participatory and representative decision-making, while ensuring equal access to justice for all.



Mr. Booth outlined four dimensions of the rule of law inherent in the 2030 Agenda. First, it promotes a human rights-based agenda in that all fundamental human rights—be it socio-economic, civic or political—are reflected in the Goals, underpinned by principles of equality and non-discrimination, especially underscored in the pledge of “leaving no one behind.” Second, it highlights the inextricable linkages between development, justice, peace and non-violence. For instance, the rule of law serves to create social cohesion and prioritizes tolerance and equality to prevent extremism, while it seeks to eliminate violence against women and girls (VAWG). Third, it is a measure to fight against transnational organized crime and corruption, as well as deter illicit flows of people, goods and services. Lastly, it emphasizes the role of private sector in the full realization of the SDGs, especially in Asia. The Global Goals cannot be achieved unless governments protect human rights against business violations, while business proactively respects human rights and provide adequate remedies for breaches.

In light of recent and severe surges of the COVID-19 pandemic, Mr. Booth discussed how the promotion of the rule of law is as crucial as ever. During times of crisis, countries have faced challenges related to abusive state of emergency decrees fraught with repression of freedom and authoritarian measures, as well as increases in hate speech and misinformation. The pandemic has intensified the number of gender-based violence cases, while justice has become inaccessible to marginalized and vulnerable populations. It is essential for COVID-19 responses to be founded on the core principles of the rule of law, which in turn seek to foster inclusive, participatory and accountable approaches to address multi-dimensional issues. In order to ensure that no one is left behind, it is important to ask the following questions:

- 1) Are health services universal and equitable?
- 2) Are stimulus packages reaching individuals who need them?
- 3) Will vaccines be distributed equitably to the most vulnerable?
- 4) Who will participate in the decisions on building back better?
- 5) Are businesses following the SDGs in their COVID-19 responses?



# 02

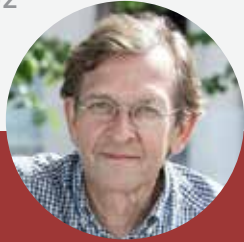
## GLOBAL WEBINAR #1

### GLOBAL GOVERNANCE AND MULTILATERALISM

01



02



03



04



Chair :

Discussants :

01 Anne Orford (*University of Melbourne*)

02 Martti Koskeniemi (*University of Helsinki*)

03 Nikolas Rajkovic (*Tilburg University*)

04 Gerry Simpson (*London School of Economics and Political Science*)

This webinar began by exploring the literal definition of multilateralism, which means many sides or parties. It is traditionally used to describe the relations between groups of states and is often associated with the public sphere such as public international law and diplomatic activities involving intergovernmental organizations such as the United Nations, the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO). However, examples and practices have demonstrated that there are different ways and spaces where multilateralism can thrive, including both the public and private spheres. Unlike before, multilateralism is no longer centralized within a limited circle consisting of professionals and lawyers. Recently, non-state actors have become active in advancing their causes, demands and interests at the regional and global levels, thereby influencing meaningful interventions.

While the World Economic Forum, an international non-governmental organization mostly known for its annual meeting in Davos, represents a collaborative effort to improve the state of the world by engaging businesses, political, academic, and other leaders of society to shape global, regional, and industry agendas. It should not be mistaken that multilateralism always yields cooperation at all levels; however, it involves a multitude of contending perspectives and choices, along with constant competition and power struggles—the outcome of which may be undesirable for the rule of law and global development. Against this backdrop, regional cooperation has often resulted in the exploitation of smaller players to the advantage of the hegemonic powers. The decision-making power of leading social media platforms such as Facebook and Twitter to effectively decide who could speak and who should remain voiceless also illustrates how multilateralism has seeped into other spheres.

Law is central to multilateralism and governance in shaping how competition and agreements between parties are framed. It underpins the frameworks of international trade and financial transactions, as well as diplomatic relations. However, the rule-based international liberal order has been a subject of debate with the perceived North- South divide and state rivalries that hinder efforts to settle mutual agreements on different issues such as climate change. The rise of China and shifting geopolitics have further complicated this context. Many scholars have argued that the inability of western countries to effectively handle the COVID-19 pandemic may be a contributing factor that serve to undermine the international law and standards that are founded on western supremacy, ideals and values. This raises the question of the relevance of traditional hegemonic powers, which may no longer be placed at the center of the international order. Nevertheless, the unpredictable developments of the COVID-19 crisis, along with vaccine race have provided us with an opportune moment to further discuss how the rule of law could be applied to address emerging global concerns about fair and equitable distribution of supplies and inclusive vaccination programs. While these issues belong to conversations on geopolitics and are beyond the ambit of the rule of law, challenges related to complex relationships between the relevant bodies of law such as private international law, intellectual property law, as well as human rights law would need to be addressed appropriately.



# 03 GLOBAL WEBINAR #2

## CRIMINAL JUSTICE REFORM

01



02



03



04



Chair :  
Discussants :

- 01 Osama Siddique (Law and Policy Research Network)
- 02 Libby Adler (Northeastern University)
- 03 Luis Eslava (Kent Law School)
- 04 Aya Gruber (University of Colorado)

This webinar began with a question on whether policing, prosecution and imprisonment within a more holistic criminal justice system can be used as a promising tool to engender equality for women and sexual minorities, thereby achieve gender justice. Professor Gruber argued that while the American prison system had expanded in the late 1990s to tackle rising crime rates, it did so in a manner that adversely exacerbated problems of the most vulnerable populations, racial and sexual minorities, as well as women. As a result, criminal policing, prosecution and punishment did not directly address the root causes of crimes they had intended to resolve. Against this background, a number of American feminists have become soldiers in the war on crime by focusing on a long history of domestic abuse, which was one of the biggest challenges women in the nation were facing. They had not only placed great emphasis on white female victimhood, but had also expanded police and prosecutors' power, which in turn diverted essential resources and services away from the most marginalized communities and law enforcement.

Professor Adler stated that a significant agenda item of the advocates for LGBTIQ+ populations in the U.S. is protection under hate crime statutes. In the U.S., there are federal and state criminal laws that protect people from violence based on specific identity characteristics, race, and sexuality, and gender identity. Still, the country has divided the LGBTIQ+ community along the lines of class and race. While this has provided employment benefits to LGBTIQ+ Americans, who are primarily in middle and upper classes and are overwhelmingly white, it has left many behind, particularly those most in need. The wealth gap between within the LGBTIQ+ community is more pronounced than the overall national wealth gap. Furthermore, privacy does not serve all members of the LGBTIQ+ community equally and may injure the interests

Wednesday  
27 January 2021

7:30-9:00 pm  
Bangkok Local Time

zoom

### TIJ-IGLP GLOBAL WEBINAR SERIES #1

## Global Governance and Multilateralism

Live Streaming from Bangkok  
All participants to attend online via Zoom Meeting

Anne Orford  
(Australia)  
Melbourne Law School

Chair

Matti Koskenniemi  
(Finland)  
University of Helsinki

Discussant

Nikolas Rajkovic  
(Canada)  
Tilburg Law School

Discussant

Gerry Simpson  
(United Kingdom)  
London School of Economics

Discussant



of those who lack privacy entirely. It is widely known that LGBTIQ+ youth are overrepresented among the homeless, who are excessively criminalized due to their frequent inhabiting of public spaces. Often, homeless individuals have been arrested for—doing what would be perfectly legal to do inside—sleeping, sitting down, or urinating outside in public areas. Police have a battery of legal mechanisms at their disposal to improve the quality of life for urban residents by exercising control over the homeless. Thus, attention should be shifted to using the law to the advantages of not only those who are most privileged members of the community, but also to the advantages of people of color, low-income families, and those who live outside of major urban areas, as well as others who have less access to essential benefits, services and resources.

On the other hand, Professor Eslava asserted that while extreme poverty may have fallen in recent decades, the number of those living just above the poverty line has risen dramatically. This has created a new relationship between poverty and criminality, which characterizes life in the South, while redefining the meanings of life in the political, economic, and social realms for most countries around the world. This phenomenon has necessitated for policy innovation and interventions that would recognize such interplay in both the national and regional economies in order to identify ways to support younger populations that have been trapped in “new” extreme poverty.

Against this backdrop, the session drew on a few case studies to illustrate the points above. The first example demonstrated that the failure or problem of the top-down approach in the U.S. criminal justice system stemmed from how it has ignored negative externalities that could emerge from strict policing, prosecution and imprisonment policies. This became most apparent when the system was not cognizant of the history of vulnerability or exploitation of different individuals, thereby creating disproportionately impacts on women and children, along with minority groups such as African American populations and undocumented immigrants, as well as individuals from the LGBTIQ+ community. Similarly, this issue was present in Colonial India, whereby criminality was categorized along caste lines or tribes in order to tighten the state’s control.

**GLOBAL WEBINAR #2**

Thursday  
11 February 2021

7:30-9:00 pm  
Bangkok Local Time

zoom

**TIJ-IGLP GLOBAL WEBINAR SERIES #2**  
**Criminal Justice Reform**

Live Streaming from Bangkok  
All participants to attend via Zoom Meeting

			
Osama Siddique (Pakistan)	Luis Eslava (Colombia and Australia)	Libby Adler (United States)	Aya Gruber (United States)
Law and Policy Research Network	Kent Law School	Northeastern University School of Law	University of Colorado
Chair	Discussant	Discussant	Discussant



# 04

## GLOBAL WEBINAR #3

### SOCIAL JUSTICE, POVERTY, AND INEQUALITY

01



02



03



04



**Moderator :**  
**Discussants :**

- 01 **Lucie White** (*Harvard Law School*)
- 02 **Dennis Davis** (*High Court of Cape Town, South Africa*)
- 03 **Willy Forbath** (*University of Texas at Austin*)
- 04 **Vasuki Nesiah** (*New York University*)

This webinar used the ongoing COVID-19 pandemic as an entry point to explore how the legal system has been mobilized and contributed to the exacerbation of inequalities and injustices in various spheres in our society. Arguably, the current crisis has served to widen socio-economic gaps (e.g. gender, race and wealth) within and among nations, as disadvantaged populations are rendered even more vulnerable and further exposed to precarious conditions without access to essential services to address their immediate needs. It has become apparent that governments have struggled to effectively allocate appropriate resources and opportunities, as well as unevenly distributed goods and burdens, disproportionately impacting vulnerable and marginalized groups. Inequality and justice challenges have stemmed from both the crisis itself and some of the policy reactions to it such as the stay-at-home orders and strict lockdown measures.

In this context, faculty members noted that trade laws and international governance are skewed against developing countries in terms of the vaccination trade. This phenomenon is known as “vaccine nationalism”, where the richest nations have prioritized their own vaccine needs and pushed to secure billions of doses of COVID-19 vaccines, while developing economies fight to access limited supplies. Arguably, this situation could handicap not just the global health recovery, but the economic one, too. It would lead to a prolonged pandemic as only a small percentage of the world's population would obtain most of the supplies. In turn, vaccine nationalism would serve to perpetuate the spread of the virus.

