

INTERNATIONAL LAWYER

A Dialogue with Judicial Wisdom



Professor Abu Bakar Munir

INTRODUCTION

The Journal of East Asia and International Law invited Professor Abu Bakar Munir, a highly renowned legal scholar representing Malaysia as well as the contemporary world for <International Lawyer: A Dialogue with Judicial Wisdom>. Professor Munir was born in a small town of Malaysia called Chenderiang in the state of Perak and grew up in a very ordinary but warmhearted family. After studying public administration at the Institute Technology of MARA (now known as the Universiti Teknologi MARA), he began studying law at the University of Malaya to get his LL.B. degree. Fortunately, Professor Munir had a chance for the advanced legal studies at the University of Warwick, the United Kingdom which founded the stone for his future academic attainments. As a legal scholar, he is a leading authority of highly sophisticated and cutting-edge fields such as Nanotechnology law, ICT law and renewable energy law. He has not, however, confined himself within these fields, but expanding his scholastic interests to a wide range of legal fields, *e.g.*, Constitutional Law, Criminal Law, Evidence Law, Child Law, and Air and Space Law. Such intellectual exploration is deeply based on his belief for sharing the God-gifted knowledge with others. Professor Munir is truly globalized. He is researching, teaching, consulting and practicing everywhere in the world. More respectfully, he regards these academic journeys as a worship to God. Professor Munir is a prolific writer. He has been publishing on many emerging legal and policy issues like privacy, data protection and Cyber-space law. Especially, in renewable energy law, he published in one of the most prestigious science journal, NATURE in 2016. It is extremely exceptional as a legal scholar.

Professor Munir has many friends and is respected by younger generation lawyers in Asia as well as the world. Although his life journey was not always easy-going, Professor Munir has been humble, invincible and enjoying his responsibility. His lifelong faith - 'think big' and 'do not follow the crowd' - will be resonant in our ears for a long time. The following is an edited transcript of his interview conducted at the Seoul Global Center on May 19, 2016.

QUESTIONS & ANSWERS

1. Hello, sir! A very warm welcome to the <International Lawyer>! The Journal of East Asia and International Law is honoured to have the opportunity to interview such a globally renowned international lawyer like you. On behalf of the editorial board and our readers, I sincerely appreciate your acceptance to this interview. If I may, I'd like to start our interview with some personal questions. Could you tell us of your early years? Where were you born and how about your parents' education? What kind of a boy were you?

Thanks so much indeed for having me. It is a great honour for me to be featured here in this Journal. I was born in a suburb of the northern part of Malaysia, the state of Perak, in a small town named Chenderiang. I was brought up in Kampung Kinjang, the nearby village, with a dozen of siblings. My parent were not highly educated. My father had only the primary school's education. After the standard six examination, he was accepted as a school teacher, but that was not for long. My father was an extremely hardworking man: having three different jobs at a time to ensure food on the table for all of us in a big family. He worked round the clock. At dusk, he was a newspaper agent distributing papers within our neighborhood. As early as 9 am, he started his second job as a barber till 6 pm. Then, from 8 pm he was already at the nearby mine being a guard throughout the night. My mother was without any formal education. She did not have any chance to go to school. She is illiterate. After being married to my father in her teens, she was a home maker.

When I was young, I already realized what difficult life means. I told myself that I should do my part to strive to improve it. I was very sympathetic with my father that I always pray for his safety. I always assisted my family in whatever ways I could. When my brothers and many other children were enjoying themselves playing, I opted to take care of a couple of buffaloes that our family had. I used to read my books under the trees while doing that. Most importantly, that was the time when I used to reflect on my life and determined to get out of the poverty and hard life.

Going to school in those days without money, proper meals, tap-water, and electricity were very challenging. I used to dive in the cold river at 4, 5 o'clock in the cold morning to enable me to catch the first bus at 6 am to go to school. I always went with empty stomach as breakfast was a luxury to us, which we could not

afford. Coming back home from school, I was often unsure whether lunch would be available. Unlike many other children, I did not get to enjoy my young life.

