

INTRODUCTION ON THE ASEAN LAW ASSOCIATION



FOUR OBJECTIVES

- 1) To promote close relations, cooperation and mutual understanding amongst lawyers in the ASEAN countries
- 2) To provide the organizational framework for regional cooperation
- 3) To provide organizational facilities for ASEAN cooperation in conflict avoidance, in the arbitration or resolution of legal disputes in transnational contracts within the ASEAN region
- 4) To cooperate with international, regional, national and other organizations in the furtherance of the aforementioned objectives



HISTORY

- The ASEAN Law Association had its origin in a conference, “Legal Development in ASEAN Countries”, hosted by the Indonesian Government in Jakarta in February 1979.
- The conference was attended by legal luminaries from the original five ASEAN countries: Indonesia, Malaysia, Singapore, Thailand and the Philippines.



HISTORY

- Professor Tan Sook Yee (Singapore) and Senator Edgardo Angara (Philippines) proposed the creation of a regional organization for lawyers in the ASEAN region.
- The ASEAN Law Association (ALA) was established in the summer of 1979.
- The ALA Constitution and ALA By-Laws were drafted by a working committee in May 1979, promulgated in Kuala Lumpur and adopted at the 1st ALA General Assembly held in Manila in November 1980.



Membership

The following members shall be eligible for membership in ALA.

- a) Institutional members: Any organization 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, practicing lawyers, solicitors, teachers of law and graduates of recognized law schools.
 - 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 ALA.
- ❖ All newly joined ALA National Committees will be required to pay a one time USD\$5000 upfront to the ALA Law Foundation.



Organisational Structure

ALA shall have the following bodies:

- (a) the General Assembly
- (b) the Governing Council
- (c) the Secretariat.



General Assembly

- The General Assembly shall consists of all members of ALA.
- A regular session of the General Assembly shall be called once every three years.



General Assembly

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



General Assembly

- Every individual member of ALA is entitled to attend the General Assembly. Each institutional member is entitled to send five representatives to the General Assembly.
- There shall be a quorum of the General Assembly when not less than six ASEAN member countries are represented by their delegation.



General Assembly

- The special feature of the General Assembly is the Conference.
- To attend the Conference, ALA members are required to pay approximately USD250 to USD350 and non-ALA members are required to pay USD 1000 to USD 1200.
- The Conference has been coined as “The ASEAN Law Conference” where its inaugural was held in Singapore in 2018.



General Assembly

- The Governing Council Meeting will take place in tandem with The ASEAN Law Conference at the General Assembly.
- The 14th ALA General Assembly which comprises of the 2nd ASEAN Law Conference and the 43rd ALA Governing Council Meeting are suppose to be hosted in 2021.
- Due to covid reason;
 - 43rd ALA Governing Council was hosted by ALA Indonesia in November 2022.
 - 14th ALA General Assembly and The 2nd ASEAN LAW Conference is being postpone to 2023 and will be hosted by ALA Malaysia from 19 to 23 September 2023.



Governing Council

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



Governing Council

- The Governing Council shall consists of five 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 practicing lawyers of that country
 - (d) a representative of the teachers of law in that country
 - (e) one other member.



Governing Council

- The National Committee shall have power from time to time to nominate an alternate to every member of the Governing Council 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.



Governing Council

- 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 Governing Council ex-officio but shall not have any voting right.
- The Governing 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 ALA President or upon request in writing by the majority of the member countries.



Governing Council

- There shall be a quorum of the Governing Council when not less than six ASEAN member countries are represented by at least one member of the Governing Council appointed by the National Committee of those countries.
- The Governing Council may establish sections or committees of ALA with such jurisdiction and functions as the Governing Council may determine.



Governing Council

The Governing 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 General Assembly
- d) to appoint, and prescribe the duties of such officers, employees and agents of ALA, other than those to be elected at the General 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 Governing Council.



OFFICERS

- The General Assembly shall at its triennial sessions elect from amongst the members of the Governing Council:
 - (a) ALA President
 - (b) ALA Secretary-General
- Every elected person shall hold office for a term beginning upon his election and ending on the election of his successor.
- Only individual members or representatives of institutional members, who are in actual attendance at the General Assembly and who are not disqualified under the By-Laws, are eligible for nomination and election as ALA President or ALA Secretary-General.



