



# **NEWSLETTER**

**SEPTEMBER 2014 – JANUARY 2015**



# **ASEAN LAW ASSOCIATION**





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## ASEAN LAW ASSOCIATION 36<sup>th</sup> GOVERNING COUNCIL MEETING Kuala Lumpur, Malaysia September 20, 2014

ALA's 36<sup>th</sup> Governing Council Meeting was held in Kuala Lumpur, Malaysia on September 20, 2014 and was well attended by 217 delegates from Brunei, Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. The President of ALA, The Hon. Chief Justice Dr. M. Hatta Ali chaired the Governing Council Meeting. He was well assisted by the Secretary General of ALA, Mr. Swandy Halim. The Meeting started with the speech of the President followed by the opening remarks of all Heads of Delegation.

The Meeting endorsed the recommendation of the ALA Ad Hoc Committee as presented by its chairman, Mr. Normin S. Pakpahan of ALA Indonesia. The recommendation pointed out to eight initiatives that will be the ALA work programs in the near future, i.e. Access to Justice, Harmonization of ASEAN Laws, Electronic Library, Judicial Training Exchanges, Establishment of Trade and Investment Group, Creation of ASEAN Law Centers of Excellence, Creation of a level playing field in Alternative Dispute Resolution, and last but not least, Honouring ALA Heroes. The Council decided that the award of ALA Heroes be presented at the 12<sup>th</sup> ALA General Assembly in Manila in 2015.

The ALA Standing Committees were also reviewed and streamlined. The WTO Study Group of the Business Law Standing Committee was re-named the "Trade and Investment Group" to better reflect its widened role in light of developments in the field. The Standing Committee on Judicial Cooperation was disbanded as the ASEAN Chief Justices' Meeting was being held on the sidelines of every ALA meeting.



The Meeting also decided on the conference theme and topics for the 12<sup>th</sup> ALA General Assembly hosted by the Philippines in February 2015. The Meeting agreed to have 6 workshops in the area of Legal Education, Legal Profession, International Law, Business Law, Trade and Investment Group and Alternative Dispute Resolution. The 12<sup>th</sup> General Assembly will start on February 26 and end on February 28, 2015 and the post conference trip to Boracay for the 3<sup>rd</sup> Chief Justices' Meeting will start on March 1 and end on March 3, 2015 with the departure of the delegates attending the Chief Justices' Meeting.

The President of ALA adjourned the 36<sup>th</sup> ALA Governing Council Meeting at 16:00 Kuala Lumpur time by thanking all participants attending the meeting. The President expected to see all of the participants again at the 12<sup>th</sup> ALA General Assembly in Manila, Philippines in February 2015.

In the evening, the participants of the 36<sup>th</sup> Governing Council Meeting enjoyed a very warm farewell dinner with a variety of cultural performance by the delegates of Brunei, Indonesia, Philippines, Singapore, Thailand and certainly also, Malaysia.



## ASEAN 2<sup>nd</sup> CHIEF JUSTICES' MEETING Kuala Lumpur, Malaysia September 19, 2014

The 2<sup>nd</sup> ASEAN Chief Justices' Meeting was held on September 19, 2014 in Kuala Lumpur, Malaysia in conjunction with the 36<sup>th</sup> Governing Council Meeting. The Chief Justices or The Presidents of the Supreme Court of Brunei, Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam attended the meeting. The Meeting started with the welcome remarks by the Chairman of the Meeting, The Rt. Hon. Tun Arifin bin Zakaria, Chief Justice of Malaysia, and continued with the addresses by The Chief Justices and The Presidents of the Supreme Court attending the meeting. Thereafter the Meeting unanimously approved the Minutes of the 1<sup>st</sup> ASEAN Chief Justices' Meeting held in Singapore in 2013. After the approval of the Minutes, the agenda was the reports from the assigned countries. The Chief Justice of Singapore gave a report on the ASEAN Judiciaries Portal, The Chief Justices of Indonesia and Philippines on the Judicial Education and Training, and The Chief Justice of Malaysia on the Service of Civil Processes within ASEAN, all followed by a good discussion among The Chief Justices and The Presidents of the Supreme Court attending the meeting. The result of the meeting was very fruitful. The 3<sup>rd</sup> ASEAN Chief Justices Meeting will be held in Boracay, Philippines at the Shangri-la Hotel on March 1 - 3, 2015.





