

# **10<sup>TH</sup> MEETING OF THE COUNCIL OF ASEAN CHIEF JUSTICES (CACJ)**

## **Speech at the Gala Dinner to Commemorate the 10<sup>th</sup> Anniversary of the CACJ**

Saturday, 5 November 2022

The Honourable the Chief Justice Sundaresh Menon  
Supreme Court of Singapore

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Chief Justices

Heads of Delegation

Tun Arifin bin Zakaria and Tun Raus Sharif, former Chief Justices of Malaysia

Distinguished guests

Ladies and gentlemen

1. Good evening, and thank you Chief Justice Tun Tengku Maimun for giving me the floor. Let me first, on behalf of all the delegates, thank the Chief Justice and her outstanding team for the wonderful food and festivities, and congratulate each and every one of them on the exceptionally smooth running of this year's CACJ Meeting. This is an especially notable achievement given that for many of us, this will have been the first major international conference that we are attending in person since the onset of the pandemic, and to have pulled off the organisation of multiple events over several days, including a Royal Dinner, two other large-scale dinners, a full-day in-person meeting and a hybrid meeting with the Judiciaries of South Korea and the People's Republic of China this morning, and to have done all this with such style and elegance, is simply remarkable. And

while we, the delegates, see only the activities that we are involved in, the team behind the Chief Justice has been working literally round the clock to make everything happen according to plan. May I ask you all therefore to join me in giving our wonderful hosts a big round of applause!

2. I am deeply honoured to have been asked to say a few words this evening in commemoration of the 10<sup>th</sup> anniversary of the CACJ.

3. The Council began as a small informal meeting of the heads or representatives of the ASEAN judiciaries that took place on 23 August 2013, on the sidelines of the 35<sup>th</sup> Meeting of the ASEAN Law Association Governing Council held in Singapore. All ten ASEAN judiciaries were represented, seven of them by their Chief Justices. I cherish the fond memories I have of that meeting and the friendships that were first forged there. I recall that we gathered for lunch and then proceeded to our meeting where we discussed a number of topics at the forefront of our minds as judges and court leaders: topics such as upholding and enhancing the rule of law, promoting judicial education and training, and ensuring that our courts adopt best practices in areas such as the use of technology. Significantly, that conversation which started 9 years ago continued this morning at the ASEAN+ Meeting! I have a particularly vivid memory of how small the table was around which we met in 2013. We had booked a hotel suite as the venue for our meeting; the table had to fit within that space, and we were literally elbow to elbow together. Those humble beginnings reflect a critically important point about the nature of the meeting, which was that it would be a

gathering of good friends able to discuss matters of mutual concern in a spirit of trust and goodwill. Almost ten years on, I am delighted that this spirit continues to characterise our meetings.

4. What also struck me as we exchanged our views at that first meeting was the extent of the common ground between us. We all quickly agreed that we should hold a formal meeting of the Chief Justices on a regular basis, and with that, the ASEAN Chief Justices' Meeting (or "ACJM"), as it was first known, was born. We thought that the ACJM could focus on areas of collaboration such as those I have just outlined, and that this would serve three key objectives:

- (a) First, to promote close relations and mutual understanding amongst the ASEAN judiciaries;
- (b) Second, to provide a regular forum for the ASEAN Chief Justices to exchange views on common issues facing our respective judiciaries; and
- (c) Third, to facilitate judicial cooperation and collaboration among the ASEAN judiciaries with a view to supporting the economic growth and development of this vibrant region.

5. It is testament to the value of these goals and the strength of our close working relationship that these three objectives and the areas for collaboration I have just mentioned are now enshrined in the Charter of the CACJ as the core objectives of our Council.

6. In the years that followed, we have grown as a group from strength to strength. No short summary can do our work justice, but let me paint a picture of how the Council has grown steadily, both in the scope of its ambition and the magnitude of its accomplishments, in two key ways: first, its growth as an institution, and second, the substantive frameworks it has put in place for regional judicial cooperation.

7. I begin with the institutional strengthening of the CACJ. In April 2016, in the light of the growing scope of our work, we decided that ours was more than a meeting. We decided to rename our organisation as the “Council of ASEAN Chief Justices” to emphasise the fact that we had a continuing mission even between our meetings, and also to emphasise our collegiality. In March 2017, shortly after the CACJ was accredited as an entity associated with ASEAN,<sup>1</sup> we established a Standing CACJ Secretariat, which ensured continuity in institutional knowledge and facilitated ever-closer collaboration among the member judiciaries. In 2018, the CACJ adopted a Charter and a set of Rules, which provided it with a formal and lasting legal and institutional framework. These organisational enhancements were accompanied by the formation of 7 Working and Study Groups at various points over the preceding years, in order to ensure that focused attention would be paid to our core areas of collaboration. These include judicial education, court technology and cross-border disputes. The growth and maturation of the Council is reflected in this morning’s historic ASEAN+ Meeting

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<sup>1</sup> The CACJ was accredited under Category 1 in Annex 2 of the ASEAN Charter in January 2017.

with the Chief Justices and representatives of the People's Republic of China, Japan and South Korea – the first in what will surely be many productive collaborations with judiciaries beyond ASEAN.

8. A further dimension to our growth as an institution was the launch of the ASEAN Judiciaries Portal, which serves as the CACJ's public platform to the world, providing a window into the legal systems of the ASEAN region and the laws on doing business in the different ASEAN member states. In view of the diversity of the legal systems within ASEAN, this helps foster knowledge and mutual appreciation of each member state's legal environment. The Portal is intuitive and easy to navigate for foreign lawyers and businesspeople alike, and thereby also helps to promote the development of the ASEAN region as a destination for commerce. It played an especially crucial role during the COVID-19 pandemic, when the ASEAN judiciaries shared their respective experiences in managing the pandemic on the Portal. This allowed the Portal to be a unique provider of information in relation to the crisis management measures that were adopted by the ASEAN judiciaries.

