



OPENING ADDRESS  
BY

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CHIEF JUSTICE OF MALAYSIA  
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LUMPUR

***“Challenges of an ASEAN Community: Rule of Law,  
Business and Being People Oriented”***



## **SALUTATIONS**

Assalamualaikum and Good Morning.

YABhg. Tun Mohammed Dzaidin bin Haji Abdullah  
Former Chief Justice of Malaysia;

Honourable Judges of the Federal Court, Court of Appeal and High Court;

Honourable Judges from various jurisdictions;

Honourable Senators and Members of Parliament;

Mr Steven Thiru  
President of the Malaysian Bar;

Mr. Brenndon Keith Soh  
President of the Sabah Law Association;

Mr. Leonard D. Shim  
President of the Advocates' Association of Sarawak;

Datuk Syed Ahmad Helmy B Syed Ahmad  
Chairman of Disciplinary Board;

Ms Honey Tan Lay Ean and Mr. HR Dipendra,  
Co-Chairpersons of IMLC 2016 Organising Committee;

Your Excellencies Ambassadors and High Commissioners;

Distinguished speakers;

Members of the Bar;

Members of the media;

Ladies and Gentlemen.

1. As Chief Justice of the host nation for the International Malaysia Law Conference 2016, aptly entitled “*Challenges of an ASEAN Community: Rule of Law, Business and Being People Oriented*”, it is both an honour and privilege to welcome all distinguished international delegates as well as fellow Malaysians to this Conference.
2. The theme of the conference is of significance as it signals the need to address the increasing challenges confronting ASEAN community.

Ladies and Gentlemen,

## **INTRODUCTION**

3. The signing of Bangkok Declaration in 1967 marked the formation of the Association of Southeast Asian Nations (ASEAN) which originally consisted of Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Over the years, the membership of ASEAN has expanded to include five other countries in the region namely, Vietnam, Brunei, Laos, Myanmar and Cambodia.
4. The primary reason for the formation of ASEAN is to serve as a platform to establish a firm foundation for common action to promote

regional cooperation in South-East Asia in the spirit of equality and partnership, and thereby contribute towards peace, progress and prosperity in the region. In the beginning of its formation, ASEAN was focused more on political security aiming at preserving long-term peace in the region. However, in the later years, greater attention was given to the development of the economic sector which saw ASEAN thrive into a robust and competitive market as it is now.

5. Today, ASEAN is a major global hub of manufacturing and trade, as well as one of the fastest-growing consumer markets in the world.

Strategically located between Asia's most populated countries, China and India, which are foreseen to become the future economic superpowers due to their "market size" ASEAN on the other hand with a combined population of 622 million, 65% of whom are below the age of 65, it offers a vast market potential.

6. ASEAN has come a long way since its formation in 1967. Nevertheless, the journey of the last five decades has not been a smooth one. There had been major crises along the way, especially the 1997 Asian financial crisis. Undeterred by economic and political calamity caused by the Asian

financial crisis, ASEAN has redefined its identity and clarified its visions into three “communities”; namely; ASEAN Political- Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community - via the adoption of, ASEAN Charter in 2007. The Charter which codifies ASEAN norms, rules and values, also provides legal status and institutional framework for ASEAN. By giving itself a legal personality, it paves the way for greater institutionalisation and consolidation of its agreements and mechanisms of cooperation.

7. Let me give a brief overview of ASEAN’s profile from the perspective of the three (3) Communities;

(A) ASEAN Economic Community

8. ASEAN economic community pillar is designed to seek economic integration with the purpose of establishing a common market in the region. ASEAN has reached a new historical milestone when the ASEAN Economic Community (AEC) came into existence on Dec 31, 2015. As a common market, AEC aims to move South-East Asia towards a globally competitive single market and production base, with a free flow of goods, services, labour, investments and capital across

the 10 member states. The formation of the AEC saw a series of tariff and non-tariff barriers removed within the community.

9. The integration will lead to economic benefits which include; lower prices of goods due to the lifting of tariffs; increased cross-border trade and investment, generating profits for investors, and stimulating economic growth in host countries. As a single market economy, ASEAN will soar high in terms of its market capacity and economic achievement. As it is now, ASEAN is the 7<sup>th</sup> largest economy in the world and the 3<sup>rd</sup> largest in Asia.