# 11<sup>th</sup> ALA CHAMPIONSHIP GOLF TOURNAMENT

## Sungai Long Golf & Country Club, Kuala Lumpur, Malaysia

### September 19, 2014



The 11<sup>th</sup> ALA Championship Golf Tournament was held in the morning of September 19, 2014 at the Sungai Long Golf & Country Club, which was Malaysia's first international championship golf course and well attended by about 100 golfers from Indonesia,

Malaysia, Philippines, Singapore and Thailand. The tournament began in earnest at about 08:30 am after a hearty breakfast.



The competition for both team and individual was based on system 36 stableford format. Prize presentation for the individual event was held during the luncheon and the following were some notable winners:

Mens Open Stableford - Edward Harris Sinaga from Indonesia  
Mens Senior Stableford - Dalgit Singh from Malaysia  
Ladies Stableford - Chan Lai Fong from Singapore



The Challenge Trophy for Mens Best Gross was won by Dalgit Singh of Malaysia who returned with a gross score of 82, whilst the Challenge Trophy for Ladies Best Gross was won by Chan Lai Foong of Singapore.

The prize presentation for the team event was held in the evening at the Welcome Reception for the Governing Council delegates of the 36<sup>th</sup>

ALA Governing Council Meeting which was held at the Atrium of the Royale Chulan Hotel, Kuala Lumpur.

The host nation Malaysia won the Tun Dzaidin Challenge Trophy with 182 stableford points. Indonesia the defending champion was a close second with 181 points, whilst Philippines was third with 174 stableford points.

The next golf tournament will be held either at Manila Golf or Wack Wack Golf in Mandaluyong, Philippines on February 25, 2015.

## WORKSHOP OF LEGAL SYSTEM IN THE ASEAN MEMBER STATES Padang, Surabaya, Bandung



ASEAN Senior Law Officials Meetings (ASLOM) and Indonesia's Ministry of Foreign Affairs conducted a series of ASEAN Law workshops for the university law professors and lecturers in Padang (September 5, 2014), Surabaya (October 17, 2014) and Bandung (December 15, 2014). The workshops' objectives were to update the participants of the different legal systems adopted in member countries of ASEAN and to identify the potential harmonization of laws of the ASEAN countries in spite of the differences in the systems, tradition and enforcement process.

Mr. Normin S. Pakpahan represented ALA as a resource person in those workshops. Mr. Pakpahan spoke about the importance of law for the credible operation of the rules based ASEAN Economic Community. He further shared the workshops' participants with the six ALA work initiatives as recommended by the ALA Ad Hoc Committee as follows:

1. Access to Justice: The establishment of Panel of Expert lawyers to provide legal services to all ASEAN citizens.
2. Harmonization of ASEAN Laws.
3. Establishment of electronically accessed virtual Library containing laws and landmark judgments of ASEAN courts.
4. Judicial Training for judges and other law enforcement personnel.
5. Establishment of close working relationship with World Trade Organization (WTO).
6. The creation of ASEAN Law Centers of Excellence in Universities of all ASEAN.



Mr. Pakpahan offered his recommendation to the workshops' participants in at least four areas, i.e.

- ASEAN universities develop databases of ASEAN laws and linked such bases with the ALA portal.
- Educate academicians to do research of laws and their implementations in ASEAN member countries concentrating in harmonization of ASEAN laws.
- Establishment of good academic networking among ASEAN law professors through collaboration in research and paper/book writings.
- Specifically for Indonesia, new curricula of law teachings should be developed under the aegis of the previously mentioned work initiatives.



