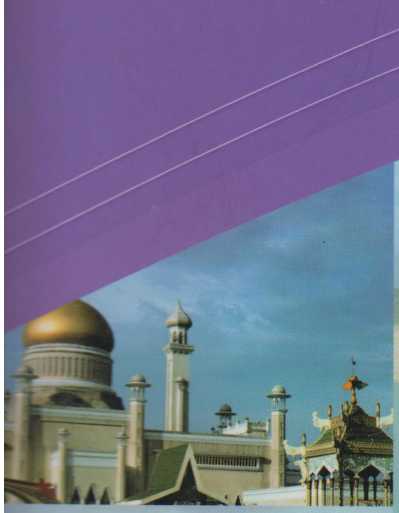
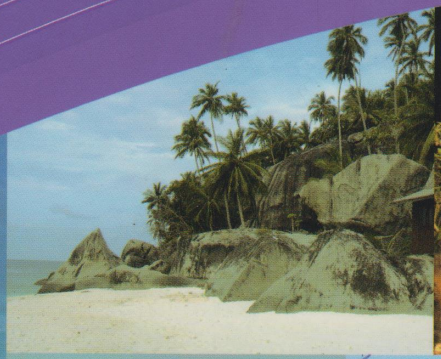
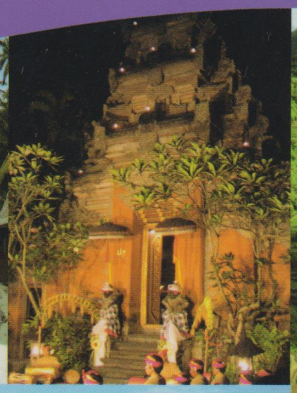
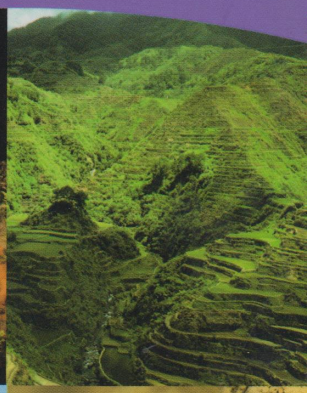
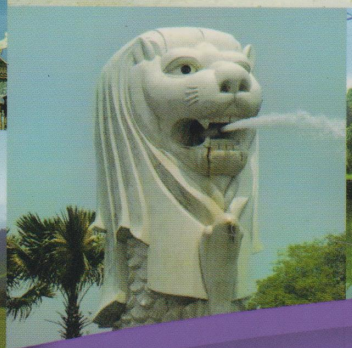
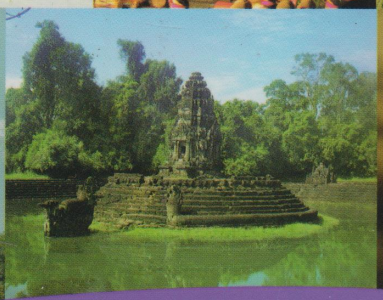
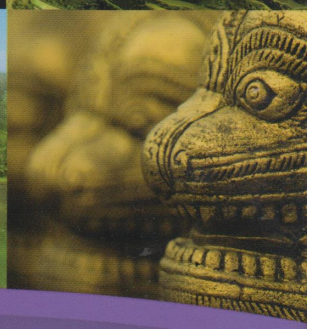
ASEAN LAW ASSOCIATION

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25 Years & Beyond

ASEAN LAW ASSOCIATION (ALA)

NOVEMBER 24, 2005 • MAKATI, PHILIPPINES

Twenty-five years ago, the Asean Law Association was born out of a desire to develop an area of cooperation among lawyers in the region. Through the initiative of Prof. Mochtar Kantaatmadja, legal luminaries from Indonesia, Malaysia, Philippines, Singapore, and Thailand met in Jakarta from February 5 to 10, 1979 with the theme, "Legal Development in ASEAN Countries."

At the conclusion of the conference, Singapore together with the Philippines proposed the creation of a non-governmental organization to promote greater cooperation among ASEAN lawyers. Pursuant to the resolution, an interim governing council was created to draft the Constitution of the ASEAN Law Association.

The Constitution and By-Laws of the ASEAN Law Association was adopted at the First General Assembly of ALA held in Manila on November 24 to 26, 1980.

The achievements of ALA throughout the past twenty five years speak well of its leaders and members who share a common vision and carry out its decisions by way of consensus.

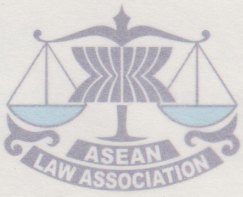
The story of ALA is a story of lawyers coming from divergent social and economic backgrounds, varied cultures, and different legal systems. It is a tale of a genuine desire to find a common ground amidst constraints and this has successfully given birth to one of the region's best organizations, the Asean Law Association.

ALA beyond 25 years is filled with hope as it embarks on new areas of cooperation among its members.

25 YEARS & BEYOND

"We all come from different countries with five different histories and cultures, but we are all united in our quest for justice, not just legal justice, but also political, economic and social justice."

Lord President Tun Mohamad Suffian
Malaysia, 1980



with the assistance of the ALA Foundation, Inc. Manila

25 YEARS & BEYOND

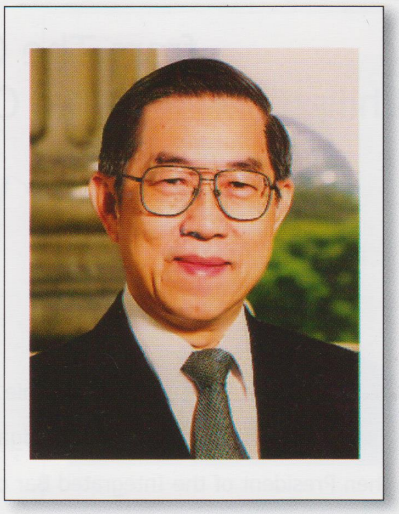


with the assistance of the ALA Foundation, Inc. Manila

from The President, ASEAN Law Association

The Honourable Justice

Chao Hick Tin



In February 1979, members of the legal fraternity of the original five ASEAN countries, comprising of judges, practising lawyers and academics, gathered for the first time in Jakarta at the invitation of the Indonesian Justice Minister. It was at that conference that the seeds for the ASEAN Law Association (ALA) were sown. In November 1981, ALA was formally inaugurated with the holding of its General Assembly in Manila. One of ALA's main objectives was the promotion of close relations among ASEAN lawyers, and the provision of an organisational framework for regional cooperation in the study of the laws of the ASEAN countries, with the ultimate aim of harmonising our laws for the social and economic development of our region.

When ALA was formed, there was already diversity — of race, language, culture, and legal and constitutional traditions and systems—among the member countries. But this did not prevent ALA from pursuing a larger regional dream. In recent years, adding to our diversity, ALA has welcomed the admission of two new member countries.

Twenty-five years on, the international environment has become increasingly globalised, inter-connected and sophisticated. Today, ALA's objectives are as important as they were in 1980, if not more so. Developments on the world stage and within ASEAN have reinforced the need for harmonisation of laws, facilitating trade and commerce and the continued relevance of ALA. ASEAN countries have much to learn from each other in the spheres of legal education, environmental laws and the resolution of disputes. I am pleased that ALA has been the leading light in the sharing of legal information amongst ASEAN countries with the publication of scholarly papers and an authoritative book on ASEAN legal systems.

This publication is a very important memorial to mark ALA's 25-year journey in pursuing its objective of promoting close relations, cooperation and mutual understanding amongst lawyers in ASEAN.

It therefore gives me great satisfaction to express my gratitude, and those of our members, to the publication committee and contributors who have worked tirelessly in bringing forth this work. ALA would be poorer without their commendable efforts.

Chao Hick Tin

from The Chairman, ALA Philippines National Committee

Avelino V. Cruz



In 1979, the late Teuku Mohammed Radhie of the Indonesian Ministry of Justice and Senator Edgardo J. Angara then President of the Integrated Bar of the Philippines made the rounds of the five ASEAN nations including the Philippines, to organize the Asean Law Association. In Mr. Radhie's words then, "*the lawyers of Asean may be late in organizing, relative to the existing ASEAN Treaty, but it is an effort which will have a long and lasting impact on the ASEAN legal community.*"

We were convinced. Thus, in 1979 in Jakarta, two historic papers authored by Tan Sook Yee, then Dean of the National University of Singapore and Senator Edgardo J. Angara, were submitted to a motely gathering of ASEAN lawyers, judges and teachers of law.

All these efforts came to fruition in November 1980 with the holding of the First General Assembly in Manila which adopted ALA's new Constitution. Serving as Chairman of the Working Committee of that first ever Assembly, I saw first hand the intense desire of the ASEAN members of the legal profession, amidst the diversity of cultures and history, to blend together under one organization for mutual cooperation.

As aptly stated by the late Lord President, Tun Mohammed Suffian of Malaysia (thereafter an ALA President):

> *"It is desirable that we judges, lawyers and law teachers should get together to discuss legal problems and ascertain how they have been solved in each other's countries. It is fortunate that there is no copyright in the law, so that we can copy freely what has been found workable in another country and thus profit from others' experience."*

Such journey has now reached 25 years, as ALA marks its silver anniversary. If the law is an instrument in political, economic and social engineering in the ASEAN region, then ALA fulfills the role of bringing the entire ASEAN legal community together, with focus for a common purpose. Therein lies the difference between ALA and the other regional bar associations of Asia. The ALA General Assembly, its Governing Council and Standing Committees, and their publications as well, have kept ALA members abreast of contemporary issues lawyers must address as they see the emergence of a borderless economic world.

Avelino V. Cruz
President, ALA of the Philippines

from The Chamber of, Supreme Court of the Philippines

Hilario G. Davide, Jr.



Today the rest of humanity looks upon the collective genius of the people of Asia. The 25th Anniversary Special Commemorative Session of the ASEAN Law Association (ALA) is an avowal of our united desire for greater regional cooperation in the spirit of equality and mutual respect. Time and again the fighting faiths that assemble today coalesce to take ambitious steps with a view to crystallize the international legal foundation for a more sustainable, harmonious, and formidable collaboration under the ASEAN vision. History has taught us that Law is a necessary instrument for the formation of our organizational framework the ends of which are economic and social progress, cultural development, and broad political consensus among the ASEAN member-states.

In keeping with the ASEAN tradition, the ALA continues to be among the principal avenues for consensus-building. The convergence of our felt needs in these sessions must take into account the increasingly globalized milieu where the notion of national boundaries must at times genuflect to the free flow of people and the ideals they embrace. Although discourses on economic and business interests among our countries may frequent the headlines, the ASEAN philosophy for greater cooperation and harmonization occupy no lesser station among our great discourses.

We have achieved many important milestones through our joint endeavors. On many occasions we have succeeded in bringing together the best legal minds of our respective nations. We have imbued into the minds of the people of Asia a more profound appreciation of our distinct legal systems united under a loftier common ethos. The ASEAN policy of consensus-building constitutes our decision-making mores, especially in the fields of conflict avoidance and dispute resolution among member-states and their nationals, a trait which finds no equivalent in any other district in the international community. These are the reasons why the ALA remains to be a relevant force today.

The sundry ethos that makes up our great civilization is stuffed with mystery, paradox, and enchantment. We have been told of our success stories of progress. We have weathered the storms of political and economic strife.

We wear these medals with great pride on our hearts. But we cannot avoid the spectacular display of horrifying poverty, of tearful anguish, where the perfect majority of our people are poor who sleep hungry and wake up hungry still. We dwell in times of great perplexity. We cannot help but witness the recurring incidence of human rights violations, and the fall of governments and their leaders because of the corruption and intrigue. We must therefore discern between genuine success and cosmetics, and steer clear of all vanity that dulls the genius and weakens the energy of the people of Asia.

But I am a firm believer that in our problems lie the most serious challenges; in their resolution lie the greatest opportunities. We therefore convene today to define the issues that slice our national conscience, to meet these challenges, and rejoice in the greatness of the Asian soul and the triumph of the human spirit.

May you continue to feel the gentle push of God's hands. May you continue to fan the divine of the people of Asia.

Hilario G. Davide, Jr.





THE FIRST 25 YEARS OF ALA:
A Vision Fulfilled and a Commitment Renewed

A HISTORICAL PERSPECTIVE OF ASEAN

Outside the context of common security concerns, the formation of a regional alliance among ASEAN countries was logical for reasons of cultural, economic and broad political cooperation. Thus, before ASEAN was organized there was a previous attempt by the respective national leaders of Indonesia, Malaysia and the Philippines to set up something of a fraternal configuration called MAPHILINDO. The ethnic affinity among Malays, Indonesians and Filipinos as well as their shared colonial experience serves as the bonding element. However, the vision of MAPHILINDO was not sustained beyond diplomatic formalities. A shared past alone was not sufficient to carry a collective dream through the complexities of crossborder relationships. Sentiments must be tempered by other realities.

Earlier, a regional alliance was formed primarily for collective defense against Communism. This was the Southeast Asia Treaty Organization (SEATO) established under the 1954 Manila Declaration. Its members were the United States, the United Kingdom, France, Australia, New Zealand, Pakistan, the Philippines, and Thailand.



△ **ASEAN LEGAL COMMUNITY-During the Interim Governing Council session in Manila, Chief Justice Enrique M. Fernando called for unity among ASEAN jurists and lawyers to help in the development of ASEAN member-nations. Photo shows Fernando at rostrum, Justice T.S. Sinnathuray of Singapore Supreme Court, Integrated Bar of the Philippines President Edgardo J. Angara, Mrs. Synaryati Hartono, Chairman, Indonesian delegation; Justice Felix Q. Antonio, Chairman, ALA Philippine National Committee; and Tun Mohamed Suffian, Lord President, Federal Court of Malaysia.**



◁ Teuku Mohammad Radhie of the Indonesian Ministry of Justice (second from left) urged ASEAN lawyers to do more than socialize and plan out more meaningful projects across national boundaries, during a meeting with Philippine members of the Interim Governing Council in 1979. From left: Justice Jose B. L. Reyes, IBP President Emeritus; former IBP President Marcelo B. Fernan, IBP President Edgardo J. Angara, and former Chief Justice Roberto Concepcion.

Beyond its limited political agenda, SEATO never had any Asian character inspite of its three Asian members.

In July 31, 1961, Malaysia, Thailand and the Philippines signed the Bangkok Declaration thus, creating the Association of Southeast Asia or "ASA" a word which means "hope" in the Malay and Thai languages.

ASEAN was born because its time had come. The focus of ASEAN is on accelerated economic growth, social progress and cultural development through joint endeavors in the spirit of equality and partnership as spelled out in its defining charter, the 1967 Bangkok Declaration.



△ Delegates in pleasant exchange of views.

▽ Participants listen to a keynote speaker during an ALA dinner.





△ **Delegates from each of the ASEAN Countries in attendance during the February 1979 meeting in Jakarta**

The potential of ASEAN as an instrument to enhance the development of its member states keenly felt by the leaders of the different legal communities in the region.

THE BEGINNINGS OF ALA

Through the sustained nurturing by the leaders of its originating members, ASEAN within a decade of its inception had created a highly positive impression in the minds of the knowledgable people in each member state. Among ASEAN watchers, those in the profession of law, be they in the judiciary, academe or practice have a professional stake in ASEAN's success. ASEAN provides a vast field for the relevance of the discipline of law.

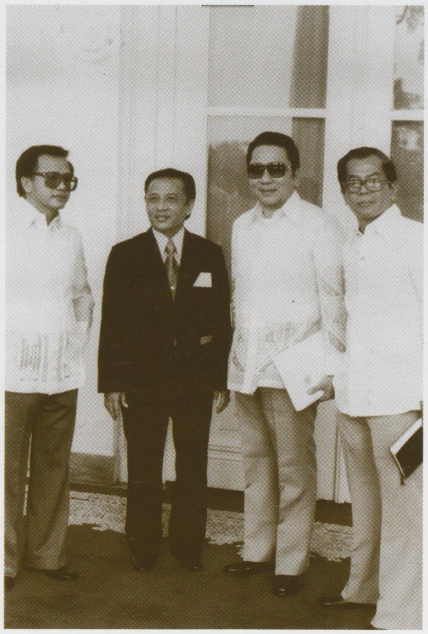
The establishment of the ASEAN Law Association (ALA) is the direct offshoot of certain initiatives taken by the then Justice Minister of Indonesia Professor Mochtar Kantaatmadya who later became Foreign Minister. He felt that it was extremely strange that while ASEAN was talking about cooperation in every field yet in the operation in the legal field was a necessary step in the direction of promoting greater ASEAN co-operation. He suggested that there should be some kind of official ASEAN body where lawyers from the then five ASEAN countries could get together to exchange views and ideas and work together. Consequently in 1978 he sent an official from the Indonesian National Centre for Law and Development in the person of Dr. Teuku Mohammed Radhie to carry out consultations to establish such a body.

The idea of a regional organization of ASEAN lawyers was conceived at a conference of jurists and lawyers in Bangkok in the early part of 1978. It was prompted by the realization of how much ASEAN lawyers needed to learn about each other's legal system and problems. International opinion already regarded the ASEAN as one of the most promising regional organizations in the world. It was felt that its further development would be enhanced by the kind of clear direction that the legal profession could give.

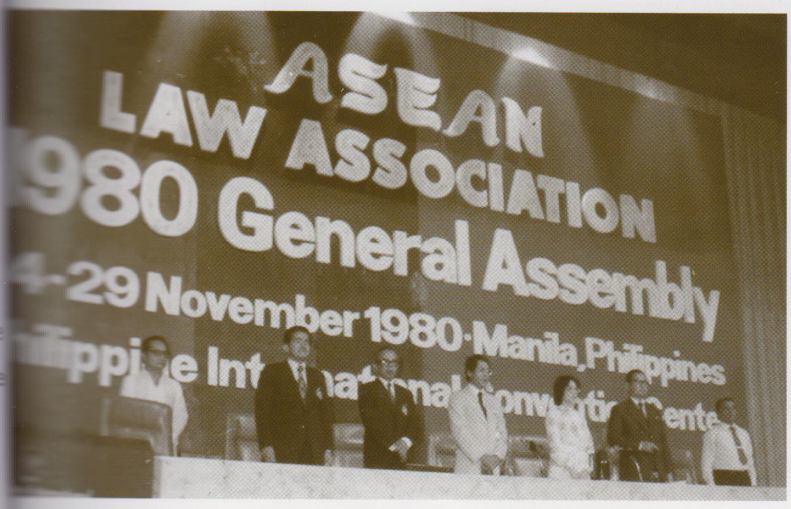
Just how the legal communities in the region would visualize their collective role in promoting the objectives of ASEAN was a major item in the agenda of a conference hosted by the government of the Republic of Indonesia in Jakarta from February 5 to 10, 1979. The theme was—"Legal Development in ASEAN Countries". In attendance were legal luminaries from each of the original five ASEAN states, namely Indonesia, Malaysia, the Philippines, Singapore and Thailand.

Conference participants were unanimous in affirming not only the relevance but more so the pivotal role of ASEAN lawyers in promoting greater cooperation within the region's organized framework. The consensus was to have a mechanism with which to carry out the task. At that Conference, the Singapore team put forward the idea of a non-governmental organization which was enthusiastically supported by all participants and a resolution to establish the ALA was adopted.

The idea was formally presented to representatives of the region's legal community at the Conference on Legal Development in ASEAN countries. Prof. Tan Sook Yee of the National University of Singapore, and Senator Edgardo J. Angara, then the President of the Integrated Bar of the Philippines, read their respective position papers explaining the need for such organization, and outlining its structure. Their proposal for the formation of an ASEAN LAW ASSOCIATION was unanimously adopted by resolution.



△ **Philippine delegates, Mr. Avelino Cruz, the late Chief Justice Marcelo Fernan and then Securities and Exchange Commissioner Gonzalo Gonzales with Dr. Teuku Mohammed Radhie.**



△ **Opening ceremonies of the first ALA General Assembly.**



△ **Delegates during courtesy call on Indonesia's First Lady at the 1979 meeting in Jakarta.**



△ **Heads of delegation during the Opening Ceremonies during the Conference on Legal Developments in ASEAN countries.**

ALA, ITS OBJECTIVES AND OTHER INITIATIVES

Pursuant to the Jakarta conference resolution, a Working Committee was formed to draft the constitution of ALA. It also served as an interim Governing Council. Among its members were Dr. Sunaryati Hartono from Indonesia; Datuk Harun M. Hashim and Prof. Datuk Ahmad Ibrahim from Malaysia; Justice Felix Q. Antonio, Attys. Serafin E. Camilon, Edgardo J. Angara and Marcelo B. Fernan from the Philippines; Prof. Tan Sook Yee, Mr. T.P.B. Menon and Mr. Chao Hick Tin from Singapore; and Dr. Keitkajorn Vachanasvasti from Thailand. The interim Secretary-General was Dr. Teuku M. Radhie.

A subsequent meeting held by Working Committee in Kuala Lumpur, Malaysia in May, 1979 saw the formal adoption of the Association's Constitution and By-Laws. The Interim Governing Council agreed to meet in Manila, Philippines on November 28-29, 1979 for the preparation for the intial convocation of the General Assembly of the Asean Law Association.

Under the Constitution, the Steering Committee is responsible for preparing the agenda and other details relating to the session of the Assembly, subject to the direction of the Governing Council.

At the November 1979 meeting, the Working Committee, now the Interim Governing Council, appointed the following as members of the 1980 Steering Committee:
Indonesia - Dr. Sunaryati Hartono
Malaysia - Datuk Harun Hashim
Singapore - Prof. Tan Sook Yee
Thailand - Dr. Kietkajorn Vachanasvasti
Philippines - Justice Felix Q. Antonio, Atty. Edgardo J. Angara, Atty. Marcelo B. Fernan, Dir. Flerida Ruth P. Romero

The Interim Governing Council meeting in Manila presided by Justice Antonio organized sessions on the following subjects: administration of justice, law and economic development, legal education and code of ethics and disciplinary procedures. Session rapporteur was Prof. Visu Sinnadeurai of Malaysia.

The Constitution and By-Laws of the ASEAN Law Association were adopted at the First General Assembly of ALA which was held in Manila from November 24 to 29, 1980. Senator Edgardo J. Angara who was then the President of the University of the Philippines and was previously the President of the Integrated Bar of the Philippines was elected as the first President of ALA. The first Secretary-General was Dr. Teuku Mohammed Radhie of Indonesia who had served in that capacity from 1980 to 1986.