10. More importantly, the economic integration will enhance the economic performance in the region. There is no doubt that a stronger regional economy will contribute towards improving the living standards of the ASEAN population, creating more employment opportunities and at the same time, reducing the poverty level in the region.

11. However, AEC is not the region's only free trade agreement. A few months before the AEC came into effect, four ASEAN countries

namely Brunei, Malaysia, Singapore and Vietnam signed up the Trans-Pacific Partnership Agreement (TPPA). Five other countries in the region, i.e. Cambodia, Indonesia, Laos, the Philippines and Thailand have yet to join the agreement.

12. Unlike AEC, TPPA is not part of the ASEAN Charter programme. But, just like AEC, TPPA also seeks to integrate the participating Asia-Pacific Economic Cooperation (APEC) countries into a single market by eliminating tariff and non-trade barriers, as well as harmonizing rules and regulations among the participating nations. While AEC is a free trade agreement at regional level, TPPA connects Asian countries to the North American and Latin American economies.

#### (B) ASEAN Political- Security Community

Under the Political- Security Community pillar, ASEAN aims to promote the principles of democracy, rule of law and good governance. In addition, it also seek to uphold social justice, through the promotion and protection of human rights, by instilling a deep respect for fundamental freedom. This community also aims to create a peaceful

and harmonious environment through the establishment of a rules-based ASEAN community.

Of late, ASEAN has been struggling with cross border criminal activities. Trafficking in person, which is a crime against humanity and a form of modern slavery is very much prevalent in the region. On top of this, lately, there have been bouts of terrorist attacks and kidnapping across the member states. A number of ASEAN bodies have been formed to formulate policies to combat transnational activities which has the potential of turning the region into a conflict zone. These include the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), ASEAN Regional Forum (ARF) and ASEAN Finance Ministers Meeting (AFMM). Through them, a number of legal and political instruments in the form of treaties and joint declarations have been concluded.



For example, in May this year, ASEAN Defence Ministers have signed a joint declaration at the 10th ASEAN Defence Ministers' Meeting (ADMM) in Vientiane, Laos which *"underscores the ADMM's resolve to cooperate internationally and regionally to combat the transnational threat of terrorism"*.<sup>1</sup> The joint cooperation also includes timely exchange of intelligence among Member States to enhance ASEAN's capacity against this threat.

ASEAN has also taken a few strict measures to address trafficking in persons in the region. Currently, ASEAN members are in the midst of ratifying the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP). This mechanism aims to provide specific action plans within ASEAN Member States' domestic laws and policies.

Another issue which has been plaguing the region for years is the haze phenomena. So far, the issue has not been completely resolved. As

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<sup>1</sup> <http://www.channelnewsasia.com/news/singapore/asean-defence-ministers/2816148.html>

part of the region's instrument to fight the problem, the ASEAN Agreement on Transboundary Haze was passed in 2002. The legally binding agreement which aims to reduce haze pollution in Southeast Asia has been ratified by all the member states.

The strengthening of the political-security community also demands the enhancement of judicial systems and legal infrastructure of the ASEAN member countries. The judiciaries and legal fraternities of the member states have been working together in several joint collaborations to come up with measures in order to improve the administration of justice in the region.

On the regional level, there are joint collaborations among the judicial and legal fraternities of the ASEAN member states through organizations such as the ASEAN Law Association (ALA) and The Council of ASEAN Chief Justices (CACJ). These bodies are set up with the primary purpose to facilitate the ASEAN judiciaries into working together towards harmonizing the laws and promoting the independence of the judiciary.

ASEAN has also played its part in the promotion and protection of human rights and fundamental freedom in the region. This can be seen through the establishment of ASEAN Intergovernmental Commission on Human Rights (AICHR) and the adoption of ASEAN's first human right instrument, the ASEAN Human Rights Declaration.

### (C) ASEAN Social-cultural Community

This last Community aims to build a people-oriented, people-centred and socially responsible socio-cultural community by instilling a shared appreciation of cultural diversity as well as promoting the well-being and the rights of women, children, migrant workers, indigenous people and those from the ethnic minority. One of the aims is to give them access to basic needs such as basic healthcare, education and clean supply of water. This is in line with ASEAN's global commitment to give these people an adequate standards of living and to strive towards poverty eradication.