2. You began studying law at the University of Malaya. What brought you to the law faculty and how was your life in college?

I started my college life at the Institute Technology of MARA (ITM) (now known as the Universiti Teknologi MARA: UiTM) in Shah Alam, Selangor and obtained a Diploma in Public Administration. Upon completion, I was offered the Young Lecturer Scheme Scholarship by ITM to do my Law Degree. That is how I got into the University of Malaya Law Faculty. There, I was just an ordinary law student, working very hard; my toil and sweat, to excel. The LL.B. in UM is very tough! I started my family very early. I got married in my third year and became a father to my first child in my final year. So you see, I did not have much time to get involved in the college life and students' activities then.

3. Let's talk about your postgraduate research. After graduating the LLB, you went to Warwick University, UK to further your studies. What drove you to choose to study at Warwick? Who was your supervisor? How would you describe his/her mentorship?

Honestly, I went to Warwick without any specific reason. However, I was grateful to God for giving me the opportunity to be there. I was very inspired by one of my lecturers, Professor Yash Ghai, a well-known Constitutional and Human Rights lawyer. I still remember, in one occasion, while having a discussion with us in the classroom, he received a phone call. He told us that it was an invitation to assist the government of a country to develop a new Constitution. I cannot remember the country. For that he had to travel soon there-after. To me, as a student then, that was something so remarkable. I was really inspired by it.

I was fortunate to have Professor Yash Ghai as a supervisor, as well. He was very demanding, thorough and meticulous in his works and supervision. I was forced to meet his standard and expectations which resulted in my dissertation being a commendable one. I was entitled to be awarded the Masters of Law with Distinction, but the rule did not exist then. This was made known to me in an official letter by the Warwick University.

4. I would like to know more about your scholarship. From your works, I see

that you have been carrying out research in a wide range of legal fields, from Constitutional Law, Criminal Law, Evidence Law, Child Law, and Air and Space Law. Can you share with us your experience working in these areas?

I have written numerous articles and chapters in books and spoke at conferences within Malaysia and around the globe in all those areas of law. In the area of Child Law, I was a Committee Member of an organization called the Suspected and Child Abuse and Neglect team of Malaysia (SCAN Team), based at the Kuala Lumpur General Hospital. Our team studied the cases of child abuse and neglect and interviewed the victims in order to develop the case against the perpetrators. Dealing with the cases, on monthly basis, made me emotionally disturbed, stressful, and many a time, get cross especially when the perpetrators are the people who are close family members, who are supposed to protect the children.

In the area of Air and Space Law, I introduced the subject at the post-graduate level in LL.M. My experience in representing the government of Malaysia to the United Nation's meeting in Vienna on the peaceful uses of the outer space is invaluable. I actively participated in the discussion. That was the first time ever that Malaysia appointed an academician to represent the government in this area. In fact, I was made to understand that it was also the first time, a Malaysian delegate in this area ever spoke in such an important and high level meeting.

5. At present, you are focusing more on Nanotechnology Law and Policy, Information and Communication Technology (ICT) Law and Renewable Energy Law and Policy. These areas, indeed, are the cutting edge and highly sophisticated legal vanguards of the twenty-first century or more known as the digital age. Your works are published in the ISI journals and highly reputable journals. In fact, you seem to be the first academician at your University, University of Malaya, that has managed to penetrate and published in NATURE, the world's most cited scientific journal. Could you tell us more about your involvements in these legal domains?

ICT is the in-things now. There are a number of legal issues, *e.g.*, in relation to Internet of Things, cloud computing, big data, etc. It is a fascinating area. One of the emerging issues is on privacy and data protection. I began conducting research and published in this area before the new millennium, when not many realized its importance. My book on data protection was published way back in 2002. Later, I was given the opportunity to assist the government of Malaysia to develop the

Personal Data Protection Act. Currently, I am lending a hand to the government of Indonesia to do the same. I am also consulted by the parties in Saudi Arabia to assist in this area. I have received numerous invitations, sometimes overlapping, to speak at forums, seminars and workshops, locally and internationally, on this area. Following the publication of my first book on Cyber Law in 1999, I was head-hunted by the Dubai Government to be an IT Law Advisor and Principal Consultant, to develop the legal infrastructure for the Dubai Internet City, a multi-billion dollar project.

