

EMBARGOED UNTIL DELIVERY – PLEASE CHECK AGAINST DELIVERY

The President of the Republic of Singapore His Excellency President S R Nathan

The Honourable the Chief Justice of Singapore, Chief Justice Yong Pung How

The Honourable Minister for Law Prof Jayakumar

Honourable Chief Justices

Honourable Ministers

Your Excellencies

Heads of National Committees

Our Distinguished Guests

Ladies and Gentlemen

It gives me great pleasure to welcome you all to this General Assembly. ASEAN Law Association, in short ALA, is indeed honoured to have present here this morning His Excellency President S R Nathan, the President of the Republic of Singapore. Your Excellency – your presence here this morning despite your heavy schedule is an indication of the great interest Your Excellency has shown in ASEAN as a political grouping and ALA as a non-governmental body affiliated to that grouping. On behalf of ALA, it is with great pride that we welcome your Excellency to officiate at the proceedings this morning.

Some twenty-four (24) years ago, I attended a Conference in Jakarta as a legal practitioner from Malaysia. Many legal luminaries from the region were at the conference. At that conference, the seeds of an organisation that was to have an impact on the region was planted. The seeds germinated and took root and soon thereafter a draft Constitution of ASEAN lawyers was promulgated in Manila

in 1980. That meeting heralded the birth of the ASEAN Law Association. ALA was established to promote close relations, regional co-operation and mutual understanding between lawyers of every description i.e. legal practitioners, academics, judges and others in the ASEAN region. ALA has amongst its objects the harmonising of the laws of the ASEAN countries and the social and economic development of the ASEAN region.

We have come a long way since ALA was launched in 1980. We have National Committee in most of the ASEAN states (except in the new members in our fold) actively promoting the objects of ALA. These National Committees are in close contact with their counterparts in the ASEAN region by modern method of communication and they organise a host of activities for their own National members. It is not my intention this morning to bore you with what ALA had done at the National or International level or to tabulate what had been achieved since I took office as President in 1996.

Let me however, briefly highlight a few sign posts we have passed during our journey since 1996 and share with you the vision and leadership which three of our former Presidents had provided us, but who are no longer amongst our midst.

Although I was to hold office for three years as provided in our Constitution and hand over the mantle of office to my successor the Chairman, Singapore National Committee, that was not to be. The economic crisis that had loomed

large in 1997 unleashed a wave that had many of our member Nations virtually crippled.

The Assembly that was originally scheduled for 1998 was postponed indefinitely. The Governing Council met and decided in 2001 that the financial crises had somewhat blown over and that we were out of the “gloom and doom” predicted by pundits who did not wish us well. We therefore initially scheduled the Assembly for May this year. Again, that was not to be. The SARS epidemic descended upon us unexpectedly. I am therefore grateful to see all of you here this morning particularly our stalwarts and founder members who have faithfully attended every Assembly since the very inception of ALA.

What then are the lessons that we in the ALA had learned in our journey through the years. The **first** is that although some crisis or other may beset us, the solutions that may be devised and adopted by one member country may not be suitable or acceptable to another despite the fact that we may have a common history and background. As **Robert Frost** once said there are many paths through the woods and the choice of a less trodden path may sometimes make all the difference. **Secondly**, with the advent of aviation and modern methods of communication we cannot erect “Chinese Walls” to protect ourselves from new ideas of thinking or the spread of new permutations of diseases and viruses. The world has shrunk to such an extent that what Lord Atkin propounded in that famous case of **Donoghue v. Stevenson** of who is “thy neighbour” had acquired a significantly new dimension and meaning. Today the man on the jeepney in Manila is as much our neighbour as the man on the motorised tri-cycle in

Bangkok. **Thirdly** we have come a long way as a non-governmental organisation and with goodwill and co-operation we can, as a group, overcome unforeseen obstacles if we work together. The indomitable spirit of ALA as a collective group is a formidable force to be reckoned with. The fact that we are holding such an Assembly this morning is open testimony to Asean co-operation and solidarity and what can be achieved notwithstanding the adversities. In this connection I must congratulate the Chairman of the Singapore National Committee and his members for their enthusiasm and tireless effort in making this Assembly a reality.

In our journey from 1996 we have lost two of our outstanding and illustrious stalwarts, who held the post of President of ALA. It is only appropriate that I briefly make reference to them this morning.

Chief Justice Marcello Fernan, affectionately known as Mr Feelings, was President of ALA from 1992 to 1995. He was an extremely charming man who endeared to all. He was not only a scholar of great eminence but a gifted orator. Like Chief Justice Purwoto he was humble and unassuming. On his retirement as Chief Justice, he was elected to the Philippines Senate and later became its President. During his term as President of ALA, he launched its publication on Asean Legal Studies. He was very active and traveled the region and met Governing Council members. We will always miss Chief Justice Fernan. He passed away on 11 July 1999.

I now come to Tun Mohamed Suffian who was Lord President of the Malaysian Federal Court and President of ALA from 1982 to 1984. He passed

away at the age of 83 on 26.9.2000. Tun Suffian was well known to lawyers in the Asean region and beyond. He was a jurist of great eminence. His humility and kindness was his hallmark. Tun Suffian wore the mantle of high office with dignity and ease. His ready wit, charm and easy manner endeared him to all. He was another outstanding President of ALA. We will all miss him. This is particularly so in my case as I had the good fortune of knowing him personally and working under him as a Judge when he was Lord President. On a personal note I for one owe a great deal to him and always cherish his wise counsel and guidance.

Finally, I wish all delegates and participants an enjoyable and fruitful conference.

Tun Mohd Dzaidin, President, Asean Law Association