Ladies and Gentlemen,

### **ASEAN CHALLENGES**

13. Based on the above, it is indisputable that ASEAN has a huge potential to grow into a strong single market. Nevertheless, it is also important to highlight the fact that due to the structural and institutional differences across the member states, any plan for economic integration will be an uphill task and bring it with many challenges.
  
14. Southeast Asia has an incredible diversity in terms of religion, ethnicity and culture. There are several forms of governments, ranging from Constitutional Monarch, Presidential Republics, Socialist State to the Malay Islamic Monarchy. The legal systems are also varied with some adopting common law system and others, the civil law system. Coming from vastly different cultural and religious landscapes, there are bound to be different interpretations as to what constitute proper relationship between the people and the states and this has translated into varying views among the member states on issues such as the rule of law and fundamental freedoms.

15. There is also the fact that South East Asia contains countries with wide-ranging levels of development. On the one hand, there is Singapore, which is one of the most liberal economy of the world and on the other, there are countries with highly protective and closed economies such as Cambodia, Laos and Myanmar. The outcome of this phenomenon is that there exist substantial income disparities among Member States.

16. The disparity is made more apparent by the fact that only half of the countries in the region chose to sign the TPPA, which is an indication that the level of cooperation among the member states is still wanting. This divergence may give rise to a few problems. One of them would be creating a wider gap in terms of the development among the member states. This is due to the fact that the countries which have come under the agreement are expected to benefit significantly from TPP, whereas countries that did not sign the agreement risk losing out. The agreement could also have a disruptive effect on the region due to trade and investment diversion.

17. Another challenge would be in the form of the degree of standards required under the TPPA as compared to the AEC. The

higher standard required for the quality of production, rules and regulations under the TPPA, could displace the TPP members from ever harmonizing their laws with their non-TPP neighbours. Therefore, in a way, TPP may stand in the way of the AEC's vision for regional unification.

18. Indeed, such economic, social and structural inequalities pose obvious barriers for the assimilation of the member states. This is evident from the fact that despite making various agreements, ASEAN leaders have been very slow in implementing them. A survey reveals that the implementation of the agreements reached among the ASEAN leaders is still at a minimum, with only 30% of the commitments came to be implemented. This could be attributed to the absence of an effective control mechanism at the ASEAN level to enforce compliance among the member states.

19. The economic disentanglement aside, ASEAN is struggling to cope with several cross-border issues which have adversely affected the safety and wellbeing of the people in the region. A stable ASEAN is key to achieving a sustainable economic and strong social

development. ASEAN must be free from any activities which might put the region in a bad light if it were to compete on global scale. Trafficking in persons for example, is a serious crime and a grave *violation of human rights*.

20. All the above mentioned issues may stand in the way of ASEAN's plan towards harmonization of the laws and regional integration. However, these challenges are not insurmountable. History has proven that by becoming a member, the economic bars of the member states, especially the least developed ones, have been raised. Being part of ASEAN has provided the less developed nations with an added advantage as it opens doors for major multinational companies to come and invest in those countries, hence, creating job opportunities and increasing the standard of living of the people.

21. Despite the many challenges mentioned above, ASEAN has no other option but to forge ahead. ASEAN is the best solution for the countries in this region. In order to become a competitive economic power on the global scale, ASEAN needs to strengthen its strategies to enhance cooperation among the member states to ensure that its economic achievement is strong and sustainable.

22. Countless strategies have been proposed and adopted at both regional and national levels in an attempt to strengthen the unification of ASEAN. However, I will now focus on the role played by the judiciaries and the legal fraternities within ASEAN in their joint efforts to improve the legal infrastructure as well as harmonizing the laws and judicial processes in the region.

Ladies and Gentlemen,

## **JUDICIAL TRANSFORMATION**

23. The judicial system has a significant role to play in ensuring good governance. Adam Smith, the father of modern economics and an influential thinkers in economics, in his famous book *“An Inquiry into the Nature and Causes of the Wealth of Nations”* said that:-

*“Commerce and manufactures can seldom flourish long in any state which does not enjoy a regular administration of justice, in which the people do not feel themselves secure in the possession of their property, in which the faith of contracts is not supported by law, and in which the authority of the state is not supposed to be regularly employed in enforcing the payment of debts from all those who are able to pay.*



*Commerce and manufactures, in short, can seldom flourish in any state in which there is not a certain degree of confidence in the justice of government.” (Vol 2, 2008, Atlantic, pg 862)*

24. The above statement highlights the co-relation between law and economic development of a country, and how economy will flourish in the presence of good governance and sound administration of justice. Therefore, it is highly imperative for each member state of ASEAN to develop a judicial system which not only subscribes to the rule of law, but at same time, is effective and accessible in dispensing justice to meet the demand of the commercial world.