As noted in the Preamble of the Constitution of ALA, certain principles define the existence of the Association. These are adherence to the aspirations and objectives of ASEAN, assistance in the maintenance of peace and the promotion of regional prosperity through legal cooperation and the advancement of the Rule of Law, demand on legal institutions by expanding economic and cultural relations among ASEAN countries, and the presence of different legal systems in the ASEAN region.

Among ALA's institutional objectives as articulated in Article III of its Constitution are:

a) To provide close relations, cooperation and mutual understanding among lawyers in ASEAN countries;

b) To provide the organizational framework for regional cooperation;

   i.) In the study of and in the laws of the ASEAN countries with a view of harmonizing those laws as required by the social and economic development of the ASEAN region;

   ii.) In promoting and facilitating the coordination of activities and the carrying out of collaboration projects, among lawyers' organizations, law faculties, legal research centers 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 herein before set out, in the publication of journals, newsletters, bulletins and in the organizing of conferences, meetings, symposia, seminars and other discussions;

c) To make organizational facilities available for ASEAN cooperation in conflict avoidance, in the arbitration or resolution of legal disputes in transnational contracts within the ASEAN region.

d) To cooperate with international, regional, national and other organizations in the furtherance of the aforementioned objectives.

An organizational structure was needed to give flesh and substance to ALA's aspirations.



Meeting of ASEAN Working Committees to draft ALA Constitution in Kuala Lumpur. From left: Jadjit Singh, Prof. Ahmad Ibrahim, Param Cumaraswamy, Abdul Hamid Modamed, Datuk Harun M. Hashim, Justice Felix Q. Antonio, Teuku M. Radhie of Indonesia, Atty. Edgardo J. Angara, Justice Antonio P. Barredo, Judge Serafin Camilon, and Atty. Jose S.F. Bengzon, Jr.

Thus, at the inception of ALA and pursuant to Article IV of its Constitution, three operating substructures were set up, i.e., the General Assembly as the policy making arm, the Governing Council as the governing body, and the Secretariat as the administrative branch.



△ Dr. Sunaryati Hartomo, Mrs. Saraswathy Deri and some delegates take a respite from business session.

To date the General Assembly which has its regular session once every three years has had eight sessions beginning with the first General Assembly in Manila in 1980. Subsequent assemblies were held in Kuala Lumpur in 1982, Singapore in 1984, Bangkok in 1986, Bali in 1989, Manila in 1992, and Kuala Lumpur in 1995. For the next four years, ALA was in hibernation, due to the full blown economic crisis in the ASEAN which forced all member nations to concentrate their energies in countering and overcoming this downturn. When the region was about to recover, the unexpected September 11th incident in the USA forced some ALA member states to suggest a delay in the planning of any activity. However, it was later decided that the Governing Council meeting be held in Brunei Darrussalam in May, 2002. Another meeting was then held in Singapore last December 2002. The last General Assembly was held in Singapore from 29 November to 2 December 2003.

Individual members participate in the sessions of the General Assembly. In the case of an institutional member, it may send five representatives to the Assembly.

The Secretariat of ALA was established in Jakarta as indicated in the Constitution and as approved by the first Governing Council.

In keeping with its ASEAN tradition, decisions of the General Assembly and the Governing Council have always been by way of consensus. Such as approach to group decision making discouraging divisive debates has contributed to ALA's continuity, growth and expansion.

ALA's Governing Council which is composed of five members from each ASEAN country had 24 meetings with the first held in Bali in 1981 and the last in Chiang Rai in June 2004.

The position of President of the ASEAN Law Association which is filled up by the General Assembly in

[illegible] at its regular session every three years had [illegible] successively by some of the most distinguished [illegible] in the ASEAN legal community. Edgardo J. Angara, [illegible] a member of the Philippine Senate, was the first [illegible] President. After him came Tun Mohammed Suffian [illegible] Malaysia, Mr. T.P.B. Menon of Singapore, Chief Justice [illegible] Kraichitti of Thailand, Chief Justice Purwoto S. [illegible]subrata of Indonesia, Chief Justice Marcelo B. Fernan [illegible] Philippines, Chief Justice Tun Mohammed Dzaiddin of [illegible], and incumbent President Justice Chao Hick Tin of [illegible].

The first Secretary General was Indonesia's Dr. Teuku [illegible] Radhie. Succeeding him in chronological order [illegible] Dr. Komar Kantaatmadja of Indonesia, Atty. Avelino V. [illegible] the Philippines, Mr. Shamsul-Bahrain bin Ibrahim of [illegible], and Mr. Charles Lim Aeng Cheng of Singapore.

Since any real spadework in any deliberative collegial [illegible] undertaken in small functional groups, ALA created Standing Committees with each given task of studying how legal cooperation among ASEAN countries in certain fields of common interest can be better addressed. The present Standing Committees are the Committee on Judicial Cooperation, the Committee on International Law, the Committee on Legal Profession, the Committee on Business Law, the Committee on Legal Education, and the Committee on Legal Information.

ALA'S CONTINUING MILESTONES

From the seed of a shared vision that sprouted in the minds of lawyers from the original five ASEAN countries in a conference in Jakarta in 1979, ALA has grown as a vibrant and strong institution.

ALA's growth process is defined by the expansion of its memberhsip, by the broadening of its horizon, by mapping new areas for institutional environment, and by going farther and deeper towards greater cooperation and harmonization.



Chief Justice Tun Mohammed Dzaiddin and former Secretary General Shamsul Bahrain bin Ibrahim pose with CHR Chairperson Aurora Recina.

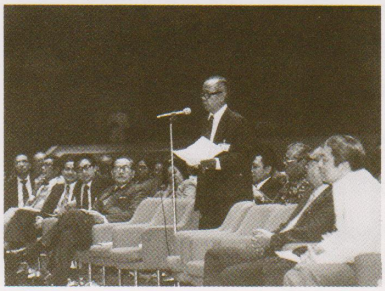


△ ALA officers listen to Guest Speaker during luncheon in General Assembly.

Along the way, ALA has carved certain milestones. The ASEAN Law Foundation, Inc. was incorporated under Philippine law in 1982 to promote ALA's social and cultural objectives through such activities as legal research and training, cultural exchange, studies on comparative law, scholarship grants, professorial chairs and legal aid.

To provide a proper vehicle for works of scholarship on any aspect of operative law within the context of diverse legal systems and traditions in the region, the maiden issue of the ASEAN Law Journal was published in September, 1982 through the efforts of ALA's Philippine National Committee with professional assistance from the University of the Philippines Law Center.

▽ A delegate raises a question during open forum.



Also in the same year, the whole idea of presenting in print various studies on comparative legal systems operating in ASEAN was proposed and articulated by the late Lord President of Malaysia, Tun Mohamed Suffian. Such a landmark publication would provide insights into the logic of ASEAN legal diversity and, therefore, encourage

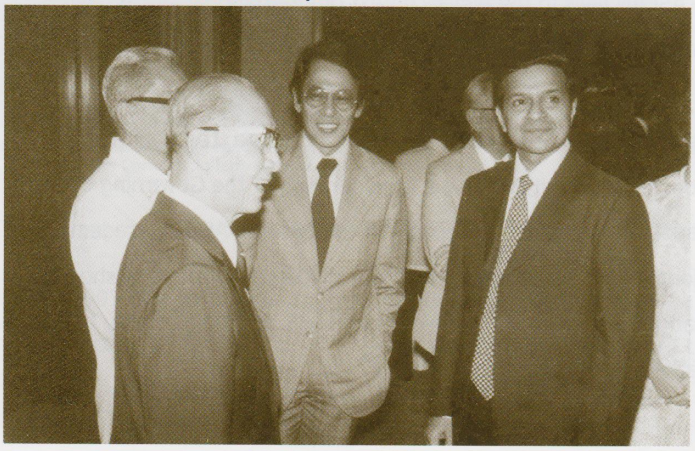


◁ ALA Officers including Justice Antonio T. Carpio and Faculty of U.P. Institute of International Legal Studies listen during the launching of the ASEAN Business Law Program held in Diliman, Quezon City (1996).



△ **ALA Secretary-General Shamsul-Bahrain together with ALA Philippines President Ysidro Perez and ALA President Dzaiddin during the Launching of the ASEAN Business Law Program.**

▽ **Past Presidents Edgardo Angara and TPB Menon with Chief Justice Roberto Concepcion and Justice J.B.L. Reyes.**



The identification of areas of congruence as well as points of connection. It was envisioned to be a comprehensive and authoritative reference material for both lawyers and students of law.

What came out after five years of collaborative efforts among law scholars in ASEAN was less than what has been generally regarded "*Legal Systems in the ASEAN Region*" which was published in 1981 during the Presidency of Chief Justice Sansern Kaewkumnerd of Thailand did not include all the legal systems in the region. Only the legal systems of the Philippiones and Thailand were covered by this publication. The scholarly articles were "*Legal Systems in the ASEAN Region*" by Professor Myrna S. Feliciano, "*Introduction to the Thai Legal System*" by Borwornsak Uwanno and Surak Sathirathai and "*The Future of ASEAN Legal Cooperation*" by Vitit Muntarbhorn.

Despite of limitations, years of collaboration to produce "Legal Systems in the ASEAN Region" created momentum that finally led to the publication in 1995 of the authoritative volume - "*ASEAN Legal Systems*" principally thru a joint effort of then ALA President, the late Chief Justice Marcelo B. Fernan of the Philippines and then ALA Secretary-General Avelino V. Cruz with the able assistance of Justice Chao Hick Tin from the Singapore National Committee.

As a complementary undertalking, ALA initiated in 1985 the Law Professional Exchange Programme through the sponsorship of The Asia Foundation. The resource persons were such legal luminaries as then Justice Minister Ricardo C. Puno of the Philippines, Dr. Apirat Petchsiri of Thailand and Dr. Sunaryati Hartono of Indonesia. They spearheaded a series of lectures in ASEAN countries to give a profile of the uniqueness of their respective legal systems.

In June 1986, ALA was accredited as a non-governmental organization by ASEAN in the fifth meeting of the Standing Committee in Manila and was furnished a copy of the "Revised Guideleines for Asean Relations with Non-Governmental Organizations." This gave ALA the

necessary standing to initiate programmes in legal cooperation at the official level. Justice Sansern Kraichitti, Chairman of the ALA National Committee of Thailand was appointed as representative of ALA to the International Bar Conference in New York, September, 1986.

A milestone on legal scholarship, the 8-volume **ASEAN Comparative Law Series** was published by the University of the Philippines Law Center. This major item in ASEAN legal bibliography has opened a new door to a better understanding and appreciation of ASEAN laws.

Such publication became a source of information for ASEAN lawyers in appreciating the region's different legal philosophies and traditions other than their respective national legal systems. In addition, ASEAN laws in the wider context of international law as demanded by the accelerated pace of the globalization of trade and commerce.

With these premises in mind, Dr. Sunaryati Hartono of Indonesia, the Chairman of the Committee on Legal Education submitted for the consideration of the Governing Council during its meeting in Singapore in May 1989 a proposal to establish an ASEAN Academy of Comparative and International Law. The concept which was discussed in the Workshop on Cooperation in Legal Education held in Jakarta in December, 1988 bears a similarity to The Hague Academy of International and Comparative Law.



The Philippine delegation is seen here, from right to left: Attorney Barbara Ann Migallos, Attorney Regina Padilla-Geraldez, Attorney Avelino V. Cruz (Chairman, National Committee of ALA Philippines). In the picture is also seen a part of the Malaysian delegation. Next to Y.A. Puan Siti Norma Yoakop are Puan Ranita Hussein and Mr. Param Cumaroswamy.



△ **Lady delegates during one of the opening ceremonies of an ALA event held in Manila. Right to left: Atty. Teresita C. Sison, Justice Corazon Juliano Agrava and Atty. Ester Sison Cruz.**

Towards the mid-90's, the focus was more on contemporary economic issues and concerns with their legal ramifications.

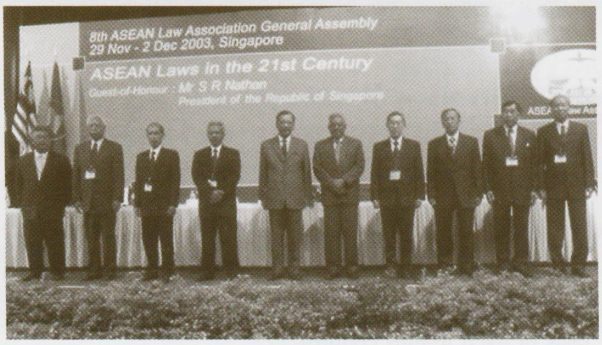
Thus, a Regional Symposium was conducted in Cebu City, Philippines in December 1994. Two leading topics—the General Agreement on Tariffs and Trade (GATT) and Intellectual Property Rights were the subjects of lectures and discussions.

Subsequently, the ASEAN Business Law Programme was launched in September, 1996 in Quezon City, Philippines. It was initially a two-week learning acivity divided into several modules in order to facilitate a fundamental grasp of the main features of the economic laws of each ASEAN country.

Just as the circle of membership in ASEAN has expanded beyond its original members to include other countries, so also has ALA extended its reach as well.

A unanimous resolution was passed during the Third General Assembly in Singapore in November 1984 to invite lawyers from Brunei Darussalam to participate in the activities of ALA. Much later during the Eight General Assembly held in





△ **Justice Chao Hick Tin with Thai delegation during the 8th General Assembly held in Singapore.**

◁ **H.E. President S R Nathan with Heads of Delegation. (L-R) Dato Paduka Hj Kifrawi Bin Dato Paduka Hj Kifli (Brunei); Chief Justice Prof Bagir Manan SH MCL (Indonesia); Mr. Khamkong Liemphrachanh (Laos); Justice Dato' Hashim Yusoff (Malaysia); Tun Dato Seri Mohamed Dzaiddin Bin Hj Abdullah (ALA President); Mr. S R Nathan (President of the Republic of Singapore); Justice Chao Hick Tin (Singapore); Atty. Avelino V. Cruz (Philippines); Chief Justice Atthaniti Disatha-amnarj (Thailand); Prof. Dr. Nguyen Nien (Vietnam).**

Singapore in December 2003, Laos and Vietnam were formally inducted as new members.

Looking at ALA's transformation in perspective from a mere idea in Jakarta in 1979 to a vibrant institution that it is now, Atty. Avelino V. Cruz, Chairman of the Philippine National Committee and who was ALa's Secretary-General from 1992 to 1995 observed, "*ALA is the collective handiwork of all those in the ASEAN legal community who each contributed a building block through a sustained commitment to make the profession of law an instrument for regional cooperation.*"

Arguably, the best testimonial to ALA's institutional relevance came from the ASEAN Law Ministers themselves who commended ALA for its most valuable contribution to legal scholarship in the region. ALA's pivotal role in the clarification of the legal implications of the implementation of the ASEAN

Trade Area (AFTA) is formally recognized and
in the top-level ministerial circle of ASEAN.

PLORES THE ROAD AHEAD

Milestones which have been carved by ALA in its
of continuing relevance are stepping stones to
accomplishments.

The kind of achievement in store for ALA will be
by an understanding of the nature of the road
lies ahead.

Singapore President S. R. Nathan in his speech
the opening ceremony of the Eight General Assembly
Singapore on Novermber 29, 2003 visualized a
set of realities within which ALA must
its worth. He emphasized that the goals of the
states within ASEAN which all converge in a
desire to improve the economic well-being of



△ **President Nathan exchanging a friendly handshake with Dean Bartolome Carale of Philippines as HE President Nathan of Singapore takes his leave at the Opening Ceremony.**

their peoples must be achieved "*within the context of an increasingly interconnected and globalized world where national borders no longer restrict the flow of people and ideas, let alone goods and services.*"

With clear underscoring he said, "*It is in this very changed context that the ASEAN Law Association must seek to remain relevant.*"



◁ **The General Assembly in session at the Island Ballroom of the Shangri-La Hotel in Singapore.**

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.

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;

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

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

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

The Assembly shall at its triennial sessions elect from amongst the members of the Council mentioned in Article 6.2;
a) A President; and
b) A Secretary-General.7
Every person elected under Article 7.1 shall hold office for a term beginning with his election and ending on the election of his successor.
Only individual members or representatives of institutional members, who by actual attendance at the Assembly and who are not disqualified under these Rules, are eligible for nomination and election as President or Secretary-General.

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 Secretary-General, his country's National Committee shall as soon as may be practicable name his successor for the remainder of the term.8
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 the 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.
The Chairman of the National Committee of each ASEAN country shall 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 senior of the Vice-Presidents shall perform the duties and functions of the President.
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

Article VIII - The Secretariat

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 countries as the Governing Council may designate.10

Article IX - Finance

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

Article X -Logo

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

* * * * * * * * *

BY-LAWS OF THE ASEAN LAW ASSOCIATION
(Incorporating amendments as at 1st June 2004)

Membership

1. Every application from an ASEAN country for membership in the Association shall be made to the National Committee of that country. Such application shall be duly signed by the applicant and, in the case of an organisation, by its duly authorised officer. The application shall state the name and address of the applicant and, in the case of an organisation, must be accompanied by a copy of its Constitution, By-Laws and a statement of the number of its members.
2. The application shall after being processed by the National Committee be submitted by the National Committee to the Secretary-General who may require additional information on the applicant.

Dues

3. Membership dues for individual and institutional members shall be in such amounts as may be prescribed by the Governing Council from time to time.1
4. [Deleted]2
5. The Council may impose special levies on members for such special purposes as it may deem necessary.

Sessions of the Assembly

6. The notice of each Meeting of the Assembly shall be given to the National Committees not less than six (6) months prior to date of the Meeting, and the Agenda for the Meeting shall be given to the National Committee not less than thirty (30) days prior to the said date.
7. For each session of the Assembly there shall be a Steering Committee to be appointed by the Council. The Steering Committee shall consist of the President of the Association and not more than five (5) other members to be designated by the Council. The Steering Committee shall be responsible for preparing the agenda and other details relating to the session of the Assembly subject to the approval of the Council.3
8. The Council may determine the amount of any conference fees, and manner of their payment.
9. Deliberations of the Assembly, the Council and at any Committee of the Association shall be conducted in English.
10. No person, other than a member of the Association, may address the Assembly or any committee thereof except upon the permission of the President or Chairman or at the invitation of the Council.

Honorarium and Expenses

11. The expenses officially incurred by the President, the Secretary-General and the Secretariat shall be borne by the National Committee which nominated the President and the Secretary-General for election at the General Assembly.4
12. [Deleted]5

Defaulters

13. Any member who is in arrears of his or its dues or levies shall have his or its rights and privileges of membership suspended.

National Committee

14. a) A National Committee shall be established in each ASEAN country consisting of not more than ten (10) members to be elected by the Members of the Association from that country.
b) Not less than two (2) 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.
c) A Chairman shall be elected by the Members of the Association from that country from amongst the members of the National Committee.
d) The five (5) Members of the Governing Council from that country appointed under Article 6.2 of the Constitution shall be the Chairman and four (4) other Members of the National Committee.
15. The National Committee may impose and collect its own dues and levies for its own use and for the expenses referred to in By-law 11, if any.6

Representation

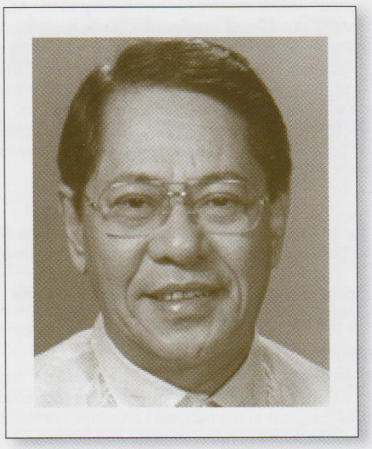
16. Each institutional member shall be entitled to send five (5) representatives to the Assembly.

Seal of the Association

17. The Association shall have a seal, the form of which shall be determined by the Council. The seal shall not be affixed to any instrument or document except on a resolution of the Council and shall be attested by the Secretary-General.

1 was amended at the Governing Council Meeting in Singapore on the 1st December, 2003.

THE PRESIDENTS OF ALA



SENATOR EDGARDO J. ANGARA

1980-1982

A product of the University of the Philippines (Bachelor of Laws, 1958), and the University of Michigan (Master of Laws, 1964), Senator Edgardo J. Angara founded one of the Philippines' most prestigious law firms – the Angara, Concepcion, Cruz, Regala, Abello (ACCRA) Law Offices.

As President of the Integrated Bar of the Philippines, he was responsible to the establishment of its national headquarters and doing the spadework for the creation of the Asean Law Association.

He gained prominence during his stint as President of the University of the Philippines from 1981 to 1987. He placed 5th in the senatorial elections and served as Senate President from 1993 to 1995. As legislator, he was identified with landmark laws in education, health, the arts, and agriculture. Under his helm, he was responsible for the passage of 100 economic measures including the creation of the new Philippine Central Bank and incentives for foreign investors.

As Secretary of Agriculture in 1998, he was responsible for the growth of the sector to 6.7 percent from its negative 6.6% performance.

He served as Chairman of the Philippine National Bank in 1999 until he assumed the position of Executive Secretary on January 6, 2001.

Educator, legislator, banker, corporate lawyer, art patron and weekend farmer, Senator Angara served as the first President of the Asean Law Association from 1980 to 1982.

MOHAMED SUFFIAN MOHD HASHIM

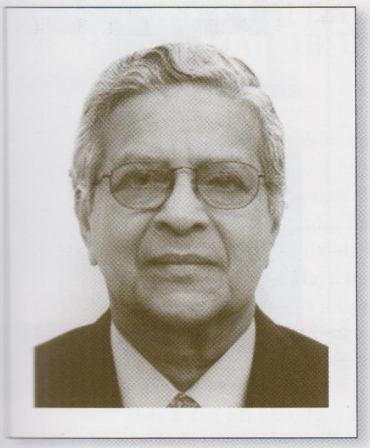
1982-1984



"What a Man! What an Icon!"

This is common expression of those who knew Mohamed Suffian, also ready known as 'SUFF' of Tin Suffian in ALA. Together with his inseparable English born wife—Bunny, Mohamed Suffian was the life and soul of ALA during its early days. As one of the founder members of ALA and as one of its Presidents, Mohamed Suffian expended considerable effort and energy to create ALA and nurture it during its infant years. It is upon the foundations set by Mohamed Suffian, and other founding members, that ALA, in subsequent years was able to achieve and accomplish its many projects successfully and with ease and efficiency.