**THE FIRST ASEAN JUDICIAL TRAINING**  
**Judicial Training Center of The Supreme Court of Indonesia**  
**Megamendung, Bogor, Indonesia**  
**January 14-17, 2015**



The Hon. Chief Justice  
 Dr. M. Hatta Ali  
 opened the Training

The Supreme Court of Indonesia in collaboration with the Secretariat General of ASEAN Law Association and ALA Indonesia organized the first ASEAN Judicial Training at the Training Center of The Supreme Court of Indonesia at Megamendung, Bogor, Indonesia. This training program initiative was the implementation of the commitment of Indonesia's Chief Justice The Hon. Dr. M. Hatta Ali to The ASEAN Chief Justices at the 2<sup>nd</sup> Chief Justices' Meeting in Kuala Lumpur, September 19, 2014.

The training was officially opened by The Hon. Chief Justice Dr. M. Hatta Ali, ALA President, and well attended by 14 participants of the ASEAN courts, i.e. Brunei, Indonesia, Laos, Malaysia, Myanmar, Singapore and Thailand. 15 judges of Indonesian courts also attended the training as observers. The primary purpose of the training was to promote capacity building, sharing experiences and best practices on environmental law enforcement by ASEAN Judiciary.

*Training Participants with the Officials of The Supreme Court of Indonesia and ALA*



*Training Participants at The Supreme Court of Indonesia in Jakarta*



*The Training Center of The Supreme Court of Indonesia*



In his inaugural address, The Hon. Chief Justice Dr. M. Hatta Ali, ALA President, remarked that this first judicial training choose to focus on environmental issues and more importantly how such environmental issues become a mainstream in judges' role in protecting the environment. He further asserted that courts' decisions have two balanced objectives like that of a coin that it must balance the economic growth with environmental protection in order to give room for sustainable development.

Renown experts from the courts of Indonesia, Malaysia and Thailand as well as university professors and environmental

experts from Indonesia and Singapore were invited as resource persons, namely Justice Artidjo Alkostar (Indonesia), Justice Takdir Rahmadi (Indonesia), Justice I Gusti Agung Sumanatha (Indonesia), Justice Vichai Ariyanuntaka (Thailand), Chief Judge Tan Sri Richard Malanjum (Malaysia), Chief Judge Andriani Nurdin (Indonesia), Prof. Ong Choon Nam (Singapore), Prof. Lye Lin Heng (Singapore), Prof Alan Tan Khee Jin (Singapore), Mr. Mas Ahmad Santosa (Indonesia), Dr. Laode M. Syarif (Indonesia), Dr. Rizaldy Boer (Indonesia), Mr. Rusdian Lubis (Indonesia).

*The Training Center of The Supreme Court of Indonesia*



*The Participants from Brunei, Indonesia, Laos, Malaysia, Myanmar, Singapore and Thailand*



*Farewell Dinner*



*Social Programme in Jakarta and Bogor*





# UNIVERSITY OF AIRLANGGA CONFERRED DR. M. HATTA ALI, THE CHIEF JUSTICE OF THE SUPREME COURT OF INDONESIA AND ALA PRESIDENT WITH THE TITLE OF PROFESSOR OF LAW

JANUARY 31, 2015

University of Airlangga, Surabaya, East Java, Indonesia, conferred Dr. M. Hatta Ali, The Chief Justice of The Supreme Court of Indonesia and ALA President with the honor of academic professorship in recognition of his outstanding achievements as the guardian of justice and smooth transformation of The Supreme Court of Indonesia. The ceremony was held at the Auditorium of University of Airlangga in Surabaya, East Java, Indonesia, on January 31, 2015 and well attended by the high ranks officials of the Indonesian government, house of representative, judiciaries and community leaders.