Ladies and Gentlemen,

### **JUDICIAL REFORMS IN MALAYSIA**

25. Now let me share with you Malaysia’s experience in judicial reform through the introduction of some new measures to enhance our delivery system and improve access to justice in meeting the demands by the industry players. Realising the difficulties, the Malaysian Judiciary had embarked on a judicial

reform in its effort to find the best solution to dispose old cases and at the same time expedite the disposal of new cases. The judicial transformation program embarked by the Malaysian Judiciary started in 2009. This is to complement the government's effort to turn Malaysia into a business hub for the region. Towards this end, the Malaysian Government had established a Special Task Force to Facilitate Business, the body is called PEMUDAH to address the urgent need for closer collaborations between public and private sectors and to enhance the public service delivery as well as to improve Malaysia's business environment.

26. The Malaysian Judiciary has been working closely with PEMUDAH to share ideas on how we could constantly improve our delivery system. As a result of this collaboration, a new specialized court known as the New Commercial Courts (NCC) was set up in 2009. The NCC is dedicated to hear newly registered commercial cases. To achieve its target, judges who sit in the NCC court must have vast knowledge and experience in commercial related matters. It has been proven to be very effective judging from the number of cases disposed. For

example, before the NCC was created, there were 6490 commercial files pending as of 1st January 2009. Out of this, 405 files were pre 2000 cases. Most of the commercial cases then pending were more than 5 years in age.

27. The NCC was set up to cater for commercial cases registered from 1<sup>st</sup> September 2009 onward. The approach adopted was to split the commercial judges into two sets of judges. One set handling pre-September 2009 cases and the second set of judges handling the post-September 2009 cases. Significant reduction in backlog of cases can be seen in the first year of the judicial reform when the Court had successfully cleared a large chunk of old cases leaving only 3498 out of 6490 cases within one year. By 2010, the number of outstanding pre-2009 commercial had been reduced to 532. By 2015, only 58 old commercial cases remained on court's docket.

28. Our initiatives have since borne fruits. Backed up by pragmatic and pro-business policies, Malaysia is placed at 18<sup>th</sup> position by World Bank's Doing Business 2016 report. Likewise,

Malaysia is also given the same ranking in the latest Global Competitiveness Report 2015-2016 by the World Economic Forum. The recognition accorded by these two international bodies have brought our Judiciary to a greater height. It goes without saying that the smooth and efficient administration of justice would contribute to a better business environment as it attracts more foreign investment into the country. Malaysian courts have since become the preferred venue for commercial dispute resolution. The reason behind this is judicial efficiency in terms of expeditious disposal of cases at a relatively lower cost.

29. Similarly, to make ASEAN Economic Community more competitive in its role as an economic center, the Judiciary within every ASEAN member state must play its part by promoting an investment friendly environment through its judicial reform. On that premise, the judiciary of each member state must work together in the spirit of togetherness to strengthen the ASEAN community. This is in congruence with the vision of AEC which aims to have all 10 ASEAN member states to be economically cohesive and fully integrated in the global economy.

Ladies and Gentlemen,

**ASEAN LAW ASSOCIATION (ALA)**

30. The ASEAN Law Association, (ALA) is a non-government organisation which brings together under one roof all the different branches of the legal profession – judges, legal officers, academicians and practitioners. ALA was formed in 1979, during an inaugural meeting held in Jakarta. Among the objectives of the Association is to promote cooperation and mutual understanding amongst jurists, in the study of 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.

31. As a legal fraternity whose members include legal experts and jurists, I believe that ALA can play a more active role in shaping the legal landscape of ASEAN by offering its expertise in resolving any legal issues facing ASEAN. ALA can also contribute towards the harmonization of the laws in ASEAN by conducting seminars and workshops to deliberate on ways to enhance cooperation within ASEAN.