On 26 September 2000, many Malaysians learned of the passing away of Mohamed Suffian at the age of 84. At home, in Malaysia, he was mourned by all. The entire nation loved this man. His humble beginnings (a 'kampung boy', village lad in Malay), his scholarly achievements (winning a Queens scholarship to Cambridge University to read law), his attainment to high office (as Lord President which is equivalent to Chief Justice of Malaysia) and his forward and honest views together with his brave stand (made after his retirement from the judiciary when Malaysia's judiciary encountered difficulties with its independence) and his humility made him virtually a hero. It is not surprising that soon after his death, the government of Malaysia, in recognition of his service to the nation, honoured him with the creation of a judicial and legal museum in Kuala Lumpur to be called—"Tin Suffian Memorial."



T P B MENON

1984-1986

A founder member and President, of the ASEAN Law Association, when Third General Assembly was held in Singapore from November 12-15, 1984. Mr. Menon has been involved in ALA since its inception in 1979. Mr. Menon was formerly President of the Law of Society of Singapore, President of the Strata Titles Board, member of the Military Court of Appeal, member of the Senate of the Law Academy, Chairman of the Disciplinary Committee appointed by the Chief Justice, and Deputy Chairman of the Board of Legal Education.

Currently, he is a member of the Editorial Advisory Board of Halsbury's Laws of Singapore published by Butterworths as well as Executive Committee Member of ALA Singapore.

JUSTICE SANSERN KRAICHITTI

1986-1989



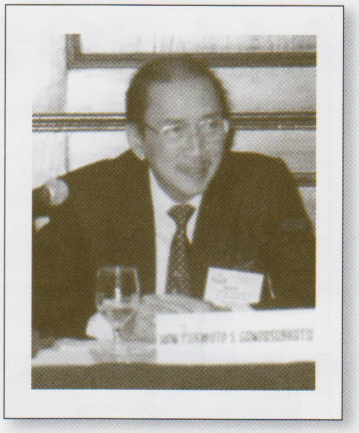
Justice Sansern Kraichitti of Thailand is one of the initiators of ALA who attended the "Conference on Legal Development in ASEAN Countries" hosted by the Indonesian Ministry of Justice in Jakarta in February, 1979. He was elected President of ALA when the Fourth General Assembly was held in Bangkok, Thailand from November 15-19, 1986.

Born in 1926, the Honourable Sansern Kraichitti graduated as a Bachelor of Laws from Thammasat University, Bangkok, in 1946 and was admitted as a Barrister-at-Law (Thai) in 1947 and of Lincoln's Inn, London, 1952.

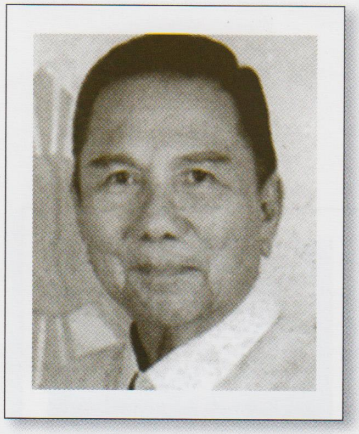
Prior to his appointment as Justice of the Supreme Court, he had occupied the positions of Vice President of the Supreme Court, Judge of Chiangmai Law Court, Chief Judge of Puket Province, Secretary of the Supreme Court and Secretary General of the Thai Bar, Senior Judge of the Court of Appeal, Justice of the Supreme Court and Chief Justice of the Civil Court and Senator, 1991-2000. Presently, he is a member of the Permanent Court of Arbitration at The Hague Peace Palace; Chairman of the 7th Committee of Law Drafting, Council of State; Member of Executive Committee, National Research Council of Thailand and Thai Red Cross Society.

CHIEF JUSTICE PURWOTO S. GANDASUBRATA

1989-1992



Chief Justice Purwoto Gandasubrata was elected President of the ASEAN Law Association during the Fifth General Assembly held in Bali, Indonesia from December 5-10, 1989 when he was Vice Chief Justice of the Supreme Court of Indonesia. His election as ALA President was meaningful because the General Assembly was held in conjunction with The Tenth Anniversary of ALA with the corresponding Theme of "Harmonization of Laws with the Asean Region."



MARCELO B. FERNAN

1992-1995

"Feelings, nothing more than feelings. Trying to forget my feeling of love."

These are the lyrics by which many at ALA will remember Chief Justice Marcelo B. Fernan who, sadly passed away in the Philippines on July 11, 1999. This song "Feelings" was often crooned by this remarkable personality during the many memorable social evenings which accompanied ALA general body meetings. Those who knew Chief Justice Fernan, as he is still reverently addressed, would agree that this man, despite his great and substantial achievements, was always abound with a humane feeling towards his fellowmen in all his undertakings. It is this sensitivity that attracted many to him and be guided by his leadership. As President of ALA during 1989 to 1992, Chief Justice Fernan travelled the region and fostered relationships not only between member nations but also ordinary members of each chapter.

Chief justice Fernan graduated from among the top ten of his class from the College of Law of the University of the Philippines in 1952. He obtained his Master of Laws from Harvard University in 1953. He taught law and was a law practitioner in Cebu before he entered the government service as member of the Cebu Planning Board. Later, he became a member of the Cebu Provincial Board, delegate to the Constitutional Convention and Assemblyman (Assistant Minority Leader) in the Batasang Pambansa. He was appointed Associate Justice of the Supreme Court and later assumed the post of Chief Justice.

Beside his devotion to ALA, Chief Justice Fernan's contribution to his own country—the Philippines, is most commendable. In 1995, after retiring from the Judiciary with numerous years of dedication, he was elected to the Philippines Senate and, in subsequent years, became the President of this august body. By this, Chief Justice Fernan became the first person in the history of the Republic of the Philippines to have headed two of the three branches of government: as head of the Judiciary and the Legislature.

For all his accomplishments in the judiciary, he received awards in civic, legal and educational fields. As legislator, he was responsible for the passage of measures related to the improvement of the judiciary and the dispensation of justice and other significant measures like Social Security Act of 1997, the Clean Air Act and the Visiting Forces Agreement.

MR JUSTICE TAN SRI DATO' SERI MOHAMED DZAIDDIN bin HAJI ABDULLAH

1995-2003



Chief Justice Tan Sri Dzaiddin hails from the northern Malaysian state of Perlis. After completing high school he ran a stint as a newspaper reporter as well as an officer of the Royal Malaysian' Police. In 1961, he proceeded to the United Kingdom to read law at Middle Temple and was called to the English Bar in 1966. Upon his return to Malaysia he was in active private practice and rose to be Vice-President of the Malaysian high Court Bench in 1982. After a period of nine years as a High Court judge, he was promoted to the Supreme Court of Malaysia (now changed to Federal Court). He served as a Federal Court judge until his appointment to as its Chief Justice on November 9, 2000.

Chief Justice Tan Sri Dzaiddin is a lifetime member of the Asean Law Association of Malaysia and has participated actively in all the activities of this local chapter. He became its President in 1994 and held this position until his election to the presidency of ASEAN LAW ASSOCIATION.

It is the first time in the history of ASEAN LAW ASSOCIATION that a current president of this association is appointed to the highest legal office in a member nation.

With his impeccable reputation of being a fair-minded judge and his vast administrative experience, the ASEAN LAW ASSOCIATION benefitted from his able leadership.



MR. JUSTICE CHAO HICK TIN

2003-

Justice Chao Hick Tin was elected President of the ALA on December 2, 2003 at the 8th ALA General Assembly held in Singapore. He was one of the founding members of the ALA and a member of the Working Committee established in February, 1979 in Jakarta to draft the ALA Constitution.

Justice Chao received his legal education at University College, London and the Middle Temple, London. Having served twenty years in the Attorney-General's Chambers, he was elevated to the Supreme Court of Singapore as a Judicial Commissioner in 1987 and later as a Judge in 1990. On August 2, 1999, he was appointed as a judge of Appeal of the Supreme Court, a position he currently holds. He is also presently a Vice-President of the Singapore Academy of Law and the Chairman of the Singapore Mediation Centre.



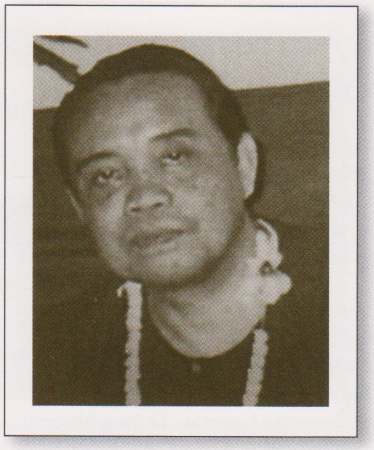
DR. TEUKU MOHAMMED RADHIE

SECRETARY-GENERAL, 1980-1986

Mr. Teuku Mohammad Radhie served as the Interim Secretary-General of the 1980 Governing Council and the first ALA Secretary-General from 1980-1986.

Dr. Teuku Mohammad Radhie is instrumental in the formation of the Asean Law Association. As Director of the National Centre for Law and Development (BPHN), he visited the other Asean countries upon instructions of then Justice Minister Prof. Mochtar Kantaatmadja. Motivated by the idea that lawyers have an important role to play in promoting regional peace and stability through abiding respect for justice and rule of law in the relationships among ASEAN, he coordinated conference on "Legal Development in the Asean Countries" in Jakarta, Indonesia on February 5-10, 1979. As Secretary-General, he was responsible for the ALA Library at Jakarta, the ALA Newsletter during his term and in the inclusion of ALA in the Yearbook of International Organizations, 1986-1989, as well as the accreditation of ALA as a non-governmental organization with the ASEAN. He was elected Chairman of the Second Asean Senior Legal Officials Meeting held in Jakarta from September 26-28, 1985.

Dr. Radhie passed away peacefully in Jakarta on March 11, 1992.



PROFESSOR DR. KOMAR KANTAATMADJA

SECRETARY-GENERAL, 1986-1992

Professor Dr Komar Kantaatmadja of Indonesia was one of founding members of ALA. In 1986, he was Secretary-General of ALA. From the day of ALA's conception, he has represented Indonesia at all ALA meetings. He was the youngest Dean of the Padjadjaran University Law School and taught there until a week before he was admitted to hospital where he died in May, 1998 at the age of 59. With his demise, ALA once again lost one of its strongest supporters.

As a tribute to Professor Dr Komar, ALA Secretary-General, Mr Shamsul-Bahrain dedicated this:

TRIBUTE TO PROFESSOR DR KOMAR KANTAATMADJA

From Bandung there was so stout a man
In English and Dutch too educated he was
A lawyer by profession and in all manner of man
Under "Mochtar, Kawuwin & Komar"
so successful he was

A kind and gentle heart he had
In ALA in our beliefs we alike
Many good times together we had
Enjoying "kari kepala ikan" and the like

He was a man of intelligence
As secretary-general he was elected
He set about the assigned job with diligence
On harmonisation of ASEAN laws, time he devoted

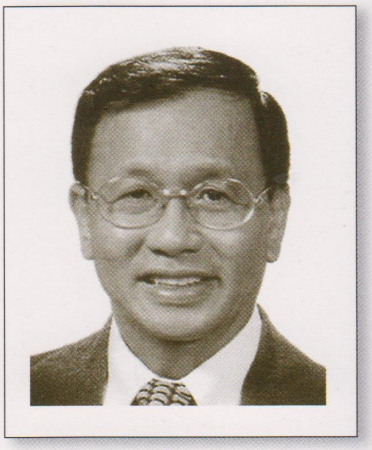
Far and wide he travelled as legal practitioner
Meeting international clients
and giving evidence,
New York and Amsterdam so was
Tokyo as near
Whatever he did he was brimming with confidence.

His jesting of the situation was central to his tete-a-tete
His intermittent burst "orang Pahang"
spiced with humor
Petroleum law had always been his forte
On pipe tobacco he brought tantalizing aroma

To Prof. Dr. Mieke Komar
From Allah we came,
and to Him we return
Weep no more nor sigh,
no groan
Sorrow calls no time that's gone
Fate's hid and eyes cannot see.
Al-Fatihah

ATTY. AVELINO V. CRUZ

SECRETARY-GENERAL, 1992-1995



Atty. Avelino V. Cruz is the Founding Partner of Angara Abello Concepcion Regala & Cruz (ACCRALAW), one of the Philippines' largest and most prestigious Law Firms. He is the incumbent Chairman of the ALA Philippine National Committee and is the President of the Asean Law Association of the Philippines.

Mr. Cruz served as Chairman of the Working Committee of the first ALA General Assembly in Manila in 1980, working closely with the first ALA Secretary General Teuku Radhie and first ALA President, Edgardo Angara. In 1992, he was elected ALA Secretary General. During his term, ALA initiated the region-wide study "Asean Legal Systems" published in 1995 by Butterworths Asia. Mr. Cruz represented ALA in 1999 at the Singapore Conference held by the American Law Institute, the US Supreme Court think-tank and, shortly thereafter, was the first Filipino elected to membership in that prestigious society. In 2002, at the Singapore ALA Governing Council meeting, Mr. Cruz initiated the organization of the ALA Golf Chapter which has since heightened mutual cooperation among ALA members. Mr. Cruz had served as President of the Manila Golf Club in its centennial year in 2001, Asia's oldest and the Philippines' most prestigious club.

Mr. Cruz is a respected and experienced lawyer in Philippine corporate law and litigation, having served in the boardrooms of major Philippine companies, and is a recognized expert in the Philippine oil industry. On various occasions, he had assumed leadership positions in the Philippines' principal law societies such as the Integrated Bar, the Legal Management Council, the Citizens Legal Aid Society and, recently, as National Chairman of the Lawyers for Electoral Advancement & Democracy (LEAD).

He holds a degree of Bachelor of Laws, *Magna Cum Laude* from the San Beda College of Law, a Master of Laws degree from the University of Michigan, and was a Ford Fellow at the University of California, Berkely. At the age of 20, he received a special permit from the Philippine Supreme Court to take the national Bar Examinations and placed first, the youngest candidate in the history of the tests to assume that honor.

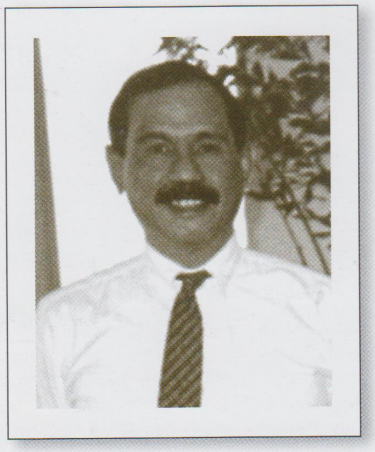
In 1986, following the EDSA revolution, he served as legal adviser to then Vice President and Prime Minister Salvador H. Laurel. In that capacity, he served as head of the Working Committee (composed of Supreme Court Justices Reynato Puno and Minerva Reyes and Secretary Fulgencio Factoran, Jr., as members), which drafted the "Freedom Constitution" that governed the Philippines from March, 1986 to February, 1987 when the 1987 Constitution took effect.

In 2001, he was conferred the "Bedan of the Century" award on the occasion of the Centennial celebration of San Beda College in the Philippines.

Mr. Cruz is an accomplished classical pianist, and has composed the music for the "ALA Hymn" to be presented at the 25th anniversary celebration of ALA.

MR. SHAMSUL-BAHRAIN BIN IBRAHIM
SECRETARY-GENERAL, 1995-2003

Mr. Shamsul-Bahrain was the 4th Secretay-General of the ASEAN Law Association. He assumed this position when Chief Justice Tun Mohammed Dzaiddin was elected as ALA President in 1995 when the 7th ALA General Assembly was held in Kuala Lumpur, Malaysia. He became the editor of the ALA Newsletter from 1993-1994.





MR. CHARLES LIM AENG CHENG
SECRETARY-GENERAL, 2003

Mr. Charles Lim Aeng Cheng was elected Secretary-General of the ALA on December 2, 2003 at the 8th ALA General Assembly held in Singapore. Mr. Lim graduated with a BA (Hons) from Cambridge University and was called to the English Bar in 1980. He is currently Principal Senior State Counsel, Law Reform and Revision Division, Attorney-General's Chambers and Law Revision Commissioner. He is also Vice-Chairman of the National Internet Advisory Committee's Legal Sub-Committee and member of the Bioethics Advisory Committee. In 2000 and 2002, he served as a memner of the Commonwealth Expert Group on Legal Aspects of Information Technology and the Laws of Evidence.

He is the co-author of "Goods and Services Tax," LexisNexis 2nd Ed 2002, Halsbury's Law of Singapore, Vol 16, LexisNexis 2004, "E-Commerce Business Models" in Leading the Law and Lawyers into the New Millenium @2020, Butterworths 2000 and "Effective Transnational models of Collaboration" in "Cyber Security: Turning National Solutions into International Cooperation," CSIS Press, Washington DC, 2003.


GOVERNIN
STANDING C
DUSIT ISLAND


CIL AND
MEETING

GENERAL ASSEMBLY

First General Assembly, Manila, Philippines

24-29 November 1980

Workshops on:

1. **Administration of Justice - Procedural Reforms in Court Congestion**

   Paper Presentors:

   Purwoto Gandasurbrata (Indonesia)

   Siti Norma Yaakob (Malaysia)

   Antonio R. Bautista (Philippines)

   Michael Khoo Kah Lip (Singapore)

   Prasobsook Boondech (Thailand)

2. **Continuing Legal Education**

   Paper Presentors:

   Sunaryati Hartono (Indonesia)

   Visu Sinnadurai and Ahmad Inbrahim (Malaysia)

   Flerida Ruth P. Romero (Philippines)

   S. Jayakumar and Tan Sook Yee (Singapore)

   P. Kovilaikool and K. Vachanasvasti (Thailand)





△ Delegates during reception.



Delegates during a workshop session.

Delegates paid a courtesy call on Philippine President Marcos during the First General Assembly held in Manila in November 24, 1980.



3. **Business Organizations, Foreign Corporations and Transnational Corporations**

Paper Presentors:

Charles Himawan (Indonesia)

Heliliah Yusof (Malaysia)

Jose F.S. Bengzon, Jr. and Adolfo S. Azcuna (Philippines)

Andrew Ang and Philip Pillai (Singapore)

Nobpun Muangkote (Thailand)

4. **Domestic and Off-Shore Financing and Syndicated Loans**

Paper Presentors:

T.M. Zahirsjah (Indonesia)

S. Woodhull (Malaysia)

Gabriel C. Singson and Manuel G. Abella (Philippines)

Chan Seek Keong (Singapore)

Jayavadh Buñnag (Thailand)



△ Souvenir photo of delegates during meeting held in Manila.

5. **Reciprocal Enforcement of Judgements and Service of Processes**

Paper Presentors:

R. Subekti (Indonesia)

Abdul Hamid Mohamed (Malaysia)

Vicente A. Torres (Philippines)

Roderick E. Martin (Singapore)

Wikrom Moolanond (Thailand)

6. **Settlement of Commercial Disputes**

Paper Presentors:

Marian Darus Badrulzaman (Indonesia)

Zakaria Bin Mohd. Yatim (Malaysia)

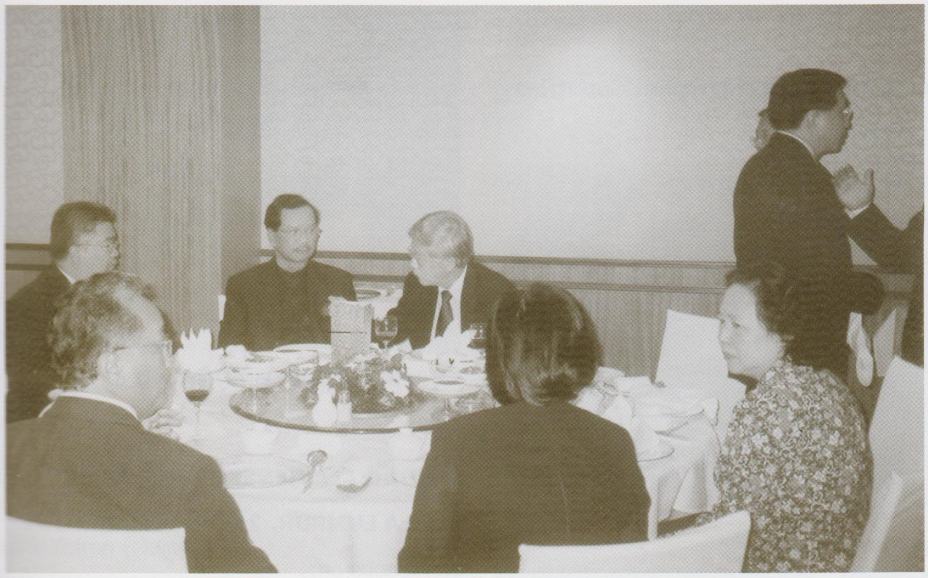
M. Karthigesu (Singapore)

Suwit Suwan (Thailand)

Esteban Bautista (Philippines)



△ Mr. Justice Dzaiddin of Malaysia welcomes delegates during the General Assembly held in Kuala Lumpur.



ALA President Justice Dzaiddin exchange views with other delegates.

President Dzaiddin together with HE Nathan of Singapore and other delegates in the General Assembly held in Singapore, December, 2003.



ALA officers and delegates in souvenir photo during the General Assembly held in Manila, December 1992.