In order to successfully mobilize efforts to lessen inequalities and injustices, countries cannot become solely reliant on the legal system, or the grassroots movements alone. It is crucial for countries to engage with local and national governments, even if these institutions are marred with corruption and/or inept in delivering their promises. More importantly, these bottom-up efforts must garner a multitude of stakeholders from all levels of the society and utilize the legal system to strategically empower such allies. Faculty members expressed that law could contribute to the problem, thereby worsening the realities for vulnerable and marginalized groups. Yet, law could also positively factor into social movement tactics. While it may not be a catalytic element that causes governments to immediately resolve the issues at hand, it may shift power dynamics and alter the status quo of those who are left furthest behind.

To conclude, the intersection between local social justice issues and the larger global phenomenon has not only exposed and highlighted pre-existing socio-economic inequities and shortcomings, but has also reinforced them due to policies designed to counteract the crisis. It is undeniable that the COVID-19 crisis could be perceived as a stressor for justice issues since the opportunities and constraints that influence how well people cope with the pandemic are distributed in an unjust manner. However, it provides entry points for social movements to rally strategic allies and create powerful coalitions to exert pressure on states to tackle the underlying structures and mechanisms that lead to inequitable outcomes, thereby rethinking the overall social and justice systems.

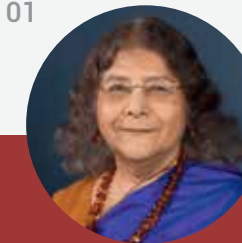




# 05

## GLOBAL WEBINAR #4 COMPARATIVE REGULATORY RESPONSES

01



02



03



**Moderator :**  
**Discussants:**

- 01 **Sheila Jasanoff** (*Harvard Kennedy School of Government*)  
02 **Saptarishi Bandopadhyay** (*Osgoode Hall Law School*)  
03 **Benjamin Hurlbut** (*Arizona State University*)

The webinar focused on recent research findings conducted in 23 countries in Asia, Europe, North and South America, along with Australia and Africa to highlight the regulatory responses to COVID-19. It shed light on the importance of comparing different nations in the crisis as territorial borders matter, because this is not a uniform occurrence across all countries. While national measures not only dominate policy-making and national responses have international implications, but these measures also generated differences in national experiences and responses. As a result, varied responses offer valuable opportunities for learning and identification of strategic entry points on how to leverage and scale up existing responses.

Professor Jasanoff presented a set of data to demonstrate paradoxes and divergences. For instance, the United States has consistently scored number one in the Global Health Security Index (GHSI) and ranked number one in terms of total COVID-19 deaths. The outcomes (deaths per million) do not conform to the belief that richer countries have done better at managing the disease. She also stressed that this is not only a health crisis, but also affects the relationships between citizens and the state. There are discrepancies across countries in ways in which the governments have been managing the pandemic.

Against this backdrop, Professor Jasanoff pointed out three macro response patterns in the public healthcare system, economy and politics, which are termed: control, consensus and chaos. Control entails uncontested public health sovereignty with learnings from previous outbreaks such as SARS and H1N1, along with minimal restriction, no lockdown measures, and little negative effects from networked economy. These countries take a statist approach, exhibiting high public approval of COVID-19 response with victory for incumbent party in local election. Consensus demonstrates negotiated public health sovereignty with national research and advisory system, as well as corporatist medicine. These countries have put in place system stabilization and employment protection

**GLOBAL WEBINAR #3**



 Wednesday  
24 February 2021 7:30-9:00 pm  
Bangkok Local Time

 zoom

**TIJ-IGLP GLOBAL WEBINAR SERIES #3**  
**Social Justice,  
Poverty and Inequality**  
Live Streaming from Bangkok  
All participants to attend via Zoom Meeting



**Lucie White**  
(United States)  
Harvard Law School

Moderator



**Dennis Davis**  
(South Africa)  
High Court Of Cape Town

Discussant



**Willy Forbath**  
(United States)  
Austin School of Law  
University of Texas

Discussant



**Vasuki Nesiah**  
(United States)  
New York University

Discussant

measures guided by learnings from the 2008 economic crisis, while taking a corporatist approach in politics with committed risk aversion. In contrast, chaos represents contested public health sovereignty with competing political and biomedical subject. These countries have implemented market stimulus, direct cash relief and controversial bailouts, exhibiting pluralist approach in politics with high polarization, distrust in expertise and conflict between center and states. Findings have uncovered two main modes of intervention—either targeting the virus or targeting social practices.

Professor Hurlbut drew on the U.S. as an example to highlight the macro patterns of 'chaos'. He noted that the public health system in the U.S. was more focused on the virus, and not on pre-existing vulnerabilities. Responses were rather decentralized with local politics and localized state-level policies. The country has witnessed ongoing tensions between public health, economic security, politics of authority and autonomy, which hindered an effective and timely roll-out of responses. The economy of the U.S. was faced with inefficiencies of privatized welfare with competition for relief, which led to unequally distributed risk and recovery among its population. Division and distrust in the government not only allowed politics of (un)truth, inequalities and injustices to spread, but also precipitated for the politics of blame-games.

From this, Professor Jasanoff underscored the importance of recognizing five fallacies, including

- 1) A playbook that can manage a plague
- 2) In an emergency, politics takes a backseat to policy
- 3) Indicators of success and failure are clear and outcomes can be well defined and objectively measured
- 4) Science advisors enable policymakers to choose the best policies
- 5) Distrust in public health advice reflects scientific illiteracy.

To add, Professor Bandopadhyay argued that there is no such thing as a natural disaster. Disasters reveal a society's pre-existing vulnerabilities. From this, modern states are often defined by their capacity to govern disasters, while failure of disaster governance equates to failure of 'normal' governance. Unpreparedness and ongoing conflict of interests in politics would lead to moral failure of government and lowered public more and trust in the general population.

**GLOBAL WEBINAR**

Wednesday  
24 March 2021

7:30-9:00 pm  
Bangkok Local Time

zoom

**TIJ-IGLP GLOBAL WEBINAR SERIES #4**  
**Comparative Regulatory Responses**

Live Streaming from Bangkok  
All participants to attend online via Zoom Meeting

**Sheila Jasanoff**  
(United States)  
Harvard Kennedy School of Government  
Moderator

**Saptarishi Bandopadhyay**  
(India)  
Osgoode Hall Law School  
Discussant

**Benjamin Hurlbut**  
(United States)  
University of Arizona  
Discussant





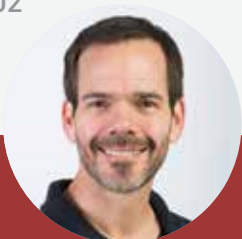
# 06 GLOBAL WEBINAR #5

## GLOBAL PRODUCTION CHAINS

01



02



03



04



Faculty :

- 01 Jennifer Bair (*University of Virginia*)
- 02 Dan Danielsen (*Northeastern University*)
- 03 Andrew Lang (*University of Edinburgh*)
- 04 Robert Wai (*Osgoode Hall Law School*)

Professor Bair began the discussion by introducing the concept of global value chains (GVCs), or how goods and services are produced through interlinked steps, spanning through multiple countries or regions and involving multiple businesses. GVCs are coordinated by particular economic actors, and such coordination has important implications for the firms, workers, or stakeholders that are interconnected to these chains. There are two key notions in understanding GVCs, including governance and upgrading. While governance refers to the process of coordination and power dynamics that exist along the value chain. It particularly focuses on lead firms, or multinational companies at the top of the chain, that make decisions with significant effects on the distribution of values along the chain. On the other hand, upgrading refers to the ability of actors further down the chain to travel up the chain to a more profitable and secure location.

GVCs are governed by a complex set of trade rules that intersect at multiple levels, which impact the openness of global production networks, as well as indicate how to structure global production. This includes, but are not limited to, multilateral rules, trade-related national rules (e.g. tariffs and border restrictions, as well as national policies (e.g. domestic tax policies), which can significantly influence the attractiveness of a specific segment to global production and movements across the chains. Additionally, it includes relevant laws that affect the nature and allocation of production such as labor and social regulations, consumer protection laws, and environmental regulations. The regulatory system related to GVCs has been overseen by multinational organizations or regional institutions. However, there is a limit to how these regulations can cover and facilitate all open movements of goods and services between different states.

Arguably, GVCs promise to be a mechanism for industrial upgrading, a conduit for the dissemination of skills, technology and know-how, whereby integrated local firms can leverage to improve and expand on their capabilities. GVCs are fragile sources of vulnerability and independence, because they can transmit shocks quickly and effectively from one part of the globe to the other. As such, the benefits GVCs provide can be quite precarious and momentarily. While changes to the landscape of some GVCs have been noted as lead firms tried to build more resilience into the chains, that did not necessarily translate to greater security and fewer vulnerabilities for stakeholders within the chains. The design of development strategy for GVCs should not only focus on fostering conducive domestic environments, but it should also proactively respond to larger systemic-level competitive moves.

Various disruptions and dislocations of GVCs have occurred in the past few years, which raised the question of when we should stop being reliant on the globally dispersed value chains. The basic notion of GVCs is that individuals are better off trading with others than trying to produce everything themselves holds true, as long as the movements of goods and services across regions are unimpeded. However, when the production chains are disrupted, a supply contract may not equal to readily having goods available in the country for an emergency (e.g. during the COVID-19 pandemic). The current crisis has highlighted the vulnerable interdependence of GVCs, which triggered countries to rethink about developing basic capacity to manufacture certain types of products, especially essential medical equipment. Coupled with this, vaccine nationalism has suggested that heavy reliance on trade or contractual relations may not always be in the best interests of local communities.

Another disruption for GVCs is ongoing geopolitical tensions such as the technology competition between the United States and China. It is apparent that the U.S. have been dependent on China to manufacture high-end microchips for its military, while concurrently exploring its own capacities to alternatively manufacture such items. As a result, the U.S. have exercised national security measures designed to disrupt value chains and address their perceived vulnerabilities and interdependencies. Similarly, many countries are identifying vulnerability in essential products in order to reshape the landscape of GVCs, including the Biden administration's proposal for global corporate tax rates and the European Union's efforts to govern carbon

pricing, along with accounting and adjustment mechanisms. These actions could have tremendous implications on the current value and productions landscape. For middle-income countries, GVCs offer them an opportunity to participate in global production in intermediate levels. However, the exercise control over important resources of large actors could ultimately alter the competitive terrains in which the middle-income countries need to strategize and become more proactive players.

Responses to the disruptions, complexity and combined transnational effects could influence both the nature of and production itself, as well as the distribution and social consequences of the terrain. It is crucial to recognize that significant economic power does not appear naturally; however, it is an ongoing process the state embarks on in crafting its strategy and policies, which relies extensively on conducive conditions created by the state. Besides from this, another governance structure for GVCs is private audit and certification, which can be integrated with traditional international-based governance. For example, the U.S.-Peru Trade Forestry has not only set up in a trade agreement, but has also integrated non-governmental organizations, audit and certification as a part of an overarching structure.

