

ADDRESS BY

**THE RIGHT HONOURABLE THE CHIEF JUSTICE OF MALAYSIA,
TUN TENGKU MAIMUN BINTI TUAN MAT**

**THE COUNCIL OF ASEAN CHIEF JUSTICES (CACJ)
10TH ANNIVERSARY COMMEMORATION CEREMONY**

BANQUET HALL, PALACE OF JUSTICE

19 OCTOBER 2023

SALUTATIONS

- (1) Learned sister and brother Chief Justices and Heads of Delegations;
- (2) Learned sister and brother judges from Malaysia and from ASEAN;

Distinguished guests, ladies and gentlemen,

Assalamualaikum warahmatullahi wabarakatuhu and good afternoon.

INTRODUCTION

[1] I am delighted to extend a hearty welcome to everyone present here at the Palace of Justice to commemorate the 10th Anniversary of the Council of ASEAN Chief Justices (CACJ).

[2] In a departure from our usual style, we are gathered in an informal setting, deviating from the formalities and conduct of an official meeting. This event is the first of the many parts of the historic CACJ Retreat

taking place here in Malaysia. It gives me immense pleasure and a sense of privilege to welcome you all back to Kuala Lumpur, especially as we reminisce the memories of the 10th CACJ meeting, which we hosted here just last year.

[3] Today's event is much more than a commemoration of our 10th Anniversary; it is a celebration of our milestones and achievements. It marks the inauguration of the compilation of the Model Rule on the Service of Civil Processes and the Model Rule on the Taking of Evidence for Foreign Proceedings in Civil or Commercial Matters, both of which CACJ had previously endorsed for adoption. Another notable highlight is the unveiling of the compilation of the Governance Framework on The Use of Artificial Intelligence for the ASEAN Judiciaries (AI Governance Framework).

[4] All the three monumental instruments are the fruits of the laborious efforts of two esteemed Working Groups, both spearheaded by the Malaysian Judiciary i.e., the Working Group on Facilitating Service of Civil Processes Within ASEAN and the Working Group on Case Management and Court Technology.

[5] To further amplify the significance of the 10th Anniversary of the CACJ, we will be unveiling the specially curated Commemorative Stamp Collection. This collection serves as a physical tribute to our common journey and mutual ambitions, encapsulating the magnitude of this event in an enduring manner.

[6] Thus, to set the stage for the proceedings to follow, allow me to provide by way of a background a brief overview of today's ceremony.

THE MODEL RULES

[7] Elaborating first on the Model Rule on the Service of Civil Processes, it was carefully drafted to pave the way for the seamless execution of service of civil processes within the ASEAN nations.

[8] The Model Rule on the Service of Civil Processes was unanimously approved and adopted in the 6th CACJ Meeting held in Singapore. Its adoption was subject to the laws, regulations, and the unique legal framework inherent to each respective ASEAN Member State which is line with the fundamental principle of reciprocity. Reciprocity entails that necessary adjustments can be made in order to comply with the distinct Rules of Court and procedural requisites intrinsic to each of the ASEAN Member States. This flexible approach upholds the unity of the ASEAN community while respecting the diversity of its judicial systems, thereby echoing the CACJ's commitment to unity in diversity.

[9] The 7th CACJ meeting marked a significant shift in focus towards the establishment of a model rule specifically designed to govern the collection of evidence in foreign proceedings. The CACJ was of the unanimous belief that such an approach would significantly enhance legal cooperation and standardisation throughout the ASEAN region, with a particular emphasis on the collection of evidence for international legal cases. Following an extensive and enlightening discussion process, a working draft of the Model Rule was diligently prepared by the Working Group. This draft was subsequently presented to the CACJ at the 9th CACJ Meeting. At the 10th CACJ meeting, the Model Rule on the Taking

of Evidence for Foreign Proceedings in Civil or Commercial Matters was commended for adoption, subject to the local laws and regulations of each ASEAN Member State.

[10] The mechanism of serving civil processes and collecting evidence for foreign proceedings within the ASEAN region is generating increasing regional attention. The rapid globalisation of business, spurred on by the advent of the digital era, has resulted in a significant increase in the number of litigated disputes involving parties based in different jurisdictions. Additionally, traditional dispute resolution mechanisms are evolving due to the rise of international arbitration. Consequently, there is an urgent and growing need for a regional framework that governs and promotes uniformity in the area of service of civil processes and the collection of evidence for foreign proceedings.

[11] In the discourse at hand, the concept of uniformity takes on a very specific meaning. It should not be misconstrued as an attempt to ignore national boundaries or to homogenise the distinct legal systems of different countries. Instead, uniformity, in this context, demonstrates the pressing need for predictability and consistency across the multitude of jurisdictions within the ASEAN region. It advocates for a system where legal actions and decisions in one-member state can be understood, anticipated, and respected in another, thus enabling smoother cross-border legal transactions and collaborations.

[12] Further, this call for uniformity is not a call for complete assimilation. It is crucial to strike a balance between the pursuit of uniformity and the imperative need to respect the inherent diversity and autonomy of each ASEAN Member State. Each Member State within the

ASEAN community possesses its unique legal framework, cultural norms, historical background and societal contexts which add to our strength. Diversity amongst ASEAN Member States is not a hindrance but an invaluable resource.

[13] In this regard, the Model Rules are more than just mere regulations. They are a testament to the spirit of collaboration and mutual respect that underlies the ASEAN ethos. They are an embodiment of the delicate balance between unity and diversity, between common goals and individual identities, that the CACJ continually strives to maintain.