7. **Tax Systems and Laws of Member Countries**

Paper Presentors:

H. Achmad Din (Indonesia)

Mohktar Bin Haji Sidin (Malaysia)

Tomas C. Toledo (Philippines)

Sat Pal Khattar (Singapore)

Paichitr Rojanavanich (Thailand)

8. **Legal Profession: Code of Ethics and Disciplinary Procedures**

Paper Presentors:

S. Tasrif (Indonesia)

Abdullah bin Dattuk Abdul Rahman (Malaysia)

T.P.B. Menon (Singapore)

Kanit Nanakom (Thailand)

Gonzalo W. Gonzales (Philippines)



△ **Delegates register.**



△ **Delegates exchange pleasantries.**



△ **Delegates listen to guest speaker Prof. Prasit Kovilaikool.**

SECOND ALA GENERAL ASSEMBLY, KUALA LUMPUR, 25-29 OCTOBER 1982

Workshops on:

1. **Administration of Justice**

a) Juvenile Court

Paper Presentors:

Siti Norma Yaakob and Abdul Hamid Mohamed (Malaysia)

Leonor Ines Luciano (Philippines)

Martina Notowidagdo (Indonesia)

Charunee Tantayakom (Thailand)

Lee Cheong Hoh (Singapore)

b) **Alternative Forum for the Settlement of Disputes for the Common Man**

Paper Presentors:

Mahadi (Indonesia)

Cecilio L. Pe (Philippines)

Richard R. Magnus (Singapore)

Supradit Hutasingh (Thailand)

2. Legal Profession

Topic I - Professional Code of Ethics

Paper Presentors:

Avelino V. Cruz (Philippines)

Dominic Joseph Puthucheary (Malaysia)

Topic II - Legal Aid by the Legal Profession

Paper Presentors:

Roberto Concepcion (Philippines)

S. Tasrif (Indonesia)

Param Cumaraswamy (Malaysia)

C.R. Rajah (Singapore)

Topic III - The Role of Women Lawyers

Paper Presentors:

Juliet Toh (Singapore)

Mariam Darus Badrulzaman (Indonesia)

Noor Farida Ariffin (Malaysia)

Irene R. Cortes (Philippines)

Legal Education: Preparation of Law Students for Law Practice

Paper Presentors:

George Wei (Singapore)

Mardjono Reksodiputra (Indonesia)

Philip Koh Tong Ngee and Dato Harun M. Hashim (Malaysia)

Flerida Ruth P. Romero (Philippines)

Metkajorn Vachanasvasti (Thailand)

Law and Economic Development: Proper Law for Asean Corporations

Paper Presentors:

Kumar Kantaatmadya (Indonesia)

Warren Khoo (Singapore)

Adolfo S. Azcuna (Philippines)

Suwit Suwan (Thailand)

Protection of Intellectual Property

Paper Presentors:

Jesus S.J. Sayoc (Philippines)

Chan Hick Tin (Singapore)

Chawalit Uttasart (Thailand)

Marsoto Martosewojo (Indonesia)

Wee Sai Fong (Malaysia)



△ Delegates with Singapore's President Nathan.



△ Justice Purwoto Gandasubrata, Chief Justice Marcelo Fernan, Mr. T.P.B. Menon, Dr. Komar Kantaatmadja and wife Dr. Mieki Komar, Atty. Jose Bengzon, Jr. with other delegates, 1980 Manila General Assembly exhibits.



△ Philippine Sandiganbayan Justice Edilberto Sandoval together with other delegates during ALA meeting in Singapore, December, 2003.

▽ Justice Mieke Komar Kantaatmadja with other delegates.





△ ALA President Dzaiddin with Justice James Foong and other delegates in a huddle.

Third General Assembly, Singapore, 12 -15 November 1984

Workshop on:

1. **Investment and Incentive Laws**

   Paper Presentors:

   Sunaryati Hartono (Indonesia)
   Ronald Khoo Teng Swee (Malaysia)
   Lilia R. Bautista (Philippines)
   Nand Singh Gandhi (Singapore)
   Kosol Chantikul (Thailand)

2. **Legal Cooperation**

   Topic I - **Service of Judicial Process and Taki of Evidence**

   Paper Presentors:

   Z. Asikin Kusumah Atmadya (Indonesia)
   K. Dass (Malaysia)
   Vicente V. Mendoza (Philippines)
   Hasan Almenoar (Singapore)
   Kanok Indrambarya (Thailand)

▽ Thai delegates during meeting in Singapore, December, 2004.



Topic II - **Extradition**

Paper Presentors:

Budiarti (Indonesia)

Ranati By. Mohd. Hussein (Malaysia)

Vicente V. Mandoza (Philippines)

Hassan Almenoar (Singapore)

Jaran Pukditanakul (Thailand)

Lease Franchising

Paper Presentors:

D. Gandaprawira (Indonesia)

Josefina C. Patino (Philippines)

Wong Chong Wah (Malaysia)

Jayawadh Bunnag (Thailand)

Ho Peng Kee (Singapore)

Consumer Protection and Product Liabilty Laws

Paper Presentors:

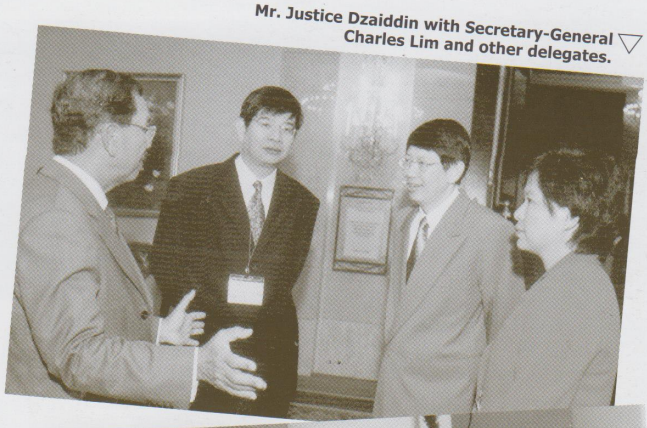
Ida Gambiro (Indonesia)

Rajeswari Kanniah (Malaysia)

Rogelio A. Vinluan (Philippines)

Nongpol Charoenpan (Thailand)

Ho Peng Kee (Singapore)



Mr. Justice Dzaiddin with Secretary-General Charles Lim and other delegates. ▽



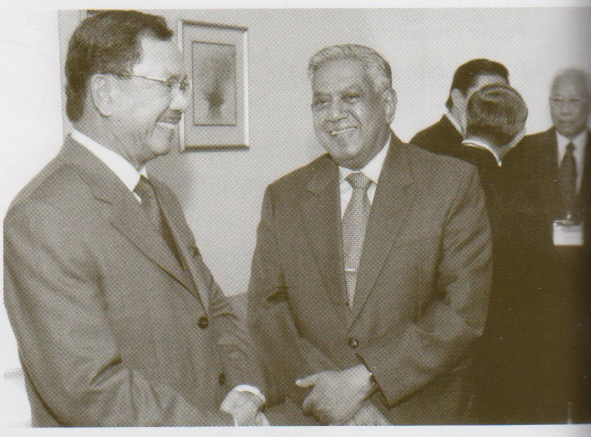
Former ALA President Dzaiddin and ALA incumbent President Chao welcome President Nathan of Singapore. △

▽ Brunei delegates during meeting in Singapore.





Delegates during registration, Manila 1992. △



△ Delegates during Welcome Reception.

4th General Assembly and Conference, Bangkok, Thailand, 15-19 November 1986

Workshops on:

1. **Asean: Its Institutional and Operational Frameworks**

   Paper Presentors:

   Lourdes Ramiro-Lopez and Josue L. Villa (Philippines)

   Sukol Vanabriksha (Presented by Chawat Arthayukti - Thailand)

2. **The Effects of National Environmental Regulation on Foreign Trade and Investment**

   Paper Presentors:

   Daud Silalahi (Indonesia)

   Amado S. Tolentino, Jr. (Philippines)

   Soon Choo Hock (Singapore)

   Panat Taseeyanond (Thailand)

3. **Legal Problems in the Transfer of Technology, Trademarks and Computer Programs**

   Paper Presentors:

   Yanyong Puangrach (Thailand)

   Tan Tee Jim (Singapore)

   Raul S. Roco (presented by Rogelio Vinluan Philippines)

   Wong Sai Fong (Malaysia)

   Sunaryati Hartono and Gustina Samadikun (Indonesia)



△ Speaker Querube Makalintal welcoming Lord President Tun Suffian with TPB Menon and Justice Sansern Krachitti looking on.

Training for Lawyers in the Public Service and the Judiciary

Paper Presentors:

R. Budhiman Bintoro, Z, Sh. (Indonesia)

Datto Harun M. Hashim (Malaysia)

Vicente V. Mendoza (Philippines)

Richard Magnus (Singapore)

Vichai Ariyanuntaka (Thailand)

5th ALA General Assembly, Hotel Putri, Bali, Indonesia, 06-09 December 1989

Workshop I -**Reciprocal Enforcement of Foreign Judgements and Arbitral Awards within Asean Countries**

Paper Presentors:

S. Gautama (Indonesia)

Mohammed Hishamudin Yunus

(presented by Ranita Hussein - Malaysia)

Alberto P. San Juan (Philippines)

Jeffrey Chan Wah Teck (Singapore)

Jaran Puditanakul/Vichai Ariyanuntaka

(presented by Vichai Ariyanuntaka - Thailand)



Delegates during the Fellowship Dinner, Manila, December 1992.



△ Chief Justice Andres Narvasa posing with 1992 ALA delegates.

Workshop II - **Administrative Problems and Management of Legal Cooperation Between Asean Universities and Institutions**

Paper Presentors:

Sunaryati Hartono (Indonesia)

Khalid bin Yusoff and teo Kiang Sood (Malaysia)

Helena Chan (Singapore)

Hugo E. gutierrez (Philippines)

Prasit Kovilaikool (Thailand)

Workshop III - **Law on Licensing and Franchising in Asean Countries**

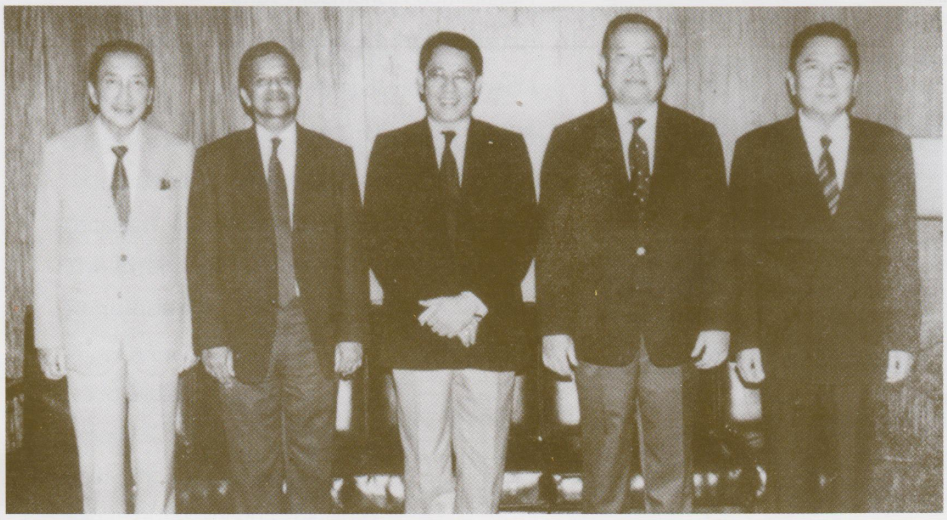
Paper Presentors:

F.B.G. Tumbuan (Indonesia)

Katherine Lim Sui Hong (Malaysia)

Choong Thung Cheong (Singapore)

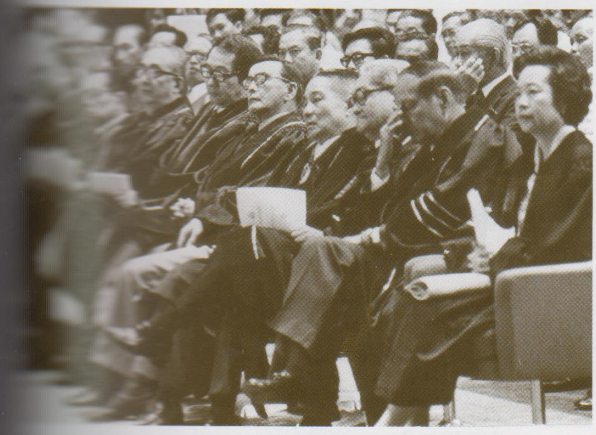
Suwit Suan (Thailand)



◁ Left to right: Justice Purwoto Gandasubrata, Mr. TPB Menon, Sen. Edgardo J. Angara, Justice Sansern Kraichitti and Chief Justice Marcelo B. Fernan.



Philippines Membership Chairman Teresita Sison, Justice Ordoñez and ALA President Avelino Cruz.



the audience during the Opening Ceremony in Manila



a standing committee meeting

Workshop IV - **The Need for More Efficient Records and Information on Computerization of Law**

Paper Presentors:

Kartini Mulyadi, Juswantyo Tami Haryono and Gregory Churchill (Indonesia)

K.B. Thwiaising (Malaysia)

Khun Lee Ming (presented by Charles Lim - Singapore)

Paijit Savasdisara (Thailand)

6th General Assembly and Conference, Manila, 30 November - 4 December 1992

1. **Keeping Lawyers Abreast of Legal Developments: Problems and Solutions**

Paper Presentors:

Mardjono Reksodiputro (Indonesia)

Pacifico A. Agabin (Philippines)

Kim T.K. Seah and Tan Chong Huat (Singapore)

2. **Selection and Training of New Judges in Asean Member Countries**

Paper Presentors:

Sito Naaishah Hambali (Malaysia)

Paulus Effendie Lotulung (Indonesia)

Ernani Cruz Pano (Philippines)

Chao Hick Tin and Richard R. Magnus (Singapore)

Chookiat Dilokpat (Thailand)

3. **Environmental Protection of the Seas in Asean**

Paper Presentors:

Tommy Purwaka (Indonesia)

K. Anantham (Malaysia)

Amado S. Tolentino, Jr. (Philippines)

Charles Lim Aeng Cheng (Singapore)

Krit Kraichitti (Thailand)



△ Atty. Avelino Cruz and Supreme Court Justice Artemio Panganiban of the 1980 ALA General Assembly Working Committee with Atty. Ysidro Perez and Representative Teodoro Locsin Jr. of the Integrated Bar of the Philippines.

4. **Legal Implications of Asean Free Trade Area (AFTA)**

Paper Presentors:

T. Mulya Lubis (Indonesia)

Joseph Sedfrey S. Santiago (Philippines)

S. Tiwari (Singapore)

Lawan Thanadsillapakul (Thailand)

5. **Updates of Investments Laws and Regulations in Asean Member Countries**

Paper Presentors:

Felix Oentoeng Soebagjo (Indonesia)

Lilia R. Bautista (Philippines)

Locknie Hsu (Singapore)

Anek Srisanit (Thailand)

6. **Advantages aand Pitfalls in Computerizing a Law Office: The Asean Experience**

Paper Presentors:

ALA Indonesia National Committee (Indonesia)

Tan Meng Foo (Malaysia)

Eric I. Quiason (Philippines)

David Lim Tek Leong (Singapore)

John R. Hanlon (Thailand)

7th General Assembly, Kuala Lumpur, Malaysia 6-10 December 1995

Pacific Settlement of International Disputes: The Asean Way, Tan Sri Muhammad Ghazali Shafie Former Foreign Minister, Malaysia

1. **ASEAN's Environmental Future**

Paper Presentors:

Paulus Effendie Lotulung (Indonesia)

Loo Lai Heng (Malaysia)

Antonio A. Oposa, Jr. (Philippines)

Foo Kim Boon (Singapore)

Amnat Wongbandit (Thailand)



Chief Justice Narvasa and ALA President Fernan greeting delegates of the 6th General Assembly, 1992. ▷



△ Opening of Exhibit, 1992, Manila General Assembly.

Consumer Credits – Problems and Legal Implications of Counterfeiting Credit Cards

Paper Presentors:

Mohd Shazale bin Hj Mat Salleh (Brunei Darussalam)

Sutan Remy Sjahdeini (Indonesia)

Sothi Rathagan (Malaysia)

Jose F.S. Bengzon, Jr. (Philippines)

Tan See Kiat (Singapore)

Wisit Wisitsora-At (Thailand)

Towards a More Effective Pre-Trial Procedure and Settlement Conferences

Paper Presentors:

Awang Kifrawi bin Dato Paduka Hj Kifli (Brunei Darussalam)

K. Rajeswaran (Malaysia)

Jose N. Bellosillo (Philippines)

Ng Peng Yong (Singapore)

Wanwuthi Dradasin (Thailand)

4. **GATS: Its Impact on the Legal Profession and Legal Education and Training**

Paper Presentors:

Harjono Tjitosoebono (Indonesia)

Rahmat Mohamad (Malaysia)

Ma. Lourdes A. Sereno (Philippines)

Chandra Mohan K. Nair (Singapore)

Suthiphon Thaveechaiyagarn (Thailand)

5. **Development of Laws in the ASEAN in the Context of Satellite/Cable Television**

Paper Presentors:

Mieki Komar Kantaatmadja (Indonesia)

Abu Bakar Munir (Malaysia)

Linda Nai (Singapore)

Piyatida Julpongsathorn (Thailand)

8th ASEAN law Association General Assembly, Singapore, 29 November - 02 December 2003

Workshop I - **Strenghtening the Independence and Efficiency of the Judiciary**

Paper Presentors:

Padika Hayati binte POKSDSP Haji Mohd Salle (Brunei)

Paulus Lotulung and Laica Marzuki (Indonesia)

Steven Thiru (Malaysia)

Leonardo A. Quisumbing (Philippines)

L.P. Thean (Singapore)

Thammanoon Phitayaporn (Thailand)

Nguyen Neim (Vietnam)

Workshop II - **Cross-Border Legal Services in Asean under WTO**

Paper Presentors:

Nurbani binti Pg Dato Haji Tengah (Brunei Darussalam)

Mas Ahmad Santosa SH and Ibrahim Assegaf SH (Indonesia)

Madya Dr Rahmat Muhammad (Malaysia)

H. Harry L. Roque, Jr. (Philippines)

Suchint Chaimungkalanont (Thailand)



△ **ALA delegates registering in the 1980 Manila General Assembly.**

▽ **One of the workshops in the 6th General Assembly held in Manila, 1992.**



Workshop III - **Challenges to Legal Education in a Changing Landscape**

Paper Presentors:

Nabi Daraina bin Pehin Dato Haji Badaruddin (Brunei Darussalam)

Mardjono Reksodiputro (Indonesia)

Hendon Mohamed (Malaysia)

Raul C. Pangalanan (Philippines)

Tan Cheng Han (Singapore)

Tithiphan Chuerboonchai and Pareena Supjariyavatr (Thailand)

Workshop IV - **Arbitration and Meditation in Asean: The Law and Practice**

Paper Presentors:

Colin Ong (Brunei)

Eduardo de los Angeles assisted by Beda G. Fajardo (Philippines)

Goh Joon Seng and Lawrence Boo (Singapore)

Sorawit Limparangsri and Prachya Yuprasert (Thailand)

Workshop V -**Electronic Commerce and Electronic Contracting Legal Issues**

Paper Presentors:

Mieke Komar Kantaatmadya and Hikmahanto Juwana (Indonesia)

Ivan John E. Uy (Philippines)

Jeffrey Chan Wah Teck (Singapore)

Pinai Nanakorn (Thailand)

Workshop VI - **Recent Development on Insolvency Laws and Business Rehabilitation - National and Cross-Border Issues**

Paper Presentors:

Muhd Jamil Abas bin Abdul Ali and James Chiew (Brunei)

Sutan Remy Sjahdeini (Indonesia)

Rohatul Akmar Bte Abdullah (Malaysia)

Francis Lim (Philippines)

Lee Eng Beng (Singapore)

Wisit Wisitsora-At (Thailand)

Workshop VII - **Application of WTO In Asean Including FDI (Foreign Direct Investment)**

Paper Presentors:

Zen Umar Purba (Indonesia)

Kenneth Goh (Malaysia)

Ma. Lourdes A. Sereno (presented by Bartolome S. Carale - Philippines)

Locknie Hsu (Singapore)

Suthiphon Thaveechaiyagarn (Thailand)



Chief Justice Fernan greeting Justice Kulachitti and other delegates, 1992.

THE GOVERNING COUNCIL AND STANDING COMMITTEES

Presidents of ALA

Senator Edgardo J. Angara
1980 • Manila, Philippines

Tun Mohamed Suffian
1982 • Kuala Lumpur, Malaysia

Mr. T P B Menon
1984 • Singapore

Chief Justice Sansern Kraichitti
1986 • Bangkok, Thailand

Chief Justice Purwoto S. Gandasubrata
1989 • Bali, Indonesia

Chief Justice Marcelo B. Fernan
1992 • Philippines

Chief Justice Tun Mohammed Dzaiddin
1995 • Kuala Lumpur, Malaysia

Justice Chao Hick Tin
2003 • Singapore

Secretaries-General of ALA

Dr. Teuku Mohammed Radhie
1980-1986 • Indonesia

Dr. Komar Kantaatmadja
1986-1992 • Indonesia

Atty. Avelino V. Cruz
1992-1995 • Philippines

Mr. Shamsul-Bahrain bin Ibrahim
1995-2003 • Malaysia

Mr. Charles Lim Aeng Cheng
2003 to date • Singapore

The Governing Council is the governing body of the Association and by the consensus, has the power to do such acts consistent with the Constitution, its By-Laws and any act of the Assembly. It consists of five members from each country appointed by the National Committee, comprising a representative each of the government lawyers, judiciary, practicing lawyers, teachers of law and one other member.

The Council meets at least once a year or upon request of a majority of the member countries and during the General Assembly, a President and Secretary-General are elected.

There have been twenty-five meetings held by the Governing Council from May 1981 to August 2005 hosted by the member countries. Meetings were held six times in Singapore (1984, 1989, 1994, 2002, 2003 & 2005); five times in the Philippines (1983, 1985, 1988, 1992 and 1994); four times each in Indonesia (1981, 1983, 1989 & 1996); and Thailand (1982, 1990, 1995 & 2004); and three times each in Malaysia (1986, 1992 & 1997) and Brunei Darussalam (1987, 1993 & 2002).

In order to carry out its tasks, the Asean Law Association has established the following Standing Committees:

- Standing Committee on the Judicial Cooperation
- Standig Committee on the Legal Profession
- Standing Committee on Legal Information
- Standing Committee on International Law
- Standing Committee on Legal Education
- Standing Committee on Business Law

The pivotal task of each Standing Committee is to conduct studies on matters relevant to legal cooperation among ASEAN countries in their respective fields. The Srtanding Committees also suggest topics for the General Assemblies.

24th Governing Council Meeting held at Chiang Rai, Thailand June 25-27, 2002. ▽





Justice Kraichitti introduces Atty. Avelino Cruz to Guest of Honor, Bangkok, 1986. △



Justice Chao Hick Tin addresses Governing Council and Standing Committee Meeting, June25-27 2004. △



23th Governing Council Meeting held at Singapore December 1, 2003 △



12th Governing Council Meeting held at Pattaya, Thailand June 23-24, 1990 ▷

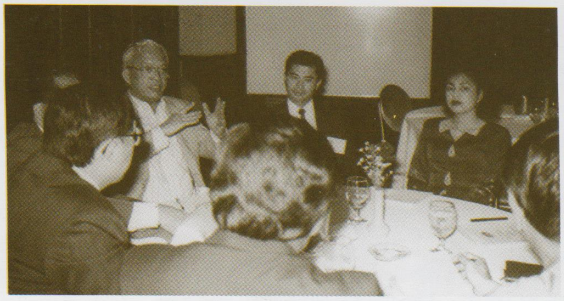
ALA President Justice Chiao Hick Tin with Dr. Sunaryati Hartono, TPB Menon, Charles Lim and Mardjorno Reksodipulra.