Against this backdrop, Professor Bair raised a long-standing concern of political economy related to GVCs. In the past, activists have created pressure on the firms to improve working conditions through the mobilization of consumers at the end of the chain. However, amidst the COVID-19 pandemic, a question of who is responsible when suppliers are unable to meet their financial obligations to workers, such as refusals to pay severance, has arisen. The responsibility between national governments and global corporations, as well as the relationships between private power and public regulations must be taken into account when analyzing such phenomena, in particular whether public welfare can be provided in face of these challenging contexts. Another question about the utilization of GVCs to pursue social justice goals is an exciting frontier for research. Experiments have been conducted on the governance of GVCs in pursuit of social justice objectives. However, there are often conflicts between traditional players, multinational institutions and global firms. The Bangladesh Accord created after the Rana Plaza tragedy is a notable example of a novel attempt to use contractual mechanisms as agreements between global labor unions and lead firms that were outsourcing in Bangladesh to address a crisis related to workers' health and safety. Unfortunately, the Government of Bangladesh has pushed back against it, arguing that they were being held to a different standard than other countries.

To sum, attention on GVCs should be shifted from gains, opportunities and openness to distribution of powers, distribution of gains and security. It is critical to not only acknowledge the maximization of gains and opportunities in trades, as well as unequal distribution of those gains and opportunities, but it is essential to recognize multiple layers of vulnerabilities and insecurities.

**GLOBAL WEBINAR**

Wednesday 28 April 2021 7:30-9:00 PM Bangkok Local Time

TIJ-IGLP GLOBAL WEBINAR SERIES #5  
Global Production Chains

Live Streaming from Bangkok  
All participants to attend online via Zoom Meeting

<p><b>Andrew Lang</b> (United Kingdom)</p> <p>University of Edinburgh</p> <ul style="list-style-type: none"> <li>• International Law &amp; Global Governance</li> <li>• Public International Law</li> <li>• International Economic Law</li> </ul>	<p><b>Dan Danielsen</b> (United States)</p> <p>Northeastern University School of Law</p> <ul style="list-style-type: none"> <li>• Law and Political Economy</li> <li>• Economic Development</li> <li>• International Business Regulations</li> <li>• Law and Global Society</li> </ul>	<p><b>Jennifer Bair</b> (United States)</p> <p>University of Virginia</p> <ul style="list-style-type: none"> <li>• Sociology of Development</li> <li>• Economic Sociology</li> <li>• Gender &amp; Work</li> <li>• Labor Markets and Globalization</li> </ul>	<p><b>Robert Wai</b> (Canada)</p> <p>Osgoode Hall Law School</p> <ul style="list-style-type: none"> <li>• Private International Law</li> <li>• Transnational Economic Governance</li> <li>• Transnational Private Law</li> </ul>
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07

## GLOBAL WEBINAR #6

LABOR, EDUCATION, AND THE FUTURE OF WORK

01



02



03



Faculty :

- 01 **Yifeng Chen** (*Peking University*)  
 02 **Karen Engle** (*University of Texas at Austin*)  
 03 **Kerry Rittich** (*University of Toronto*)

This webinar examined the concept of informality to highlight that it is not the exception, rather it is the rule for labor around the world. At first glance, informality might be understood as a space outside or beyond law, where customary rights and other social norms govern. However, neither informality nor the problems or disadvantages experienced by those in the informal sector are necessarily external to the law and policy. To an increasing degree, they are the result of legal and policy decisions. For instance, informality may be the product of exclusion from, or disadvantage under the law. It could demonstrate the government's failure to extend the essential benefits and protection of the law to those who are poorest. It could exemplify the consequence of laws that generate distinct burdens and risks, whether intended or not, for vulnerable and marginalized groups.

It is critical to (re)consider labor law and recognize that the conditions of works are also structured by a global set of legal relationships that stemmed from multiple legal areas such as competition law, corporate law, contract law, private and public laws. Coupled with this, it is important to acknowledge the competing and overlapping national jurisdictions in the application of different legal frameworks in order to develop a holistic understanding of how to effectively leverage them in the interests of those who are in the informal sector. This broader range of legal and policy tools would level the playing field for those outside of the formal sector as they constitute the backbone of the global economy.

The future of work requires policymakers rethink the legal landscape that could accommodate for non-standard forms of employment that clearly differ from traditional work arrangements in the following ways:

- 1) Employment is not open-ended
- 2) Employment is not full-time
- 3) Employment does not take place within direct, subordinate relationships
- 4) Employment is not part of traditional employer-employee relationships

In many countries, social benefits and collective bargaining have been based on a model where people have a stable, full-time job with one employer, but this is rapidly becoming obsolete. These new forms of employment that are arising now, which will evolve even more in the future, exhibit high degrees of informality.

Faculty members drew on a few case studies in the U.S. and China to highlight the intersection between labor, education, and the future of work. The ongoing COVID-19 crisis has had a grave impact on the quality of many jobs, affecting every element from workplace safety to wages and benefits to job stability. Even before the pandemic, most of the construction workers in Austin, Texas was already facing barriers to access to essential services due to their immigration status. These undocumented workers had to bear the brunt when the virus was spreading as they could not receive economic relief packages, seek necessary medical attention, and are unqualified for pension system and any employment benefits such as sick leaves for self-isolation or home quarantine. Similarly, migrant workers in China face challenges in accessing basic protection measures and social services support. This issue is compounded by insufficient financial savings, low education levels, and high level of psychological stress. Drawing from these examples, it is critical to improve labor protection of workers in informal and non-standard forms of employment in all sectors and occupations. Where practical, the protection should be gender-responsive and equal to protection of national workers, and should cover issues such as fundamental workers' rights, an adequate wage, limits on hours of work, as well as safe and healthy working conditions.

**GLOBAL WEBINAR**

Wednesday  
5 May 2021

7:30-9:00 pm  
Bangkok Local Time

zoom

**TIJ-IGLP GLOBAL WEBINAR SERIES #6**  
**Labor, Education  
and the Future of Work**

Live Streaming from Bangkok  
 All participants to attend online via Zoom Meeting

**Kerry Rittich**  
(Canada)  
University of Toronto  
Faculty of Law  
Labour Law, Law and  
Development

**Karen Engle**  
(United States)  
University of Texas at Austin  
School of Law  
Public International Law,  
International Human Rights

**Yifeng Chen**  
(China)  
Peking University  
Labour Rights,  
International Labour Law



## POLICY TEAM WORKSHOP

## INTRODUCTION ASKING BETTER POLICY QUESTIONS



### PROF. OSAMA SIDDIQUE

Executive Director, Law and Policy Research Network &  
Senior Faculty, Institute for Global Law and Policy (IGLP) at  
Harvard Law School

Professor Siddique began by briefly introducing the methodology used by the IGLP in its Workshops. This differs from the traditional approach, which is mostly utilized by international financial institutions, international development organizations and professional policy think tanks in the current policy discourse. The IGLP method prioritizes the analysis of the intersection between law and policy in order to shed light on how law determines development agendas, and ultimately shapes policy outcomes. In order to truly understand all of the interrelated nuances in reform processes, the IGLP values a more multi-disciplinary lenses, which takes into account the underlying contexts and the perspectives of parties involved in policy discourses.

The presentation continued by setting out questions that need to be asked during the policymaking process. Firstly, it is crucial to recognize the roles of law in the policy making domain, and how policy interacts with the legal landscape to assess whether choices made are just, neutral or biased. In line with this, it is important to analyze the parameters used to gauge policies' effectiveness and outcomes to rid them of underlying biases. Secondly, Professor Siddique demonstrated how policy making frameworks may be permeated with conflicting norms, standards and concerns of international players, as well as local political elites and grassroots communities, which serve to frame policy questions to their advantage and at the cost of others. Thirdly, it is critical to note that there is no "one-size-fits-all" in terms of solutions or the applicability of the same policy in different milieus. Lastly, Professor Siddique encouraged participants to be more critical of the roles of knowledge and experts, in that they may obfuscate dynamic situations or voices of vulnerable groups, exacerbate structural inequalities, and maintain entrenched socio-economic and political norms.

In the current era of increasing globalization, policymaking faces a multitude of challenges. For instance, international benchmarks and standards (e.g., Ease of doing business index, Worldwide governance indicators, etc.) along with best practices are not only imbued with hidden biases, norms and ideals of

those advocating for them, but are also not fully understood. There is a tendency for policy makers to offer cookie-cutter solutions or merely transplant development agendas without contextualizing them. In doing so, they often risk sidelining the concerns of the developing world, and the diverging traditional, religious, cultural and socio-political contexts altogether. Therefore, Dr. Siddique urged participants to ask these questions throughout policymaking processes in order to engender a more nuanced development framework that is effective, fair, value-neutral and inclusive.

# POLICY SKILLS TEAM

The Policy Skills Teams are a unique component of the TIJ-IGLP Workshop, which was designed as a peer-to-peer exercise to encourage brainstorming on innovative ways to approach pressing policy challenges that are distinctive to each participant. While Each participant presented a recent policy experience to the group, IGLP faculty members served as mentors to the participants and facilitated thematic discussions. This small group interactive learning centered on drawing from personal first-hand experiences of the participants and provided real-time feedback on their policy proposals. From these discussions, each participant is then tasked with developing an "elevator pitch" on a policy issue with which they are familiar.

For the 2021 Workshop, the Fellows were divided into a total of 5 teams.

## GROUP 1 INCARCERATION POLICIES

Workshop Faculty: **El Cid Butuyan** (Philippines), Harvard Law School (2014-2017)  
**Osama Siddique** (Pakistan), Law and Policy Research Network



## GROUP 2 DATA POLICY

Workshop Faculty: **Helena Alviar** (Colombia), Sciences Po Law School  
**Günter Frankenberg** (Germany), Goethe-Universität Frankfurt am Main



## GROUP 3 LAW REFORM

Workshop Faculty: **Dennis Davis** (South Africa), High Court of Cape Town  
**Ermal Frasheri** (Albania), Harvard Kennedy School of Government



## GROUP 4 SUSTAINABLE DEVELOPMENT

Workshop Faculty: **Arnulf Becker** (Chile), Harvard Law School  
**Shunko Rojas** (Argentina), Former Undersecretary for International Trade of Argentina



## GROUP 5 TECHNOLOGY IN SOCIETY

Workshop Faculty: **Jorge Esquirol** (United States), Florida International University College of Law  
**Robert Chu** (United States), Grundisse Group





## PROBLEM LABS

## PROBLEM LABS

The Problem Labs was first conducted at the TIJ-IGLP Workshops for Emerging Leaders and Scholars on the Rule of Law and Policy in Bangkok, Thailand in January 2019. This year's iteration of the Problem Labs under the theme "The Vulnerable 2050" highlighted collaborative efforts between TIJ's newly established Justice Innovation Unit, FutureTales Lab (FTL), and Innovation Foresight Institute of the National Innovation Agency (NIA), which aimed to equip participants with futures thinking methodology to not only (re) consider approaches to social justice, but also simulate and draw insights from desirable scenarios imbued with three key concepts, including LGBTIQ+ rights, charity and philanthropy, as well as privacy.