[14] The momentous compilation of both the Model Rule on Service of Civil Processes and the Model Rule on the Taking of Evidence for Foreign Proceedings in Civil or Commercial Matters is a befitting tribute to the culmination of ten years' worth of tireless efforts by the Working Group members. Heartfelt congratulations are due to the committed members of the CACJ's Working Group. Their relentless commitment and enthusiasm to the task are indeed commendable. They have not only remained steadfast in their resolution but have also consistently met the commitments set forth in the Singapore, Bangkok, Hanoi, and Jakarta Declarations.

[15] Special recognition goes to past Chairpersons — Tan Sri Dato' Seri Zulkefli Ahmad Makinuddin, Tan Sri Dato' Sri Ahmad Haji Maarop, and Tan Sri Dato' Sri Azahar Mohamed — for their integral roles in the conception and refinement of the Model Rules. Final words of appreciation are extended to Tan Sri Dato' Mohamad Zabidin Bin Mohd Diah, the current Chair of the Working Group on Facilitating Service of

Civil Processes Within ASEAN, for being instrumental in the compilation and incorporation of the Model Rules into our esteemed CACJ's lexicon, marking its 10th convocation.

AI GOVERNANCE FRAMEWORK

[16] When we come to the topic of AI Governance Framework, this initiative carries long-term implications for the judicial systems across the ASEAN Member States. This endeavour is not merely about embracing technology; it is about shaping or even reshaping the future of justice delivery systems across the region, impacting lives and societies at large – in tandem with the Industrial Revolution. And so, it is not a question of *whether* our systems will adapt but a question of *when* and *how* we can adapt fast enough with everchanging technological tides.

[17] In relation to this, the dedicated Working Group has charted a roadmap for the development of AI for the ASEAN Judiciaries, which has been pursued with steadfast determination over the past three years. The AI Governance Framework serves as a comprehensive blueprint for ASEAN Member States to responsibly incorporate AI into their judicial systems. This initiative is again, not just about technology integration, but it is also about aligning this integration with the shared values and objectives of ASEAN. The ultimate aim is to achieve the highest degree of uniformity across all ASEAN Judiciaries. This uniformity, in turn, will foster a collective vision concerning the development, deployment, and ethical use of AI for the ASEAN Judiciaries. It envisions a future where technology and law are harmoniously intertwined, each complementing and enhancing the other.

[18] The primary objective of this ambitious endeavour is to ensure that the sacred principle of the Rule of Law remains inviolable, even as we journey through the complexities and challenges that come with integrating AI into our judicial systems. For me, this is not a journey we embark on lightly or without due consideration. It is a journey that requires a deep understanding of both the potential benefits and the possible pitfalls of AI integration for the ASEAN Judiciaries. The vision that guides us is not just about integrating technology; but about creating a future where technology serves as a reliable, trustworthy ally in upholding the Rule of Law.

[19] The 10th CACJ Meeting bore witness to the adoption of the AI Governance Framework in its present form, subject to and in accordance with the respective ASEAN Member States' laws, regulations, and legal framework, with such modifications as each jurisdiction deems fit. The entire Framework would have not been possible without the unyielding commitment, diligence, and concerted efforts displayed by each ASEAN Judiciary, as represented by their respective representatives of the Working Group.

[20] A noteworthy credit is due to Tan Sri David Wong Dak Wah and Justice Tan Sri Datuk Amar Abang Iskandar Abang Hashim for spearheading this endeavour.

[21] I must at this juncture also especially mention and thank our Liaison Officer, Dato' Edwin Michael for assisting with the Working Groups on the Model Rules and the AI Governance Framework, and streamlining the venture. His support to CACJ as a whole has been invaluable.

[22] I would also like to thank my fellow Chief Justices who have supported this initiative from the outset and have taken all the necessary measures to help ensure that the Working Group was able to fulfil its terms of reference. I am optimistic that this AI Governance Framework will serve as a catalyst in fostering the advancement of AI within their respective judicial systems.

CACJ 10TH ANNIVERSARY COMMEMORATIVE STAMP COLLECTION

[23] The 10th Anniversary of the CACJ is a momentous occasion that invites reflection upon our shared heritage in what has been so far, a fulfilling decade long journey. What could be a more fitting tribute to our 10th Anniversary than an enduring collection of stamps that immortalise this milestone? To stamp collectors, the Commemorative Stamp would undoubtedly be a lifetime treasure to behold. But for us, the members of the CACJ, the commemorative stamp carries a deeper, more profound meaning.

[24] Despite the insistent march of time and the advent of modern technology, stamps have preserved their significance, reflecting our collective resilience and tenacity. As I alluded to earlier at the beginning of the speech, the commemorative stamp collection for our 10th Anniversary celebration is more than just a collection—it's a reaffirmation of our staunch commitment to stand together and weather any storm that comes our way, just as stamps have stood the test of time.

[25] As a testament to our diversity, the commemorative stamp collection features various courthouses across ASEAN highlighting our shared cultural heritage. Each courthouse, like each stamp, stands as a

symbol of our collective identity, underscoring the beauty and strength of our diversity. It reminds us that as upholders of justice and guardians of the Rule of Law within our region, that our duties cannot be taken lightly but rather embraced with the utmost dedication.

CONCLUSION

[26] Last but not least, as we gather to commemorate the 10th Anniversary of the CACJ, we stand united, not just as the Heads of our respective judiciaries, but as a unified Council. We celebrate our diverse backgrounds, acknowledge our shared past, and envision a future that promises to be even more promising and bright. This assembly stands as an attestation to the unmatched strength that unity in diversity brings—a philosophy that our Council has championed and embodied over the past decade and continues to do so in years to come.

Thank you.