OFFICERS

- The candidates for the ALA President and the ALA Secretary-General shall be nominated by the National Committee of the country hosting the General Assembly.
- In the event of death, inability to perform his duties or resignation of the ALA President or the ALA Secretary-General, his country's National Committee shall as soon as may be practicable name his successor for the remainder of the term.
- The ALA President shall act as the Chairman at all sessions of the General Assembly and the Governing Council.
- The ALA President shall be the Chief Executive and shall exercise general supervision over all of ALA activities and ensure that the resolutions of the General Assembly or the Governing Council are implemented.



OFFICERS

- The ALA President shall perform such other duties and functions as the Governing Council and the General Assembly may determine or delegate.
- The Chairman of each National Committee shall ex-officio be a Vice President of ALA.
- The seniority of the Vice Presidents shall be in the alphabetical order of the names of the ASEAN countries, following the country of the ALA President.
- In the event of the temporary disability of the ALA President, the most senior of the Vice Presidents shall perform the duties and functions of the ALA President.



ALA PRESIDENT



**THE HONOURABLE CHIEF
JUSTICE**

**SUNDARESH
MENON**

C.J. Sundaresh Menon was elected President on 28 July 2018 at the 13th General Assembly held in Singapore.



ALA VICE PRESIDENTS



**YANG BERTHORMAT AWANG HAJI
AHMAD BIN PEHIN ORANG KAYA
LAILA SETIA BAKTI DIRAJA DATO
LAILA UTAMA HAJI AWANG ISA**
CHAIR, ALA BRUNEI DARUSSALAM



ATTORNEY LY CHANTOLA
CHAIR, ALA CAMBODIA



**THE HONOURABLE CHIEF JUSTICE
PROF. DR. MUHAMMAD
SYARIFUDDIN, SH., MH**
CHAIR, ALA INDONESIA



ALA VICE PRESIDENTS



**THE HONOURABLE JUSTICE
PHOMSOUVANH PHILACHANH**

REPRESENTATIVE OF
LAOS TO ALA



**THE RIGHT HONOURABLE TUN
TENGGU MAIMUN BINTI TUAN MAT**

CHAIR, ALA MALAYSIA



DR THI DA OO
CHAIR, ALA MYANMAR



ALA VICE-PRESIDENTS



RETIRED CHIEF JUSTICE
ARTEMIO V. PANGANIBAN
CHAIR, ALA PHILIPPINES



THE HONOURABLE JUSTICE
LEE SEIU KIN
CHAIR, ALA SINGAPORE



THE HONOURABLE CHIEF
JUSTICE CHOTIWAT
LEUNGPRASERT
CHAIR, ALA THAILAND



DR. NGUYEN VAN QUYEN
CHAIR, ALA VIETNAM



ALA SECRETARY-GENERAL



Secretary-General

MR. PAUL QUAN

Mr. Paul Quan was elected Secretary-General on 28 July 2018 at the 13th General Assembly held in Singapore.



ALA SECRETARY-GENERAL

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

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



THE SECRETARIAT

- The Secretariat is the principal office of ALA.
- The Secretariat may be established and maintained at any principal city in the ASEAN member countries as the Governing Council may designate.



FINANCE

- The official expenses of the ALA President, the ALA Secretary-General and the Secretariat shall be borne by the National Committee which nominated the ALA President and the ALA Secretary-General for election.
- The financial year of ALA shall end on the 31st day of December of each year.



NATIONAL COMMITTEE

- A National Committee shall be established in each ASEAN country consisting of not more than ten members to be elected by the ALA members from that country.
- Not less than two members of the National Committee shall represent each of the following:
 - (i) The Judiciary
 - (ii) Government Lawyers
 - (iii) Practising Lawyers
 - (iv) Teachers of Law of that country
- A Chairman shall be elected by members of ALA from that country from amongst the members of the National Committee.



