

**SPEECH BY CHIEF JUSTICE SUNDARESH MENON  
AT THE LAUNCH OF THE ASEAN JUDICIARIES PORTAL**

**27 JULY 2018, SINGAPORE**

Minister for Foreign Affairs of the Republic of Singapore, Dr Vivian Balakrishnan,

Minister for Social and Family Development and Second Minister for National Development of the Republic of Singapore, Mr Desmond Lee,

Senior Parliamentary Secretary for Foreign Affairs and Trade and Industry of the Republic of Singapore, Dr Tan Wu Meng,

Representative of the ASEAN Secretariat, Deputy Secretary-General Dr AKP Mochtan,

Chief Justices and Judges of the ASEAN Judiciaries,

The Norwegian Ambassador to ASEAN, Ambassador Morten Høglund,

President of the ASEAN Law Association Attorney Avelino Cruz,

Chairpersons of the National Committees and Heads of Delegations,

ALA Secretary-General Attorney Regina Padilla Geraldez,

Distinguished Guests,

**I. Introduction**

1. I am delighted to welcome each of you to witness the launch of the ASEAN Judiciaries Portal, or the “AJP” for short. For our friends from abroad, may I take this opportunity to warmly welcome you to Singapore.

## II. Background

2. The AJP traces its history to the first meeting of the ASEAN Chief Justices in 2013. That was little more than an *ad hoc* gathering of Chief Justices, and that was why it was known rather plainly as the ASEAN Chief Justices Meeting or “ACJM” for short. One of the initiatives endorsed by the ACJM at that inaugural meeting was the establishment of an internet portal for the ASEAN judiciaries to facilitate judicial cooperation within our wider community of judges and at the same time, to promote greater understanding of ASEAN legal systems for the benefit of all those who might have an interest in the area.<sup>1</sup>
3. At the 2014 ACJM meeting in Malaysia,<sup>2</sup> the Chief Justices agreed on the broad objectives of the AJP, and confirmed that we would proceed with this important project. At our 2015 meeting in the Philippines, a working group dedicated to pursuing the development of the AJP was established, and those in that group have worked tirelessly to make the AJP a reality.<sup>3</sup> Of course, such a project involves considerable financial outlay. And so, in 2016, the ACJM, which had by that time been renamed the Council of ASEAN Chief Justices, or CACJ, authorised Singapore to pursue negotiations with ASEAN to secure the necessary funding, and to develop the AJP in partnership with the Singapore Academy of Law (“SAL”).
4. Over the years, a number of entities and persons have played critical roles in ensuring the smooth and successful establishment of the AJP. On behalf of the CACJ, I would like to especially mention the following:
  - (a) First, the Government of Norway: in January 2017, the Norwegian Government approved the grant of 3.6 million kroners for the development

and maintenance of the AJP up to July 2020. We are immensely grateful to the Government and people of Norway for their generosity, because this has been instrumental in bringing the AJP to fruition.

(b) Second, thanks must go to the ASEAN Secretariat (“ASEC”), which worked closely with Vietnam, the CACJ Chair at that time, and Singapore to have the CACJ accredited as an entity associated with ASEAN, which allowed us then to secure funding for the AJP.

(c) Third, I would like to thank my fellow Chief Justices who have supported this initiative from the outset and have taken all the necessary measures to help ensure that we were able to populate the site in time.

(d) Finally, I would also like to thank the AJP team led by my colleagues Justice Lee Seiu Kin and Justice Aedit Abdullah, as well as staff and officers from the Judiciary and the Singapore Academy of Law, who have worked extremely hard to create and develop the website that we are launching today.

5. Going forward, the CACJ looks forward to working with the ASEC on future projects and initiatives that will contribute to the development of the legal ecosystem in ASEAN for the betterment of all our peoples.

### **III. The AJP**

6. Allow me to say something about the Portal in broad terms. The AJP serves two main purposes.

7. First, it is a showcase for the ASEAN legal systems. It provides a platform through which anyone can discover, appreciate and learn more about the

judiciaries and legal environments of the various ASEAN Member States. It is our hope that the knowledge afforded by having easy access to such information will support commerce and promote the flow of investments into the ASEAN region.