Each session sought to illustrate the inter-workings of the various stages and aspects of public policy challenges, ranging from the design and implementation of a project to the coordination between institutions and stakeholders with their multitudinous policy levers. This curriculum component was developed with the intention of having participants analyze timely emerging issues in the region, thereby allowing them to collaborate while mobilizing skillsets and knowledge from different disciplines to construct innovative solutions. The virtual Problem Labs consisted of four 2-to-3-hour long sessions where participants had the opportunity to learn from national experts in public policy, futures thinking and strategic foresight.



The Problem Labs component has been designed with three key underlying goals:

1. To provide a space for constructive dialogue on how to approach and think critically about complex socio-political and economic issues, and how they impede the promotion of the rule of law and sustainable development in the region
2. To introduce creative problem-solving tools that allow participants to draw insights from stepping outside the box to create practical human-centric solutions
3. To shift from present-day policy making mindset to longer-term strategic foresight framework in order to prepare for and embrace uncertainties, ambiguities and alternative futures, as well as derive timely, sustainable, and effective solutions.

This method provided participants with a novel framework to expand their horizons and (re)think about the intersections between social justice issues and foreseeable trends, especially through the examination of how the current context has served to marginalize vulnerable populations, as well as the identification of drivers of change that could shape the future and engender the most preferable outcomes for all.



## PROBLEM LAB 1

### THE FUTURE & US



Convenor :

**ORA-ORN POOCHAROEN**

School of Public Policy, Chiang Mai University, Thailand

The first session aimed to (re)orient the mindsets of participants toward the future. Strategic foresight and futures thinking provide a set of tools to help think about a range of possible futures. As such, participants were guided through a creative and exploratory process that adopted divergent thinking to outline many possible answers and acknowledge uncertainty. Insights distilled from this method could be used as an input into the policy analysis and process. This would place participants in better position to design the policy recommendations with consideration for the long-term, or with more knowledge of potential impacts.

Against this backdrop, Professor Poocharoen presented an overview of the objectives and process of strategic foresight framework, as well as shared the 2x2 scenario matrix. This way of (re)thinking about possible futures offered participants an opportunity to reflect on their hopes and fears, as well as understand how differing policies could affect vulnerable and marginalize groups, thereby allowing them to create a shared vision to work towards a more inclusive, just and equitable communities.

#### Group Exercise: Hopes and Fears on the Future of X's

The main exercise in this first session was based on the exploration the participants' hopes and fears that stemmed from the three futures of X's. This exercise was inspired by the method used at the School of Public Policy with the aim to shift the mindsets of participants for them to become more future focused through self-reflection to create a more nuanced understanding of their hidden feelings, thus becoming compassionate and empathetic towards those with intersecting vulnerabilities. The three futures explored are as follows:

1. Future of LGBTIQ+ rights with an emphasis on the modification of laws, policies, and societal treatment of the individuals in the LGBTIQ+ community in the future
2. Future of Charity and Philanthropy with attention paid to the attitudes towards donation and/or raising funds for good causes in the future
3. Future of Privacy with a focus on the influence of privacy on mental health, personal safety, and individuals in various societies in the future.

To begin, participants were requested to brainstorm a few points on what they were hopeful for and fearful of in each future. This allowed participants to reflect on their own feelings, along with identify what how others felt to demonstrate a wide spectrum of possibilities. Then, participants voted on whether they are more hopeful or fearful about each topic, which offered them an opportunity to take a stance, as well as express their perspectives and feelings. This exercise served as a reminder that social justice issues affect all of the participants emotionally, though in disparate ways. For instance, participants were most hopeful about the future of LGBTIQ+ rights, exhibited mixed feelings about the future of charity and philanthropy, and were more fearful of the future of privacy.

Lastly, participants were asked to reflect on hopes and fears of others in order to describe the most vulnerable groups in these possible futures that would be selected for the rest of the discussions and group exercises in the of Problem Labs, which would serve as an entry point to deliberate about social justice issues. Vulnerable groups identified in each future are as follows:

1. LGBTIQ+ refugees fleeing from persecution and discrimination in their fight for gender equality
2. Prisoners who remained isolated from society
3. Youth with exposed personal data and information.



## PROBLEM LAB 2

### SIGNALS AND DRIVERS OF CHANGE



Convenor :

**PANNIN SUMONTHASETKUL**

FutureTales Lab (FTL), Thailand

The second session intended to prompt interactive discussions to uncover hints of the three possible futures, along with the underlying signals and drivers of change in order to outline push/pull factors that may affect vulnerable groups identified in the previous session. Strategic foresight and futures thinking provide a set of toolkits to help participants picture about the drivers of change that are shaping the future and explore their implications for today's policy decisions. While this method does not attempt to predict the future, nor does it purport that there is only one correct future or that the future is fully pre-determined. There is a range of possible scenarios that may emerge due to different signals and drivers.

In this context, Ms. Sumonthasetkul distinguished between signals and drivers of change through case studies. While signals are individual events and issues, which should not be confused with trends or underlying patterns of change that have a relatively clear direction of change. On the other hand, drivers are "mature" trends that have obvious reverberating impact across wide range of sectors and industries. This identification process would help narrow down future uncertainties from the perspectives of vulnerable and marginalized groups to highlight emerging social justice challenges and connections.

#### Group Exercise: Signals to Drivers

This exercise motivated participants to dissect important signals or clues about the future and distinguish drivers or underlying forces of change, while considering their possible implications on vulnerable groups in the year 2050.

A few examples of signals used during this session included:

"Stanford's new smart toilet prototype that monitors health"

"This privacy ring is like an incognito mode for real life"

"Man ordered to pay compensation to wife for household duties"

With this in mind, each group derived drivers of change by visualizing about a scenario where a signal would become universal in a society and investigate the underlying forces that could turn that scenario into reality. Participants then segmented key drivers into low/high probability and low/high impact in order to weigh their implications on pre-identified vulnerable and marginalized groups

## PROBLEM LAB 3

### FUTURE SCENARIOS



Convenor :

**CHAIYATORN LIMAPORNVANICH**

National Innovation Agency (NIA), Thailand

In the third session, participations were given the opportunity to envisage how future scenarios would affect vulnerable groups in 2050 through the use of scenario matrix to generate possible scenarios and determine the preferred future(s) for such groups. Mr. Limapornvanich introduced the concept of “social foresight”, along with the 2x2 matrix—one of the most widely used tools for scenario building. He drew on case studies from local communities in Thailand to demonstrate how to apply the tool, while extracting insights on impacts on these communities. This approach allowed participants to plot two dimensions of uncertainty or polarities into four different cells, which represented four different combinations of the poles of the two uncertainties, in which a new scenario of alternative futures is generated. Each cell could be elaborated into a complete narrative with implications for the focal issue addressed by strategic foresight methodology.

#### Group Exercise: Scenario Matrix

Participants referred to the signals and drivers of change derived from the previous session in order to create a 2x2 diagram and explore four diverse futures. Participants provided a detailed narrative for each scenario to paint a more vivid picture of what the year 2050 might look like to extract key implications for the vulnerable and marginalized groups. This exercise allowed participants to contemplate about very different possible futures and provided opportunities for them to discuss about how concerned populations could prepare and/or adjust to them. To conclude the session, participants were prompted to determine the most likely and desirable scenario given the vulnerable groups they have previously identified in the first session. More importantly, this exercise raised the awareness of the implications of today's policy decisions, and how a society could engender conducive conditions that would necessitate for decisions that lead to preferable futures into low/high probability and low/high impact in order to weigh their implications on pre-identified vulnerable and marginalized groups

## PROBLEM LAB 4

### SPECULATION & INSIGHTS SHARING



Convenor :

**POTIWAT NGAMKAJORNWIWAT**

Futuristic Research in Enigmatic + Aesthetics Knowledge (FREAK Lab) at King Mongkut's University of Technology Thonburi, Thailand

In the fourth session, participants were invited to immerse themselves into specific future situations. Working with strategic foresight and futures thinking is often challenging because ideas are presented in an abstract manner. As such, participants were requested to make a pledge for a better future in a form of postcards sent from their most preferred scenario. This session provided participants with an opportunity to share their personal narratives with their peers, while reflecting on entry points, opportunities and key actions that would make their desired future scenarios realities by 2050.

Mr. Ngamkajornwiwat introduced the concept of speculative design in order to prepare participants for the last exercise. This described the prototyping process and highlighted the impacts of speculative design on community engagement. He also stressed the importance of asking questions to understand the concerned population, gain new insights and translate them into strategic and concrete action.

#### Group Exercise: Creating Postcards of the Future

This last group exercise offered participants an opportunity to be imaginative and create postcards from the year 2050—sent by an individual from the pre-identified vulnerable group and mailed from the team's chosen desirable future. This not only produced future artefacts (tangible objects), but also allowed participants to briefly “be” in the future by experiencing what it would feel like, instead of just looking “at” the future. Small group discussions concluded this exercise, where participants explained about their postcards with other groups. Ultimately, this exercise sought to use role-playing as a means for participants to uncover their peers' visions of what social justice could or ought to look like in the future.

### A selection of pledges on the first step participants could take to make a difference included:

- " I would like to change the life of the vulnerable people that I work with to make their life better and prosperous."
- " Advocate for the concept of "citizen of the world" to stop hate and discrimination"
- " Free myself from narrow possibility of the future and work hard toward creating a better living environment for a younger generation"
- " Use the foresight tools in designing appropriate human rights strategies to benefit vulnerable workers in our global value chains."



## GROUP4

### Vulnerable group persona

Aunty Champ, a 65-year-old woman living in the outskirts of Bangkok, Thailand. She is a small food stall owner who looks after herself as well as her family. She hopes for a simple and happy life—happy to work hard to make a decent living, while hoping for some meaning and dignity in her golden years. She would appreciate a helping hand every now and then to make life a easier, especially support on digital tools and technology. Aside from this, she is in a day-to-day survival mode and is worried about making ends meet. The COVID-19 pandemic has worsened her situation. Due to lagging behind digitally without a smartphone and access to the latest resources and information, she was not able to register to receive vaccination via online platforms.

### Key Drivers

- Social exclusion of elderly: The loneliness pandemic is a shadow crisis happening worldwide, affecting individuals of all ages, particularly the older population. If left unchecked, the psychological and societal costs of isolation in everyday life could create irreversible damages.
- Digital literacy and technological skills of elderly: This is a must in today's world, but it is still lacking in older and poorer segments of our societies, impacting their ability to connect with support networks and access essential care services

### Desirable Scenario: Grandma to the Moon

This is a socially inclusive scenario that provides opportunity for senior citizens, allowing them to live meaningfully lives

## Postcard of the Future (this message is sent to her son, Noom)

Dear Noom,  
I have some great news!! You heard that NASA has a program for those over 60s right???  
Well, I got in!!  
We are going to be trained and prepped for our mission to the moon!!!! The training is going well and I'm making loads of new friends, learning cool stuff like float in the air and how to go to the toilet in space. They have given us a "Virtual Pop-Up" to connect with each other—  
it's so cool!!!!  
Not to worry—so far so good. Just wanted to let you know.  
Love you to the moon and back,  
Mum :)

-----  
This message was written on Virtual Pop-Up and sent as a Hologram Message, which will be received in real-time.