△ Members of the delegates in front of the Malaysian Museum, 1982.

▽ Standing Committee on International Law



▽ Standing Committee on Legal Education



▽ Standing Committee on Business Law



▽ Standing Committee on Legal Information.







△ Delegates at VIP Airport lounge.



BRUNEI DARUSSALAM



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Before joining the ASEAN Law Association (ALA), Brunei Darussalam was invited to attend with observer status at the ALA General Assembly held in Kuala Lumpur in 1982 and in Singapore in 1984. Brunei was represented at the sessions by the then Solicitor General Dato Seri Laila Jasa Hj Abas bin Hj Serudin and the then Chief Registrar of the Supreme Court, Dato Ali Bin Salleh.

Brunei Darussalam was then admitted as a member of ASEAN on 7th January, 1984. In view of Brunei's admission to ASEAN, the ALA General Assembly/ Governing Council, in 1984, invited lawyers from Brunei Darussalam to join the ASEAN Law Association.

Brunei Darussalam's first participation in ALA was attended by Awg Kifrawi Dato Paduka Kifli and Awg James Chiew during the 6th Governing Council Meeting in 1985 in Cebu City, Philippines.

Awang Haji Abas Haji Serudin, the Solicitor General and Awg Kifrawi Dato Paduka Kifli attended the 7th Governing Council Meeting in 1986 in Palu Penang, Malaysia.

Brunei Darussalam hosted the 8th Governing Council Meeting held in Bandar Seri Begawan, from 24-28 June 1987.

True to effort to make ASEAN lawyers aware of each member state's legal system, in 1988, Dyg Naimah of Brunei Darussalam submitted a paper for the ALA Newsletter summarizing the Laws of Brunei.

In 1988, in pursuance to the recommendation of the ALA Governing Council Meetings in Brunei Darussalam in 1987 and Manila, in 1988, the ALA Standing Committee on Legal Education in cooperation with the National Law Development Agency, the University of Indonesia sponsored a Workshop on ASEAN Cooperation in Legal Education in Jakarta. Universities from all the member countries were invited to participate. However, because the University of Brunei Darussalam has no law faculty, it was not able to participate in that workshop.

During the 9th Governing Council Meeting held in Manila, Philippines on 23-25 June 1988, Brunei was represented by Awg Kifrawi as Head of Delegation and Dyg Magdalene, Awg James Chiew and Awg Ahmad Isa, as members. One of the topics discussed was the reciprocal enforcement of civil judgments where its Standing Committee discussed the minimum common standards for registration/filing of judgment and also the procedure for the registration and filing of civil judgments.

The 10th Governing Council Meeting was held in Singapore on 27-29 May 1989. Brunei Darussalam was represented by Dato Abas, Permanent Secretary and Solicitor General, Awg Kifrawi, Principal Counsel, Dyg

▽ Brunei delegates presenting a cultural number.





△ ALA delegates at the Bandar Seri Begawan Airport Lounge.

and Dk Zabaidah. In the said meeting, Singapore's on the "Scheme of Attachment for ASEAN " was discussed. This scheme was designed to young lawyers under an exchange program to be to established law firms in a host country for of 4-7 weeks. This was initiated to encourage a understanding of the laws of the ASEAN region, an opportunity for inter-action amongst ASEAN , and to promote the sharing of experience in the field amongst members of ALA.

Dyg Naimah's contribution on Brunei's Legal Act was incorporated in the May 1989 , ALA . It basically summarized the provisions of 's Legal Profession Act (CAP 132).

On 27th June, 1989, there was an informal meeting Jaksa Agung Indonesia and the Minister of Law of Darussalam at the Law Building, Bandar Seri Begawan, . The purpose of the visit was to discuss plans for between all the Ministers of Law and Attorney in the future. Brunei Darussalam's Minister of suggested that such a meeting would be appropriately in conjunction with the 5th General Assembly of ALA to be held in December 1989 in Bali, Indonesia.

The 12th Governing Council Meeting was held , Thailand on 22-24 June 1990. Brunei was by Awg Kifrawi as Head of Delegation, with , Magistrate of the Supreme Court, Awg Ahmad Counsel of AGC still) and Awg Ahmad Basuni.

During the 13th Governing Council Meeting held Lumpur, Malaysia on 28 February-1 March 1992. was represented by Dato Hj Abas, Awg Kifrawi, Dyg and Awg Ahmad Zakaria as members.

Brunei was represented by Awg Kifrawi, Dyg , Dyg Alice, Awg Ahmad Zakaria and Awg Hairolarmi the 14th Governing Council Meeting held in Manila December 1992.

Brunei Darussalam hosted the 15th Governing Council Meeting on 2-3 July 1993. During this meeting, Singapore proposed for ALA to publish a work on ASEAN Legal Systems which will contain among others, ,information on the legal and judicial systems and information on aspects of law of interest to businessmen and investors generally such as contract and commercial law, taxation and enforcement of judgments.

Brunei's contribution on the Legal System of Brunei Darussalam was jointly prepared by Awg Ahmad Basuni, Dyg Hasnah Hassan, Dyg Rostaina and Awg Rosli.

Brunei sent Awg Kifrawi (Head of Delegation) together with Awg Ahmad Zakariah, Dyg Alice Khan, Awg Hairolarni and Awg Shazale to the 16th Governing Council Meeting held in Singapore on 27-29 May 1994.

The 17th Governing Council Meeting was held in Cebu City, Philippines on 1-4 December 1994 where Brunei was represented by Awg Kifrawi, Awg Ahmad Basuni, Awg Hairolarni, Awg Sheikh Nordin, Dyg Nor Hashimah and Dk Hanani.

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The Asean Law Association had its origin in a conference on "Legal Development in ASEAN Countries" held in Jakarta from February 5-10, 1979 hosted by the Indonesia Government thru the efforts of the Minister of Justice, Prof. Mochtar Kantaatmadja and Director Teuku M. Radhie. As result, a Working Committee was constituted to draft the Constitution and By-Laws. Indonesia was represented by Dr. Sunaryati Hartono and Director Radhie who served as Interim Secretary-General. The Interim Governing Council members from Indonesia were: Dr. Hartono, Dr. Komar Kantaatmadja, Justice Purwoto Gandasubrata, Mr. Negroho Wisnoemoerti and Mr. Harjono Tjitrosubono.

The 1980 Manila Assembly was attended by 94 delegates from Indonesia headed by Secretary General Nasreen Syahrum of the Ministry of Justice. With the approval of the Constitution and By-Laws, the 1st Governing Council member from Indonesia were: Justice Gandasubrata, Dr. Hartono, Suardi Tasrif, Piola Isa and Trisasono. Again, Director Radhie was elected as ALA Secretary-General.

The Standing Committee on Legal Education headed by Dr. Hartono undertook a workshop on Legal Education in Jakarta from December 5-6, 1988 which many Asean legal scholars took part to exchange ideas and to plan programs for the future. Dr. Hartono also took part in the ALA Law Professionals Exchange Program funded by The Asia Foundation.



△ **The Indonesian delegates headed by Justice Prof. Dr. Mieke Komar presenting their cultural number.**

The 5th General Assembly was successly hosted in Hotel Putri, Nusa Dua, Indonesia from December 5-10, 1989 and was attended by 250 delegates from the 6 Asean countries. Chief Justice Purwoto S. Gandasubrata was elected as ALA President.

Recently, the Indonesian National Committee presented a publication entitled "Indonesian Legal System, 2005" jointly published by the Indonesian Supreme Court and the Faculty of Law, University of Indonesia.

The present Chairman of ALA Indonesia is the Honorable Chief Justice Prof. Dr. Bagin Manan.

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VICE PRESIDENT:
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MALAYSIA


NEWSLETTER

ALA President made Chief Justice of the Federal Court of Malaysia

When did we last meet?

Editorial Board

ASEAN GOVERNMENT LAW DIRECTORY



ALA MALAYSIA SONG

We Will Follow ALA
Follow ALA Wherever It May Go
There Is No Ocean Too Deep, Nor
Mountain As High As Can Be
To Keep Us Away, We Will Follow ALA

Oh ALA, Oh ALA, Oh ALA,
Wherever You Go We'll Follow, We'll Follow, We'll Follow,
You Are Our Only True Love, Our True Love, Our True Love
From Now Until Forever, Forever, Forever, We Will Follow You

From Malaysia To Thailand We'll Go
The Rest Of Asean Too, By Land Air Or Sea, For You ALA

Oh ALA, Oh ALA, Oh ALA,
Wherever You Go We'll Follow, We'll Follow, We'll Follow,
You Are Our Only True Love, Our True Love, Our True Love
From Now Until Forever, Forever, Forever, We Will Follow You

To Foster Ties Between Us,
Untie Us All Into One
Not To Keep Us Apart, For You ALA

Oh ALA, Oh ALA, Oh ALA,
Wherever You Go We'll Follow, We'll Follow, We'll Follow,
You Are Our Only True Love, Our True Love, Our True Love
From Now Until Forever, Forever, Forever, We Will Follow You

First sung by Malaysia delegation to the 8th ALA General Assembly Dinner in Singapore on 30TH November 2003. Sung to the tune of "I'll Follow You".

JUSTICE DATO' HASHIM BIN DATO' HAJI YUSOFF

Chairman of the National Committee of the
Asean Law Association of Malaysia

July 1973	:	Qualified as a Barrister-at-Law from Lincoln's Inn, London
August 1973	:	Joined the Malaysian Judicial and Legal Service as a Magistrate
1973-1993	:	Held various posts as Magistrate, President of the Sessions Court, Deputy Public Prosecutor, Legal Adviser to the Royal Customs and Excise Department, Director of Legal Aid Malaysia, Official Assignee, Penang State Legal Adviser, Senior Federal Counsel in the Attorney-General's Chambers, Deputy Parliamentary Draftsman, Senior Sessions Court Judge, Chairman of the Advisory Board in the Prime Minister's Department, Chief Registrar of the Federal Court.
1.1.1994	:	Appointed a Judicial Commissioner
16.6.1995	:	Appointed as a Judge of The High Court
16.7.2002	:	Appointed as a Judge of the Court of Appeal
1984	:	Joined the Asean Law Association of Malaysia as a committee member of the National Committee
1995 to present	:	Elected as the President of the Asean Law Association National Committee of Malaysia.



From left to right - Puan Hendon Mohamed, Y.A. Dato' Hashim Yusoff, Y.A. Dato'James Foong, Ms. Bharti Seth. Standing left to right - Mr Lee Swee Seng. Mr R Rajeswaran, Puan Jamhirah Ali, Mr S Radhakrishnan, Mr Christopher Leong. Absent from the picture - Mr Yeo yang Poh, Dato' Dr. Cyrus Das, Puan Yasmin Abdul Razak and Dr Danny Choong

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ALA PHILIPPINES: A 25-YEAR PERSPECTIVE



Hon. Avelino V. Cruz
Chairman
National Committee
of the Philippines



△ **ALA Philippines President Ysidro Perez welcomes participants in the Symposium on Bangko Sentral ng Pilipinas Monetary Policies Makati, 1994.**

ADDRESS: National Committee of the Philippines
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In February 1979, at a conference in Jakarta attended by prominent lawyers from five ASEAN countries, the possibility of establishing a regional law association -- one that would be a vehicle for regional cooperation in the field of law for its members – was proposed, and enthusiastically endorsed by participating delegates. A working committee was formed, and plans set for the holding of the First General Assembly of the ASEAN Law Association in Manila on November, 1980.

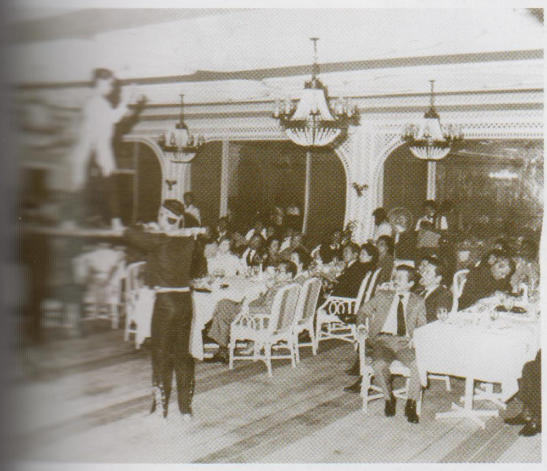
The Philippine National Committee, chaired by Justice Felix Q. Antonio, was created to prepare and host the First General Assembly. This committee -- reorganized in February, 1985 as ALA Philippines, -- has, since that



△ **Participants in the Symposium on Bangko Sentral ng Pilipinas Monetary Policies Makati, 1994.**



Philippines treat delegates at Villa Escudero.



Philippines treat delegates to a cultural presentation.

first hugely successful 1980 General Assembly, gone on to launch, sponsor, and implement various programs and activities that have enhanced the legal profession, both domestically, and in the ASEAN region.

One of ALA Philippines' first projects, co-sponsored by the University of the Philippines Law Center, was the 1980 publication and circulation of the 9-volume ASEAN Comparative Law Series, a compendium of papers documenting the proceedings of the 1980 Manila General Assembly. In succeeding years, ALA Philippines was instrumental in the launch and publication of other law materials and journals relevant to the ASEAN legal community, including the ALA Newsletter (1982), the ASEAN Law Journal (1982), the *Proceedings of the 1987 ASEAN Women Judges Conference*, and the 1997 book entitled "Doing Business in the ASEAN", edited by Atty. Joseph Sedfrey S. Santiago.

ALA Philippines' has dedicated time and resources towards the promotion of a greater understanding of the varied legal systems in the region. With its support, the Institute of ASEAN Law and Jurisprudence was established in the University of the

Philippines College of Law, and an ASEAN Business Law Program was launched in 1996 under the auspices of the UP Institute of International Legal Studies and Justice Antonio T. Carpio. ALA Philippines has participated in law exchange programs organized by ALA, including the 1982 Exchange of Legal Scholars Program, and the 1985 Exchange of Law Professionals. It has co-sponsored workshops and conferences aimed at strengthening regional cooperation and coordination, such as the ASEAN Women Judges Conference (Manila, 1987) and ALA Regional Symposium on the General Agreement on Tariffs and Trade and Intellectual Property Rights (Cebu, 1994).

On April 27, 1194, ALA-Philippines Business Law Committee in cooperation with the U.P. Women Lawyers' Circle sponsored a symposium on "Bangko Sentral ng Pilipinas" Monetary Policies and Pending Tax Laws in Congress." Commission on Audit Chairman Guillermo S. Carague was the main speaker.

In the course of the 25 years, ALA Philippine hosted other ALA members during their personal visits to the Philippines such informal gatherings strengthening the bonds of friendship and improving the network among members.

As it closes its 25th year, ALA Philippines can take a well-deserved moment to look back; to enjoy the fruits of its efforts to forge a deepening bond with its ASEAN counterparts. A strong fraternity of ASEAN lawyers is now in place, ready to meet the challenges of an interlinked region that share common issues, and hopefully, unified solutions. Together with our friends and colleagues in the region, ALA Philippines will continue to do its share to foster camaraderie and regional cooperation. With our collective efforts, the field of law and the legal profession in ASEAN will be immeasurably enriched.



△ **Atty. Al Ancheta and wife, Bella entertaining an ALA delegate.**

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THE HISTORY AND SIGNIFICANT ACTIVITIES OF ALA SINGAPORE

Di Tanjong Katong
Folk Song

Chorus:
Di Tanjong Katong, airnya biru
Di situ tempatnya dara jelita
Duduk sekampung, lagikan rindu
Kononlah pula nun jauh di mata

Pulau Pandan jauh ke tengah
Gunung Daik bercabang toga
Hancur badan di kandung tanah
Budi yang baik di kenang jua
(repeat chorus)

Kalua ada jarum patah
Jangan simpan di dalam peti
Kalau ada silap sepatah
Jangan disimpan di dalam hati
(repeat chorus)

(English translation)

At Tanjong Katong the water is blue
That's where pretty girls are found
Living in the same village you can still be missed
What more someone who's far away

Pandan island is far away
Mount Daik has 3 peaks
When one dies, his body is buried
But his good deeds will always be remembered

If there is a broken needle
best not keep it in a box
If there is a mistake made
Best not keep it in your heart

ADDRESS: National Committee of the Singapore
c/o 65 Chulia Street
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FAX: 65-65352475

The establishment of the Asean Law Association (ALA) is the direct offshoot of certain initiatives taken by the then Justice Minister of Indonesia Prof Mochtar Kantaatmadya in 1978 he sent an official from the Indonesian National Centre for Law and Development in the person of Teuku Mohammed Radhie to carry out consultations to establish such a body. As a result the Indonesians hosted a Conference in Jakarta in February, 1979 where lawyers from all the five ASEAN countries attended. At the Conference, the Singapore team put forward the idea of a non-Governmental organization which was enthusiastically supported by all participants and a resolution to establish the ALA was adopted.

The Interim Governing Council of ALA met in Manila in November, 1979 to consider organizational matters for the first assembly of ALA scheduled to be held in Manila in November 1980. Singapore was represented at that meeting by Justice T S Sinnathuray, Associate Prof Tan Sook Yee, Mr Chao Hick Tin (as he then was) and Mr T P B Menon. Following the Interim Governing Council Meeting in Manila an application was made by a Pro-temp Committee of Asean Law Association Singapore (Singapore Chapter) to be registerd as a society under the Societies Act on the 1st March 1980. The Pro-tem Committee was made up of the following:

Chairman: Justice T S Sinnathuray
Vice-Chairman: Associate Pro.f Tan Sook Yee
Hon Secretary: Mr. Chao Hick Tin
Hon Treasurer: Mr. Ho Kian Ping
Committee Members: Prof. S Jayakumar
Mr. T P B Menon

THE REGISTRATION OF THE SINGAPORE CHAPTER

The Singapore chapter was registered as a Society on the 5th day of March 1980 (Registration No. 0216 of 1980). At the First Annual General Meeting of the Singapore Chapter held on the 2nd August 1980, the Pro-tem Chairman stated inter alia that "he was pleased to be involved in the formative stage of Singapore Chapter but now that the Singapore Chapter had been formally established he felt that the management of the Singapore Chapter should be entrusted to members of the legal profession ....". The following persons were then elected at the inaugural meeting as office bearers of the Singapore Chapter:

Chairman: Associate Prof Tan Sook Yee
Vice-Chairman: Mr Satpal Khattar
Hon Secretary: Mr Chao Hick Tin
Hon Treasurer: Mr Ho Kian Ping
Committee Members: Prof S Jayakumar
Mr T P B Menon
Mr Tay Soo Tee
Mr Richard Magnus

MEMBERSHIP OF THE SINGAPORE CHAPTER

At the Second Annual General Meeting of the Singapore Chapter held on the 12th December 1981, the Honorary Treasurer reported that there were then 65 life members and 151 ordinary members making a total of 216 members of the Singapore Chapter. Although the membership of the Singapore Chapter had not substantially increased over the years, it must be said that it had recruited a cohort of young and enthusiastic members who can hold their own as future leaders of not only the Singapore Chapter but also of ALA.

PARTICIPATION IN ALA ACTIVITIES

Since its formation the Singapore Chapter ensured that it was well represented at all the twenty-five (25) Governing Council Meetings held since the formation of ALA in 1980. The Singapore Chapter had the privilege of hosting five (5) of the Governing Council Meetings held between May 1981 and August 2005. In addition the Singapore Chapter had organized the General Assembly and Conference of ALA held in November 1984, and again in November-December, 2003. At the General Assembly in 1984 Mr T P B Menon was elected the third President of ALA. At the later General Assembly in 2003 (which was declared open by the President of the Republic of Singapore His Excellency President S R Nathan) the Chairman of the Singapore Chapter Justice Chao Hick Tin was elected the eighth President of ALA.

In addition to the above the Singapore Chapter had been actively involoved in assisting in the projects of ALA particularly the book on Asean Legal Systems. The following excerpt appears in the ALA Newsletter of July-December 1993

"Its Chairman the Hon'ble Mr Justice Chao Hick Tin reported on its proposal to publish a work on ASEAN Legal Systems which is needed at this time given the diverse legal systems and the closer economic cooperation among ASEAN countries. The work must contain, among others, information on the legal and judicial systems and information on aspects of law of interest to businessmen and investors generally such as contract and commercial law, taxation and enforcement of judgements. Singapore proposed that to overcome the difficulties in sourcing of funds to publish this work, a law book publisher with a regional distribution system be approached to publish the work with a nominal royalty payable to ALA Foundation. The actual negotiation of the terms and conditions with the publisher should be delegated to the President or the Secretary General. After discussion, the proposal of Singapore was noted and accepted."

The Singapore Chapter had also been supportive of other ALA projects particularly:

(i) furnishing materials to the Asean Newsletter;
(ii) assisting the Secretariat of ALA to set up the Asean website; and
(iii) participating in the ALA Golf tournaments.

The Minutes of the 7th General Assembly of ALA held in Kuala Lumpur show that "Justice Chao Hick Tin and the rest of the Singapore delegation were commended for ensuring that it (i.e. the book Asean Legal System) was done (published) on time".

COMPARATIVE LAW AND STUDENTS' CONFERENCE

Two other matters need to be highlighted. First, as a result of the involvement of the Singapore Chapter in ALA projects, the National University of Singapore (NUS) has taken a keen interest in comparative law of the Asean region. It is significant to note that the following are some of the courses now available at NUS which scholars from the Asean region can take advantage of:

1. Comparative Legal Traditions
2. Comparative Corporate Governance
3. Comparative Takeover Regulations
4. Comparative Public Law
5. International and Comparative Law of Sale
6. Comparative Competition Law
7. Environment Law in Singapore and S.E. Asia
8. International Law and Asia.

It will be observed that of the above courses item 1 is of particular significance to members of ALA.

The second is that in 1997 NUS hosted the Nineth Asean Law Students Conference from the 18th to the 24th May 1997. The Minister for Law Prof S.



△ **Singapore delegation headed by President Chao Hick Tin at Chiang Rai meeting, 2004.**

Jayakumar hosted a Dinner for all delegates to the Conference on the opening night of the Conference. It is pertinent to point out that the topics discussed at that Conference speak well for the future of ALA as they included the following:

(i) Asean's 30th Anniversary: An overview of its Achievements and Future Challenges in the New Millenium; and

(ii) Uneasy Bedfellows: Technology and its effect on the Administration of Justice

OVERCOMING ADVERSITIES

Like many Asean countries Singapore was not spared the Asean financial crisis in the later part of 1997 and the SARS epidemic some two years ago. Notwithstanding these adversities the Singapore Chapter was well represented at Governing Council Meetings held between 1997 and 2003 although the General Assembly was delayed by some five years including the members of all countries represented in the ALA.

