

Harmonised civil rulings will strengthen Asean: CJ

Hague Convention offers 'ready-made platform' for such legal cooperation

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CHIEF Justice Sundaresh Menon has called for Asean countries to consider recognising one another's civil court judgments, so they can be enforced throughout the region.

He suggested that the 10 states look into signing the Hague Convention on Choice of Court Agreements, which would provide a ready-made platform to do this.

His remarks, made to some 300 delegates at an Asean Law Association forum in Singapore on Sunday, come at a time when the regional grouping is mulling over laws to speed up its integration.

Law Minister K Shanmugam has previously said that harmonising legal rules could help remove uncertainty, reduce costs and promote business confidence. It would also boost Asean community-building efforts.

With a total population of 600 million and a nominal gross domestic product of more than US\$2 trillion (S\$2.6 trillion), the group is "taken very seriously by the rest of the world", noted CJ Menon.

He said that enforcing intra-Asean judgments in civil suits would not "require sieving through the web of the different substantive laws, and it holds the promise of considerably strengthening our regional infrastructure".

The relevant Hague Convention which could fill



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this role is aimed at promoting international trade and investment by improving judicial cooperation.

"It seeks to realise that goal through the harmonisation of rules on the recognition and enhancement of foreign judgments in civil matters," he added.

One of its major features is a provision saying that where disputing parties have chosen to have their case heard in another signatory state, their own country has to recognise and enforce the judgments except in certain limited circumstances.

CJ Menon noted that the Convention has already been signed by two major players, the US and the European Union. "The Hague Convention might present a ready platform for Asean to harmonise a key area of law..." he added.

If adopted, the move will mark the first Asean-wide legal enforcement arrangement involving civil claims settled in court. Currently, foreign civil judgments are recognised and enforced by Singapore with certain countries, including those in the Commonwealth, under reciprocal arrangements. But they do not include all Asean nations.

Legal observers lauded the CJ's suggestion but pointed out that there were obstacles, as different Asean countries have different standards when it comes to the rule of law. Some have developed legal structures while legal education is a big challenge for others.

A level playing field for recognising and enforcing civil judgments needs time to be developed, said legal scholars attending the forum, which was organised by the NUS' Centre for International Law.

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