



REPUBLIC OF THE PHILIPPINES
Senate

**REMARKS
OF
SENATOR EDGARDO J. ANGARA**

LUNCHEON RECEPTION FOR THE
MEMBERS OF THE ASEAN LAW ASSOCIATION
GOVERNING COUNCIL
NOVEMBER 26, 2005

It is always a pleasure and an honour to speak before men and women of the law so that I don't have to explain myself every step of the way.

The ASEAN Law Association had high-powered beginnings, starting with the musings of then Justice Minister of Indonesia, Prof. Mochtar Kantaatmadya.

He wondered why the major strides being achieved by ASEAN in organization and collective action, were not matched by commensurate progress in a necessary area. That area would be – if not immediately a common law for the region – then a measure of mutual understanding that would lead to a significant compatibility of the respective legal systems of the member states.

It did not seem right that so colossal an endeavour toward regional union was not proceeding with a parallel progress in a regional legal structure.

No one was dreaming of one common law for ASEAN, given the cultural, ethnic, political and economic differences. But it seemed logical that the commonalities in law that existed between them should be encouraged and enhanced.

The result was the 1979 Jakarta Conference on Legal Development in ASEAN Countries, where the idea of an ASEAN Law Association was strongly pushed by the Philippines and supported by Singapore. Its constitution and By-Laws were drafted in Kuala Lumpur, Malaysia early the following year and in November 1980, the ALA was launched in Manila, displaying a singleness of purpose and an energy of achievement that we would like to see again as the association begins its next 25 years.

Nonetheless, looking back 25 years, we can take pride in major achievements in legal scholarship, resulting in a wider knowledge of the region's legal systems, and developing into a deeper appreciation of the possibilities of legal union.

More importantly, the last 25 years have witnessed the rise in influence and prominence of founding personalities in ALA, who have never lost their commitment to its aims. On the contrary, the years have only deepened their commitment. Legal logic may call for progress towards a common law; but it is political and judicial power that will achieve it.

Now, even as we press on in ALA's original work, we must break new ground in achieving, along with legal compatibility, a commonality in political practices in those fields where there can be no disagreements.

One such field is *good government*, which all our peoples desire.

Good Government for one country is the same as good government for another. Its elements cannot differ among nations that are serious about achieving political and economic success. These elements are sincerity of purpose, transparency of action, and accountability for results. These are truly the ties that bind national communities into a modern state. These are the elements that foster that civic trust without which the one truly tried, tested and successful economic system cannot work well, let alone achieve its full potential for progress and prosperity.

We know all too well the evils of lies and corruption. We are keenly aware how these evils erode

the foundations of market economies by their disregard of the rule of law.

We have seen that corruption is insidious, that it attacks the very foundation of authentic governance as opposed to its mere pretence.

We have seen it foment social division and ignite civil tumults.

We know that it aggravates the inefficiencies of free markets, in fact eroding their freedom. We know it scares away productive investments while inviting the plundering kind.

The free market transcends all national, political, religious and cultural values and arrangements. It is the best way an economy can work. No culture found within ASEAN - or throughout the world, for that matter - teaches values hostile to the free market.

Honesty, truth telling, and fair dealing are valued everywhere, in every land, in every climate. These are the qualities that set apart long-lived successful governments, from short-lived bad ones.

To be sure, Churchill said that there are times when the truth must be protected by a bodyguard of lies. Yet history has shown, time and again, that the most likely assassins are those closest to their victims, and none are more likely to stab the truth than the governments that must hide it.

It is in this connection, therefore, that I would like to propose a logical expansion of ALA's transcendent project towards a regional union of laws, into a shared

experience of good government. I propose a linkage of ALA with yet another regional organization that has also achieved international NGO status.

Even as I was elected the first ALA president in 1980, I was recently elected first president of the Southeast Asian Parliamentarians Against Corruption or SEAPAC.

SEAPAC brings together parliamentarians and government leaders, international organizations and individuals throughout Southeast Asia in a coherent and concerted effort to fight corruption, and promote transparency and good government in the region.

I propose that ALA join SEAPAC as SEAPAC's first international NGO member, taking common cause against corruption. I propose to the Governing Council the creation within ALA of an Anti-Corruption Unit as the connecting link.

ALA's objectives as stated in its Constitution provide the basis for this expansion of its mission. ALA is dedicated to enhancing mutual understanding of the region's national laws towards their greater compatibility and commonality. But laws are only as good as the governments that make them. Good governments make good laws; bad governments commit travesties of the law. There can never be a successful union of legal flaws. And an association of ethical and legal compromises will fly apart at the first sign of challenge.

The first and last test of good laws is the existence of good governments. What better reason for an association dedicated to unifying good laws than to join in the common cause against corruption than the core justification for ALA's creation.

With its wide network of lawyers in the region, ALA will play a key role in working out a Regional Plan of Action for SEAPAC, principally in the areas of capacity and knowledge building.

ALA is ~~the~~ best situated to provide SEAPAC with the right resources, including qualified manpower, to document official practices in the region and use them as tools for reform. It has a key role to play in the reform dialogues envisioned in SEAPAC's plan of action.

The ASEAN Law Association can get caught up in the euphoria of its longevity and achievements; but it risks losing the inspiration and energy to take the association to the necessary next stage of its development, where it will have a concrete impact on the quality of governance and of life in the region. I urge it to take this next step in the direction I have suggested of combating corruption.

Let me end with thanks to the distinguished members of the ALA Governing Council for inviting me to speak here, and for the support I am confident they will extend to my proposal.

Thank you and good day.

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