CURRENT OFFICE BEARERS OF THE SINGAPORE CHAPTER

The current officer bearers of the Singapore Chapter who were elected on 26th November 2004 are as follows:

Mr Chelva Retnam Rajah-Chairman

Mr Lee Sieu Kin-Vice Chairman

Ms Wendy Yap Peng Hoon-Secretary

Mr Yeow Chee Beng-Treasurer

Mr T P B Menon-Member

Mr Low Siew Joon-Member

Mr Chim Hou Yan-Member

Assoc Prof Tan Cheng Han-Member

Dr Anamah Tan-Member

Mr Kim Seah Teck Kim-Member

Ms Melinda Moosa-Member

THE 25TH ANNIVERSARY SPECIAL SESSION

The Singapore Chapter is looking forward to the 25th Anniversary Special Session to be held in Manila between 25th and 27th November 2005. Many of the founding members of ALA and the Singapore Chapter are expected to attend this Special Session which will be presided over by the President of ALA Justice Chao Hick Tin from Singapore. The Philippines Chapter should be commended for taking the initiative in organizing this Special Session.

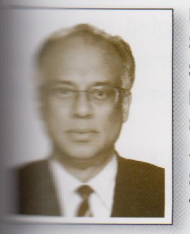


JUSTICE CHAO PRESIDENT OF ALA

Justice Chao Hik Tin was elected President of the ALA on 2 December 2003 at the 8th ALA General Assembly held in Singapore. He was one of the founding members of the ALA and a member of the Working Committee established in February 1979 in Jakarta to draft the ALA Constitution.

Justice Chao received his legal education at University College, London and the Middle Temple, London. Having served twenty years in the Attorney-General's Chambers, he was elevated to the Supreme Court of Singapore as a Judicial Commissioner in 1987 and later as a Judge in 1990. On 2 August 1999, he was appointed as a Judge of Appeal of the Supreme Court, a position he currently holds. He is also presently a Vice-President of the Singapore Academy of Law and the Chairman of the Singapore Mediation Centre.

Directory of ALA Singapore National Committee Members
(as at October 2005)



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Senior Partner
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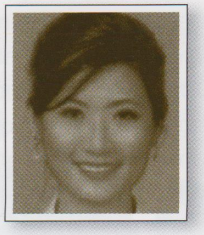

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Mr Yeow Chee Beng
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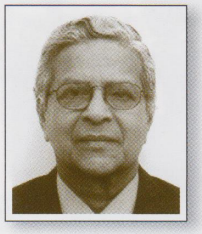

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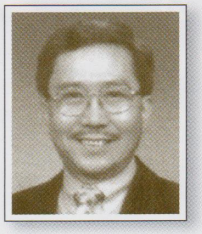

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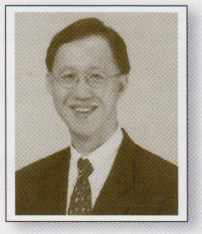

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Senior Counsel
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Faculty of Law
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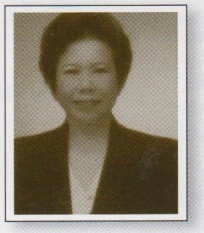

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Principal Senior State Counsel
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Mr Mark Anand Jayaratnam
(Hon Auditor)
Senior Assistant Director,
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Singapore 179434
Tel No: 63325289

THAILAND

ALA NATIONAL COMMITTEE OF THAILAND OFFICERS



△ **Front Row (left to right) : Justice Pornpetch Wichitcholchai, Justice Apichart Sukhagganond, Hon.Atthaniti Disatha-Amnarj (Chairman,ALA Thailand), Justice Kanok Indrambarya, Justice Montri Sriiramsaard; Back Row (left to right) : Mrs.Wirawan Riannak, Mrs.Anongporn Thanachaiary, Mr.Wisit Wisitsora-At, Judge Vichai Ariyanuntaka, Mr.Chukiert Ratanachaichan, Judge Voravuthi Dvadasin, Judge Montri Sillapamahabundit; Absentee : Hon.Prapun Naigowit, Dr.Wilawan Mangklatanakul, Mr.Chavalit Uttasart, Mr.Dej-Udom Krairit, Asst.Prof Dr.Pinai Na Nakorn, Asst.Prof. Tithiphan Chuerboonchai, Ms.Sureerat Prachonprachanuk,Asst.Prof.Prasit Kovilaikool.**

ADDRESS: The Hon. Justice Atthaniti Disatha-amnarj
Chairman, National Committee of Thailand
#27-01 OCBC Centre, SIngapore 049513
FAX: 662-541-2628

ALA National Committee was firstly formed by the resolution of the cabinet on 26th February 1980 consisting of the lawyers in Thailand; the Ministry of Justice, Ministry of Foreign Affairs, the Council of State, the Office of he Attorney General, Law Schools of Thammasat University, Chulalongkorn Universiy and Ramkhamhaeng University. After the committee has been working together to establish cooperation with the lawyers from other Asean members, the committee has expanded by inviting lawyers from other fields. Now, our ALA National Committee of Thailand has 25 members as follows:

Hon. Sansern Kraichitti — Honorable Adviser
Hon. Atthaniti Disatha-Amnarj — President

Committee Members:
Representative of the Office of the Attorney General
Representative of the Council of State
Representative of the Ministry of Foreign Affairs
Representative of the Ministry of Justice
Representative of the Law Society
Representative of Thai Bar Association
Dean of Law School, Thammasat University
Dean of Law School, Chulalngkorn University
Dean of Law School, Ramkamhaeng University
Dean of Law School, Sukothai Thammsthirat University
Justice Prasobsook Boondech
Justice Apichart Sukhagganond
Justice Montri Sriiramsaard
Justice Kanok Indrambarya

Justice Pornpetch Wichitcholchai
Justice Prijit Sawadisarn
Justice Vichai Ariyanuntaka
Mrs. Anongporn Thanachaiary
Asst. Prof. Prasit Kovilaikool
Treasurer: Judge Voravuthi Dvadasin
Secretary: Judge Montri Sillapamahabundit
Assistant Secretary: Judge Cherdpun Wilawan
Assistant Secretary: Mrs. Wirawan Riannak

The ALA National Committee of Thailand regularly meets twice a year consisting of formal meetings for preparing ALA activities and some informal meetings for sharing ideas among its members. The Committee has been the host of Four Governing Council meetings held in Chiang Mai (February 5-8, 1982), Pattaya (June 23-24, 1990), Chiang Rai (June 23-25, 1995) and most recently in Chiang Rai (June 25-27, 2004). Also, the Fourth General Assembly was held in Bangkok from November 15-19, 1986 with 94 ALA delegates attending the conference.

ALA Thailand has also organized seminars and workshops for Thai lawyers on the following topics: "New Regime in Copyright Law and Infringement of Copyright Litigation in Central Intellectual Property" and "International Trade Court" (January 14-15, 1995); "The Thai Legal Development toward 21st Century" (November 6, 1997); Workshop on Business Negotiation (May 14-29, 2001); and "The Legal Development in Asean in 21st Century (November 29 – December 2, 2003). As the tentative host, ALA Thailand is looking forward to organizing the General Assembly in 2006.

The present chairman of the ALA National Committee of Thailand is the Honorable Chief Justice Atthanili Disatha-Amnarj.



Justice Kanok Indrambarya



Hon. Justice Atthaniti Disatha-Amnarj



Justice Apichart Sukhagganond



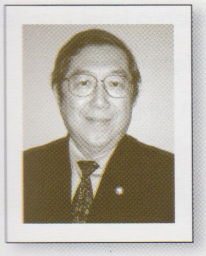
Justice Pornpetch Wichitcholchai



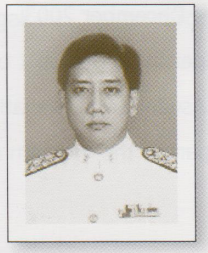
Justice Montri Sriiramsaard



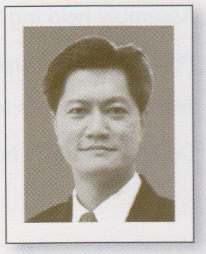
Hon. Justice Prasobsook Boondech



Asst. Prof. Prasit Kovilaikool



Judge Voravuthi Dvadasin



Judge Montri Sillapamahabundit

ALA VIETNAM

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Telephone: (844) 8474826
Fax: (844) 8474831

The Honorable Mr. Pham Quoc Anh is currently the President of the Vietnam Lawyer's Association with more than 30,000 members nationwide. His term in this position is 5 years (2004-2009). He was a Vice Chairman of the Central Committee for Internal Affairs from 1997 to 2001. From 2001 to 2004 he was Assistant to the President of the country.

Vietnam was formally admitted to the ASEAN Law Association on December 2003. The current Chairman of ALA Vietnam is Mr. Pham Quoc Anh who is also the President of the Vietnam Lawyer's Association.

VIETNAM AS OBSERVER

Together with Myanmar and Lao, Vietnam attended the 1997 Governing Council and Standing Committee held in Kuala Lumpur at the Pan Pacific Glenmarie Resort. The invitation for Vietnam to attend the meeting paved the way to its admission to the Asean Law Association.

VIETNAM'S ADMISSION TO ASEAN LAW ASSOCIATION

Vietnam was formally inducted as member of ALA in the 8th Asean Law Association General Assembly held ing Singapore in November-December 2003.
Professor Dr. Nguyen Nien delivered a paper in Workshop 1 on "*Strengthening the Independence and Effiency of the Judiciary*" during the Eighth Asean Law Association General Assembly in Singapore, December 2003. Mr Le Thanh Long was part of the Vietnam delegation.

ACTIVITIES OF THE VIETNAM LAWYERS ASSOCIATION SINCE 1980 TO DATE

1. Making contributions to the law drafting process: This is an important undertaking of the Vietnam Lawyer's Association (VLA): The contribution is made under diversified forms: giving ideas directly to the drafting committee, or making written comments; making a statement in the public media, delivering speeches at seminars, etc. In the first half of 2005, the VLA gave comments to 19 draft laws, the most important of which are the Civil Code (amendments), Law on Registration of Immovable Properties, Investment Law, Enterprise Law, Law on Enforcement of Civil Court Judgements, Law on Anti-Corruption, Law on Lawyers, and Law on Associations.

2. Conducting research and organizing seminars on different issues of laws. In 2005, the VLA undertakes both two researches: one on socialization of legal aid and another on completion of legal framework until 2010. In this same year, some seminars have been organized such as "Legal Issues relating to Juvenile People", "Strengthening Capacity of Vietnamese Jurists in Economic Laws", "VLA in the cause of Country's Renovation."

3. Conducting law education, legal consultancy and legal aid for the poor and the beneficiaries of state preferential policies: At present the VLA has under its administration 4 legal consultancy centers, one legal aid center, one center for consulting policy and laws on HIV/AIDS, one newspaper called "Life and Law", one law magazine and one bilingual law magazine in English and Vietnamese. All these units together contribute to raising legal awareness of the Vietnamese people, especially people living in remote areas, who have difficulties in accessing legal information.

4. Participating in mediation activities at grassroots level through the following activities:

Implementing the Ordinance dated 25 December 1998 on organization and operation of grassroots - level mediation groups, many local lawyers' associations at district, commune levels have actively encouraged their members to join mediation groups in their respective hamlets, villages, and other residential areas.

Mediation activities have been proving effective to help involved parties successfully resolve from scratch small disputes in their residential areas and resolve emerging difficulties in civil relations. This helps to protect solidarity in the communities and protect people's legitimate benefits, restricting law violations and ensuring social order and security in residential communities. By participating in mediation activities, the local lawyer's associations have contributed to the law enforcement at grassroots level, along with the guideline of directing towards grassroots.

5. Supervising law enforcement to minimize law violations and prevent corruption: The supervision of law enforcement is a process in strengthening socialist legislation. The supervision is not only ensure the issued legal documents to be strictly abided by state agencies, organizations and citizens but also to supervise activities of agencies, organizations and officers and civil servants while performing their rights and duties, identifying violations or delibrate wrong-doings; and identifying conflicts, overlapping and impractical provisions in legal documents.

The supervision of law enforcement is done by authorized state agencies, political oraganizations, socio-political organizations, socio-political professional organizations, etc. The supervision is an important contribution to ensuring the effectiveness of issued legal documents, limiting law violations and preventing corruption which are barricades in the course of building a state of law compatible with the trend of international integration.

Vietnam Lawyers Association is a united organization of people working in legal field throughout Vietnam and a member of the Vietnamese Fatherland Front. The Association activities play an important role in strengthening socialist regulations, building a state of law and contributing to the realization of the foreign affairs of the Party and the State.

Being a member of the Vietnamese Fatherland Front, the supervising activities of VLA have to be in conformity with Article 50 of the Constitution which provides "...to participating in supervising activities of state agencies, voted delegates, state officers and civil servants", with provision in the Law of the Vietnamese Fatherland Front and guiding documents over the implementation of this Law. The supervising activities of VLA are in the nature of supporting the supervising activities of the State in order to reduce law violations, prevent corruption and other evils.

THE SUPERVISING ACTIVITIES OF VLA ARE CARRIED IN THE FOLLOWING WAYS:

- To take part in the supervising activities of state agencies, in planning supervising activities of People's Councils at all levels, making proposals to the contents of supervision, and providing information related to the supervising functions of the People's Councils.

- Find out violation of law by state officials and send recommendations for correction to the competent bodies.

- Through the process of consultancy, VLA units have encouraged the citizens to implement their rights to supervision over activities of State agencies, activities of civil servants and identifying shortcomings that violate their legitimate rights and interests. Thanks to the work of legal consultancy the members of VLA have identified conflicts and overlapping in current laws and wrong decisions or doings of state officials to make recommendations to competent bodies for correction.

- VLA's units through their activities summed up opinions from citizens and its members to make proposals to competent state agencies for revision and handling of violations in the law enforcement. Receiving proposals from VLA's units, the heads of competent state agencies are responsible for dealing with the issues within a period set by the law.

6. International cooperation: The VLA regurlarly keeps contact with various foreign and international organizations to exchange experience, points of view and find out opportunities for cooperation. To date the VLA has signed a Memorandum of Cooperation with the China Law Society, under which the two organizations annually visit each other to discuss matters of common concern and jointly hold seminar on topics of interest for both sides. At present the VLA is in the process of formulating a cooperation project with UNDP, under which the latter will support VLA in strengthening its organizational capacity and training its members. It is expected that this two year project will start from beginning of 2006.

Besides, the VLA also sent its members to take part in different conferences abroad such as the conferences of lawyers in Asia and the Pacific, conferences organized by the Association of International Democratic Lawyers.

The Honorable Professor Dao Tri Uc is the Chairman of ALA National Committee of Vietnam.



Mr. Pham Quoc Anh
Chairman of ALA Vietnam

Mr. Pham Quoc Anh is currenly the President of the Vietnam Lawyers' Association with more than 30,000 members nation wide. His term in this position is 5 years (2004 – 2009). He was a Vice Chairman of the Central Committee for Internal Affairs from 1997 to 2001. From 2001 to 2004 he was assistant to the President of the country.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

The Hon. Mr. Khamkong Liemphrachanh
Chairman, National Committee of Laos
Fax: 856-21-414102

JUDICIAL SYSTEM

The 1991 Constitution provides for freedom of speech, assembly, and religion. The Constitution contains provisions designed to guarantee the independence of judges and prosecutors. Provincial courts are at the next level as appellate courts. There is also a central supreme court in Vientiane. In 1993, the government began publishing an official gazette in which all laws and regulations are disseminated. A bar association was formed in 1996 to strengthen the legal profession and individual rights to counsel. Rising crime rates place a burden on Laos's under-funded and understaffed legal system.

The Laos Bar Association (LBA) is the professional association for non-government Laos lawyers. The LBA is a relatively new professional association with 70 members. The LBA is currently supported by UN Development Program (UNDP) with the project: Enhancing Access to Justice through Laos Bar Association. This project seeks to assist the LBA to develop Laos lawyers' capacity, recognising that lawyers are critical to developing good governance.

In the recently concluded Eight General Assembly in Singapore held in November-December, 2003, Lao PDR was formally inducted as member of ALA. The Honorable Mr. Khamkong Liemphrachanh is the Chairman of ALA (Laos).

ON ACHIEVEMENTS

Update Enhancing Access to Justice through the Lao Bar Association

THE CONTEXT

Strengthening the Rule of Law in Lao PDR is a key pillar of the governance reform policy in the Lao PDR, including improving people's access to justice. Although a formal court system operates at the district, provincial and central levels, people's lack of awareness about their rights under the law and a lack of legal representation means that relatively few cases are brought to court. Legal counsel is available through the Lao Bar Association (LBA) but the organization is at present in its infancy. In addition, Village Mediation Units (VMUs) operate in 90% of villages using traditional systems of dispute resolution. In rural areas, therefore, they are a more accessible source of justice than district or higher courts. In promoting access to justice, it is therefore important to understand the functioning of the VMUs and the linkages with the formal court system.

THE PROJECT

The project aims to strengthen the LBA in order to enable it to function as a professional, independent institution providing a wide range of legal services to the Lao people. The Government of Lao PDR and UNDP have both identified the need to strengthen the LBA as an essential step in ensuring equitable access to the justice system. Project activities include capacity building for members of the LBA, a comparative analysis of similar institutions operating in other countries and raising public awareness of the LBA as a source of legal advice and guidance. In addition, the project also aims to strengthen the operation of VMUs. A review of the operations of VMUs and linkages with the formal court system will help identify immediate training needs for VMU members to be addressed by this project as well as options for future support. The project has been under way for only a few months and during this time has taken the first steps towards meeting the aims and objectives:

- Executive members of the LBA have travelled to China and Thailand to meet counterpart national law societies, exchange experiences and promote long-term cooperation;
- A new LBA head office has been established and equipped in Vientiane, providing lawyers with adequate working space, and some essential supplies have been provided to branch offices in other provinces;
- Members of the LBA have completed a two-week training course to upgrade knowledge and skills on Commercial, Civil and Criminal law etc;
- Lawyers applying for membership of the LBA have received training to improve their capacity to present cases in court.

ALA FOUNDATION, INC.

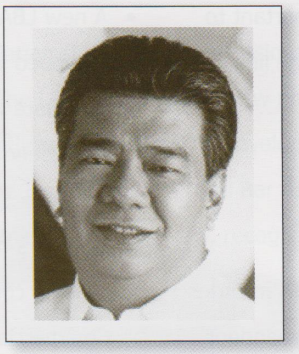
To ensure the Association's viability and development, the ASEAN Law Foundation was incorporated under Philippine Law on 21 January 1982. Its purpose is to establish and maintain a Foundation for the promotion of cultural, social and charitable objectives of ALA such as legal research and training, cultural exchange programs, comparative law studies, scholarship grants, maintaining professorial chairs, establishing legal aid programs and seminar activities. Initially, the ALA Foundation funded the publication of the ALA Journal and the ALA Newsletter.

In September 1982, under the asupices of the Philippine National Committee, with the assistance of the University of the Philippines Law Center, the first issue of the Asean Law Journal was published.

The ALA Newsletter was initially published in June 1986 by the ALA Secretariat in Jakarta. The editorship was passed on to the Secretary-General of Malaysia and now to the ALA Secretariat of Singapore. The last of which came out in June 2004.

President - ALA Foundation, Inc.
Senator Franklin Drilon

Senator Franklin Drilon finished his Bachelor of Arts in Political Science in 1965 and his Bachelor of Laws in 1969, both at UP. He did not only excel in academics but he was also active in campus politics. He was a member of the UP Student Council as university councilor. He served as associate editor of the Philippine Collegian and member of the editorial board of the Philippines Law Journal. Also a member of the Order of the Purple Feather, the honor society of the UP College of Law, he placed third in the bar exams in 1969. He was in private practice of law until 1986. His first stint in government service was in 1986 as Secretary of the Department of Labor and Employment. His outstanding work in the Labor and Justice Departments did not fail to impress President Aquino, who appointed him Executive Secretary in 1991.



President Ramos tapped his services from 1992 to 1995 as Secretary of Justice. In 1995, he ran for the Senate. At the start of the second half of his six-year term, Drilon assumed the post of Senate majority leader, the workhorse of the chamber. Drilon's scope of interests and priorities is wide and varied --- from judicial reforms and transparency in government transactions, to streaming the bureaucracy and modernizing the economy. After again placing 4th in the 2001 Senatoria elections, he was voted by his colleagues to hold the highest Senate post at the start of the 12th Congress, a post he still holds now in the 13th Congress. And again, he assures a Senate in action - a Senate which will always champion the causes of our countrymen, a Senate of cooperation and union, of sharing , caring and linking, not conflict and competition.

ALA PUBLICATIONS

1. 1980 ASEAN COMPARATIVE LAW SERIES. 9 v.

Published by the Asean Law Association of the Philippines, Inc in cooperation with the University of the Philippines, October 1983.

The original bases of this work are the Workshop papers for the Manila General Assembly. It includes the floor discussions of the workshop faithfully recorded illustrating the participants' own perceptions of their legal milieu, including the problems, prospects, and directions of the law profession and the rule of law.

2. LEGAL SYSTEMS IN THE ASEAN REGION.

Published by ALA with the assistance of the Asia Foundation and thru the efforts of the ALA President Sansern Kraichitti, 1987. 170 p.

Intended to be compilation of writings on the legal systems of the six ASEAN countries, only the Philippines and Thailand were included due to copyright problems. The articles were authored by Myrna S. Feliciano, from the Philippines; and by Borwornsak Uwano and Surakiart Sathivathai of Thailand; and an article on the "Future of ASEAN Legal Cooperation" by Vitit Muntarbhorn.

3. ASEAN LEGAL SYSTEMS.

Published by Butterworhts Asia in Singapore thru the efforts of the Singapore National Committee headed by Justice Chao Hick Tin, 1995. 548 p.

Contributing authors were: Ahmad Basuni Haj. Abbas and Dy Hasnah Hassan for Brunie Darussalam; Gregory Churchill, Sunaryati Hartono, Ricky Setiawan Nazir, A. Zen Umar Purba, Mardjono Reksodiputro, Ernst G. Tehuteru and T.M. Zahirsjah for Indonesia; Siva K. Anantham and Zanur bin Zakaria for Malaysia; Myrna S. Feliciano for the Philippines; Helena Chan for Singapore; and Prasit Kovilaikool for Thailand.