ALA (Singapore) National Committee

- Chairman – Justice Lee Seiu Kin
- Vice Chairman – Justice Pang Khang Chau
- Honorary Secretary – Assistant Registrar Ramu Miyapan
- Assistant Honorary Secretary – State Counsel Carene Poh
- Treasurer – Mr Tito Shane Isaac



ALA (Singapore) National Committee

ALA (Singapore) Annual General Meeting & Dinner	<ul style="list-style-type: none">-Chairman's report-Accounting for financial statements
Accounts & Monies	<ul style="list-style-type: none">-General Assembly Conference Fees-Membership Fees-Golf Tournament Fees
Membership Forms	Refer to first Enclosure Slide for ALA (Singapore)'s Institutional and Individual membership forms



STANDING COMMITTEES

Standing Committee	Country Chairing
Legal Profession	Philippines
Business Law	Malaysia
International Law	Brunei Darussalam
Legal Information	Singapore
Legal Education	Indonesia
Alternative Dispute Resolution	Vietnam
Trade and Investment	Singapore



ALA AND ASEC

- In October 2018, ALA initiated contact with ASEC during a meeting with members of the Legal Services and Agreements Directorate of the ASEC to explore opportunities for effective collaboration between ALA and ASEC.
- In March 2019, ALA President called on the ASEAN Secretary-General (Dato Lim Jock Hoi) and raised the idea of ALA-ASEC collaboration to monitor the ASEAN member states compliance with the ASEAN instruments.



ALA AND ASEC

- During this meeting, ALA presented a draft concept paper on assisting ASEC in monitoring compliance. The draft paper was well received by the ASEAN Secretary-General.
- In the same meeting, ASEC invited ALA for a presentation at the 2020 ASLOM.

ASEC-SG. In the same meeting, **ASEC also invited ALA to the next ASLOM meeting.**

36. After the meeting with ASEC-SG, at ASEC's request, ALA Singapore drafted four concept papers on four areas (including the foregoing) which ALA can contribute to ASEAN.

ASEC have given us in-principle approval for all four proposed collaborations with ASEC.

37. **Four concept papers with ASEC.** The contents of the four concept papers, with ASEC's comments is summarized at **Tab 9**, These were also disseminated to ALA National Committees in June 2019:



ALA AND ASEC

- Discussions of this meeting also led to the crystallization of four concept papers in support of ASEC's work. The four concept papers had been drafted by ALA (Singapore) and tabled for consideration at the 41st ALA Governing Council Meeting.
- The 41st ALA Governing Council Meeting had arrived at the consensus for four working groups to be set-up to further refine the concept papers.



ALA AND ASEC

- The four concept papers and their respective ALA country chairs are listed below:

Concept Paper	Chaired By
ALA's Role in Monitoring Compliance with ASEAN Instruments	ALA (Singapore)
ALA's Role in Promoting Awareness of ASEAN Legal Instruments and their Implementation	ALA (Indonesia)
Promoting Legal Convergence in the Area of Enforcement of Judgments and Arbitration Awards	ALA (Vietnam)
Establishing a Panel of Experts which ASEC can consult in specific Legal Areas	ALA (Philippines)



ALA AND ASLOM

- At the 2009 General Assembly, Professor Lawrence Boo presented a proposal to improve the enforcement process of arbitral awards and implement interim measures in support of arbitration in ASEAN. This proposal was well received by ALA countries.
- Since then, Professor Lawrence Boo's proposal had passed through the hands of a few task forces which turn it into a concept paper called the "Guidelines on Best Practices on the Enforcement of Arbitral Awards within ASEAN" ("Guidelines").
- It was decided at the 2012 ALA Governing Council Meeting for the Guidelines to be sent to the ASEAN Secretary-General for further consideration within ASEAN.



ALA AND ASLOM

- In 2013, the ALA Secretary-General (Mr Swandy Halim) presented the Guidelines to the ASEAN Secretary-General (Mr Le Luong Minh).
- The Guidelines were tabled for discussion at the 2015 ASLOM Working Group. However, the Guidelines did not receive much traction then as the law officials did not have much knowledge about the role of ALA.
- Given that ASEC invited ALA for a presentation at the 2020 ASLOM, it is probably an appropriate time to revive the Guidelines and also use the opportunity to establish a direct communication protocol between ALA and ASLOM.



Proposed ASEAN Protocol for Communication with Non-Disputing States on Treaty Interpretation Issues

- At the 2018 ASEAN Law Conference, Mr Cavinder Bull, S.C. presented a proposal on having an Investor-State Dispute Settlement protocol. His proposal was well received by the Conference delegates.
- In the aftermath of the Conference, ALA (Singapore) worked on Mr Bull's proposal to turn it into a concept paper called the "Proposed ASEAN Protocol for Communication with Non-Disputing States on Treaty Interpretation Issues".