9. I would next like to mention, indeed to celebrate, the numerous substantive frameworks for regional judicial cooperation that the CACJ has established. One of the best examples comes from the Working Group for Cross-Border Disputes Involving Children. This is an area where international judicial cooperation is of particular importance, since such disputes are by their nature impossible for any given judiciary to resolve within its national silo. Yet, it is of paramount importance

that we develop the ability to deal with these matters effectively because of the deep impact they will have on the welfare of the children affected by such disputes. I was therefore extremely heartened that the Working Group adopted a non-binding Code of Ethics for mediators and a common procedure for communications directed at arranging the mediation of such cases last year. This year, the Working Group has gone further and adopted a set of common values, aspirations and principles for cross-border disputes involving children. These principles recognise the primacy of the child's best interests in such disputes, and aspire towards a therapeutic approach to family justice, while recognising the differences between our cultures and legal systems. I look forward to even closer collaboration between our family courts in the future endeavours of the Working Group.

10. And there are other areas in which international judicial cooperation can significantly improve the functioning of the law and of court systems, and on which we have reached a consensus at this year's CACJ Meeting. For example, the Model Rule on Taking of Evidence for Foreign Proceedings prepared by the Working Group on Facilitating Service of Civil Processes within ASEAN will be a useful tool for promoting convergence and the adoption of best practices in an area of law which has assumed central importance since the COVID-19 pandemic. And yet another example is the AI Governance Framework from the Working Group on Case Management and Court Technology, which provides valuable guidance on an issue that all our courts will have to grapple with in the coming years.

11. We can also benefit from the collective wisdom of courts around the world. To this end, members of the Council have embraced the International Framework for Court Excellence (the “IFCE”) developed by the International Consortium for Court Excellence. Last year, we formed the ASEAN-IFCE Resource Network, and earlier this year, we launched the Resource Network Portal which maintains a collection of guides, reports and other materials contributed by judges and court administrators from across ASEAN so as to help our member states in their efforts to apply the IFCE as a tool for self-evaluation and improvement.

12. So, we can indeed look back on the achievements of the CACJ with a measure of satisfaction. But what underpins all of them is the outstanding professional relationships and personal friendships that our judiciaries and judges have forged over the course of the past decade. This has surely been among the highlights of our collective experience on the Council, and I thank each of my counterpart Chief Justices and their colleagues for the generosity and support that has been extended over the years to aid its work. Of course, with the passage of time, we will have to bid farewell to some among us – I believe Justice You Ottara of Cambodia and I are the only holdovers from the first ACJM – but then we also get to welcome new friends as members of our close-knit community. And so this year, we bid farewell to Chief Justice Piyakul Boonperm of the Supreme Court of Thailand, and in her place, we welcomed Chief Justice Chotiwat Luengprasert.

13. Finally, I would also like to take this opportunity to extend my very best wishes to Chief Justice Tun Tengku Maimun for her tenure as Chair of the Council, as well as my heartfelt appreciation for her generosity in agreeing to host the Inaugural CACJ Retreat next year and to remain as Chair of the Council until 2024. Tun Tengku Maimun is deeply committed to the rule of law and the delivery of justice in Malaysia. Her jurisprudence over the course of 16 years in the higher judiciary of Malaysia reflects an uncompromising commitment to her judicial mission to act without fear or favour, affection or ill-will, and simply to do right to all manner of people according to the law. This is seldom a straightforward matter, and still less is it the case when everything we do is visible and liable to be scrutinised and commented on; but the Chief Justice has not let these pressures divert her from going about her work with poise and dignity, and if I may say so, she is an inspiration to all of us who carry the heavy responsibility of judicial work. She also firmly believes in the indispensable role of regional judicial cooperation and of the CACJ in contributing to those goals. Following on from the CACJ's accomplishments that I have just outlined, the tenth and eleventh years of the CACJ's work promise to feature a number of valuable and promising initiatives, including the new Working Group on the Conduct of Videoconferencing Hearings to be chaired by the Philippines, the consideration of an ASEAN Memorandum of Guidance on Enforcement of Money Judgments and a protocol for Court-to-Court Communications in Civil Proceedings, and many more. I can think of no one better than Chief Justice Tun Tengku Maimun to lead us forward as we embark on the exciting slate of projects that we have lined up.

14. But with an ever-changing environment, we must look even further ahead, and that is why we will be gathering in Malaysia next year for the Inaugural CACJ Retreat. The challenges that will face us in the years ahead will be even more complex and more transnational in scope than the challenges we are grappling with today. To capitalise on the strengths of the CACJ, we should carefully consider the long-term vision we ought to have for the Council. To this end, we envision that the CACJ Retreat will be a candid, closed-door discussion, held once every decade, to reflect on the milestones and achievements of the past ten years, and to chart our strategic agenda for the next ten years. I very much look forward to returning to Malaysia before long to attend the Retreat.

15. Navigating the next decade promises to be a very exciting journey for all of us in the Council, and we can face it confidently because we will face it together! So I would like to conclude by proposing a toast to the Council, in commemoration of the decade of excellent work it has done since its inception, and in anticipation of the next decade of ever-closer friendship and collaboration that will take the Council to new heights. May I ask you to please stand and join me in a toast: To the Council, and to Friendship!

16. Thank you very much.