Ladies and Gentlemen,

## **ASEAN JUDICIAL COOPERATION**

### **THE COUNCIL OF ASEAN CHIEF JUSTICE (CACJ)**

32. The Council of ASEAN Chief Justices (CACJ) is an organisation which represent a joint collaboration of the Judiciaries of the ASEAN member states. It was organised not only to promote the ideals of the ASEAN specific to the judiciary, but also to facilitate communication between the heads of the judiciaries of the member countries in pursuing the goal of strengthening judicial co-operation among the courts of ASEAN nations. The establishment of such a network aims to achieve shared objectives and address common problems.

33. Some of the activities conducted by the CACJ are ASEAN Judiciaries Portal, Judicial education and training, Court technology and case management, cross border child disputes and harmonisation of civil processes within ASEAN.

34. At the 4<sup>th</sup> ASEAN Chief Justices' Meeting which was held in Ho Chi Minh City last April, delegates have ratified and implemented the establishment of a portal for ASEAN courts, a mechanism to transmit legal documents in civil procedures among Member States, and cooperation among the member states in the area of judicial training.

35. One of the foreseeable impacts of the AEC will be an increase in the number of cross-border business transactions between citizens of ASEAN. At present, there is no standardised procedure governing the servicing of documents among the member states. In 2014, Malaysian Judiciary has prepared a working paper on the "*harmonisation of procedures for the service of legal process*". It is part of the CACJ's ongoing project to find solutions in ensuring free movement of court documents and to foster closer ties among ASEAN Judiciaries. The uniformity in the procedures for the service of documents will increase the efficacy and the effectiveness of the administration of justice in the region.

This is important because confidence in the administration of justice is a pre-requisite for a stronger ASEAN.

Ladies and Gentlemen,

## **ENVIRONMENTAL COOPERATION**

36. ASEAN faces common environmental challenges that call for a closer cooperation among Member States. The Judiciary plays a key role in strengthening environmental rule of law. Recognising this fact, the Asian Development Bank (“ADB”) has taken the initiative to organise the ASEAN Chief Justices’ Roundtable on Environment. The Inaugural Meeting was held in Jakarta in December 2011. The roundtable had three principle objectives: (i) To share information among ASEAN chief justices and the senior judiciary on ASEAN’s common environmental challenges. (ii) To highlight the critical role of ASEAN chief justices and the senior judiciary as leaders in national legal communities and champions of the rule of law and environmental justice, with the ability to develop environmental jurisprudence, and generate knowledge and action on ASEAN’s environmental challenges among the judiciary, the legal profession, and law students. (iii) To



develop a process for continuing the cooperation and engagement of ASEAN's senior judiciary on environmental issues.

37. The roundtable was first conceptualized during the Asian Judges Symposium on Environmental Decision Making, the Rule of Law and Environmental Justice held at ADB headquarters in Manila on 28 to 29 July 2010.

38. The roundtable highlights the role of the judiciary in promoting the rule of law and environmental justice, developing environmental jurisprudence, and inspiring a cooperative attitude towards environmental protection among the judiciary and the legal profession. In recent years, public interest litigation on environment in Southeast Asia has increased, leading to evolving environmental jurisprudence. An increase in environmental cases has led to a demand for specialisation, which has generally taken two forms: green benches in generalist courts or specialized environmental courts or tribunals.

39. The Philippines has enacted a specialised procedure for environmental cases in 2010. Rule 7 of the Rules of Procedure for

Environmental Cases introduced a new writ called the 'Writ of *Kalikasan* (Nature)'. The writ has been regarded as the first of its kind in the world and a significant reform mechanism on environmental litigation and protection. The Supreme Court of Philippines had also issued the Writ of Continuing Mandamus for the rehabilitation of Manila Bay, whereby the Supreme Court formed an advisory committee to monitor compliance of agencies concerned with the writ. This demonstrates one thing, that there is much to be learned from each other within ASEAN itself.

40. In spite of advancements, more work needs to be done in institutionalising environmental adjudication, including capacity building of ASEAN judges in resolving environmental disputes and ensuring all appropriate environmental cases get to the court and contribute to the evolution and strengthening of environmental law.

