

CONSTITUTION OF THE ASEAN LAW ASSOCIATION

(Incorporating amendments as at 1st June 2004)

Preamble

We, the lawyers from the Member Countries of the Association of South East Asian Nations (ASEAN), realising that close cooperation among lawyers from the ASEAN member countries would help promote the aspirations, objectives and principles of the ASEAN in accordance with the 1967 Bangkok Declaration, the 1976 Declaration of ASEAN Concord and the 1976 Treaty of Amity and Cooperation in South East Asia.

Desiring to help maintain peace and promote prosperity in the ASEAN region through legal cooperation and the advancement of the principles of the Rule of Law;

Bearing in mind that expanding economic and cultural relations among ASEAN countries will create more demand on legal institutions;

Being aware of the different legal systems prevailing in the ASEAN region;

Having decided to establish an association of ASEAN lawyers at a meeting of ASEAN lawyers, held on 5th to 10th February 1979 in Jakarta;

Do hereby adopt and promulgate this constitution.

Article I - Name

1.1 The name of the organisation shall be the **ASEAN LAW ASSOCIATION** (hereinafter referred to as the Association).

Article II - Objectives

2.1 The objectives of the Association are:

- a) To promote close relations, cooperation and mutual understanding amongst lawyers in the ASEAN countries;
- b) To provide the organisational framework for regional cooperation;
 - i) in the study of and research in the laws of the ASEAN countries with a view to harmonizing those laws as required by the social and economic development of the ASEAN region;
 - ii) in promoting and facilitating the co-ordination of activities and the carrying out of collaboration projects, among lawyers' organisations, law faculties, legal research centres and other like institutions in the ASEAN countries;

- iii) in promoting, exchanging and disseminating information of the laws, legal systems and legal development of the ASEAN countries;
- iv) for the purpose of carrying into effect the objectives hereinbefore set out, in the publication of journals, newsletters, bulletins and in the organising of conferences, meetings, symposia, seminars and other discussions;
- c) To provide organisational facilities for ASEAN cooperation in conflict avoidance, in the arbitration or resolution of legal disputes in transnational contracts within the ASEAN region; and
- d) To cooperate with international, regional, national and other organisations in the furtherance of the aforementioned objectives.

Article III - Membership

3.1 The following shall be eligible for membership in the Association:

- a) Institutional members. Any organisation of members of the legal profession within any ASEAN country.
- b) Individual members. Members of the legal profession who are citizens of any ASEAN country including advocates, attorneys, barristers, counsellors, government lawyers, judges, jurists, justices, notaries public, practising lawyers, solicitors, teachers of law and graduates of recognised law schools.¹
- c) Honorary members. Any individual who has distinguished himself in the field of law or who has made a significant contribution to the objectives of the Association.

3.2 Applications for membership shall be made to, and shall be approved by, the Secretary-General in the manner prescribed in the By-Laws.

3.3 The Governing Council may approve the affiliation to the Association of any organisation or body of members of the legal profession or students of law within ASEAN with such privileges and obligations as the Governing Council may determine.²

Article IV - Organisational Structure

4.1 The Association shall have the following bodies:

- a) the General Assembly (hereinafter referred to as “the Assembly”)
- b) the Governing Council (hereinafter referred to as “the Council”)
- c) the Secretariat.

¹ Article III, sec. 3.1 (b), was amended at the 7th General Assembly in Kuala Lumpur on the 9th of December, 1995.

² Article III, sec. 3.2 was amended at the 7th General Assembly in Kuala Lumpur on the 9th of December, 1995.

Article V - The General Assembly

5.1 The Assembly shall consist of all the members of the Association.

5.2 A regular session of the Assembly shall be called once every three (3) years, the venue of which shall, unless circumstances otherwise require, be rotated among the member countries in alphabetical order.³

5.3 The Assembly shall have the following powers:

- a) to determine the general policies of the Association;
- b) to consider and adopt or otherwise deal with the reports of the council;
- c) to elect the officers of the Association;
- d) to make amendments to this Constitution;
- e) to revoke any By-Laws made by the Council;
- f) to fix the venue for the next session of the Assembly; and
- g) to do such acts or things as it may deem appropriate and necessary to promote, protect and preserve the interests of the Association.

5.4 Every individual member of the Association shall be entitled to attend the sessions of the Assembly. Institutional members shall be entitled to send such number of representatives to the session of the Assembly as may be prescribed in the By-Laws.

5.5 There shall be a quorum of the Assembly when not less than 6 ASEAN member countries are represented by their delegations.⁴

5.6 Decisions of the Assembly shall be arrived at by consensus. Should no consensus be achieved, the relevant motion or resolution shall lapse.

Article VI - Governing Council

6.1 The Council shall be the governing body of the Association and shall by consensus have power to do such acts, not being inconsistent with this Constitution, the By-Laws or any act of the Assembly, as the Assembly itself has power to do.

6.2 The Council shall consist of five (5) members from each ASEAN country appointed by the National Committee of that country, and comprising:

- a) a representative of the Government lawyers of that country;
- b) a representative of the Judiciary of that country;
- c) a representative of the practising lawyers of that country;

³ Article V, sec. 5.2 was amended at the 4th ALA General Assembly in Bangkok on the 19th of November, 1986.

