



CHARTER OF THE COUNCIL OF ASEAN CHIEF JUSTICES

PREAMBLE

WE, the Chief Justices of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam:

DESIRING to strengthen democracy, enhance good governance, advance the principles of the Rule of Law, and to promote peace, stability and prosperity in the ASEAN region through mutual cooperation, friendship and understanding among the Judiciaries of ASEAN Member States;

NOTING with satisfaction the achievements of the Council of ASEAN Chief Justices (the "Council") (formerly known as the ASEAN Chief Justices Meeting or ACJM) since its establishment on 23 August 2013 and accreditation as an entity associated with ASEAN under Annex 2 of the ASEAN Charter on 19 January 2017;

HEREBY DECIDE, to establish, through this Charter, the legal and institutional framework for the Council,

AND TO THIS END, the ASEAN Chief Justices have agreed to this Charter.



CHAPTER 1

OBJECTIVES



Article 1

Objectives of the Council

The objectives of the Council are:

- (a)* To maintain and strengthen international partnerships and regional solidarity among the Judiciaries of ASEAN Member States;
- (b)* To provide a regular forum for ASEAN Chief Justices to exchange views on common issues and share best practices;
- (c)* To facilitate judicial cooperation to enhance the legal framework in ASEAN in order to promote equitable and effective access to justice and economic growth in the region; and
- (d)* To collaborate in capacity building of the judiciaries in ASEAN, in particular in upholding the rule of law, in judicial education and in the area of court technology.

CHAPTER 2

MEMBERSHIP



Article 2

Members of the Council

The members of the Council are the Chief Justices of ASEAN Member States, namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

In this Charter, “Chief Justice” shall refer to the head of the apex judiciary in the respective ASEAN Member State.

Article 3

Rights and Obligations

- (1) Members shall have equal rights and obligations under this Charter.
- (2) The Chief Justices shall exercise their best endeavour to effectively implement all decisions and to comply with all obligations of membership.
- (3) The Chief Justices shall exercise their best endeavour to facilitate the operations of the Working Groups established under Article 15 in undertaking the production of reports, proposal papers, studies and/or any other material.

CHAPTER 2

MEMBERSHIP



Article 4

Admission of New Members

(1) The Chief Justice of any State admitted to ASEAN after the promulgation of this Charter shall be entitled to be admitted to the Council.

(2) A written application for admission to the Council as a member shall be addressed to the Chair of the Council and submitted to the Secretariat constituted under Article 9.

(3) The following documents should accompany the application:

- (a) legal instruments governing the establishment and composition of the court to which the applicant Chief Justice belongs and the date of appointment and official designation of the applicant Chief Justice;
- (b) documents describing the nature and scope of the jurisdiction of the court to which the applicant Chief Justice belongs; and
- (c) a letter accepting the provisions of this Charter, signed by the applicant Chief Justice and addressed to the Chair of the Council.

(4) Upon receipt of the application and necessary documents, the Chair of the Council shall transmit copies thereof to all members.

(5) The admission to membership shall be effected by a decision of the Council in the manner prescribed under Article 6.

Article 5

Withdrawal of Membership

(1) A member may at any time, by way of written notification to the Chair of the Council, declare his or her intention to withdraw from the Council.

(2) The Chair of the Council shall inform all members of such withdrawal.

CHAPTER 3

DECISION MAKING



Article 6

Consultation and Consensus

(1) As a basic principle, decision-making in the Council shall be based on consultation and consensus.

(2) The absence of any member at the meeting of the Council shall not prevent the Council from passing any resolution reached by consensus of the members present at the meeting. However, a resolution so passed shall not enter into force until there is consensus by all members of the Council.

CHAPTER 4

MEETINGS

Article 7

Meetings of the Council

(1) The Council shall hold Ordinary Meetings annually as far as possible or at such intervals as may be determined by the consensus of its members.

(2) The Council may also, by consensus, call Special Meetings for any purpose whatsoever.