## GROUP 1

### Vulnerable group persona

Lung-Mong, a 25-year-old Burmese who is a refugee from the LGBTIQ community. He desires financial stability in order to send remittances back to his country of origin, along with basic rights, including to be respected by his peers/employees, and for the receiving country to provide him with better employment opportunities. He fears being far from home and continues to face language barriers, especially not knowing his fundamental rights. He is concerned about being forced to repatriate back to his country of origin, being sold and/or trapped in a human trafficking network, as well as worried about his health due to poor living and precarious living conditions.

### Key Drivers

- Social acceptance for gender equality: This is a reflection of the key challenges that individuals in this particular vulnerable group is facing on a daily basis.
- Intergovernmental dialogue: International community plays a critical role in the promotion of and advocacy for acceptance of gender diversity and inclusivity, while national governments have an obligation adopt international norms/standards/customs/rules and integrate them into their policy frameworks.

### Desirable Scenario: Home Sweet Home (Acceptance for Gender Equality and Diversity)

This is a world where there is social acceptance for gender equality and diversity, as well as refugees in all countries. National governments have effectively passed domestic legislations to provide equal rights to LGBTIQ individuals without pressure from inter-governmental dialogues. As such, LGBTIQ refugees are considered as equal to citizens in receiving and destination countries. They are overjoyed that they can fit in and no longer scared of receiving inadequate rights and insufficient services with no fears of forced repatriation.



## GROUP6

### Vulnerable group persona

Any layperson who hopes for a convenient modern life with no risk of data breach and to enjoy life with new technology and virtually connect with others. They fear their privacy being intruded upon, unsafe electronic transactions, the unpredictability of future technology, and being a victim of online harassment or hate speech.

### Key Drivers

- Fear of losing personal privacy : The benefits of linking various nodes of data could be outweighed by loss/breach of personal privacy.
- People's expectation for online platform's responsibility: It remains uncertain whether the State or technology companies will have more regulatory power.

### Desirable Scenario: "Bicentennial Men"

In this world, online platforms and technology companies are responsible, credible and trustworthy. Platforms can be held accountable by power of their consumers or through national legislative power, representing the people's will. The most desirable form of regulation is the control by people, not by a small number of giant technology companies or by an authoritarian government.

### Postcard of the Future (this message is sent to Jeff Bezos)

I am a human, Be strong!!!

-----  
This message was written on the stone and sent by a postman, which will be received in 2700.

### Postcard of the Future (this message is sent to his grandmother)

Hi Granny,  
How are you doing? We are doing great here. Dad is playing golf and mom is enjoying her parties. Me and Paul-Paul just celebrated our 3rd year anniversary of our civil partnership. The good news is we are looking to adopt children—maybe a pair of twin girls. We will call her Lula & Lala after you and great-granny. I am so glad how everything turned out. I wouldn't have imagined this ten years ago. Today we see the possibility of the future. I know that our future daughters will grow up well. We are working hard to make a living here, but it hasn't been an easy journey. We now understand what happiness means and we are glad we made the right choice to move here.  
I wish you were here too.  
Xoxo  
Lung-Mong

-----  
This message was written on Cloud Messenger and sent by 500+G, which will be received on 10 June 2031.





## SPECIAL LECTURES




Keynote Speaker :

**PROF. RONALD HEIFETZ**

Senior Lecturer in Public Leadership,  
Harvard Kennedy School of Government

## LEADERSHIP **SESSION I:** FOUNDATIONAL PRINCIPLES

To Professor Heifetz, leadership is best viewed as a line of work, instead of defining it as a set of skills or tools. Much of the history of leadership studies is disoriented because leadership is often defined as a set of abilities or tools, while disregarding the work that is required by and associated with it. More often than not, people frequently over-identify leadership as personal characteristics such as being responsive in face of conflicts and adaptive in ever-changing situations, being an open-minded listener, as well as having a sense of purpose or a vision that helps direct him/her to the ultimate goal. While these are important, arguably, there is no one definite set of characteristics. The toolkit that we usually agree leadership entails are often related with power, influence, charisma, persuasion, and authority. These are also non-specific. In various contexts, individuals may possess these abilities and tools, but do not know how to properly exercise them. Therefore, they are not necessarily leading. Professor Heifetz contended that leadership should be a question that simply asks: Is this person mobilizing the work of leadership?



In doing so, anchoring leadership into a line of work is the essential question of how we mobilize adaptive work in an organization, family, school, or society. Along a spectrum of problems, there are two types of problems: technical and adaptive. Technical problems are those in which we have already developed the expertise, knowledge, organizational design, legal structure, or corporate/social cultures to process them. Leadership is not required to solve technical problems, but the best solution is to find an expert or someone with authoritative expertise to drive and ordinate through commands and organizational processes to resolve them. On the other hand, adaptive problems arise with changes in the ecosystem. These challenges necessitate for individuals to adapt, develop creative capacities, or learn new ways of life, in order to survive. This is where leadership plays a vital role. Professor Heifetz explained that leadership is rather defined by practice, not abilities or tools. As such, the practice of leadership is the mobilization of people to work adaptively and meet emerging challenges, while unlocking new limits and capabilities to thrive in a changing environment. The COVID-19 pandemic has presented our generation with an adaptive problem, requiring distributed responsibility, whereby everyone is demanded to solve the problem and overcome the challenge in their own ways.

Professor Heifetz further discussed about two major sources of confusion when we think about leadership. Often, we equate leadership with authoritative power. When we refer to a leader of the family, company, or country, we are subconsciously thinking about an individual in a high position of authority—be it familial authority, managerial authority, or political authority. However, if leadership is disentangled from authority, then it could be divided into three distinct dimensions:

- 1) Leadership with authority
- 2) Leadership without authority
- 3) Authority.

Against this backdrop, Professor Heifetz asserted that the most common source of failure in leadership is when individuals in high positions of authority treat adaptive problems as technical ones under an immense pressure to perform. These individuals tend to provide easy, yet invalid solutions to quickly resolve the issue at hand, or else their power and authority will be placed at great risk, because being adaptive requires more time and entails uncertainties. On the other hand, leadership could be practiced without authority altogether. Throughout history and even during the COVID-19 crisis, we have witnessed leadership individuals who were not elected or appointed, but simply faced the challenge head-on and began to mobilize those around them. Arguably, leadership without authority has been practiced by women and minority groups for centuries since they have had limited access to positions of authority.

Professor Heifetz maintained that authority is an essential part of human life. However, authority relations differ across cultures since they are based on complicated human emotions. In thinking about authority, he suggested taking into consideration the process of authorization that generates the law—and the law itself is an embodiment of authorization. In authority relationships, humans depend on each other, authorize one another to act, and expect services in return from others. Such relationships contain human complexities because they are founded on trust. In building a more trustworthy society, Professor Heifetz highlighted the need to develop and train individuals on how to become more trustworthy authority figures and help them comprehend the true nature of trust. To him, there are two basic components of trust: value and competence. We trust that others have their hearts in the right place and that they have the competence to deliver services. Both elements must be present in order for a person to be worthy of trust. As such, learning to rebuild trust or to repair distrust is paramount for those in high positions of authority.



## LEADERSHIP **SESSION II:** THINKING STRATEGICALLY

To Professor Heifetz, leadership is an improvisational process. If the concept of leadership is based on the mobilization of people through a process of adaptive changes, then such journey is fraught with uncertainties and unpredictability. It is inevitable to follow through the process without improvisation and deviation from one's initial plan due to external and uncontrollable factors that may affect it. This would require multiple steps of re-identification and re-assessment of 'where people are' in order to pinpoint how leadership could be capitalized and maximized. Against this backdrop, Professor Heifetz opened the floor for discussion with the following question: Where are you?

Mr. Sathirathai posed: How does a generational divide apply to the field of leadership? Do different generations have varying definitions of a good leader entails? What are the similarities or differences? Professor Heifetz then explained that two essential questions to keep in mind when exercising leadership among a group of people with different viewpoints are: 1) What is the adaptive challenge at hand? And 2) Who needs to act in order to make collective progress to address the challenge? In this diagnostic task, one must first identify who are the relevant parties in the situation and what adjustments are necessary to tackle the issue. As such, one must be adept at diagnosing and assessing different value systems within that ecosystem of stakeholders, which would allow him/her to communicate effectively and directly to the hidden values and interests of each faction.

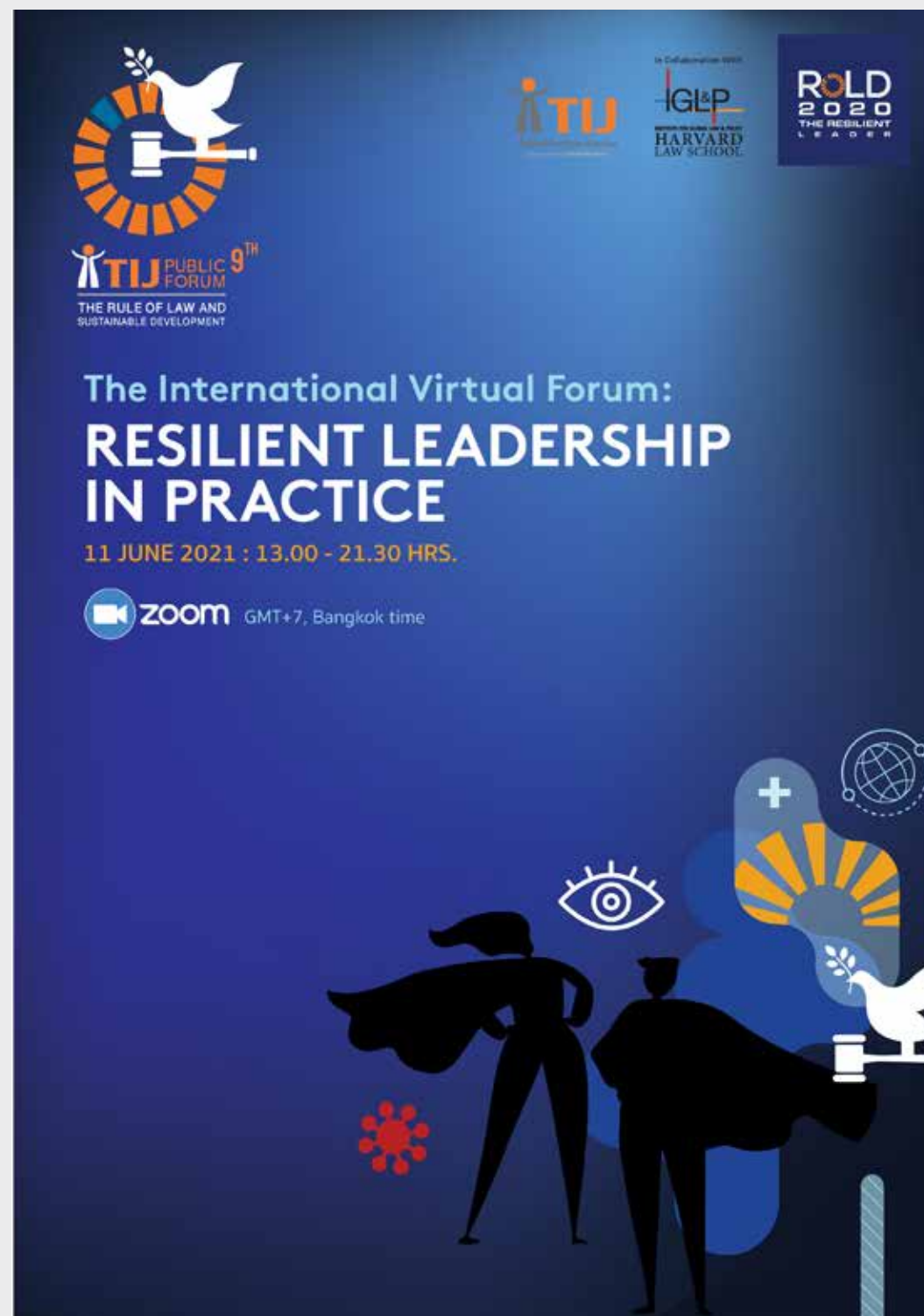
Next, Ms. Myat Chit provided a brief background of the current political situation in Myanmar, and posed a question related to appropriate messages to send to younger populations to encourage them to act in a manner that is most beneficial for them and the society at large in light of the ongoing politico-socio tension. For Professor Heifetz to give a leadership advice, he would back track to the diagnostic process to locate where people are, instead of evaluating differing strategies. The most common source of failure in leadership is when someone quickly jumps to conclusions and/or solutions, while treating adaptive challenges as if they were technical ones. In this situation, Professor Heifetz would generalize that those in high positions of authority represent a constituency. Authority entails the provision of services, including protection, direction, and order, to some constituencies. From this, it would be strategic to view the challenge from the standpoint of those who believe that the military takeover is an appropriate solution to the problem. It is essential for the younger generations to identify 'who' they will need to engage with, along with understanding their core values, issues, and potential losses in order to create lasting changes.

