

1999 JOINT COMMUNIQUE OF THE FOURTH MEETING OF ASEAN LAW MINISTERS

Adopted in Singapore on 6 November 1999

1. The Fourth Meeting of ASEAN Law Ministers (ALMM) was held in Singapore on 5th–6th November 1999. The theme of the Meeting was “TOWARDS MUTUAL UNDERSTANDING OF ASEAN LEGAL SYSTEMS”.
2. The Ministers expressed their appreciation to H.E. Mr Goh Chok Tong, Prime Minister of Singapore, for gracing the opening of the Meeting as Guest-of-Honour and delivering the Keynote Address.
3. In his Keynote Address, H.E. Mr Goh Chok Tong recognised the diversity of ASEAN Member Countries in the range of its legal and constitutional systems. At the same time, globalisation has revealed the close nexus between economic growth and legal systems such that a sound legal system and effective administration of justice is now seen as a key requirement for attaining economic and social growth. In reviewing legal cooperation, ASEAN Member Countries must focus on areas where there is already a common agenda, namely economic cooperation.
4. The Ministerial Meeting was attended by H.E. Pehin Dato Haji Isa, Special Adviser to His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam in the Prime Minister’s Office and Minister of Home Affairs of Brunei Darussalam; H.E. Mr Uk Vithun, Minister of Justice of The Kingdom of Cambodia; H.E. Professor Dr Yusril Ihza Mahendra, Minister for Law and Legislation of The Republic of Indonesia; H.E. Mr Kham-ouane Boupoua, Minister of Justice of The Lao People’s Democratic Republic; H.E. Datuk Seri Syed Hamid Albar, Minister for Foreign Affairs, Malaysia; H.E. Mr U Tha Tun, Attorney-General of The Union of Myanmar; H.E. Justice Serafin R Cuevas, Secretary of Justice of The Republic of the Philippines; H.E. Professor S Jayakumar, Minister for Law and Foreign Affairs of The Republic of Singapore; H.E. Mr Sutasn Ngenmune, Minister of Justice of The Kingdom of Thailand and H.E. Dr Nguyen Dinh Loc, Minister of Justice of The Socialist Republic of Vietnam.
5. H.E. Mr Rodolfo C Severino Jr, Secretary-General of ASEAN, was also present.
6. The Ministers reaffirmed their commitment to the ASEAN Bangkok Declaration of 1967, the Declaration of ASEAN Concord of 1976, the ASEAN Ministerial Understanding on the Organisational Arrangement for Cooperation in the Legal Field, Bali, Indonesia, 1986, the Manila Declaration of 1987, the Singapore Declaration of 1992, the Bangkok Summit Declaration of 1995, the Hanoi Declaration of 1998 and the ASEAN Vision 2020 and agreed that the ASEAN Senior Law Officials Meeting (ASLOM) should continue to examine the role of law in the context of facilitating greater ASEAN cooperation.
7. The Ministers in their Opening Statements highlighted efforts made in their respective countries to enhance their legal systems and procedures. The Ministers also drew attention to areas which their countries are especially concerned with and which have far-reaching implications. These include the modalities for fighting transnational crimes, the harmonisation of laws, the challenges of new technology and developments in international law relating to Jurisdiction and immunities as well as the principle of non-intervention which has implications on the entrenched principle of state sovereignty.

8. The Ministers reviewed the matters discussed at previous Meetings on the ASEAN Legal Information Network Systems (LINKS), the Exchange of Legal Materials, Continuing Legal Education (Exchange of Study Visits) and the Sharing of Legal Research among ASEAN countries.
9. The Ministers considered and approved the recommendations of the Sixth ASEAN Senior Law Officials Meeting on 3rd–4th November 1999 in Singapore on the establishment of an ASEAN Government Law Directory, the setting up of an ASEAN Government Legal Officers Programme, Exchange of Visits by ASEAN Law Officials and Exchange of Legal Information among ASEAN Countries.