Nanotechnology is the next big thing. This triggers my interest to investigate into its legal issues. Another intriguing area, as the focus at present is very much on the technology, applications and pushing the products into the market. All that matters seems to be the dollar sign while the risks and legal aspects of it are less attended to. I have conducted a number of research on the adverse effects of nanotechnology and how the law should handle this. Dr. Mohammad Ershadul Karim, one of my former Ph.D. students, is among the pioneers who wrote in this area. My forthcoming article co-authoring with him will be published in a book by the Royal Society of Chemistry, the UK, in a couple of months' time. You can expect more publications from us in the future.

People, especially in the less developed countries, are still in darkness. Electricity is a luxury. My collaborators, especially in the UK including Dr. Firdaus Muhammad Sukki, Dr. Siti Hawa Abu Bakar and I are working together towards harvesting the energy from the sun, the most precious gift from God in order to make it more affordable to many with the use of concentrators. It can be done. They have come out with a technology for this, which has been patented in the UK and the EU. Besides the technology, we are studying on the legal and policy issues in different parts of the world on this renewable energy. One of our research in this area was published in *NATURE*, one of the most prestigious science journals early this year. Solar energy can significantly contribute to tackle climate change issue and save our planet.

I must say that I'm so grateful to Allah for granting me the ability to foresee the importance of certain areas of law, way before they become important. Apart from that, 'thinking big' and 'not to follow the crowd' are in me. Equally important, I'm grateful to have my 'better half,' whom is also a law professor, as one of my collaborators. She helps me a great deal.

6. I see that you have a great deal of speaking engagements nationally and globally besides an enormous amount of works on your plate as a lecturer. Can you share with us, how do you cope? What motivates you to put forth your best

effort?

Yes, indeed! As I have mentioned earlier, I have received tremendous amounts of invitations to speak. As of now, in the month of April and May 2016 alone, I have more than ten invitations. I cannot afford to attend all as I have my teaching commitments. Only during the semesters' breaks I managed to fulfill most of them.

The sharing of knowledge is part of my duty and responsibility as an academia. I am just trying to be as beneficial to as many people as possible. Besides, I regard this as a worship to God. Honestly, the latter is the source of my energy to put forth my best efforts to fulfill my duties and honoring all invites. I find satisfactions in doing so. As you may know, travelling is taxing especially when your presence is needed at different continents within a short period of time. It is also not easy to prepare 4-5 presentations, all at once. I could not find enough time, but tell myself that I must make time. For that, I start my day very early. I normally start working in my office as early as 7 o'clock in the morning.

7. Your research fields are extending to both private and public international law considering that information and communication technology is easily transcending national board. How could public international law be functioning in your fields?

Absolutely! All the subjects that I am involved in, be it the ICT law, Nanotechnology law, Air and Space law and Renewable Energy law are international in nature, covering both the private and public international law. In the area of ICT law, *e.g.*, it transcends national borders, like computer crimes, data protections, cyberwars, domain names disputes and internet governance as a whole.

8. Today, younger generation of international lawyers in East Asia are getting more interested in high tech law. What should they keep in mind while studying this field?

There is a need for them to have some basic knowledge and understanding about the technology and the applications, as well. That is crucial!

9. This final question is asked to every scholar we have the honour to interview. We would love to hear from you. How do you overcome any frustrations, difficulties faced by you in the journey of your life?

My faith in God, the AlMighty Allah plays the vital role. I believe any ups and downs I face, are all from Him. They are either as a test, reminder, or answer to my prayers. I accept them all with patience and grateful to Him. I believe that rewards are awaiting me in the day hereafter. Besides, continuous prayers from my loved ones; my parent, wife, children, relatives, friends, and all those who pray for me provide the inner strength in me.