8. Second, the AJP serves as a vital conduit for fostering greater judicial cooperation amongst the ASEAN judiciaries. This is done through the “members only” secure section of the AJP – a sort of “pan-ASEAN judicial intranet”, if you will – where CACJ members can have internal discussions, share ideas, and conduct group communications on joint projects and papers.
9. It is important to stress that the AJP is a “living” portal that will continue to evolve and adapt to meet the needs of our judiciaries. We are currently working on proposals to upgrade the standards of our judiciaries by supporting and promoting training and education efforts through the AJP. For instance, it has been proposed that all judicial training courses on offer in ASEAN should be uploaded on the Portal. Once this has been done, Judges in ASEAN will be able to see, at a glance, all the judicial training opportunities available in all ten ASEAN Member States at any given point in time simply by logging on to the AJP. This would afford ASEAN Judges access to a wider menu of options and it is just one of the many ways in which the AJP will allow us to leverage on technology to maximise the opportunities for professional training and development for all the judges.

#### IV. **Conclusion and the future of the CACJ**

10. A prominent former diplomat once observed that “Southeast Asia is not a *natural* region”, and he went on to say that its “main characteristic is diversity, which is

another way of saying that there is nothing intrinsic to it".<sup>4</sup> The concept of ASEAN unity, therefore, is not a geographical, cultural, or historical inevitability but a reality that has to be worked at and brought into being by a collective act of will.

11. I believe that first meeting of the ACJM in 2013 was such a collective act of will. From the outset, the ASEAN Chief Justices had the aspiration of developing a platform for the exchange of ideas at the highest levels of the ASEAN Judiciaries, so that we can enhance the legal professions in ASEAN and so advance the rule of law. However, it soon became clear to us that if this objective was to be achieved, we could not confine ourselves to the relatively brief and modest annual meetings that took place each year at the side lines of the meetings of the ALA General Assembly and its conferences.
12. We therefore took the step of renaming ourselves the CACJ in 2016, and since then, we have taken a number of steps towards achieving our goals:<sup>5</sup>
  - (a) First, we are now accredited as an entity associated with ASEAN under the ASEAN Charter.<sup>6</sup> We have our own logo, and we have almost completed work on the CACJ Charter, which will serve as our Constitution and an expression of our distinct identity as a community of ASEAN judiciaries. These are clear signposts of the growing institutionalisation of the CACJ.
  - (b) Second, we have established a standing Secretariat to ensure that agreed initiatives are recorded and implemented; our decisions are followed up on; and also to provide support for pursuing new initiatives and projects.
  - (c) Third, we have established 6 working groups, each focusing on important areas of the work that will advance our mission as administrators of justice.

These include, among others, a working group to develop a framework for the service of civil process within ASEAN, a vital need in the context of a closely connected region with extensive cross border commercial and civil dealings; one to advance best practices in case management and the use of court technology; one to advance judicial education and training; and one to facilitate the resolution of cross border disputes involving children.

13. When viewed against this background, the launch of the AJP today takes on a wider significance, for it is both proof of the continuing resolve of the ASEAN judiciaries to pursue closer links, as well as a catalyst for greater cooperation. It is indeed an important first step in the collaborative efforts of the ASEAN judiciaries to benefit from the use of technology and a reminder that we must think not just in national terms, but increasingly in regional terms. As we mark this important milestone in our efforts, we are optimistic indeed that from this beginning, we will progress to other collaborative efforts to strengthen our judicial institutions and enhance access to justice.

14. Thank you very much for joining us this morning.

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<sup>1</sup> There were 7 CJs in attendance, with Cambodia, Myanmar and Vietnam not represented by their CJs.

<sup>2</sup> There were 9 CJs in attendance (Laos CJ did not attend).

<sup>3</sup> There were 7 CJs in attendance, with Cambodia, Laos and Thailand not represented by their CJs.

<sup>4</sup> Bilahari Kausikan, “The Sovereignty of Small States”, speech delivered at the Institute of Policy Studies, National University of Singapore (26 January 2015), available at: <https://www.ipsccommons.sg/sp2015-speech-by-ambassador-bilahari-kausikan/> (last accessed: 16 July 2018).

<sup>5</sup> The ACJM was established in 2013 in Singapore. It was renamed the CACJ in April 2016 at the 4<sup>th</sup> ACJM in Ho Chi Minh City.

<sup>6</sup> The CACJ was accredited under Category 1 in Annex 2 of the ASEAN Charter under “Parliamentarians and Judiciary” as an entity associated with ASEAN on 18 Jan 2017 (note: we were formally informed on 19 Jan 2017)