ASEAN Legal Information Network Systems (LINKS)

10. The Ministers encouraged ASEAN countries to provide the necessary information to the ASEAN Secretariat so that it can provide hypertext links to the publicly available legal information databases of each country.

Sharing of Legal Research

11. The Ministers recalled the ASEAN Attorneys-General Consensus on Cooperation in the Legal Field, Jakarta, 25th July 1995 and agreed that the ASEAN Secretariat would co-ordinate and compile the findings of legal research made available to it by ASEAN Member Countries based on the scope of legal research as defined in the Consensus.

ASEAN Government Law Directory

12. The Ministers agreed to the compilation of a regularly updated ASEAN Government Law Directory by the host government of each future ALMM. This will contain the structures of government of ASEAN Member Countries, the key legal officials of each ASEAN Member Country, their contact particulars and a brief write-up setting out their role and responsibilities and those of their departments/agencies. The Directory will be made available to the public, especially the legal sector of all ASEAN Member Countries. The Ministers expressed appreciation to Singapore for agreeing to publish the first ASEAN Government Law Directory. The Ministers accepted the offer made by the ASEAN Secretariat to publish and update the Directory on the ASEANWEB.

Government Legal Officers Programme

13. The Ministers agreed that a Government Legal Officers Programme to promote mutual understanding of ASEAN legal systems be held every two years. The ASEAN Secretariat will coordinate with Member Countries to determine the country hosting the seminar. The syllabus shall be determined by the Host Country. It should cover a wide range of legal issues relevant to public sector legal officials. The Host Country may decide to focus on legal issues on any subject of interest to it, such as contemporary developments in international law issues, including those which have implications on state sovereignty. The Ministers expressed appreciation to Singapore for agreeing to host the first seminar.

Exchange of Visits by ASEAN Law Officials

14. The Ministers agreed that each year, every ASEAN Member Country will endeavour to send a team of law officials from its major legal departments to visit the law officials of another Member Country in order to study the legal system of that country. A different ASEAN country would be visited every year. The ASEAN Secretariat will maintain a record of the execution of the programme.

Exchange of Legal Information

15. The Ministers agreed that every ASEAN Member Country will nominate a national contact point to be the ASEAN Legal Information Authority (ALIA). The ALIA will be responsible for facilitating the exchange of legal information amongst ASEAN countries and will also be the repository of ASEAN legal information for its government.

Legal Developments in ASEAN countries

16. The Ministers noted papers detailing the development of the legal infrastructure for electronic commerce in Singapore; the economic law reforms in Thailand designed to meet the recent financial crisis; Law Reform in Indonesia and the Rule of Law in Lao PDR.

LAWNET

17. The Ministers expressed appreciation to the offer made by Singapore for its Academy of Law to provide one year free usage for 10 LAWNET accounts per ASEAN Member Country for use by law officials in the various government legal offices.

Role of the ASEAN Secretariat

18. The Ministers recognised the role of law in facilitating ASEAN cooperation and requested the Secretary-General of ASEAN to assist in coordinating programmes and activities designed to promote mutual understanding of ASEAN legal systems.

Senior Law Officials Meeting

19. The Ministers agreed that the Senior Law Officials meet once every 18 months at a venue to be determined after consultations among Member Countries. Where the ASLOM is held back to back with the ALMM, it shall be held in the Country of the next Chairman of ALMM.

Fifth ASEAN Law Ministers Meeting

20. The Ministers agreed to hold the next meeting of the ALMM in Thailand in 2002, with the exact date to be agreed upon after consultations among the Member Countries.
21. The Ministers reviewed the procedures on determining the Chairmanship of the ALMM and agreed to revise the procedure prevailing to be in accord with those of other ASEAN Ministerial Meetings. Accordingly, at the close of the Fourth ALMM, H.E. Mr Sutasn Ngenmun, Minister of Justice of the Kingdom of Thailand, was unanimously elected as Chairman of the Fifth ALMM.
22. The Meeting was held in the traditional ASEAN spirit of cordiality, friendship and solidarity.