Interview by Eric Yong Joong Lee & Mohammad Ershadul Karim

A SELECTED LIST OF RECENT PUBLICATIONS

Books

1. ABU BAKAR MUNIR, SITI HAJAR MOHD YASIN & MD. ERSHADUL KARIM, *DATA PROTECTION LAW IN ASIA* (Thomson Reuters, 2014).
2. ABU BAKAR MUNIR AND SITI HAJAR MOHD. YASIN, *PERSONAL DATA PROTECTION IN MALAYSIA: LAW AND PRACTICE* (Sweet and Maxwell, 2010).
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5. ABU BAKAR MUNIR & SITI HAJAR MOHD. YASIN, *PRIVACY AND DATA PROTECTION: A COMPARATIVE ANALYSIS WITH SPECIAL REFERENCE TO THE MALAYSIAN PROPOSED LAW* (Sweet and Maxwell, 2002).
6. ABU BAKAR MUNIR, *CYBERLAW: POLICIES AND CHALLENGES* (Butterworths, 1999).
7. ABU BAKAR MUNIR, *PENSWASTAAN (PRIVATISATION)* (Dewan Bahasa Dan Pustaka, 1992).

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1. Abu Bakar Munir, *Malaysia's Data Protection Law*, in *DATA PROTECTION LAW IN SINGAPORE: PRIVACY AND SOVEREIGNTY IN AN INTERCONNECTED WORLD* 182-200 (S. Chesterman ed., 2014).
2. Abu Bakar Munir, *Privacy and Data Protection: Never Mind the Rules* in *PERSONAL DATA AND PRIVACY PROTECTION* (A. Rahman Saad ed., 2005).
3. Abu Bakar Munir, *Hearsay at the Crossroads*, in *CURRENT LEGAL PROBLEMS IN MALAYSIA* 107-27 (M. Kamariah Majid ed., 1998).
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7. Abu Bakar Munir, *Preventive Detention in Malaysia*, in PREVENTIVE DETENTION AND SECURITY LAW: A COMPARATIVE SURVEY 131-50 (A. Harding & J. Hatchard eds., 1993).

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1. Abu Bakar Munir et al., *Renewables: Solar Energy Needs Focus*, 529 NATURE 466 (2016).
2. Abu Bakar Munir et al., *Performance analysis of a solar window incorporating a novel rotationally asymmetrical concentrator*, 99 ENERGY 181 - 92 (2016).
3. Abu Bakar Munir et al., *Application of system dynamics approach in electricity sector modelling: A Review*, 56 RENEWABLE & SUSTAINABLE ENERGY REV. 29-37 (2016).
4. Abu Bakar Munir et al., *Effect of Diffuse Radiation on the Performance of a Rotationally Asymmetrical Optical Concentrator*, 6TH INTERNATIONAL CONFERENCE ON PHOTONICS (ICP 2016).
5. Md. Ershadul Karim & Abu Bakar Munir, *Nanotechnology: Sketching the Next Big Thing in Malaysian Context*, 12 NANOTECH. L. & BUS. 161 (2015).
6. Abu Bakar Munir et al., *Optimisation of the Performance of Novel Rotaionally Asymmetrical Optical Concentrator Design for Building Integrated Photovoltaic System*, 90 ENERGY 1033-45 (2015).
7. Abu Bakar Munir et al., *Wireless Powering By Magnetic Resonant Coupling: Recent Trends in Wireless Power Transfer System and Its Application*, 51 RENEWABLE & SUSTAINABLE ENERGY REV. 1525-52 (2015).
8. Abu Bakar Munir et al., *An Assessment of Renewable Energy Readiness in Africa: Case Study of Nigeria and Cameroon*, 51 RENEWABLE & SUSTAINABLE ENERGY REV. 775-84 (2015).
9. Abu Bakar Munir et al., *Role of Feed-in Tariff in Promoting Solar Photovoltaic Investment in Malaysia: A System Dynamics Approach*, 84 ENERGY 808-15 (2015).

10. Abu Bakar Munir et al., *Performance Analysis of a Novel Rationally Asymmetrical Compound Parabolic Concentrator*, 154 APPLIED ENERGY 221-31 (2015).

