

***The Rt. Hon. Tun Tengku Maimun binti Tuan Mat***

***Chief Justice of Malaysia  
and  
Chair, Council of ASEAN Chief Justices***

***Introductory Remarks  
International Commercial Arbitration Course  
The Inaugural Course on the E-Learning Portal of the Council of  
ASEAN Chief Justices (CACJ)***

Honourable Justices and Judges, esteemed presenters, and respected colleagues:

- [1] On behalf of the Council of ASEAN Chief Justices (CACJ) and our co-organisers, the Asian Development Bank (ADB) and its Law and Policy Reform Program, I would like to formally welcome you to the inaugural course on the CACJ E-learning Portal: The International Commercial Arbitration Course.
- [2] This pioneering E-Learning Portal represents the collaborative spirit and vision shared by the ASEAN Judiciaries. It is an initiative born out of the commitments enshrined in Paragraph 15 of the Kuala Lumpur Declaration, which was unanimously endorsed at the 10<sup>th</sup> CACJ Meeting. The declaration explicitly charged the Working Group on Judicial Education and Training with the task of collaborating with the ADB to craft a state-of-the-art online Learning Management System. This platform is

envisioned as a cornerstone for the dissemination of future online self-learning materials specifically tailored for Judges in the ASEAN region.

- [3] In this context, I must extend my heartfelt congratulations to The Honourable Justice I. Gusti Agung Sumanatha and The Honourable Chancellor Rosmari D. Carandang. As the Co-Chairs of the Working Group on Judicial Education and Training, it is their exemplary leadership and the hard work of their esteemed Working Group colleagues that has realised the vision set forth in the Kuala Lumpur Declaration which is manifest in today's launch of the E-Learning Portal.
- [4] The establishment of this E-Learning Portal signifies a landmark achievement in our collective journey towards fostering judicial excellence, enhancing professional development, and promoting a deeper understanding of international commercial arbitration among ASEAN Judges. It embodies a shared commitment to embracing technological advancements and innovative educational methodologies to ensure that ASEAN Judiciaries remain at the forefront of legal scholarship and practice.
- [5] International commercial arbitration is considered the preferred means of resolving international commercial disputes worldwide. The ASEAN region is no different, with the caseloads of various regional arbitration centres showing increased uptake even during the COVID-19 pandemic.

- [6] The benefits of arbitration extend beyond the parties to a dispute. Arbitration impacts a country's economy in positive ways. Academic research indicates that strengthening the quality of a country's arbitration regime fosters trade and foreign direct investment, and has significant measurable impacts on gross domestic product (GDP) and overall welfare.
- [7] With most economies starting to open up after the COVID-19 pandemic, this International Commercial Arbitration Course could not have come at a better time. In a world where economies are interconnected, transactions among parties take on an added layer of complexity when we also factor in cross-border issues. Thus, stakeholders constantly look for a flexible, reliable, and efficient means of resolving disputes — and, consequently, a legal system that adequately supports and facilitates this purpose.
- [8] The Judiciary plays an important role in international commercial arbitration, particularly in recognising and enforcing arbitration clauses and international arbitral awards. Judges who fully understand the courts' role in arbitration contribute not just to the expeditious resolution of disputes, but also to an overall economic climate of business confidence, stability, and fairness — all of which are key ingredients in promoting economic development and the Rule of Law.
- [9] This International Commercial Arbitration Course will no doubt help in further enhancing the knowledge of ASEAN Judges who are new to the

field. It will also serve as a refresher course for those already familiar with arbitration issues. Either way, the course is a part of the ASEAN Judiciaries' capacity-building endeavours, which for me is an essential element of a well-functioning legal system.

[10] Further, legal reform is important as it enables the creation of arbitration legislation and enforcement mechanisms. Nevertheless, no matter the enhancements made to our laws and legal systems, the formulation of progressive and comprehensive legislative regimes will not achieve their desired effect if the stakeholders which include the general public, businesses, and various organisations, lack confidence in the Judiciary's ability to interpret, apply, and adjudicate the issues falling within those new legal regimes with fairness, integrity, and efficiency. As such, a very significant and often overlooked component of legal reform would be the constant enhancement of judicial capacity and understanding in tandem with legal developments.

[11] In this regard, judicial capacity and understanding encompasses several dimensions, including but not limited to, the competency and expertise of the Judges, the efficiency of court procedures, the accessibility of legal recourse to the public, and the transparency and accountability of the judicial process. Strengthening these dimensions reassures stakeholders that the legal system is continuously equipped to uphold the Rule of Law, protect rights, and resolve disputes in a manner that is just and equitable.

- [12] This involves continuous education and training for Judges and court personnel, reforms aimed at streamlining court procedures to reduce delays and improve case management, investments in technological advancements to make the justice system more accessible, and initiatives to improve public trust and confidence in the judicial system.
- [13] By embracing this broader understanding of law reform, we can ensure that legislative changes are not only enacted but are effectively implemented and respected, thereby fostering a legal environment in which the Rule of Law can thrive.
- [14] Looking at the E-Learning Portal, I am pleased to observe that special topics regarding technology disputes, environmental disputes, and issues on insolvency are included in this course. Recent groundbreaking developments in artificial intelligence, catastrophic weather events brought about by climate change, and the recent collapse of various banks and cryptocurrency companies, all reflect issues confronting our society today. Not only do these developments call for greater consideration of environmental, social, and governance (ESG) factors in commercial contracts — we must acknowledge the basic truth that they are also not immune to conflict or disputes. In fact, these developments do give rise to novel issues that may end up for resolution before arbitral tribunals and, if warranted, the courts.
- [15] To conclude, I would like to extend my heartiest congratulations to the organisers for launching this International Commercial Arbitration Course

**INTERNATIONAL COMMERCIAL ARBITRATION COURSE**

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on the Council of ASEAN Chief Justices E-learning Portal, and to our presenters who have generously contributed their time and expertise to this endeavour.

- [16] To all participants, thank you for taking the time to attend and improve your already commendable judicial skills. The CACJ E-learning Portal would not have been possible without your support.

Thank you.