CHAPTER 5

ADMINISTRATION AND PROCEDURE



Article 8

Chair of the Council

(1) The Chair of the Council (the “Chair”) shall be elected at the commencement of the Ordinary Meeting of the Council by acclamation, whose term shall last from the date of such election until another Chief Justice is elected at the next Ordinary Meeting.

(2) The Chair shall:

- (a) represent the Council on all matters pertaining to the Council;
- (b) correspond with other countries, persons or entities in the capacity as Chair of the Council in relation to matters concerning the Council;
- (c) act in accordance with all decisions entered into by the Council; and
- (d) in relation to any matter not covered by any resolution, consult the other Chief Justices and proceed by consensus.

(3) If for any reason the Chair is incapacitated or is otherwise unable to fulfil his or her functions, the Chief Justice of the ASEAN Member State that held the previous Chair shall fulfil the role of the Chair until such time that the incapacity is resolved or a new Chair is elected by the Council.

(4) In the event of a change in the Chief Justice of the ASEAN Member State holding the Chair, the new Chief Justice shall automatically assume the position of Chair for the remainder of the term.

Article 9

Secretariat and Liaison Officers

(1) There shall be a standing Secretariat to provide administrative support to the Council and the Chair in the conduct of the affairs of the Council.

(2) The Council shall, by acclamation, elect an ASEAN Member State to host the Secretariat for such period of time as the Council may direct.

CHAPTER 5

ADMINISTRATION AND PROCEDURE



- (3) Each Chief Justice shall designate a liaison officer through whom all communications shall be made between the Secretariat and the Chief Justice.
- (4) The Secretariat shall comprise all liaison officers from the ASEAN Member States.
- (5) The liaison officer of the ASEAN Member State hosting the Secretariat shall be the Secretary of the Council and the liaison officer of the Chair shall be the Deputy Secretary of the Council.
- (6) The Secretariat shall establish an email account and a correspondence address in accordance with the Rules approved by the Council (the “Rules”) pursuant to Article 11.
- (7) The Secretariat shall act in accordance with the provisions of this Charter and the Rules.
- (8) All expenses incurred by the ASEAN Member State hosting the Secretariat in the performance of secretariat duties shall be borne by that State.

Article 10

Amendments to the Charter

- (1) Any member may propose amendments to the Charter.
- (2) Proposed amendments to the Charter shall be submitted to the Secretariat to be tabled at the Ordinary or Special meeting for the Council’s decision.
- (3) Any amendment to the Charter agreed to by consensus of the Council shall enter into force on such date as the Council may decide.
- (4) Where the membership of the Council no longer represents the majority of the ASEAN Member States, the Council may resolve to change its name or to dissolve itself.

CHAPTER 5

ADMINISTRATION AND PROCEDURE



Article 11

Rules

The Council may promulgate Rules or amendments thereof governing any part of this Charter or the operation or function of any activity within its purview.

Article 12

Participation of Other Entities

The Council may, by consensus, agree to invite any person to its meetings or other activities in such capacity as they may agree upon.

Article 13

Working Language

The working language of the Council shall be English.

CHAPTER 5

ADMINISTRATION AND PROCEDURE



Article 14

Logo of the Council

The logo of the Council shall be set out below:



CHAPTER 6

WORKING GROUPS



Article 15

Working Groups

(1) The Council may, by consensus, establish Working Groups for the purpose of specific projects in furtherance of the objectives of the Council as set out in Article 1.

(2) Every Working Group shall comprise representatives from the Judiciaries of each ASEAN Member State and the representatives shall elect among themselves a chair for the Working Group (the “Working Group Chair”).

(3) Every Working Group shall work within its terms of reference and complete any reports, proposal papers, studies and any other material pursuant to the Working Group’s objectives as agreed to by the Council.

(4) Each Working Group Chair shall keep the Secretariat updated on the status of its progress from time to time and provide the Secretariat with all relevant reports, proposal papers, studies and any other material in preparation for the Ordinary or Special Meeting of the Council in accordance with the Rules and at least one month before the next meeting.