4. ASEAN LAW JOURNAL.

Published by the ASEAN Law Foundation, Inc for the Asean Law Association, in cooperation with the University of the Philippines. V- 1-3, 1982-1995.

The following are the contributions to the three issues:

Volume 1, 1982
Law and Development in the Asean Region
– Mochtar Kasumaatmadja
Regional Economic Integration and the Function of the ASEAN Law Association
– Merlin M. Magallona
Human Rights in the Philippines Setting
– Edgardo J. Angara
Recognition of the Human Rights Under Thai Laws
– Viboon Engkagul
Access to Justice: Legal Assistance to the Poor in Malaysia
– Abu Baker Bin Anang
Legal Education in Singapore
– Tan Sook Yee
Education in the Law: Philippine Experience
– Irene R. Cortes
Law and Legal Profession in Indonesia
– Harjono Tjitrosubono
The Legal Profession and the Law in Malaysia
– Visu Sinnadurai
Law and Legal Profession in the Philippines
–
Marcelo Fernan
Law and the Legal Profession in Singapore
– T.P.H Menon
Law and Legal Profession in Thailand
– Sansern Kraitchitti
Popularizing the Law (POPLAW)
– Purification V. Quisumbing

Volume 2, 1986
Legal Development and Promotion of Intra-ASEAN Trade and Investment
– Sunaryati Hartono
ASEAN Legal Order and Framework for Diplomacy
– Edgardo J. Angara
Legal Protection of Computer Software in ASEAN
– Richard Magnus
Foreign Investment Requirements in Malaysia
– W.S.W Davidson

Volume 3, 1995
ALA Regional Symposium on the General Agreement on Tariffs and Trade (Uruguay Round) and Intellectual Property Rights, 3 December 1994, Shangri-la Hotel, Cebu City, Philippines

ASEAN in the New World Trade Order
– Edgardo J. Angara
General Agreement on Tariffs and Trade (GATT) and the Uruguay Round Negotiations
– Merlyn Kasimir
Harmonization of Intellectual Property Laws
– Aleli Angela C. Quirino
Some Notes/Reactions to the Lectures on GATT and Intellectual Property Law
Achieving Consistency in Sentencing
– Hayati Salleh
A General Review of Current Issues in Indonesian Legal Education
– Mardjono Reksodiputro
An Update of Investment Laws and Regulations in Malaysia
– Khalid Yusoff
Transnationalization of the Practice of Law: Comments on the Uruguay Round's General Agreement on Trade in Services
– Merlin M. Magallona
The Singapore Lawnet Experience
– Charles Lim Aeng Cheng

5. ALA NEWSLETTER.

In the first of the Association, ALA newsletter was published by the ASEAN Law Association of the Philippines.

In 1986, however, for practical considerations the ALA Newsletter was published by the ALA Secretariat. The Newsletter published in Jakarta, first appeared in June 1986 and the second in September 1986. Thereafter, the Governing Council transferred the publication of the Newsletter to Malaysia who chaired the Standing Committee on Legal Information.

In its meeting of 26 June 1987, Justice Dato Harun Hashim reported that the Dean of the Faculty of Law of the University of Malaysia agreed to assist in producing the ALA Newsletter. Then, the editorship was passed on and continued by the Singapore Secretariat in June 2004.







ALA GOLFERS CLUB

The Asean Law Association (ALA) Golf Chapter was originally organized at the initiative of Atty. Avelino V. Cruz, Chairman of ALA Philippines at the Governing Council Meeting in Singapore held on December 11, 2002. The group was formed in line with the provisions of the By-Laws of the Asean Law Association which promote fellowship and foster interaction and mutual cooperation among lawyers and judges of the ASEAN countries.



BY-LAWS OF THE ASEAN LAW ASSOCIATION (ALA) GOLFERS CLUB

PREAMBLE

We, the Members of the Asean Law Association ("ALA") Golfers Club desiring to promote mutual cooperation, fellowship, and interaction, among the members of the ALA as mandated by Section 2.1 of the Constitution of the ALA, and to enhance such cooperation through the game of golf, thus providing impetus to regional meetings and fellowship outside of the Governing Council meetings and meetings of the General Assembly; and having decided to establish a Golfers Club at the meeting held on the 6th of March 2003, in Makati City, Metro Manila, Philippines; do hereby adopt and promulgate these By-Laws.

MEMBERSHIP

1. The initial members of the ALA Golfers Club shall be the founding members who have duly affixed their signatures to these By-Laws. Other members may be admitted to the Club, in accordance with the rules established by the Executive Committee.

2. Every application for membership in the Club shall be filed with the Secretary General of the Club, who shall process such application for membership. The application for membership shall be in such form as Executive Committee may provide, and shall duly signed by the applicant. The application for membership shall be submitted by the Secretary General to the Executive Committee for its review, consideration, and approval.

EXECUTIVE COMMITTEE

3. (a) An Executive Committee shall be established in each ASEAN country consisting initially of seven (7) members, one member from each member country of the ASEAN Law Association ("ALA"), to be designated by the respective National Committees of each country. In the event that other countries are admitted to the ALA, the number of members of the Executive Committee shall be adjusted accordingly. The Executive Committee may designate such Ex-Officio members it may deem necessary. A Chairman shall be elected by the members of the Executive Committee from among themselves. The Executive Committee may rotate the chairmanship on the basis of venue of each tournament or for such term as the Committee may determine. A majority of the members of the Executive Committee already designated by the National Committee shall constitute a quorum.

(b) The members of the Executive Committee shall serve for the period corresponding to the intervals of the General Assembly of ALA. The initial members shall serveuntil the convening of the next General Assembly following the General Assembly to be held in Singapore on May 2003.

4. (a) The Executive Commite shall establish the golf circuit program so that Club fellowships and in tournaments shall be held by rotation among member countries every six (6) months during intervals between Governing Council meetings of ALA, or at such other times and venues as the Executive Committee shall determine.

(b) The Executive Committee may create sub-committees such as membership, handicap of members, and tournament rules, as may be recommended by the Secretary General regarding the custody of funds and records of the similar matters as provided for under these By-Laws.

SECRETARY-GENERAL

5. There shall be a Club Secretariat headed by a Secretary-General who shall be appointed by the Executive Committee who shall serve for such term as the executive committee may provide. The Secretary-General shall:

(a) have the custody of the funds, seal and records, and trophy room, if any, of the Club;

(b) attend and keep minutes of all sessions and meetings of the Club;

(c) coordinate the holding of regular golf tournaments for members of the Club.

(d) appoint such employees and agents of the Club, as may be necessary, subject to the approval of the Executive Committee; and

(e) have such other functions and discharge such other duties as may, from time to time, be delegated by the Executive Committee of the Club.

DUES

6. Membership dues from members of the Club shall be in such amounts as may be prescribed by the Executive Committee from time to time. The Executive Committee may impose reasonable special levies on members for such special purposes as it may deem necessary.

7. Any member who is in arrears of his dues or levies may have his rights and privileges of membership in the Club suspended, under such rules as may be determined by the Executive Committee.

MEETINGS OF MEMBERS OF THE ALA GOLFERS CLUB

8. Membership meetings of the Club shall be held during the meetings of the ALA Governing Council or on such other dates as may be determined by the Executive Committee. The Agenda for the Meeting shall be prepared by the Secretary General and distributed not less than thirty (30) days prior to the said date.

HONORARIUM AND EXPENSES

9. The Secretary-General shall receive an honorarium, to be determined by the Executive Committee, from time to time, and shall be reimbursed for any ordinary and necessary business expense(s) officially incurred.

10. No other officer of the Club shall be entitled to any salary or honorarium. Such other officer of the Club may be reimbursed for any ordinary and necessary business expense(s) actually incurred by him / her on account, and for the benefit, of the Club.

SEAL OF THE CLUB

12. The Club shall have a seal, the form of which shall be determined by the Executive Committee. The seal shall not be affixed to any instrument or document except on a resolution of the Executive Committee and shall be duly attested to by the Secretary-General.

IN WITNESS WHEREOF, we, the undersigned Founding Members of the Club have to hereunto subscribed and signed our names this 6th day of March, 2003 at Makati City, Metro Manila, Philippines.

Dato Paduka Haji Kifrawi bin Dato Paduka Haji Kifli
Chairman ALA Brunei

Dato' Hashim bin Dato' Haji Yusoff
Chairman ALA Malaysia

Atty. Avelino V. Cruz
Chairman
ALA Philippine National Committee

Pg Yusof bin Pg Hj Mat Daliek

Dato' James Foong Cheng Yuen

Justice Artemio V. Panganiban

Iskandar Zulkarnain bin Hj Omar Ali

Dato Mah Siew Kwok

Justice Leonardo A. Quisumbing

Datuk Eugene Campos

Atty. Alfonso R. Reyno, Jr.

Mr. Mah Weng Kwai

Atty. Mervyn G. Encanto

Dato' Mohamed Al Amin bin Abdul Majid

Atty. Jeremy Z. Parulan

Mr. Christopher Leong Sau Foo

Atty. Salvador C. Medialdea

Atty. Norberto P. Manzano

Atty. Francisco P. Acosta

Atty. Artemio Winston D. Bahia

Atty. Alfredo C. Lim

Atty. Alfredo L. Villamor

Atty. Rogelio A. Vinluan

Atty. Francisco Ed. Lim

Atty. Eusebio V. Tan



△ Atty. Jeremy Parulan welcomes participants to the ALA Golfers Club Inaugural Golf Classic.



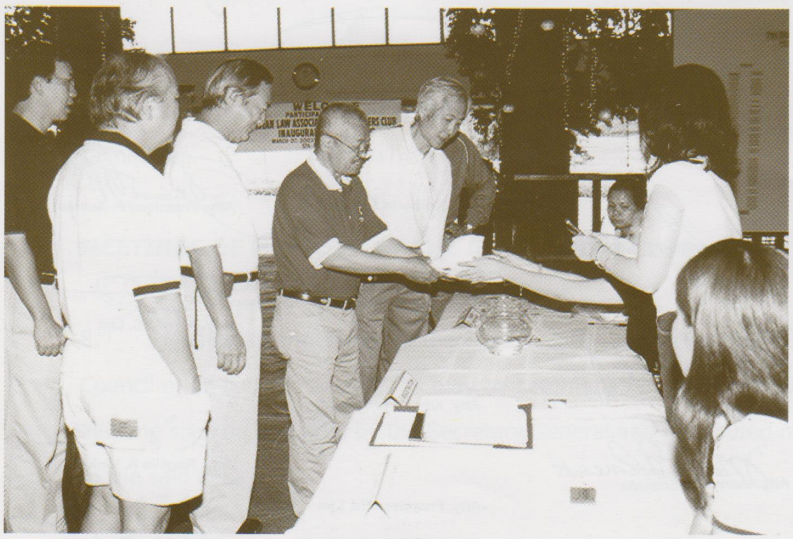
△ Philippine Stock Exchange Chairman Francis E. Lim takes a swing.



△ Winners of the Inaugural Golf Classic.



△ Justice James Foong during the awarding ceremony at the golf tournament in Bali, Indonesia.



△ ALA Golfers register for the Inaugural Golf Classic.

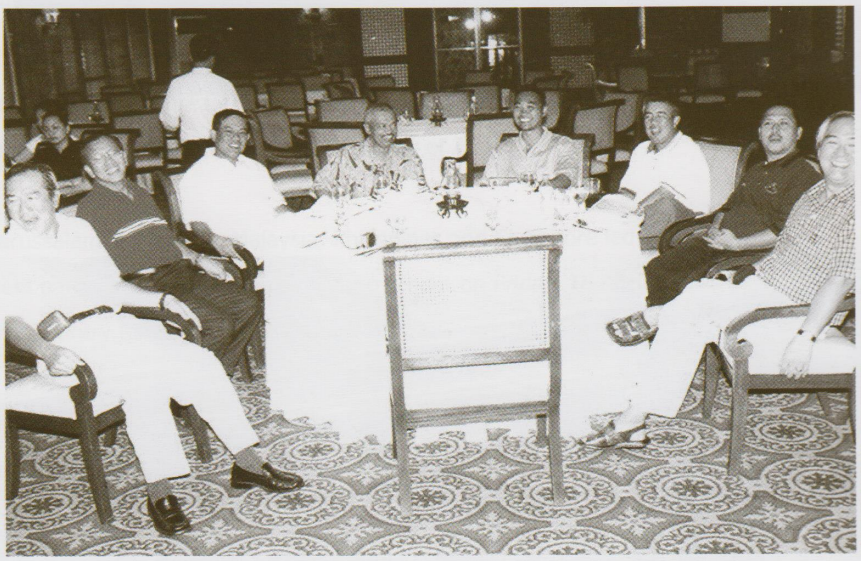


△ Comelec Chairman Benjamin Abalos, incumbent President of Wack-Wack Golf Club with members of the ALA golfers.



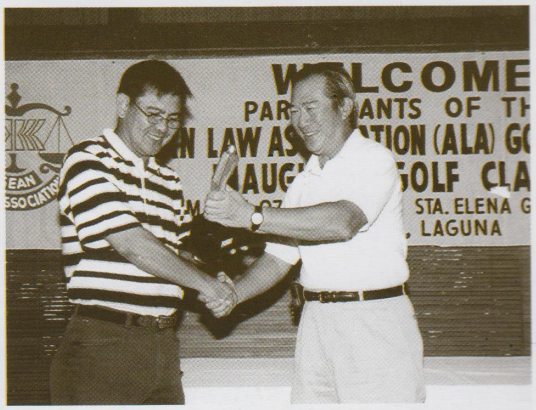
△ Atty. Avelino V. Cruz executing a perfect swing.

▽ Supreme Court Justice Artemio Y. Panganiban with Atty. Avelino V. Cruz and Brunei golfers.



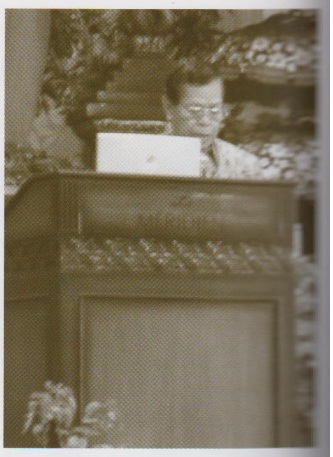
△ Host ALA-Philippines President Avelino V. Cruz with Justice Foong and other participants.





△ ALA Golfers Club President Justice Foong awards Atty. Jeremy Parulan during the Inaugural Golf Classic at Sta. Elena Golf Club, March 2003.

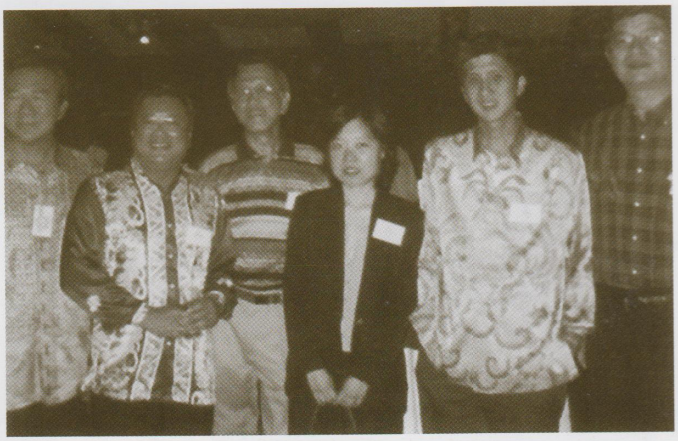




△ Indonesian host welcomes ALA golfers.

▽ ALA Golfers shared light moments in Bali, Indonesia.





△ **Justice Dato' James Foong with Singapore golfers Jeffrey Chan, Low Siew Joon, Lynette Long, Toh Han Li & Charles Lim.**

ALA GOLF TOURNAMENT,
APRIL 15-16 2004, KUALA LUMPUR

By Dato' James Foong
President, ALA Golfers Club

At the initiative of the Chairman of the ALA Philippines and former Secretary-General, Attorney Avelino Cruz, the inaugural golf tournament was held in Manila two years ago. The ALA Golfer's Club was formed to foster greater fellowship and promote cordial ties. Justice Dato' James Foong Cheng Yuen was elected as the Golf Captain of ALA.

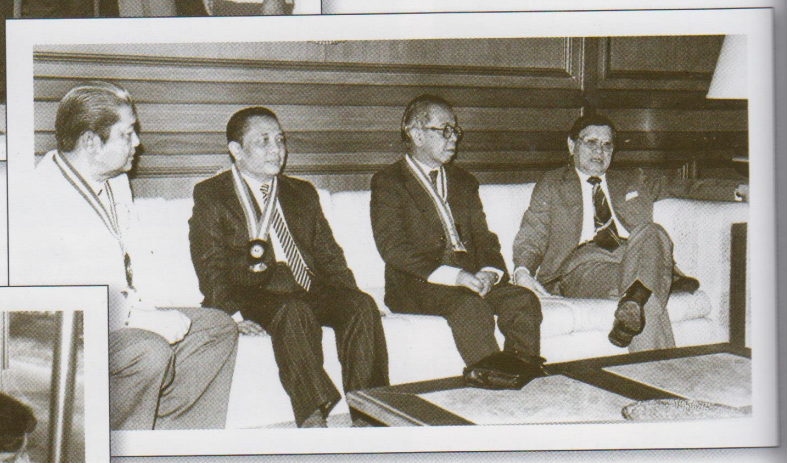
Golfersa from Brunei Darussalam, Indonesia, Malaysia, Philippines and Singapore led by Senior judges and lawyers participated in the ALA Golf Tournament on Friday, 16 April 2004 at the Tropicana Golf and Country Resort, Kuala Lumpur, Malaysia.

The tournament was graced by the presence of the Chief Judge of the High Court of Malaya, the Honourable Tan Sri Haidar bin Mohd Noor and the Chief Judge of the High Court in Sabah and Sarawak the Right Honourable Tan Sri Datuk Steve Shim Lip Kiong. Prior to the tee-off, the Malaysians hosted a generous welcome cocktail and buffet dinner at the Royal Selangor Club on Thursday, 15 April 2004. Inspired by Chairman, ALA Malaysia, Justice Dato' Hashim's performance on stage, each delegation contributed to the after-dinner "entertainment."

The next day a late morning thunderstorm failed to dampen spirits. Heads of delegation and Secretary-General Charles Lim gave away the prizes, most of which were determined by lucky draw! Host Malaysia emerged the team champion. ALA Malaysia generously hosted a dinner at Justice Dato' James Foong's residence situated at the Tropicana Golf Resort itself. The dinner was attended by President, ALA, Justice Chao Hick Tin and former President, ALA, TPB Menon.



◁ Atty. Jose Bengzon, Jr., Drs. Mieke Komar and Komar Kantaatmadja, Justice Purwoto Gandasubrata, Chief Justice Marcelo Fernan and TPB Menon and other delegates pose in the exhibit area.





Mrs. Gloria M. Angara and delegates on the way △ to the official residence of President Suharto.



△ Delegates visit Speaker Querube Makalintal at the Batasang Pambansa.

Indonesian delegates ▷ render a Bahasa song.

▽ Delegates from Brunei sing a local folk song.





◁ Delegates dance the night away with Minister Ricardo Puno and Bunny Suffian leading the way.

Prof. Khalid Yusoff singing at the Manila Hotel lounge.





Delegates relax and share light moments.



Prof. Prasit Kovilaibood and wife.



Delegates and their ladies during a reception tendered by ALA of Malaysia.

ALA Delegates exchanging pleasantries.

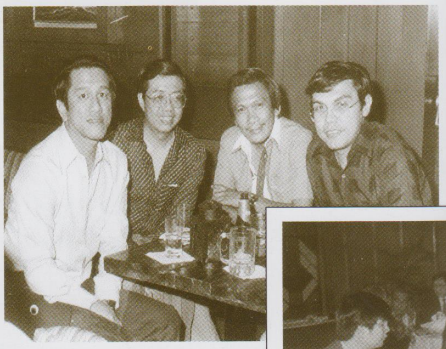


▽ Chief Justice Fernan and his wife Eloy, enjoy a walk in Villa Escudero with Justice Sansern Kraichitti, Atty. Al Ancheta and Mr. Kim Seah Teck Kim.



Jusctice Ricardo Puno and Al Ancheta exchanging views. ▷





△ ALA delegates enjoying music at the Manila Hotel.

◁ Justice Purwoto Gandasubrata and Dr. Komar Kantaatmadja with ALA lady delegates.





▽ Miss Deborah Barker and a Singapore delegate rendering a song.

▽ Philippine delegation singing "Handog" at Brunei.



▽ ALA delegates in front of President Suharto's residence.







◁ Singapore delegates enjoying fellowship dinner.

Wendy Yap and other delegates take time out from hectic schedule to enjoy elephant ride at Chiang Rai. ▷

AN ASEAN INCIDENT TO REMEMBER

By Judge Dolly L. Español, (ret.)

Time flies by so fast, but a memorable incident about an ASEAN Council Meeting held in 1985 that resulted in near tragedy in Cebu City, still lingers on. This was some years back when then Chief Justice Marcelo Fernan as Chairman of the Council, hosted the meeting of Asean members in Cebu City. As part of the camaraderie after a hectic schedule of meetings, he organized island hopping using two out-rigger boats to include swimming towards the afternoon in the crystal-clear waters off a Cebu coastal beach resort.

Upon the host's request, I was made to accompany one boat where foreign delegates grouped together while he was in the second boat with local delegates and friends who were chatting and enjoying the stillness of the sea. Spotting a quiet and clear portion of the sea fronting the resort called *Tambuli*, the two boats lowered their anchors and we both climbed down into the refreshing waters.

As we were watching the boats, the one with Justice Sansern and other foreign delegates started to tilt and tilt and tilt, until it sank to the bottom of the not too deep water. We were tongue-tied and motionless for a moment, not understanding what happened. Chief Justice who was like a father to the embattled delegates swam towards them to see what could be done in order to secure the safety of all the foreign visitors.

At that point in time, delegates who were not too congenial or warm to each other, especially the two delegates from a neighboring ASEAN country, suddenly found themselves helping one another until the boat was re-floated and we sailed back to safety. A few minutes after the incident, we saw a navy ship with frogmen who came to the rescue of our visitors and one jewelry purse was retrieved from the sea floor. Although cameras were damaged, my personal belongings lost, we enjoyed the unwelcome dip in the blue sea of Cebu City, which caught the international press.