Proposed ASEAN Protocol for Communication with Non-Disputing States on Treaty Interpretation Issues

- This concept paper was tabled before the 41st ALA Governing Council Meeting for consideration.
- The 41st ALA Governing Council unanimously agreed to set-up a working group chaired by ALA (Singapore) to further refine the paper to bring out the true intent of the protocol.



ALA Virtual Marketplace

- The 40th ALA Governing Council endorsed the concept paper titled “Virtual Marketplace for ASEAN Internship, Attachment, Placement and Training Opportunities” proposed by ALA (Singapore).
- The 40th ALA Governing Council unanimously agreed that the Virtual Marketplace will be housed under the ALA website.
- At the 41st ALA Governing Council Meeting, ALA (Singapore) made a presentation to detail the concept of the Virtual Marketplace.
- A Working Group, Chaired by ALA(Singapore) has been tasked to see this through.



ALA Virtual Marketplace

- Essentially, the Virtual Marketplace will function like a platform to match the legal training needs on the demand side to the training opportunities available on the supply side.
- On the demand side, lawyers can gain greater exposure to the legal practices and traditions of other jurisdictions through the training opportunities. This will engender familiarity with the laws of the other ASEAN members states and enable the adoption of best practices.
- On the supply side, the training providers will benefit by the widening of their network within ASEAN.



ALA Virtual Marketplace

- In the long-term, the marketplace will be an effective conduit for consistent, sustained and systematic interactions among ASEAN lawyers from the different member states. This will in turn drive efforts to harmonise ASEAN laws.
- In order to facilitate the seamless flow of ASEAN lawyers within the marketplace, each National Committee will need to engage its respective government authorities to address any regulatory issues on immigration, employment and tax.



THE ASEAN MOOT

- A mock moot trial on non-state claimants litigating on the applicability of ASEAN legal instruments in a domestic court setting was implemented during the 2018 ASEAN Law Conference.
- This mock moot trial had received positive feedback to be very interesting.
- In light of the success of this mock moot trial, ALA (Singapore) proposed to host The ASEAN Moot on a triennial basis where the final round of the moot will form one session of the ASEAN Law Conference.



THE ASEAN MOOT

- The idea is to use The ASEAN Moot as a tool to stimulate interest in the younger generation in the work of ALA and ASEAN.
- The ASEAN Moot will also help to introduce new people to ALA on a recurring basis.
- The 41st ALA Governing Council had endorsed the concept of The ASEAN Moot.



ALA GOLF

- At the 2002 ALA Governing Council Meeting, Chairman of ALA (Philippines) initiated the idea of the ALA Golf Chapter to promote fellowship and foster interaction among the legal professionals in the ASEAN countries.
- In March 2003, the inaugural tournament was held at the Sta. Elena Golf and Country Club in Laguna, Philippines.
- Since its inception, ALA (Singapore) had the honour of organising the ALA Championship Golf Tournament three times.

SN	Year	Venue
1	2006	Singapore Island Country Club (New Course)
2	2013	Raffles Country Club (Lake Course)
3	2018	Sentosa Golf Club (Serapong Course)



ALA GOLF

- ALA (Singapore) had organised the ALA Championship Golf Tournaments with sponsorships by law firms and advertisers.
- The ALA President is of the view that Golf is a game that provides an excellent platform for building relationships through friendly competition. The shared experience of overcoming the many hazards and challenges on the golf course contributes to the bonds of friendship among golfers.
- The ALA President is confident that the friendships made and enhanced on the golf course will continue to translate into positive working relationships to further strengthen ASEAN judicial and legal cooperations.
- The most recent 18th ALA Championship Golf Tournament was held at Bandung City, Indonesia in Nov 2022.



ALA NEWSLETTERS

- The ALA National Committee of the incumbent ALA President and ALA Secretary-General shall be responsible for the preparation and dissemination of the annual ALA Newsletter.
- ALA (Singapore) was responsible for the ALA Newsletter for 2019, 2020 and 2021.



THANK YOU

