

**BANDAR SERI BEGAWAN DECLARATION
AT THE 5TH MEETING OF THE
COUNCIL OF ASEAN CHIEF JUSTICES**

(24th March 2017, Bandar Seri Begawan, Brunei Darussalam)

WE, the Chief Justices of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Malaysia, the Republic of the Union of Myanmar, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Vietnam, and the representative of the Chief Justice of the Supreme Court of the Philippines, at the 5th Meeting of the Council of ASEAN Chief Justices (CACJ) (formerly known as the ASEAN Chief Justices Meeting or ACJM) in Bandar Seri Begawan, Brunei Darussalam:

RECALLING the significant insights and gains generated by the first, second, third, and fourth ACJM as a suitable venue to address high-level policy matters affecting our legal systems, share best practices, and assess legal trends among the ASEAN Member States;

REAFFIRMING the consensus of the ASEAN Chief Justices on the pursuit of the objectives to strengthen the partnerships among the Judiciaries of the ASEAN Member States as noted in the Boracay Accord of 2015;

REITERATING the pledge by the ASEAN Chief Justices to exert their best efforts to achieve the objectives approved in previous ACJM meetings as noted in the Ho Chi Minh City Declaration of 2016;

REAFFIRMING the commitment of the ASEAN Chief Justices to CACJ's role in ensuring comprehensive cooperation in the establishment of the ASEAN Community;

DO HEREBY DECLARE:

1. **THE ACKNOWLEDGMENT** of the successful accreditation of CACJ as an entity associated with ASEAN under Annex 2 of the ASEAN Charter following the formal application made by the Honourable Nguyen Hoa Binh, Chief Justice of the Supreme People's Court of the Socialist Republic of Vietnam, in his capacity as Chair of the CACJ;

2. **THAT** the Chair of the CACJ (the Chair) shall be elected at the commencement of the annual ordinary meeting of the CACJ by acclamation, whose term shall last from the date of such election until the following annual ordinary meeting of the CACJ and the Chair shall act in accordance with the Terms of Reference as reflected in **Annex A**;

3. **THAT**, by acclamation, at the commencement of the 5th Meeting of the CACJ, the Honourable Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli, Chief Justice of the Supreme Court of Brunei Darussalam, has been elected as the Chair of the 5th CACJ and his term shall begin on 24th March 2017 and shall end upon the election of the succeeding Chair at the 6th Meeting of the CACJ, whenever it may be held;

4. **THE AGREEMENT** that the establishment of the ASEAN Judiciaries Portal (AJP) shall commence forthwith in accordance with the proposal by Singapore;

5. **THE ACKNOWLEDGMENT** of the passing of the resolution on 2 November 2016 by the ASEAN Chief Justices that the establishment of the AJP shall be in partnership with the Singapore Academy of Law (SAL) pursuant to the request for approval made by the Honourable Sundaresh Menon, Chief Justice of the Supreme Court of Singapore, on 28th September 2016 (the 2016 AJP Resolution);

6. **THE ACKNOWLEDGEMENT** of the execution of the Memorandum of Understanding by the outgoing Chair of the CACJ, the Honourable Nguyen Hoa Binh, Chief Justice of the Supreme People's Court of Vietnam, on behalf of the CACJ with SAL and the Supreme Court of Singapore for the establishment of the AJP pursuant to the 2016 AJP Resolution;

7. **THE ACKNOWLEDGMENT** of the appointment of SAL, pursuant to the 2016 AJP Resolution, as an agent of CACJ for the execution of the formal grant agreement with the Norwegian Ministry of Foreign Affairs for the disbursement of funds by the Norway-ASEAN Regional Initiatives Fund (NARIF) and for SAL to thereby receive the grant on behalf of the CACJ for the sole purpose of establishing the AJP;

8. **THE ACKNOWLEDGMENT** of the appointment of SAL, pursuant to the 2016 AJP Resolution, as an agent of the CACJ and operator of the AJP to raise funds for the operation and maintenance of the AJP in accordance

with the terms set out in the Memorandum of Understanding referred to in Declaration 6 above;

9. **THE AGREEMENT** to authorise the necessary steps to be undertaken for the execution of a Memorandum of Understanding (MOU) among ASEAN Member States, as represented by their respective Chief Justices, setting out the roles, responsibilities and obligations of the ASEAN judiciaries in relation to the development and provision of content of the AJP and for the MOU to be entered into as soon as possible, before 31 October 2017;

10. **THE AGREEMENT** that each ASEAN Member State shall be responsible for the development of their respective judiciary's content on the AJP;

11. **THE AGREEMENT** on the Terms of Reference of the Working Group on the Service of Civil Processes within ASEAN, for the Working Group to study the current rules within each ASEAN jurisdiction governing the service of civil processes from other ASEAN Member States on the basis of reciprocity and on the basis of such study, to develop a model rule for consideration by each ASEAN Judiciary to adopt so as to permit service of process from other ASEAN Member States on the basis of reciprocity;

12. **THE AGREEMENT** to use as a guide the Roadmap On the Use of Court Technology prepared by the Working Group on Case Management and Court Technology with a view to further cooperation being carried out for the benefit of all interested judiciaries;

