



## **HANOI DECLARATION AT THE 8<sup>TH</sup> COUNCIL OF ASEAN CHIEF JUSTICES MEETING**

**WE**, the Chief Justices of Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Kingdom of Thailand, and the Socialist Republic of Viet Nam; the Representative of the Chief Justice of the Kingdom of Cambodia, the Representative of the Chief Justice of the Lao People’s Democratic Republic, and the Representative of the Chief Justice of the Republic of Singapore; at the 8<sup>th</sup> Council of ASEAN Chief Justices (“CACJ”) Meeting conducted virtually;

### **DO HEREBY DECLARE:**

1. **THE ACKNOWLEDGEMENT** and the appreciation of the CACJ to Viet Nam for its efforts to host the 8<sup>th</sup> CACJ Meeting that was intended to take place in Hanoi, Viet Nam, but was conducted virtually based on the consensus of the CACJ as a result of the profound effect of the COVID-19 pandemic; and **THE ACKNOWLEDGEMENT** of the successful organisation of the first CACJ Meeting conducted virtually as a result of Viet Nam’s meticulous efforts.
2. **THE ACKNOWLEDGEMENT** and appreciation to Singapore for coordinating the efforts of the ASEAN Judiciaries towards the successful completion of all system enhancements on the ASEAN Judiciaries Portal (“AJP”).
3. **THE AGREEMENT** for all ASEAN Judiciaries to work towards the regular provision and updating of content on the AJP, including pages relating to their judicial, legal and business environments, the Training Marketplace, and the Case Repository.
4. **THE AGREEMENT** for each ASEAN Judiciary to consider sharing their respective crisis management experiences in response to COVID-19 on the AJP, by way of quick and concise updates.
5. **THE AGREEMENT** to authorise the Singapore Academy of Law to continue its appointment as an agent of the CACJ and operator of the AJP,

in the selection of, contracting with, and management of the vendor for the continued maintenance of the Public Section and Members-Only Section of the AJP.

6. **THE AGREEMENT** for the CACJ Secretariat to source funding for the AJP from donors for the continued maintenance of the AJP when the current funding is exhausted in April 2021, and to consider funding of the AJP by contributions from all ASEAN Judiciaries if no funding is obtained from a donor, and further, **THE AGREEMENT** for the Working Group on the AJP to prepare a detailed self-funding proposal for the CACJ's consideration.
7. **THE AGREEMENT** for Malaysia and the CACJ Secretariat in collaboration with the Permanent Bureau of the Hague Conference on Private International Law to conduct the Masterclass for ASEAN judges and judicial officers on The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, and The Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters ("HCCH Masterclass") which was scheduled in June 2020 to be postponed to a future date due to the COVID-19 pandemic.
8. **THE AGREEMENT** for the Working Group on Facilitating Service of Civil Processes within ASEAN to study the current legal framework within each ASEAN jurisdiction governing the procedure in taking of evidence for foreign proceedings and on the basis of such study, to develop a Model Rule and thereafter submit a report of their findings and recommendations of the said Model Rule at the next CACJ Meeting for consideration by each ASEAN Judiciary.
9. **THE AGREEMENT** for the Working Group on Case Management and Court Technology to submit for the CACJ's consideration at the next meeting a comprehensive AI Governance Framework on The Use of Artificial Intelligence that is consistent with the rule of law and which governs the development, deployment and use of Artificial Intelligence in the administration of justice, judicial decision-making, court processes, and case management processes in the ASEAN region.
10. **THE ACKNOWLEDGEMENT** of the proposal by the Singapore Management University and the Singapore Judicial College, in collaboration with Singapore, to provide training to ASEAN judges on "Understanding the Legal Implications of Artificial Intelligence and Other

Emerging Technologies” in the form of a virtual course from 26 to 27 November 2020 and **THE AGREEMENT** for each ASEAN Judiciary to consider sending participants to this course.