On the other hand, Ms. Narkvichien focused her question on the roles our societies play in ensuring the promotion of women's leadership and meaningful participation in high positions of authority. To Professor Heifetz, it is crucial for women to realize they have always been practicing leadership, but in another form without authority, which should be given greater value. Women stand to benefit from both male and female role models, especially how to practice leadership from different, yet complementary perspectives. In congruent with this, Ms. Badoy concurred that it is vital for women and men to learn from and build on each other's strengths.

To conclude, Professor Heifetz emphasized adaptive challenges that lack ready-made one-size-fits-all solutions. Leaders must learn as they go as these challenges involve various stakeholders with strong and diverging opinions. As such, complex adaptive challenges can only be resolved by working together despite differences. It is vital for leaders to recognize their task at hand, which is the need to convene and manage conversations marred with tensions and conflicted perspectives, as well as to understand the key players that affect and are affected by the situation. This necessitates leaders to facilitate ongoing discussions that are inclusive and representative in order to capture all of the voices and specific needs to yield a path of action that genuinely supports all stakeholders' interests.



## THE INTERNATIONAL VIRTUAL FORUM: RESILIENT LEADERSHIP IN PRACTICE



## PROGRAM AGENDA

Friday, 11 June 2021  
(All in GMT+7, Bangkok time)

13:00 – 13:25

**Introductory to the 9th TIJ Public Forum on the Rule of Law and Sustainable Development**  
By Anuwat Vongpichet  
*Deputy Executive Director, Thailand Institute of Justice*

13:25 – 13:45

**Welcoming and Opening Remarks**  
"The Inextricable Linkages between the Rule of Law, Equitable Development and Resilient Leadership"  
By Kittipong Kittayarak  
*Director of the Rule of Law and Development Program (RoLD) and Special Advisor to Thailand Institute of Justice*

13:45 – 14:30

**Keynote Session 1**  
"Shifts in Global Development Trends from the Views of Vulnerable and Marginalized Groups"  
By Anuk Serechetapongse  
*Development Economist, United Nations Development Programme*

14:30 – 15:15

**Keynote Session 2**  
"Resilient Leadership in Practice: Experience at Local Administration"  
By Narongsak Osottanakorn  
*Lampang Governor*

15:15 – 15:30

**15 minutes Break**



# PROGRAM AGENDA

Friday, 11 June 2021  
(All in GMT+7, Bangkok time)

15:30 – 17:00

17:00 – 17:15

17:15 – 18:45

18:45 – 19:00

19:00 – 20:30

20:30 – 21:15

21:15 – 21:30

## Special Talks

### "Stories of Resilient Leaders' Vital Roles in the COVID-19 Response" Panels:

- Ada Chirapaisarnkul (RoLD Fellows):  
*CEO of TaejaiDotcom*
- Santitarn Sathirathai (RoLD Fellows):  
*Group Chief Economist and Managing Director of Sea Group*
- Siriporn Pomwong:  
*Head of Khlongtoey Dee Jung Project*

15 minutes Break

## Showcase Problem Lab: Executive Future Thinking for Justice

### "Adopting Futuristic Approach to Prepare for Unforeseen Problems of the Future"

By Problem Lab Representatives from the RoLD 2020 Program

15 minutes Break

## Panel Discussion

### "Global Governance and COVID-19 Pandemic Response"

#### Discussants:

- David Kennedy:  
*Institute for Global Law and Policy (IGLP) at Harvard Law School*
- Arm Tungnirun (RoLD Fellows):  
*Chulalongkorn University*
- Kirida Bhaopichitr:  
*TDRI*

#### Moderator:

- Nattha Komolvadhin (RoLD Fellows):  
*Thai PBS World*

## Keynote Session 3

### "Legal Challenges and Experiences in the World Bank's Response to the COVID-19 Crisis"

By Julie Rieger

*Chief Counsel for East Asia & Pacific, The World Bank*

## Closing Remarks

By Phiset Sa-ardyen

*Executive Director, Thailand Institute of Justice*

# WELCOMING AND OPENING REMARKS

"THE INEXTRICABLE LINKAGES BETWEEN THE RULE OF LAW, EQUITABLE DEVELOPMENT AND RESILIENT LEADERSHIP"



## PROF. KITTIPOONG KITTAYARAK

Director of the Rule of Law and Development Program (RoLD) and Special Advisor to Thailand Institute of Justice

Professor Kittayarak noted that we are now living in an unprecedented time, with the COVID-19 pandemic damaging every pillar of our society—be it health, economic or social. He set the stage for the discussion by briefly exploring the concept of the rule of law. To him, the rule of law is vital in creating a conducive environment for sustainable livelihoods and poverty eradication. It fosters development through strengthening the voices of marginalized and vulnerable individuals and communities. It is a principal building block of our societies that serves to protect fundamental human rights and interests of all concerned, provide access to justice, and ensure due process when state agencies are to apply executive power.

In this context, the adoption of the 2030 Agenda for Sustainable Development in 2015 highlighted a momentous step in re-defining the global development framework, especially in the incorporation of the rule of law into one of the Sustainable Development Goals (SDGs). However, merely acknowledging the rule of law as one of the 10 targets in Goal 16—on Peace, Justice and Strong Institutions—among 169 other ambitious targets does not guarantee that the rule of law will be fully realized into actions. Goal 16 on the rule of law does not only stand as a goal, in and of itself. It provides an enabling environment for the achievement of other goals, and acts as a golden thread that wave together to catalyze the realization of other development efforts.

Professor Kittayarak acknowledged that the rule of law is imperative during times of crisis. We have witnessed how the COVID-19 pandemic has severely taken a toll on all countries—big and small, rich and poor—causing untold human suffering and heightening pre-existing fault lines in our institutions, systems and the very foundation of our societies. Individuals that are disproportionately impacted by the pandemic and bear the heaviest brunt are those who are already vulnerable and marginalized such as children, women, persons with disabilities, refugees, migrants and LGBTIQ people.

### “SHIFTS IN GLOBAL DEVELOPMENT TRENDS FROM THE VIEWS OF VULNERABLE AND MARGINALIZED GROUPS



**ANUK SERECHETAPONGSE**

Development Economist,  
United Nations Development Programme

The pandemic has intensified discriminatory norms, social stigmatization and intolerance linked to race and gender, leading to more inequity and driving people away from much needed services. As such, the crisis not only jeopardizes reversing decades of progress towards fully realizing the SDGs, but it also exacerbates deep-rooted fragilities, structural inequalities, and endemic injustices within and among nations.

Against this backdrop, Professor Kittayarak demonstrated how the rule of law is one of the most crucial building blocks for any society to rebuild and thrive. Without the rule of law, there is no prosperity—the marginalized and vulnerable are left further behind, oppressed, or rendered voiceless. Without the rule of law, growth declines, fundamental human rights are abandoned, and social order would eventually collapse. However, the struggle to uphold the rule of law while containing COVID-19 remains a daunting challenge. The pandemic has shed light on how inflexible legal mechanisms and misuse of the rule of law have served to obstruct the implementation of swift responses to address the ever-evolving crisis. He highlighted the need of governments and public institutions to recognize the importance of policy designs that are human centric, participatory and inclusive.

In essence, Professor Kittayarak illustrated that the COVID-19 crisis has reminded us of how vital it is to work collaboratively across borders, sectors and generations to overcome global challenges we now face. Leaders of today and tomorrow are presented with a unique opportunity to redefine what a good leadership means, while reconsidering their resilience, which is the ability to withstand, adapt to changing conditions, and recover positively from anticipated or unexpected shocks and stresses. The pandemic has demanded leaders to thrive in the face of adversity and uncertainties, remain optimistic even in times of crisis, while seizing these moments as opportunities. Resilience matters now more than ever to help leaders effectively navigate through the “New Normal” in the post-COVID-19 world with the rule of law as a guiding principle in order to engender a just, peaceful and equitable society for all.

Ms. Serechetapongse illustrated the importance of technology and innovation as enablers for growth and development, especially for the next decade, in order to fully realize Sustainable Development Goals (SDGs). While the COVID-19 pandemic has placed countries around the world in an unprecedented difficult situation, it has provided an opportunity for countries to reorient their course of development to emerge stronger and more equitable than before.

In this context, Ms. Serechetapongse drew data and findings from the United Nations Development Programme’s recent Human Development Report (HDR) to demonstrate how the crisis has not only exposed and exploited overlapping inequalities, along with weaknesses in social, economic and policy systems, but has also threatened reversals in hard-won development gains. The pandemic has intensified hunger and food insecurity, especially in humanitarian emergencies, fragile and conflict-affected settings, as well as disaster-prone regions, rendering populations even more vulnerable and marginalized. She noted the increase in lack of access to quality education, along with the rise in unemployment in both developed and developing countries.