13. **THE AGREEMENT** for ASEAN Judiciaries to respond to the Terms of Reference and Report Writing Format by the revised deadline of 30th April 2017 and for the Case Management Report to be submitted by 1st June 2017;

14. **THE ACKNOWLEDGMENT** of the positive developments of the proposed training programmes prepared by the Working Group on Joint Judicial Training and the commitment to continued support of the training programmes, within the areas of priority identified and approved at the 5th CACJ meeting as being on Intellectual Property Rights Enforcement, Bankruptcy and Insolvency, Convergence and Harmonisation of ASEAN commercial laws and the Environment, as and when these training programmes are held;

15. **THE ACKNOWLEDGMENT** of the positive developments and steps taken by the Working Group on Cross-Border Disputes Involving Children, in particular, having as the next steps the designation of Points of Liaison to help in the administration of cross-border cases where countries are able to do; and having the first ASEAN Family Judges Forum on mediation training at the sidelines of the Special CACJ meeting to be held in the Philippines in October this year;

16. **THE COMMITMENT** to take all necessary steps required by the Working Groups for the completion of any reports, proposal papers, studies, and/or any other material pursuant to the respective Working Groups' objectives as agreed;

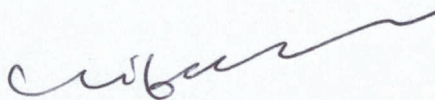
17. **THE AGREEMENT**, as a follow-up to the Ho Chi Minh City Declaration last year, to designate a representative from each of the ASEAN Judiciaries to form a Study Group within two (2) weeks of the 5th CACJ meeting, to study the future work of the CACJ and direct that this Study Group, taking into account the comments and concerns expressed at this 5th CACJ meeting, to submit a report of their findings and recommendations within six (6) months of its formation for consideration at the next meeting of the CACJ;

18. **THE AGREEMENT** that a Standing CACJ Secretariat be established to support the CACJ Chair and that this Secretariat will have a purely administrative role in supporting the CACJ Chair and the CACJ in the conduct of its affairs; for each ASEAN Chief Justice to designate a liaison person through which all communications are to be made between the CACJ Secretariat and the respective Chief Justice; the Secretariat shall include all the liaison persons of the respective member Judiciaries; the liaison person of Singapore shall be the Secretary and the liaison person of the Chairman of the CACJ for the time being shall be the Deputy Secretary; and for Singapore to host the Standing CACJ Secretariat in the first instance for an initial period of 5 years at which point it should be rotated unless the Chief Justices agree that Singapore should continue.


19. **THE PLEDGE** of the members of the CACJ to remain vigilant and focused on our mission of judicial cooperation and the administration of justice in our respective jurisdictions;

20. **THE FURTHER PLEDGE**, within our powers and mandates, to exert our best efforts to achieve the objectives of the CACJ and its Working Groups.

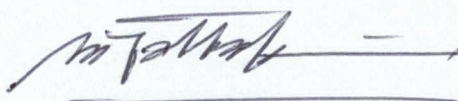
Signed this 24th day of March 2017
at Bandar Seri Begawan, Brunei Darussalam




The Hon. Dato Seri Paduka Haji Kifrawi bin Dato Paduka Haji Kifli
Chief Justice of the Supreme Court of Brunei Darussalam



H.E. Dith Munty
President of the Supreme Court of the Kingdom of Cambodia



The Hon. Prof. Dr. H. Muhammad Hatta Ali
Chief Justice of the Supreme Court of the Republic of Indonesia



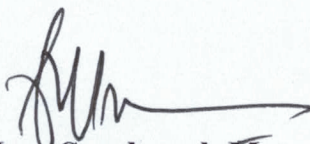
The Rt. Hon. Tun Dato Seri Arifin bin Zakari
Chief Justice of the Federal Court of Malaysia



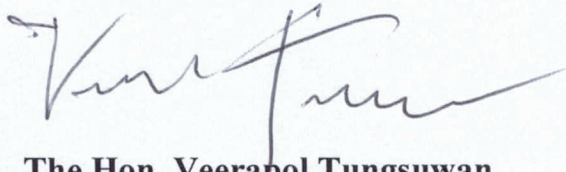
The Hon. Htun Htun Oo
Chief Justice of the Supreme Court of the Union of Myanmar

The Representative of the Chief Justice of the Supreme Court of the Philippines

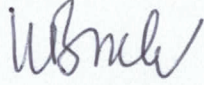
The Hon. Presbitero Jose Velasco Jr
Associate Justice of the Supreme Court of Philippines



The Hon. Sundaresh Menon
Chief Justice of the Supreme Court of Singapore



The Hon. Veerapol Tungsuwan
President of the Supreme Court of the Kingdom of Thailand



The Hon. Nguyen Hoa Binh
Chief Justice of the Supreme People's Court of the Socialist Republic of
Vietnam

Chair of the Council of ASEAN Chief Justices – Terms of Reference

The Chair of the Council of ASEAN Chief Justices (CACJ) shall:

- 1) represent the CACJ where necessary on all matters pertaining to the CACJ;
- 2) correspond with external parties in the capacity as Chair of the CACJ;
- 3) act in accordance with all resolutions passed by the CACJ; and
- 4) in relation to any matter not covered by any resolution that entails a commitment to be made by the CACJ, the Chair shall consult all members of the CACJ and proceed on the consensus of all members.