11. **THE AGREEMENT** for the Working Group on Judicial Education and Training to identify new ways of conducting training and education programmes, to identify internal and external sources of funding by organising dialogue meetings among potential partners in supporting the implementation of the Work Plan 2020-2025, and to continue overseeing the implementation of the Strategic Plan 2018-2025 and the Work Plan 2020-2025 in all ASEAN Judiciaries.
12. **THE ACKNOWLEDGEMENT** that the Working Group on Cross-border Disputes Involving Children has:
  - (i) begun to explore the possibility of developing a common set of values, aspirations and principles for ASEAN Judiciaries in cases of cross-border child disputes within ASEAN; and
  - (ii) agreed to explore holding the 3<sup>rd</sup> ASEAN Family Judges Forum in conjunction with the 2022 HCCH Judicial Roundtable on the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the 1996 Hague Convention on Parental Responsibility and Protection of Children.
13. **THE ACKNOWLEDGEMENT** of the outcome of the survey conducted by the Working Group on ASEAN+ Meetings on the needs of the ASEAN Judiciaries in relation to judicial education, judicial training, judicial cooperation, and integration of legal system *vis-à-vis* the People’s Republic of China, Japan and the Republic of Korea, as well as the extent of and their specific concerns over such engagement.
14. **THE AGREEMENT** for the Working Group on ASEAN+ Meetings to continue engaging the Judiciaries of the People’s Republic of China, Japan, and the Republic of Korea on behalf of the CACJ, to scope the parameters of the CACJ’s engagement, and for the inaugural ASEAN+ Meeting with representatives of the Judiciaries of the People’s Republic of China, Japan, and the Republic of Korea to be held on the side-lines of the CACJ Meeting in 2022.
15. **THE ACKNOWLEDGEMENT** of the approach by the United Nations Development Programme (“UNDP”) with the intention to cooperate with

the CACJ and **THE AGREEMENT** for the Working Group on ASEAN+ Meetings to explore the possibility and suitability of having this cooperation.

16. **THE ACKNOWLEDGEMENT** of the serious impact of the COVID-19 pandemic on the economy and society of most ASEAN Member States, which put the judiciary of each country under pressure to resolve a large number of cases, while still being required to ensure the conduct of prompt, convenient, and safe trial to minimize the risk of spreading the COVID-19 virus.
17. **THE ACKNOWLEDGEMENT** of the recommendations of Viet Nam and some other ASEAN Judiciaries on solutions to cope with the effects of the COVID-19 pandemic with the following objectives: (a) to resolve cases quickly; (b) to protect the rights and legitimate interests of the people; and (c) to severely punish and deter violations related to disease prevention, while ensuring safety and minimizing the risk of the spread of the COVID-19 virus during court proceedings.
18. **THE ACKNOWLEDGEMENT** and appreciation of Singapore and the International Consortium for Court Excellence (“ICCE”) for the successful completion of the colloquium on the latest edition of the International Framework for Court Excellence (“IFCE”) that took place on 28 October 2020 for representatives of all ASEAN Judiciaries.
19. **THE AGREEMENT** to authorise Singapore to work with the ICCE to conduct “train-the-trainer” programmes for interested ASEAN Judiciaries, to equip ASEAN Judiciaries with the capacity to adopt the latest edition of the IFCE in their respective jurisdictions.
20. **THE AGREEMENT** to authorise Singapore to facilitate the formation of a network of ASEAN-IFCE resource persons and the creation of a resource portal within the members-only section of the AJP to contribute to the building of expertise on court excellence within ASEAN.
21. **THE AGREEMENT** for Viet Nam to submit its proposal to establish a CACJ-ASEAN forum to the Study Group on the Future Work of the CACJ, and **THE AGREEMENT** for the Study Group to submit a report and its recommendations at the next CACJ Meeting.
22. **THE ACKNOWLEDGEMENT** and the appreciation of the CACJ to the Chief Justice of Indonesia for the offer to host the next CACJ Meeting.

23. **THE ACKNOWLEDGEMENT** and the appreciation of the CACJ to the Chief Justice of Malaysia for the offer to host the 10<sup>th</sup> CACJ Meeting.
24. **THE ACKNOWLEDGEMENT** and the appreciation of the CACJ to the Chief Justice of Myanmar for the offer to host the 11<sup>th</sup> CACJ Meeting.