According to another report from the International Labor Organization (ILO), around 1.6 billion informal workers worldwide are adversely affected by the crisis. From this, Ms. Serechetapongse highlighted the disproportionate gendered impact, whereby women in the informal sector continue to face higher risks of employment disruption from the pandemic than men. Nearly half of the workforce in the hardest hit industries, including tourism, manufacturing and food, is comprised of women who also bear the heaviest brunt of unpaid care and domestic work in the household. Compounded with this, women often face barriers in accessing to formal social protection measures and adequate healthcare services to safeguard their livelihoods.

### “RESILIENT LEADERSHIP IN PRACTICE: EXPERIENCE AT LOCAL ADMINISTRATION”



**NARONGSAK OSOTTHANAKORN**

Lampang Governor

Aside from this, Ms. Serechetapongse highlighted the environmental costs that is associated with human development. Research finds that countries with high rankings on the human development index (HDI) generate higher environmental impacts than countries with lower rankings. However, it is crucial to recognize how environmental degradation is linked to pre-existing inequalities. She noted that countries that are prone to natural hazards tend to exhibit wider inequality gaps, thereby leading to the deterioration of humanity. On top of this, the COVID-19 pandemic serves as a compounding threat. The intersection between the crisis and climate-induced disasters is driving cascading risks, making the world's population more prone to extreme poverty, marginalization and disempowerment across generations. It renders those who are already vulnerable and marginalized uneven capacity to anticipate, adapt and recover from disasters and to contribute effectively to resilience building.

Ultimately, Ms. Serechetapongse underscored the criticality of leveraging technology and innovative policymaking in order to ensure that no one is left behind. This would in turn reduce the inequality gaps, efficiently reallocate resources and redistribute opportunities, as well as promote effective information and communication flows in times of crisis.

To Governor Osotthanakorn, the concept resilience is not only defined as being flexible, but also entails the ability to build back better after a shock or crisis. This is a vital element for global recovery from the COVID-19 pandemic. He drew on a case study from Lampang province in the north of Thailand to shed light on crisis management at the local level. Since the pandemic was unpredictable in nature as opposed to natural hazards like seasonal floods and monsoons that the country usually faces annually, this context had called for a different strategy altogether.

Disaster management was vital in addressing such an unprecedented crisis. Governor Osotthanakorn divided this strategy into three main phases, including 1) Assessment of the overall situation, estimation of the possible impacts and prompt identification of infected individuals to prevent local transmission; 2) Management of risks and resources, as well as development of emergency and relief plans; and 3) Design of effective recovery plan with the involvement of key stakeholders and community voices.

On 11 June 2021, Lampang province was declared a COVID-free zone. This is due to its two-pronged approach to tackling the pandemic, which included reducing the number of daily COVID-19 cases and providing critical support to vulnerable populations. Its effective and early preparation measures to address the crisis started as soon as the epidemic was declared a pandemic by the World Health Organization in early 2020. Governor Osotthanakorn not only ensured that there were sufficient human resources, but also mobilized support from hotels to alter their facilities into field hospitals, as well as swiftly acquired essential medical supplies and equipment. Stringent measures were implemented at all checkpoints across the province to monitor cross-border travels and limit transmission from provinces that were heavily affected by the outbreak. Coupled with this, districts were re-classified by the number of daily cases, which allowed local authorities and relevant medical units to prioritize and focus their attention on red-zones, or districts with more than 30 serious cases, while constantly tracking new cases.



## SPECIAL TALKS

### “STORIES OF RESILIENT LEADERS’ VITAL ROLES IN THE COVID-19 RESPONSE”

#### PANELISTS



**ADA CHIRAPAISARNKUL**

CEO of TaejaiDotcom



**SANTITARN SATHIRATHAI**

Group Chief Economist and  
Managing Director of Sea Group



**SIRIPORN POMWONG**

Head of Khlongtoey Dee Jung  
Project

Governor Osotthanakorn stressed the importance of a multi-stakeholder and holistic approach in tackling the pandemic. He highlighted how additional support was drawn from village leaders, grassroots organizations and local health volunteers to set up emergency shelters and educate communities about the pandemic and merits of the COVID-19 vaccines. Donations from private companies were distributed to those who were most marginalized and disproportionately impacted, especially farmers and micro business owners such as restaurants, to ensure their survival. The Department of Provincial Administration conducted rapid assessments and surveys to identify those with intersecting vulnerabilities and specific needs who would benefit from upskilling and training programs.

Strategic planning allowed Lampang province to curb cross-border transmission and number of daily COVID-19 cases, while rising immunity level and vaccination rates. In doing so, Governor Osotthanakorn had to balance between health and economic concerns in order to stymie the spread of the virus in local communities.

This panel showcased stories of resilient leadership on two different scales—at the local community level and national level—and how it has served to navigate individuals through the COVID-19 pandemic.

Ms. Pomwong, who has worked closely with the Khlongtoey community prior to the pandemic, shared that empathy is crucial in managing the COVID-19 crisis, especially in vulnerable and marginalized communities. Ad hoc teams of volunteers were established to collect data to monitor patients, set up a central kitchen, provide financial assistance. Coupled with this, a hotline was created to exchange information and provide access to emergency healthcare to the community. Effective delegation of work and decentralization of authority have allowed networks of volunteers to scale up quickly within a year, from helping 20,000 residents in 2020 to currently reaching around 100,000 in 2021. From this, she has been identifying ways to create a more sustainable system, so the community could take more of an ownership without relying on other organizations or politicians. She also stressed the need to equip children in the community with the right tools and resources in order to become resilient and thrive in face of challenges in the long term.

At the national level, Mr. Santhirathai highlighted the importance of resilient leadership by drawing insights from how Singapore embraced the COVID-19 pandemic. The has prioritized three key actions: test, trace, and vaccines. For testing, Singapore has not only aimed to test as many individuals as possible, but has also developed testing kits that are effective, simple and affordable to allow its population to test regularly in order to rapidly detect positive cases. Singapore has emphasized the importance of tracing. This reflects the value it places on data-based agility, particularly as more data are readily available, the more agile the solutions become. Most importantly, Singapore mitigates further contagion risks through their national vaccination policy with the provision of multiple options to guarantee that, regardless of individuals' underlying health conditions, everyone would have access to and benefit from vaccinations.

Mr. Santhirathai noted that risk communication is another crucial component that Singapore acknowledges in tackling the crisis. The country views resilience as getting all of its population on board, which would require trust and transparency. In doing so, a WhatsApp group was created to exchange life-saving information on COVID-19, as well as to combat fake news, misinformation and disinformation, while educating the nation about the pandemic and appropriate measures. In addition, Singapore places an emphasis on inclusivity through tailored messages suitable for diverse population groups with intersecting vulnerabilities. Vaccine registration has been made available via many platforms, including online through official websites, mail services, and even digital ambassadors who speak Hokkien to assist senior citizens. Furthermore, Singapore is currently working on its preparedness plans for future crises as the country slow pivots towards COVID-19 recovery phase. The government has provided compensation and social protection packages to its citizens, especially those employed in the tourism industry in order to alleviate the economic burden. With additional support and a sense of employment security, these individuals can shift their focus to reskill and upskill to improve while waiting to resume their work in the new normal.

To conclude, these two case studies demonstrated the importance resilient leadership in times of crisis, while shedding light on the following key characteristics, including the ability to manage and diversify risks, agility in decision-making with empathy to employ human-centered solutions, and strategic mindset with a future-forward vision. Sex-, age- and disability-disaggregated data is vital in understanding the diversity of vulnerable groups in order to tailor appropriate communication measures and targeted responses. It is crucial to note that resilient leaders are not necessarily authoritative leaders with titles and power—anyone can become a resilient leader any time.

## SHOWCASE OF PROBLEM LABS:

### EXECUTIVE FUTURES THINKING FOR JUSTICE

"Adopting Futuristic Approach  
to Prepare for Unforeseen  
Problems of the Future



**PARICHA  
DUANGTAWEE SUB**  
Innovation Consultant,  
Thailand Institute of Justice

Mr. Duangtaweesub presented the outcomes from the virtual Problem Labs during the TIJ-IGLP Workshop to highlight how shifting from present-day policymaking mindset to longer-term strategic foresight framework could help prepare for uncertain and unforeseen problems of the future. Futures thinking methodology employed during the Workshop allowed participants to expand their horizons, reconsider approaches to social justice issues, while drawing on insights from their peers, especially how to address challenges that might arise in 2050, including LGBTIQ+ rights, charity and philanthropy, as well as privacy.

Against this backdrop, Mr. Duangtaweesub explained how participants were guided through a creative and exploratory process that adopted divergent thinking to outline many possible answers and acknowledge uncertainty in order to design better policy recommendations with consideration for the long-term, or with more knowledge of potential impacts. This framework equipped participants with tools to discern underlying signals and drivers of change to identify push/pull factors that may affect vulnerable groups, while examining different possible future scenarios. As a result, participants were requested to make a pledge for a better future in a form of postcards sent from their most preferred scenario. Overall, Problem Labs provided participants with an opportunity to reflect on entry points, opportunities, challenges, and key actions that would make their desired future scenarios realities by 2050.

To read more about this methodology and outcomes, please refer to pages 40 - 55 (8. Problem Labs).

# POSTCARD FROM THE FUTURE

Selected groups presented  
at the International Virtual Forum  
on Friday, 11 June 2021

## GROUP 4

Home Sweet Home



## GROUP 1

Grandma to the Moon



## GROUP 6

Bicentennial Men



## PANEL DISCUSSION

## “GLOBAL GOVERNANCE AND COVID-19 PANDEMIC RESPONSES”

### DISCUSSANTS



#### DAVID KENNEDY

Manley O. Hudson Professor of Law  
Director of Institute for Global Law  
and Policy,  
*Harvard Law School*



#### ARM TUNGNIRUN

Vice Dean, Faculty of Law;  
and Director of China Studies Center,  
Institute of Asian Study;  
*Chulalongkorn University*



#### KIRIDA BHAOPICHITR

Director of TDRI Economic  
Intelligence Service (EIS),  
Thailand Development  
Research Institute (TDRI)

### MODERATOR



#### NATTHA KOMOLVADHIN

Director of Thai PBS World,  
Thai Public Broadcasting  
Service (Thai PBS)



The COVID-19 pandemic is not primarily and exclusively a health crisis. It has quickly transformed into an economic, political, social and cultural crisis. Different forms of governance are required to cope with this global catastrophe. From this, the pandemic has underscored the multiplicity of global governance. National and private governance equal global governance, whereby national measures have international implications and lead firms to govern production chains of essential goods and services such as medicine and vaccines. This underscored the fact that nations and institutions are not created equally. As such, responses of some countries, especially economic superpowers (e.g., the United States and China) have greater implications on other countries across the globe.

The governance in addressing the pandemic has been divided into two key approaches: the Chinese and Western approaches. As the first country to face the COVID-19 outbreak, China (along with other Asian nations) focused on safety and security measures with stringent lockdown policies, while various countries in the West sought to balance proportionality and freedom in their responses. It has become apparent that countries are divided in terms of access to and distribution of vaccines, as demonstrated in vaccine nationalism and vaccine diplomacy. The discussants highlighted how China has adopted a more informal and bilateral approach, notably in its negotiations rather than joining the COVID-19 Vaccines Global Access (COVAX) programme.