CHAPTER 7

FINAL PROVISIONS



Article 16

Signature and Entry into Force

This Charter shall enter into force upon the signature of all the members of the Council.

Article 17

Legal Continuity

(1) All resolutions, memorandums of understandings, declarations, agreements and decisions entered into by the Council before the entry into force of this Charter shall continue to be valid.

(2) In the case of inconsistency between these instruments and this Charter, including any amendment made from time to time, this Charter shall prevail.

**COUNCIL OF ASEAN CHIEF JUSTICES
(THE “COUNCIL”)**

**RULES PURSUANT TO
THE CHARTER OF THE COUNCIL
(THE “CHARTER”)**



DEFINITIONS

Unless otherwise specified or the context requires otherwise, the terms used in these Rules shall have the same meaning ascribed to them in the Charter.

RULE 1 SECRETARIAT

(1) The administrative duties of the Secretariat shall include the following:

- (a) liaising with the ASEAN Secretariat;
- (b) receiving all correspondence to the Council from any country, person or entity and maintaining the records of all such correspondence and replies thereto;
- (c) documenting all resolutions, memorandums of understanding, declarations, agreements, decisions, terms of reference, papers, reports and presentations at Council meetings;
- (d) maintaining a record of the minutes of the Council meetings;
- (e) assisting the Chair to monitor the status of the Working Groups in preparation for the next Council meeting; and
- (f) maintaining a record of Council activities and developments.

(2) Pursuant to Article 9(6) of the Charter, the Secretary shall establish an email account and a correspondence address to receive correspondence on behalf of the Council and the Chair. All correspondence addressed to the Chair that are received by the Secretary shall be forwarded to the Chair through the Deputy Secretary. In the event that any correspondence is received directly by the Chair, the Deputy Secretary shall forward a copy of the correspondence to the Secretary.

(3) Pursuant to Article 9(4) of the Charter, the Secretariat shall comprise all liaison officers from the ASEAN Member States (the “members of the Secretariat”).

RULE 2

AGENDA FOR COUNCIL MEETINGS

(1) The Secretary and the Deputy Secretary shall coordinate with the other members of the Secretariat on the agenda, programme, papers and all other activities for each Council meeting.

(2) The agenda for each Council meeting shall be prepared by the Secretary, Deputy Secretary and the other members of the Secretariat which shall be submitted for the approval of the incoming Chair being the Chief Justice of the ASEAN Member State hosting the meeting. However, in the case of Special Meetings that may be held from time to time under Article 7(2) of the Charter, the agenda shall be approved by the current Chair.

(3) The Secretary shall circulate the draft agenda to all members of the Secretariat at least six weeks before the next Council meeting. Any comments on the draft agenda shall be submitted to the Secretary within two weeks from the date the draft agenda was sent.

(4) Unless the Council decides otherwise, the agenda for each Council meeting shall include the following items in sequential order:

- (a) Formal election of the Chair;
- (b) Opening speeches of the Chief Justices;
- (c) Approval of the draft minutes of the last Council meeting;
- (d) Reports by the Chairpersons of each Working Group;
- (e) Any new proposals or recommendations;
- (f) Any other matters; and
- (g) Closing session.

(5) The minutes of each Council meeting shall be recorded by the ASEAN Member State hosting the meeting. The said ASEAN Member State may request the assistance of the Secretary in the preparation of the initial draft minutes of the meeting.

(6) The liaison officer of the ASEAN Member State hosting the Council meeting, being the Deputy Secretary of the Secretariat, shall send the initial draft minutes of the said meeting to the Secretary within three months after the date of the said meeting. The Secretary and Deputy Secretary shall work together on this initial draft for the circulation thereof to the members of the Secretariat at least two months before the next Council meeting.