Dr. M. Hatta Ali started his career as a civil service candidate at the Inspectorate General of the Ministry of Justice in 1978. For his dedication and passion in law, he subsequently became a judge in the Indonesian judiciary. He climbed up the ladder in the judiciary from a junior Judge, Vice Chairman and then Chairman of the District Court, Appeal Judge, Director General of the Administration of General Court, to Justice of The Supreme Court of Indonesia and later promoted to the position of Deputy Chief Justice for Supervision as well as the Speaker of The Supreme Court of Indonesia (2009 - 2012) and then Chief Justice (2012 - 2017). The conferment of law professorship is the recognition of the Senate of Professors and Rector of Airlangga University of Dr. M. Hatta Ali's competency and broad knowledge in law. His rigorous works as Chief Justice have improved the court's performance and to this effect by the end of 2014, the backlog cases in The Supreme Court of Indonesia have been substantially reduced from more than 20,000 cases to around 4,000 cases.

One day before the ceremony, The Hon. Chief Justice Dr. M. Hatta Ali and the Rector of Airlangga University signed the Memorandum of Understanding continuing the working relationship between the two institutions. In the press conference following the signing ceremony, The Hon. Chief Justice Dr. M. Hatta Ali emphasized the importance of this relationship. He emphasized that the courts and law academicians must join force in advancing the knowledge of law. The law academicians must study the decisions of the courts in all aspects, and as the result, their academic analysis will form a theory of law which will contribute towards judges' legal consideration and eventually can develop into a doctrine of law.





**News From ALA Singapore**  
**8<sup>th</sup> ALA (SINGAPORE)**  
**GOLF TOURNAMENT 2014 (27 JUNE 2014)**



Golfers ready to tee off at Singapore Keppel Club

The annual ALA (Singapore) Golf Tournament 2014 was held at the Keppel Club. Following from the success of last year's event, the Association's golf tournament was held in conjunction with the 2<sup>nd</sup> ALA(S) - Chartered Institute of Arbitrators (CIARB) - Singapore Corporate Counsel Association (SCCA) Friendly Triangular Golf Game. A total of 31 golfers participated in the Triangular Golf Game, with 18 golfers representing ALA(S). Mr Tito Isaac won the TPB Menon Challenge Trophy (best Stableford score (Men)) while Ms Lim Siew Kuan won the Ladies Challenge Trophy (best Stableford score (Ladies)).

Mr Adrian Wee again won the trophy (affectionately known as the Moosa Mug) for lowest gross score (Men). In the 2<sup>nd</sup> ALA(S)-CIARB-SCCA Friendly Triangular Golf Game, the golfers from ALA(S) emerged as the winning association, taking over the challenge trophy from CIARB. The game and post-game dinner enabled golfers from the 3 associations to build ties in a warm and friendly competition.



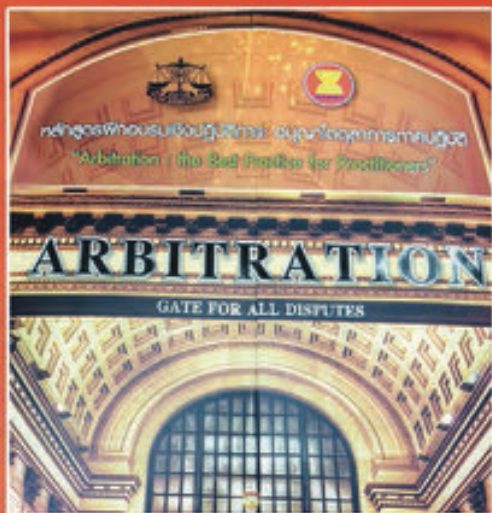
Justice Lee Sei Kin presenting the trophy to Best Stableford winner Tito Isaac



Justice Lee Sei Kin receiving the Challenge Trophy on behalf of ALA (Singapore)



**News From ALA Thailand**  
**ALA THAILAND TOWARD THE AEC**



ALA Thailand will be holding a training workshop on "Arbitration: Best Practices for Practitioners" from March 3 - April 4, 2015 at the Landmark Bangkok Hotel, Sukhumvit Road.

