

**Prof Michael Ewing-Chow, co-Director, ASEAN Integration Through Law Project
Introductory Remarks for the Plenary on the Rule of Law in the ASEAN Community, 25 Aug 2013**

Chief Justices, Ambassadors, Distinguished Guests, Ladies and Gentlemen, welcome to the ASEAN Integration Through Law Plenary on the Rule of Law in the ASEAN Community.

At our first ASEAN Integration Through Law Plenary on the General Architecture of ASEAN held in Singapore on the 4 July this year, the Singapore Minister for Law and Foreign Affairs, Mr K Shanmugam said that “Law is an integral aspect of ASEAN integration and community building as the law instills predictability in how ASEAN member states interact with each other and with external partners. Law has to be the foundation, the pillars, the skeleton to provide the framework for the ASEAN project to go forward.”

At our second Plenary on ASEAN Governance, Management and External Relations held in Jakarta on the 29 July, the Indonesian Minister for Foreign Affairs, Dr Marty Natalegawa, said that the law was critical for the development of the ASEAN Community but also said that law by itself was not sufficient to create a Community and enhancing people to people connectivity was necessary.

Our first Plenary attracted about 180 participants, our second Plenary attracted about 200 participants. Today I am told that we have over 240 participants despite it being a Sunday morning. We, in ASEAN, are talking about the rule of law more. And there is increasing interest amongst the peoples of ASEAN to gather together and discuss about the issues facing ASEAN. While law is increasingly seen as the necessary skeleton of ASEAN, it is the development of people to people connectivity within ASEAN (through ASEAN Meetings, groups like ALA and academic conferences) that adds flesh to the skeleton of ASEAN law.

The adoption of the ASEAN Charter in 2007 and its ratification by all ten ASEAN states in 2008 marked the beginning of a new self-understanding for ASEAN. The Charter commits to the establishment of the ASEAN Community and declares that Member States will act in accordance with the rule of law, international law and ASEAN rules. Law was for the first time laid as a foundation for the ASEAN Community.

Indeed, Law is critical for the ASEAN region where the connectivity and increasingly closer integration of its peoples and activities may cause friction. Law can prevent the escalation of these conflicts. Law is also critical for ASEAN in an Asian region where non-ASEAN states with greater economic or military power are increasingly active. Law prevents might from being right. In previous Plenaries we looked at how the rule of law may be facilitated by ASEAN Legal Instruments, ASEAN Dispute Settlement Systems (both intra and extra ASEAN) and the Legal Service of the ASEAN Secretariat.

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Allow me now to share with you about the genesis of this ASEAN ITL project. Some of you may have heard it before. I beg your indulgence on behalf of the many here who have not. The Centre for International Law was established in 2009 to promote international law in Singapore and in Asia. When we were trying to identify the first major research project for the new centre, the Governing Board firmly suggested that we focus on ASEAN law. I was tasked with looking into this.

This worried me. I was asked to explore a new legal landscape that some dismissed as fictional. Even if it was real, it was only just being formed. Few had visited it and even fewer had attempted to map it. I had limited experience with such expeditions. I needed to find someone who had significant experience with such an immense undertaking and more importantly had not just lived to tell the tale but also had a reputation for bringing his parties out alive. Fortunately, I knew such an intrepid explorer.

Prof Joseph Weiler started his academic career exploring the changing landscape of regional integration in Europe and North America. He then charted the new territories of international economic law while also redrawing the maps for constitutional law and public international law. When I approached him, I was both delighted and terrified when he agreed to co-lead the expedition. Delighted because we were in good hands and terrified because it meant that we would go deeper into more difficult territory than I would have attempted or even imagined.

It has been three years since we started to map terra incognita, the unknown territory of ASEAN law. We were joined by Dr Tan Hsien-Li who as the Executive Director of the project was like the best Sherpa – she shouldered most of the load. We would not be here today without her.

We are also grateful to the over 80 leading scholars from around the world who joined our expedition. Their experience and expertise have been invaluable. It has been an immense effort by all involved. The journey was exhausting and the terrain was difficult.

Fortunately, most of us managed to return alive and now we are able to share our findings. Findings that we hope that it will make your future explorations of ASEAN easier. You will find the Executive Summaries of some of these reports in the handouts. In due time, the full reports will be published as a series of 30 books by Cambridge University Press.

I will now hand this time over to Joseph to map out the ASEAN Integration Through Law project.