(7) The members of the Secretariat shall provide their comments on the draft minutes of the meeting to the Secretary at least four weeks before the next Council meeting. If no comments are received by that date, then the minutes will be deemed to be accepted for the approval of the Council at the next Council meeting.

RULE 3

WORKING GROUPS

(1) Pursuant to Rule 1(1)(b) and (f) read with Article 15 of the Charter, and Rule 4 below, any correspondence received by a Working Group Chair or any member of a Working Group that does not fall within the terms of reference of that Working Group, shall be forwarded to the Secretary in accordance with Rule 4(1) below.

(2) Pursuant to Article 15(3) of the Charter, the members of each Working Group shall work within the terms of reference and comply with any timelines as may be directed by the Council.

(3) Pursuant to Article 3(3) and Article 15(4) of the Charter and Rule 1(1)(e), the Working Group Chair shall provide the Secretary with a report on the status of the Working Group's progress every six months and at least one month before the next Council meeting. The Secretary shall forward the report to the Chair through the Deputy Secretary and the Chair may direct that these reports be circulated to the Council.

RULE 4

CORRESPONDENCE TO THE COUNCIL

(1) Pursuant to Article 6(1) read with Article 8(2)(a) and (b) of the Charter and Rule 1(1)(b) and (f), all correspondence from any country, person or entity addressed to or intended for the Council, including any correspondence sent directly to the Chair or to any Working Group Chair on issues which do not fall within the terms of reference of the Working Group shall be forwarded to the Secretary as soon as possible and in any event, no later than 14 days from the receipt of such correspondence.

(2) Pursuant to Rule 1(2), the Secretary shall then forward such correspondence to the Chair through the Deputy Secretary unless such correspondence was sent directly to the Chair, no later than ten days from the date of receipt of such correspondence. In the event that any correspondence is received directly by the Chair, the Deputy Secretary shall forward a copy of the said correspondence to the Secretary no later than 14 days from the receipt of such correspondence.

(3) Upon receipt of all such correspondence, the Secretary shall proceed to file and keep a record of the date of receipt and ensure the processing of such correspondence. The Secretary shall also maintain a record of the date when such correspondence has been dealt with.

(4) The Secretary will then assist the Chair on the appropriate response to such correspondence, consistent with the position(s) taken by the Council in dealing with similar issues.

(5) The Chair may direct the Secretary to seek the views of the Council and/or members of the Secretariat before preparing a response to such correspondence.

(6) The Secretary shall ensure that all correspondence are responded to within 3 months of the receipt of such correspondence by the Secretary.

(7) The Chair shall keep the Council informed of all such correspondence at the next Council meeting.

RULE 5

MEETINGS WITH EXTERNAL ENTITIES/PERSONS OR GROUPS

(1) Pursuant to Article 8(2) and Rule 4 above, the Chair shall keep the Council informed of any meeting and provide a brief report of the discussions at such meetings between the Chair and any external entities, persons or groups in relation to any matter which may affect the objectives of the Council as set out in Article 1 of the Charter.

(2) Pursuant to Article 15(4) of the Charter and Rule 4 above, each Working Group Chair shall also keep the Council informed of any meeting and provide a brief report of the discussions at such meetings between the Working Group Chair and any external entities, persons or groups in relation to any matter which may affect the objectives of the Council as set out in Article 1 of the Charter.

(3) Such reports may be circulated via email or written communications by letter addressed to either the Chair or the Council as the case may be, through the Secretary.

RULE 6

COMPLIANCE WITH TIMELINES

All relevant parties shall exercise their best endeavour to comply with the timelines specified in the Rules.

RULE 7

AMENDMENTS TO THE RULES

- (1) Any member of the Council, Working Group or Secretariat may propose amendments to the Rules.
- (2) Proposed amendments to the Rules shall be submitted to the Secretariat for the Council's decision.
- (3) Any amendment to the Rules agreed to by consensus of the Council shall enter into force on such date as the Council may decide.

RULE 8

ENTRY INTO FORCE

These Rules shall enter into force upon the approval of the Council.