⁴ Article V, sec. 5.5 was amended at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003.

- d) a representative of the teachers of law in that country; and
- e) one other member.

6.3 The National Committee shall have power from time to time to nominate an alternate to every member of the Council appointed by it pursuant to Article 6.2, to act in the place of the member during his absence or inability to act as such member. Each alternate shall, while acting in the place of the absent member, enjoy all the rights of and exercise and discharge all the duties of the member he represents.

6.4 The Secretary-General, the Immediate Past President, the Immediate Past Secretary-General and the Chairman of the ASEAN Law Foundation shall be members of the Council ex-officio but shall not have any voting right.⁵

6.5 The Council shall meet at least once during each calendar year and shall hold such other meetings at such times and places as may be designated by the President of the Association or upon request in writing of the majority of the member countries. Notwithstanding article 6.2, there shall be a quorum of the Council when not less than 6 ASEAN member countries are represented by at least one member of the Council appointed by the National Committee of those countries.⁶

6.6 The Council may establish sections or committees of the Association with such jurisdiction and functions as the Council may determine.

6.7 The Council shall have the power:

- a) to approve the budget and to fix the amount of the dues and any special levies;
- b) to make and amend By-Laws;
- c) to determine the agenda at each session of the Assembly;
- d) to appoint, and prescribe the duties of such officers, employees and agents of the Association, other than those to be elected at the Assembly, as it may deem to be desirable. All such other officers, employees and agents as may be appointed shall hold office at the pleasure of the Council.

Article VII - Officers

7.1 The Assembly shall at its triennial sessions elect from amongst the members of the Council mentioned in Article 6.2;

- a) A President; and

⁵ Article VI, sec. 6.4 was an amendment proposed at the Governing Council Meeting on the 15th of June, 1996. The amendment was approved at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003.

⁶ Article VI, sec 6.5 was an amendment proposed at the Governing Council Meeting in September 1997. The amendment was approved with modifications at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003 together with amendment to Article V, sec 5.5.

b) A Secretary-General.⁷

7.2 Every person elected under Article 7.1 shall hold office for a term beginning upon his election and ending on the election of his successor.

7.3 Only individual members or representatives of institutional members, who are in actual attendance at the Assembly and who are not disqualified under the By-laws, are eligible for nomination and election as President or Secretary-General.

7.4 The candidates for the President and the Secretary-General shall be nominated by the National Committee of the country hosting the Assembly. In the event of the death, inability to perform his duties or resignation of the President or the Secretary-General, his country's National Committee shall as soon as may be practicable name his successor for the remainder of the term.⁸

7.5 The President shall act as Chairman at all sessions of the Assembly and the Council. He shall be the chief executive and shall exercise general supervision over all its activities and ensure that the resolutions of the Assembly or the Council are implemented. He shall perform such other duties and functions as the Council and the Assembly may determine or delegate.

7.6 The Chairman of the National Committee of each ASEAN country shall ex-officio be a Vice President. The seniority of the Vice-Presidents shall be in the alphabetical order of the names of the ASEAN countries, following the country of the President. In the event of the temporary disability of the President, the most senior of the Vice-Presidents shall perform the duties and functions of the President.

7.7 The Secretary-General shall be the head of the Secretariat and shall:

- a) have custody of the seal and records of the Association;
- b) attend and keep minutes of all sessions and meetings of the Assembly and the Council;
- c) appoint such employees and agents of the Association as he deems desirable and prescribe their duties, such employees and agents to hold office at the pleasure of the Council; and
- d) have such other functions and discharge such other duties as may from time to time be prescribed by the Council or the President.⁹

⁷ Article VII, sec. 7.1 was amended at the 4th ALA General Assembly in Bangkok on the 19th of November, 1986.

⁸ Article VII, sec. 7.4 was an amendment proposed at the Governing Council Meeting in Singapore on the 11th of December, 2002. The amendment was approved with modifications at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003.

⁹ Article VII, sec 7.7 (a) was amended at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003. Article VII, sec. 7.7 (d) was added at the 7th General Assembly in Kuala Lumpur on the 9th of December, 1995.

Article VIII - The Secretariat

8.1 The Secretariat which shall be the principal office of the Association shall be established and maintained at Jakarta or at any principal city in the ASEAN member countries as the Governing Council may designate.¹⁰

Article IX - Finance

9.1 The official expenses of the President, the Secretary-General and the Secretariat which are officially incurred shall be borne by the National Committee which nominated the President and the Secretary-General for election.¹¹

9.2 The financial year of the Association shall end on the 31st day of December of each year.¹²

Article X -Logo

10. The logo of the Association shall incorporate the Scales of Justice, the Logo of ASEAN, the words "ASEAN LAW ASSOCIATION" and the common colours of all the national flags of the ASEAN countries.¹³

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¹⁰ Article VIII, sec. 8.1 was amended at the 6th ALA General Assembly in Manila on the 4th of December, 1992.

¹¹ Article IX, sec 9.1 was amended at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003.

¹² Article IX, sec 9.2 was renumbered from 9.3 after original sec 9.3 was deleted at the 8th ALA General Assembly in Singapore on the 2nd of December, 2003.

¹³ Article X was added at the 4th ALA General Assembly in Bangkok on the 19th of November, 1986.