Such incident no doubt has made the ASEAN Law members closer than ever and as we celebrate the 25th anniversary of the regional organization, we are resolved to rise above trials and tribulations as sturdy people do.

THINKING ABOUT ALA

By Prof. Khalid Yusoff

FIRST EXPERIENCE

When I first joined ALA and served on the Malaysian National Committee in 1986, I was thrilled at the prospect of being involved in the effort to foster legal cooperation in Asean. In the process I realized that I would be meeting lawyers from the ASEAN countries comprising of judges, government lawyers, private practitioners and law teachers. My first experience of such a meeting was the Governing Council Meeting in Penang followed by the General Assembly in Bangkok in 1986. Since then, I have been attending all Governing Council Meetings and General Assemblies of ALA and I am looking forward to the next General Assembly and this time it will be special to me since we will be hosting it in Kuala Lumpur in 1995.

THE AIM

However, whenever my colleagues at the Law School approach me with questions such as, what ALA has done and what it hopes to do, I have to be careful with my answers for they require a careful examination and appraisal of what ALA has achieved and what it hopes to do in the future. But one thing is clear. That is, ALA was formed in 1979 with one important aim namely to "promote closer relations, cooperation and mutual understanding among members of the legal profession in ASEAN and endeavor to support the aspiration of ASEAN through the forging of a variable legal framework for cooperation".

THE ROLE

Since the formation of ALA, we have had many meetings and have held many assemblies. At every meeting and assembly we have expressed our aspirations to achieve the above objectives. And as lawyers we also know that the growth of ASEAN cooperation particularly in economic, social and cultural matters at any level of development would require cooperation in the legal field. This is where ALA can play an important role and indirectly compliment the work of ASEAN Standing Committee.

SUCCESS SO FAR

How successful has ALA been so far? Granted the fact that the above objectives will have to take a long time to realize, ALA has not been without success. To me the most significant success is that ALA has been very successful in bringing together and promoting closer relations, cooperation and mutual understanding among members of the legal fraternity in ASEAN. This was made possible through the numerous meetings and interaction during general assemblies. As a result, the personal contacts which have been established by the members have proved to be beneficial and this can be taken as a starting point for further development in legal cooperation. Another success is the acceptance in principle by the ASEAN Standing Committee in 1983 of ALA's proposal on ASEAN cooperation in the legal field, when it was proposed that ASEAN legal cooperation could take place in the following three areas, namely; (i) legislation, (ii) judiciary and law enforcement, and (iii) legal education. ALA also scored another success when it was granted the status of an ASEAN Non-Governmental Organization (NGO) which gave ALA the official recognition to initiate programmes in legal cooperation. Thus no one can deny the fact that ALA is now standing on stronger ground than before.

LEGAL EDUCATION

Speaking for legal education, something which I have been personally involved, ALA's Standing Committee on Legal Education has made some progress even though much more could have been achieved. Outside the Governing Council Meetings and the General Assemblies, legal scholars and law students have met at the various workshops and seminars and fruitful exchanges of ideas have taken place. Among these is the Workshop on Cooperation in Legal Education organized by the Standing Committee on Legal Education in Jakarta in 1988 at which many ASEAN legal scholars took part to exchange ideas and to plan programmes for the future. More recently, the law students of the University of Malaya in Kuala Lumpur had successfully organized the Fifth ASEAN Law Students Conference where interaction was made possible at the student level.

NEED FOR COMMITMENT

However, the success story of ALA could have been better if a more serious commitment was given by all those concerned.

THE FUTURE

Since 1979 ALA has held the meetings of the Governing Council almost every year and in between we have had six General Assemblies. So far we have managed to bring ALA members together to state and compare each others laws but little has been achieved at harmonizing those laws. That puts us very far away from the stage of unification of our laws. Many plans and programmes, still remain as plans awaiting implementation. We have planned for exchanges of information, lawyers, scholars and students. What has happened to the ASEAN Law Journal which made its first appearance in 1982? Even this newsletter does not appear regularly. We have also planned for more meetings of various sections of ALA. More recently we have also agreed to set up an ALA Law Academy. All these will need strong commitment from the governing council and all members of ALA generally. Perhaps it is time for us to canvas for more new members to join ALA. In Malaysia, for example out of 5,000 lawyers or so, only about 100 are registered as members and out of that 100 only a handful are actually working to keep ALA going. A more aggressive effort will have to be made to recruit more members. We also need more funds in order to implement the various programmes which have been planned. Therefore funds have to be made available from whatever and other relevant sources there are. Lastly, we need continuity in our activities. As we get new members, the senior and the more experienced members have to stay on to inspire and lead ALA into the future and to put ALA in the right direction in order to achieve its objectives.

This article was published in the ALA Newsletter, January-June, 1993, p.14-15.

THE BIRTH OF AN IDEA... ALA

By Senator Edgardo J. Angara

It all began when Director Teuku Mohammed Radhie of the National Law Development Center of Indonesia approached me at the Integrated Bar of the Philippines during the latter part of November, 1978. He explained that he was tasked by Justice Minister Prof. Mochtar Kantaatmadja to consult on the feasibility of holding a Conference on Legal Development in Asean countries in Jakarta.

I accompanied Mr. Radhie to see Chief Justice Fred Ruiz Castro who designated and instructed Justice Felix Q. Antonio to convene a meeting at The Manila Hotel. Legal luminaries from the government, judiciary, voluntary bar associations and the academe were invited to the meeting with Mr. Radhie. Thereafter, it was agreed that a list of Philippine paper writers and delegates would be sent to Jakarta.

I thought that it was strange and paradoxical indeed that lawyers from the ASEAN countries who belong to the same region in this part of the world had been practically strangers to each other and hardly knew the legal systems of our neighboring states. It was at this time that I was fascinated with the idea of a common association of lawyers in Southeast Asia which would include the extension of mutual help and cooperation.

Mr. Radhie and I agreed to visit the other countries to present the proposal of the Jakarta conference. Mr. Radhie went to Thailand and met with Supreme Court President Praport Thirawat, Justice Sansern Kraitchitti, the Deans of Chulalongkorn and Thammasat Universities, and the President of the Thai Lawyers Society.

I went to Singapore and discussed the project with Chief Justice Wee Chong Jin, Minister of Law and Foreign Affairs Prof. S. Jayakumar, Attorney General Tan Boon Teik, Prof. Tan Sook Yee and the President of the Law Society of Singapore. It was agreed that Prof. Tan Sook Yee will present a resolution on the creation of a non-governmental organization of Asean Lawyers while I was to present a concept paper on the association.

In Kuala Lumpur, Malaysia, I met with the Lord President Tun Suffian, Prof. Datuk Ahmad Ibrahim, Dean of the University of Malaya and the President of the Malaysian Bar Council. It was also at this time that I invited Lord President Tun Suffian to lecture on "The Parliamentary System versus Presidential System—The Malaysian Experience" to be the first Comparative Law Lecturer of the Integrated Bar of the Philippines. He delivered the lecture in Manila on the 17th of March 1979.

All these efforts were brought into fruition when the Conference on Law and Development was held in Jakarta from February 5-10, 1979 and as a result. . . the birth of ALA.

"The ALA is unique in that it has incorporated into its decisional process a system of consensus that is fundamentally ASEAN. While other organizations are ruled by majorities or dominated by activist minorities, the ALA has settled for the more difficult, but ultimately more effective, mechanism of consensus. We can be certain that any resolutions emanating from this and future assemblies will bear the unmistakable stamp of regional consensus."

Senator Edgardo J. Angara
Philippines, 23 November 1980

ALA BEYOND 2005...

In its meeting of August 6, 2005, the ALA Governing Council approved the establishment of an ASEAN Law Association Website to be hosted and managed by LAWNet. As proposed by the ALA National Committee of Singapore, this website has the following objectives.

1. The establishment of the ALA website will promote its professional image. It will also raise the profile of the association's activities as it will be accessible via the internet. This can serve as a means of publicizing the association's activities to all members of the ASEAN.

2. As a central repository of ALA literature, it can assist the dissemination of legal information between members.

3. In the future, the ALA website can evolve into a forum that allows legal information between members.

One of the key benefits of the association's website is to function as a repository of literature generated by the association. This will make such documents accessible by member states electronically. Through time, it will form a permanent record of the association's deliberations. The repository will contain the following categories of documents:

a. Papers presented at each General Assembly beginning with 8th General Assembly
b. Papers presented at workshops organized by ALA or ALA Standing Committees;
c. Updates of proposed 'Legal Systems in ASEAN' book;
d. Information on each country's legal developments; and
e. Links to websites on ASEAN laws or legal research.

WEBSITE STRUCTURE

Aside from the document repository, the website will contain the following sections:

a. **Front page**
The front page will serve as an entrance to the website. This page can contain an address by the by the current President, news and highlights.
b. **About ALA**
This section will provide a brief history of the association, its aims and will contain a Hall of Fame of founding members.
c. **Office-Bearers and Members of National Committees**
This section will contain a list of the current office bearers, accompanied by a short write-up and where available, a photograph.
d. **Contract Details of ALA Secretariat and National Committees**
This section will contain the postal and e-mail contact details of the ALA Secretariat and the nominated contact person for each National Committee.
e. **News**
This section will hold a repository of the association's newsletter.
f. **Official Documents**
This section can contain the following documents:
   i. ALA Constitution and By-Laws;
   ii. Proceeding at the General Assemblies— Keynote Speeches, Rapporteurs' and Rapporteur-General's Report;
   iii. Summary of Proceedings at Governing Council Meetings; and
   iv. Photographs taken at General Assemblies and Governing Council meetings.

The ALA Website will be inaugurated on November 24, 2005 at the 25th Anniversary Special Commemorative Session of the ASEAN Law Association, Shangrila Hotel, Makati, Metro Manila.

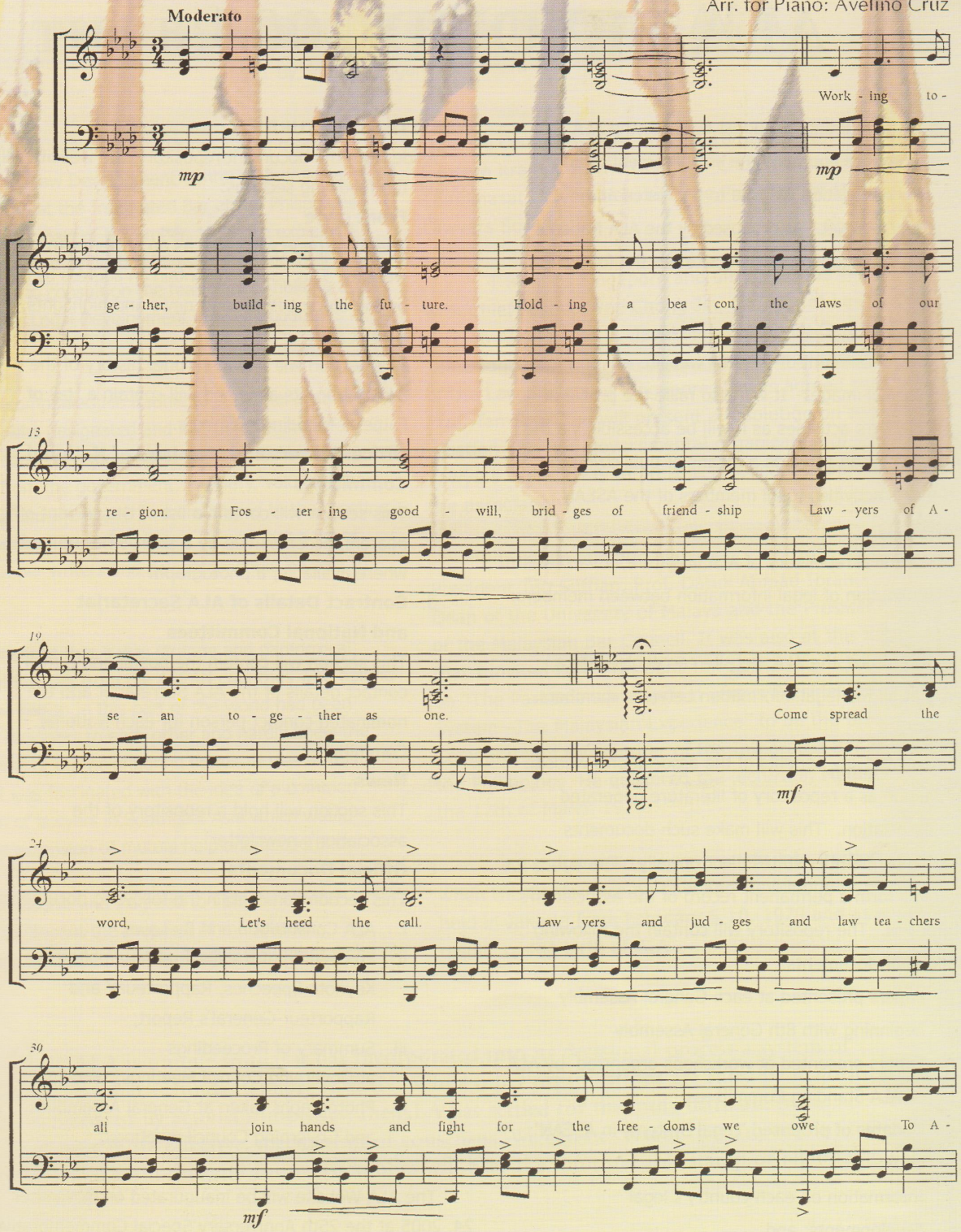
"ALA HYMN"

(ASEAN LAW ASSOCIATION)

Lyrics: Magdangal M. de Leon

Music: Avelino V. Cruz

Arr. for Piano: Avelino Cruz



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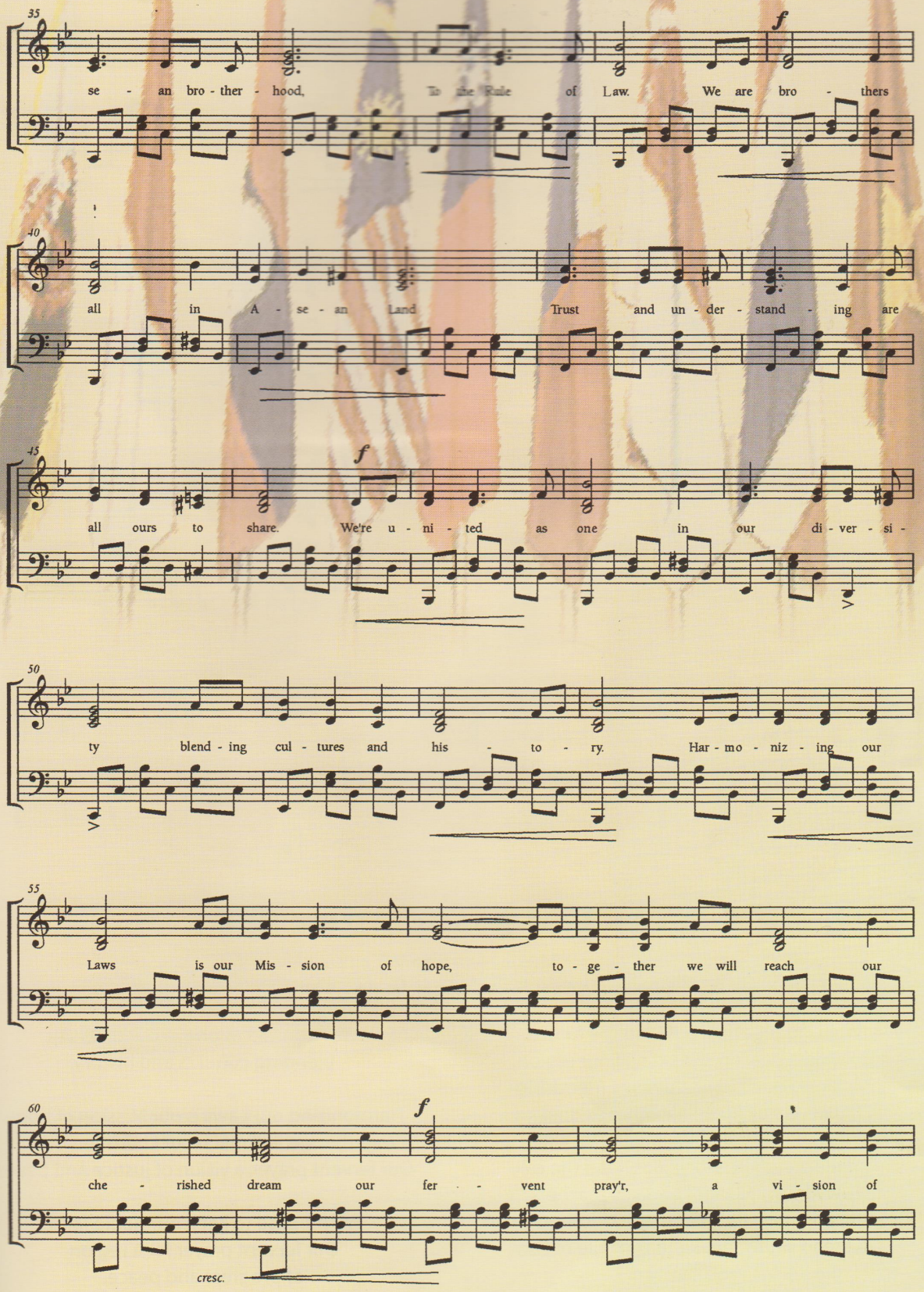
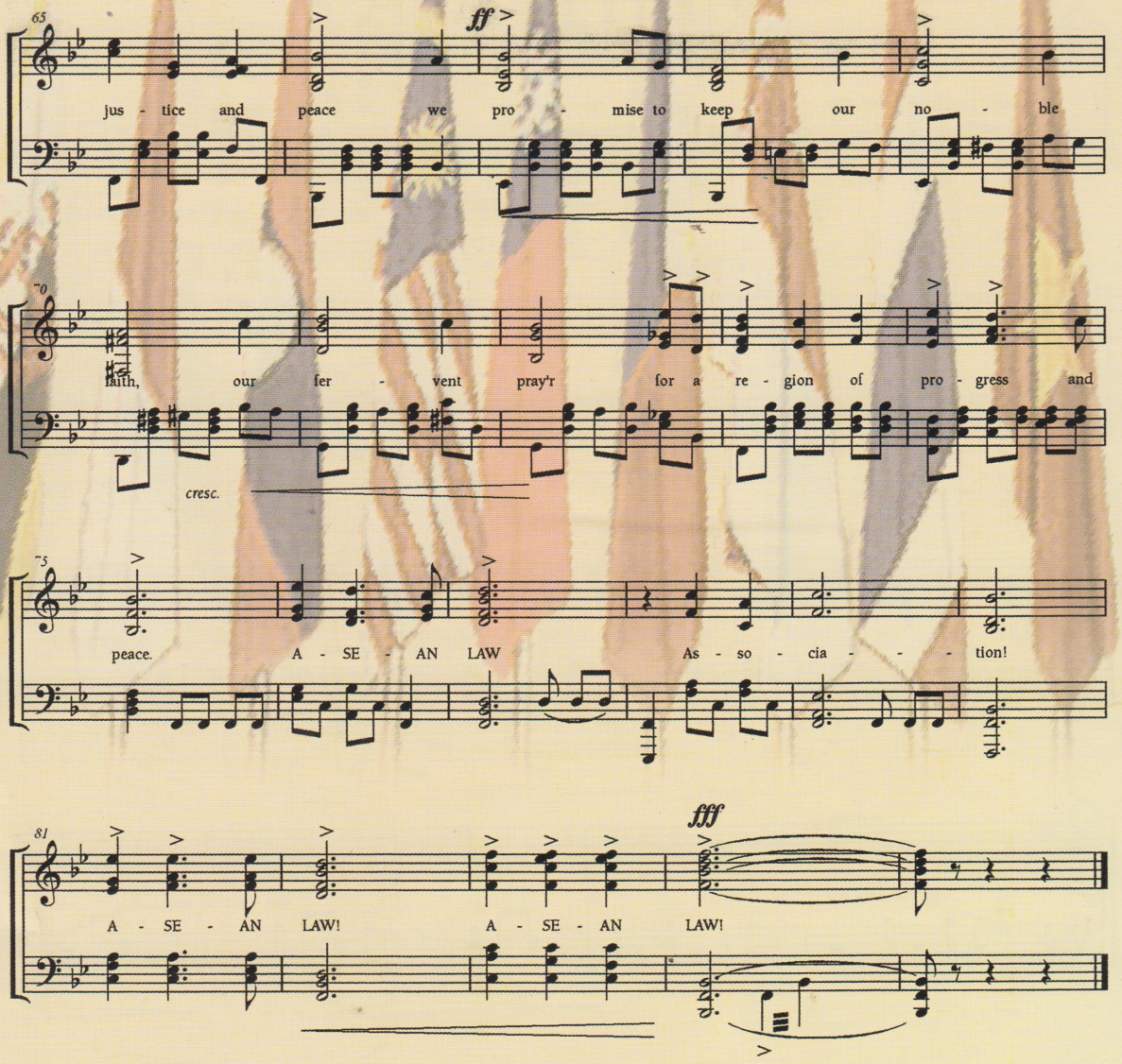

35
se - an bro - ther - hood, To the Rule of Law. We are bro - thers
f
40
all in A - se - an Land Trust and un - der - stand - ing are
45
all ours to share. We're u - ni - ted as one in our di - ver - si -
f
50
ty blend - ing cul - tures and his - to - ry. Har - mo - niz - ing our
55
Laws is our Mis - sion of hope, to - ge - ther we will reach our
60
che - rished dream our fer - vent pray'r, a vi - sion of
f
cresc.



ASEAN LAW ASSOCIATION HYMN

Music: Avelino V. Cruz
Lyrics: Magdangal M. de Leon

Working together, building the future.
Holding a beacon, the laws of our region.
Fostering goodwill, bridges of friendship
Lawyers of Asean together as one.

Come spread the word, let's heed the call.
Lawyers and judges and law teachers
All join hands and fight for the freedoms we owe
To Asean brotherhood, to the Rule of Law.

We are brothers all in Asean Land
Trust and understanding are all ours to share.
We're united as one in our diversity,
blending cultures and history.

Harmonizing our Laws is our Mission of hope,
Together we will reach our cherished dream
Our fervent prayer, a vision of justice and peace.

We promise to keep our noble faith,
Our fervent prayer for a region
of progress and peace.
ASEAN LAW Association!
ASEAN LAW! ASEAN LAW!



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