This workshop is designed for lawyers, investors and business people in Thailand to have a better understanding of the substantive components, procedure and practice of Arbitration, to better prepare themselves for both opportunities and challenges that may arise in the wake of the upcoming ASEAN Economic Community (AEC).

The workshop consists of presentations by eminent justices, lawyers and arbitrators, as well as Prof. Vichai Ariyanuntaka, Senior Judge of the Central Intellectual Property and International Trade Court, former Secretary - General of the ASEAN Law Association (ALA), Judge

Montri Sillapamahabundit, Judge Prachya Yuprasert, Judge Sorawit Limparangsri, Judge Tidarat Narintarangkul Na Ayudhaya, Mr. Dej-Udom Krairit - President of Lawyers Council of Thailand and Dr. Vilawan Mangklatanakul, Director of Policy and Planning Office Ministry of Foreign Affairs.



### ***Appointment of Dr. Nguyen Van Quyen, President of Vietnam Lawyers' Association to the post of the Chairman of ALA Vietnam:***



Dr. Nguyen Van Quyen was born on December 11, 1953. He graduated with a Bachelor of Laws degree from National Kiev University in 1977. After graduation, he had worked as a legal expert at the Central Internal Affairs Commission for 11 years. In 1988, he completed a course at the National Kiev University and became a Doctor of Law. He had continued his professional career as the Vice Director, Department of Law, the Central Internal Affairs Commission from 1991 to 1992 and became Director of this Department in 1993.

Due to his excellent work, he was nominated to be the Deputy Head of the Central Internal Affairs Commission in 2002. He served this position for 5 years. At the same time, he acted as a member of Vietnam Lawyers' Association (Period 1999 - 2004) and member of Central Steering Committee on Judicial Reform. From 2007 to 2014, he served as the Vice Chief of Central Party Office, Deputy Head of the Central Steering Committee on Judicial Reforms, a member of the Vietnam Parliament, member of the Law Commission of Parliament (period 2007 - 2011), the President of the Vietnam - Ukraine Friendship Association. He became the Vice Secretary of Party Group, Vice President of Vietnam Lawyers Association in 2014 and still held the position as the Deputy Head of the Central Steering Committee on Judicial Reforms, President of Vietnam - Ukraine Friendship Association. On September 20, 2014 he was elected as the new President of Vietnam Lawyers Association at its 12<sup>th</sup> national congress. Becoming new President of Vietnam Lawyers Association for the term of 2014 - 2019, Dr. Nguyen Van Quyen was also nominated to be the Chairman of ALA Vietnam.



### ***Appointment of Mrs. Le Thi Kim Thanh as new Vice President of Vietnam Lawyers Association:***

Mrs. Le Thi Kim Thanh was born on February 22, 1963. She graduated with a Bachelor of law in the Former Soviet Union (Kuban University, faculty of law) in 1987. She began her professional career as a legal expert of the Department for Lawyer Management under the Ministry of Justice in 1988. She completed her Master of Law at Sydney University in Australia in 1996.

Back to Vietnam, she served as a legal aid expert in National Legal Aid Agency under the Ministry of Justice for 3 years. She was nominated as the head of international cooperation division within the National Legal Aid Agency in 1999. Being one of the most prominent staff at that time, she was appointed to the post of the Vice Director of the National Legal Aid Agency in 2002.

In 2005, she held an important position as the Vice Secretary General of Vietnam Lawyers' Association. Since then, she actively participated in activities of ALA, especially in the period when Vietnam chaired the Presidency of ALA (from 2009 to 2012). She was ALA Secretary General from 2009 to 2012.

After 9 years of dedicated service in Vietnam Lawyers Association, at the 12<sup>th</sup> National Congress of Vietnam Lawyers Association on September 20, 2014, Mrs. Le Thi Kim Thanh was elected as a new Vice President. She is responsible for foreign relations and international cooperation.