The division along the line of vaccinations have grave implications for the global economy. While the world's economy has slightly recovered from 2020 with the U.S. and China leading the growth, the economies of developing countries continue to struggle to return to where they were pre-pandemic. Global recovery largely depends on populations having equal access to and benefit from vaccines, complemented by fiscal stimulus package, which a great portion of developing countries cannot afford. Such division also impacts tourism not only impedes mobility and free flow of goods, services and people, but also negatively affects countries are heavily reliant on this industry. Discussants argued that the divide between developed and developing countries will widen post-pandemic, while the world will move away from globalization and more towards nationalism, which may be more severe than pre-pandemic.

Discussants highlighted the need to recognize that global governance is not only occurring at the global level and that everyone can contribute to creating a stronger governance structure. From this, the United Nations should continue to engage experts in exchanging information in order to become a platform for policy coordination. They also recommended that innovative multilateral mechanisms such as global health funds should be developed to complement the World Health Organization. When thinking about global governance, it is also important to acknowledge its informal mechanisms such as standard setting process and creation of health metrics for conglomerates. In doing so, global governance would not only be limited to formal institutions, but would also be viewed from multiple intersecting domains.

Discussants noted that the bifurcation between the two superpowers must be addressed. While China needs to improve its levels of transparency and trust, the U.S. and Western countries need to accept that there are many lessons learned that can be drawn from the Eastern approach. In reality, differences in approaches are much more complex. Therefore, the COVID-19 pandemic responses should focus on coordination at the policy level, instead of the differences between ideologies or cultures. Both developed and developing countries need to identify a common set of languages and actions to reverse the nationalistic inward-looking mode of thinking, while collaborating towards the same direction. It is vital for countries to recognize that the road to inclusive and sustainable recovery is not the work for one or two parties alone.

### “LEGAL CHALLENGES AND EXPERIENCES IN THE WORLD BANK’S RESPONSE TO THE COVID-19 CRISIS”



**JULIE RIEGER**

Chief Counsel for East Asia & Pacific  
Legal Vice Presidency, The World Bank

Before reviewing the World Bank’s operational response in the context of the COVID-19 crisis, Ms. Rieger set the backdrop for her keynote by highlighting the importance of resilience and resilient leadership. As we navigate through uncertain and unprecedented times, the devastating ramifications of the pandemic on health and lives of people across the globe are still difficult to grasp. Resilience is what helps us all move forward and adjust. She noted that resilience is a concept that applies to all of us—be it as individuals, as leaders, or as societies. The notion of resilience in the scientific/physics sense includes the element of flexibility and elasticity, which results in ‘bouncing back’ and, while doing so, it creates and releases new energy. Arguably, resilience leads to growth, development and new potential. A key ingredient to resilience is the ability in mindset to submit to change, accept and embrace it in order to work with it in the way that is appropriate for the situation at hand.

In this respect, the COVID-19 crisis is a true test to all of us on our resilience as the pandemic has altered how we live, how we educate or are educated, how we work, how we understand our role in society. Ms. Rieger argued that such context has brought a more conscious risk-based thinking and risk-benefit approach to the forefront of decision-making in both the public and private spheres. To her, some key elements of resilience include agility, prioritization, flexibility, risk management, awareness, collaboration and a mindset for learning and knowledge sharing. The World Bank’s response to the COVID-19 crisis has been guided by all of these elements to support its member countries.

Ms. Rieger outlined the importance of each key element of resilience in the World Bank’s holistic response. In terms of agility, the World Bank approved the COVID-19 Fast Track Facility in March 2020 to ensure that additional resources are available for mobilization in order to respond urgently. Prioritization has allowed the World Bank to save lives, protect the most vulnerable, ensure sustainable business growth and job creation, while rebuilding better through strengthened policies, institutions and investments. A variety of instruments have been deployed to ensure flexibility in the World Bank’s response such as new lending, trust-fund financing by donors, along with much-increased use of technology and tools in order to allow the institution to adjust to novel circumstances and find different ways to tackle the crisis.

Ms. Rieger noted that the World Bank’s projects related to COVID-19 support take place in a complex legal and policy environment, risk-based approaches as well as awareness were vital in solving problems and balance competing interests, while understanding specific and diverse needs of affected-communities. This has allowed its operations to be data-driven, while protecting personal data, as well as guided project implementation with risk management of any proposed use of security/military forces. In line with this, the World Bank’s vaccine operations are aimed to support fair, broad and fast access to effective and safe COVID-19 vaccines for low- and middle-income countries.

Ms. Rieger stressed that multilateral cooperation is vital in overcoming global challenges. Undeniably, the COVID-19 pandemic shows no respect for borders and requires a response that transcends boundaries. She also demonstrated how a learning mindset to acquire new knowledge, share good practices and leverage on strategic entry points is crucial in making us all more experienced and resilient for the future. In essence, these key elements apply to us at all level on an individual to a global scale. As such, we may see them as a blueprint for resilience in any given context.

## CLOSING REMARKS



### PHISET SA-ARDYEN

Executive Director  
Thailand Institute of Justice

Mr. Sa-ardyen noted that the TIJ International Forum has presented us with an opportune moment to explore the concept of rule of law and its application during the COVID-19 crisis. Arguably the pandemic has not only altered conditions in which we operate, but has also widened the inequality and injustice gaps in our societies. It has demanded more from our leaders today, who need to thrive in the face of adversity and uncertainties. Thus, it is crucial for leaders to become as resilient as ever, while adopting the rule of law as a guiding principle to define and build back a better, more just, inclusive and equitable society that seek to empower marginalized and vulnerable individuals, as well as strengthen fragile communities. Without adopting the rule of law as a guiding principle in policy making processes, these affected populations could be further left behind, oppressed, or even rendered voiceless.

In addition, shifts in global development trends have from the true scale and disproportionate impact of the COVID-19 pandemic, which exacerbated and further exposed pre-existing discriminatory norms, social fault lines and intolerance linked to race and gender. Undeniably, this context has not only threatened to reverse decades of progress towards fully realizing the 17 Sustainable Development Goals (SDGs), but has also necessitated for centering response and recovery efforts on the principle of “leaving no one behind”.

This unprecedented time has required the leaders within all of us to adopt a resilient mindset. While practitioners are encouraged to rethink and redesign solutions and policies, so they are adaptive and responsive to problems of the future. As such, leaders are encouraged to adopt a futuristic and forward-leaning approach to prepare for unforeseen circumstances. The strategic foresight and futures thinking method could be a useful tool for reframing how to craft a more conducive legal landscape that would be able to address social justice challenges in the post-COVID-19 world.

Mr. Sa-ardyen concluded that it is not only vital to acknowledge that leadership is required at all levels of our societies, but it is also important to recognize that everyone is a leader in their own way no matter where they stand. The ebb and flow of the COVID-19 pandemic has demanded the leaders within all of us to rise to the challenge of a generation.

## TIJ-IGLP INTERNATIONAL VIRTUAL WORKSHOP ON THE RULE OF LAW AND POLICY

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## THE RULE OF LAW AND DEVELOPMENT PROGRAM (RoLD PROGRAM)

Focuses on capacity building of emerging leaders' networks in collaboration with a world- renowned institution. TIJ places emphasis on developing knowledge about the Rule of Law for sustainable development, believing that the "knowledge" can connect "people", making them powerful networks of changemakers. This belief has led to the inception of the Rule of Law and Development Program or the RoLD Program.

The RoLD programs signifies Asia's first collaboration between TIJ and the Institute for Global Law and Policy (IGLP) at Harvard Law School that resulted in the development of capacity building courses for Thai, Asian, and international emerging leaders. These courses aim to allow participants to put the Rule of Law into practice in order to end the injustice that prevails in society, and to be a foundation toward achieving the United Nations Sustainable Development Goals (SDGs)

The RoLD program offers a variety of activities to provide opportunities for leaders' networks and executives from the public sector, the private sector and civil society in Thailand and other countries to participate in ongoing knowledge and experience sharing programs, including the following:



- 01 The TIJ Executive Program on the Rule of Law and Development (RoLD), a 6-month course for leaders' networks and executives from the public sector, the private sector and civil society.
- 02 The TIJ Workshop for Emerging Leaders on the Rule of Law and Policy, a five-day intensive international program for emerging leaders taught via world-class teaching and learning techniques, by faculty members and globally recognized scholars in the network of IGLP, Harvard Law School.
- 03 RoLD in Action Program, an outcome of the initiatives of the leaders' networks and the executives in the TIJ Executive Program. Up to now, RoLD in Action has taken on several important social issues.
- 04 The TIJ Public Forum on the Rule of Law and Sustainable Development, a public forum where participants across sectors can exchange their views and analyze the linkages between the Rule of Law and sustainable development, through a series of lectures and discussions of national and international scholars and experts.

For more information,  
visit [www.tijrold.org](http://www.tijrold.org)

## ABOUT TIJ

The Thailand Institute of Justice (TIJ) is a research institute affiliated with the United Nations Crime Prevention and Criminal Justice Programme Network (UN-PNI).

The vision of the TIJ is to be a promoter of change in order to enhance the justice system and foster a culture of lawfulness in Thailand and the wider international communities through research, capacity-building and policy advocacy activities in crime prevention, criminal justice and the rule of law.

Building on Thailand's engagement in the UN Commission on Crime Prevention and Criminal Justice and the UN Crime Congresses, TIJ serves as a bridge that transports global ideas to local practices, focusing on cross-cutting issues including the interconnection between the rule of law and sustainable development, peace and security.

TIJ primarily seeks to promote criminal justice system reform through the implementation of international standards and norms related to the vulnerable groups in contact with the justice system while encouraging coordination among domestic justice constituencies and strengthening regional cooperation, particularly within the ASEAN region.

One of the core beliefs of TIJ is the need to invest in human resources and practical knowledge based on the rule of law perspective, since TIJ recognizes that the rule of law and an effective and fair criminal justice system are integral components necessary for inclusive economic growth, the protection of human rights, and sustainable development.

For more information,  
visit [www.tijthailand.org](http://www.tijthailand.org)





## ABOUT IGLP

The Institute for Global Law and Policy (IGLP) at Harvard Law School is a collaborative faculty effort designed to nurture innovative approaches to global policy in the face of a legal and institutional architecture manifestly ill-equipped to address our most urgent global challenges.

Global poverty, conflict, injustice and inequality are also legal and institutional regimes. The IGLP explores the ways in which they are reproduced and what might be done in response. We aim to provide a platform at Harvard for new thinking about international legal and institutional arrangements, with particular emphasis on ideas and issues of importance to the global South. Professor David Kennedy serves as Institute Director.

Much about how we are governed at the global level remains a mystery. Scholars at the Institute are working to understand and map the levers of political, economic and legal authority in the world today. The Institute focuses on young scholars and policy makers from who bring new ideas and perspectives to comparative and international legal research and policy. The IGLP aims to facilitate the emergence of a creative dialog among young experts from around the world, strengthening our global capacity for innovation and cooperative research.

For more information, visit  
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