41. This year will be the 6<sup>th</sup> year of the Roundtable organised by the ADB which are hosted by the Supreme Court of ASEAN Member States. Malaysia is proud to host the 2<sup>nd</sup> Roundtable in Melaka in 2012. In every Roundtable, different environmental issues and challenges

were discussed which include climate change, deforestation and illegal logging, biodiversity and the illegal wildlife trade, ocean destruction, illegal fishing, marine pollution, planning and environmental impact assessment, freshwater pollution, floods, urbanization and air pollution and challenges to the judiciary in particular. Transboundary issue such as haze pollution has been one of the key issues discussed in the recent Roundtable held in Siem Reap, Cambodia. The ASEAN Judiciaries collectively agreed that the Judiciary of Member States plays an important role in resolving the haze pollution by imposing a more stringent penalties. In this connection, I am happy to note that the Supreme Court of Indonesia had recently imposed a fine of Rp366 billion (about USD26 million) and reparation costs on the company for using fire to clear the forest in the Tripa Peat Swamp region. This certainly goes a long way in combating the open burning often used by the plantation companies in Indonesia.

42. During the last five years, the Roundtable had produced two important documents namely the Jakarta Common Vision on Environment and Hanoi Action Plan which was agreed to be implemented by Member States. These two important documents

provide ASEAN judiciaries with the opportunity to identify common challenges and come up with a plan as to how the judiciaries could cooperate in addressing these challenges.

43. The Roundtable reflects the continuing effort of ASEAN Judiciaries to do their share in protecting the environment. Effective judicial participation in enhancing environmental justice and the rule of law will ensure the goal to a sustainable development could be achieved. The judiciary plays a unique and distinct leadership role in strengthening the environmental rule of law.

Ladies and Gentlemen,

#### **WAY FORWARD**

44. The ASEAN Member States should work together in the spirit of friendship and togetherness to strengthen the ASEAN community. Similarly this should apply to every citizen of ASEAN Member States. It is important to make them feel that they are not just part of the ASEAN, but they are ASEAN and its future is their future. In order to prosper, the citizen of ASEAN needs to break down old barriers and starts to build trust. As it is now, the sense of ownership of ASEAN is

lacking among its populace. ASEAN needs to learn to embrace the differences and move as a single unit.

45. Admittedly, various programs have been introduced to achieve that. Malaysia has implemented more people-centered programmes, such as the ASEAN Business and Investment Summit, the 1ASEAN Entrepreneurship Summit, the ASEAN SME Showcase and Conference and the ASEAN Young Leaders' Summit.<sup>2</sup>

46. Undoubtedly, there will always be differences between the member states of ASEAN in terms of economic, politic, socio-cultural and so on. That is inevitable in a ten nation grouping with different economic, cultural and religious backgrounds. The concept of "People-Centred ASEAN" which is part of the ASEAN Charter will hold us together in the spirit of togetherness, mutual respect and tolerance. Indeed, a feeling of togetherness and a sense of belonging are two vital structures that need to be entrenched.

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<sup>2</sup> Speech by YAB Dato' Sri Mohd Najib Tun Abdul Razak, Prime Minister of Malaysia during the Opening Ceremony of 26<sup>th</sup> ASEAN Summit 2015, at the Kuala Lumpur Convention Centre.

47. Not too long ago, we were taken by surprise with the news that United Kingdom (UK) had voted to leave the European Union (EU) in the historic referendum commonly known as BREXIT.<sup>3</sup>

48. One immediate lesson which can be drawn from the BREXIT is the danger of various aspects of development inequalities. BREXIT had shown what could happen when regional integration fails to effectively address regional inequalities within the economic union. Speaking of ASEAN integration I wish to quote the words of Datuk Seri Nazir Razak, Chairman of CIMB Group in an interview with Asia House where he said:

*“BREXIT will be sobering for those of us championing ASEAN integration and a greater reminder that ASEAN should move at a pace that works for the majority of the people of ASEAN.”<sup>4</sup>*

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<sup>3</sup> Brian Wheeler & Alex Hunt, 'Brexit: All you need to know about UK leaving the EU', BBC News, 10 August 2016 <http://www.bbc.com/news/uk-politics-32810887>

<sup>4</sup> Dr. Irwan Shah Zainal Abidin, 'Unlocking Asean's economic potential', New Straits Times, 16 August 2016.

49. Apart from tackling the issue of development inequalities, the other issue we need to look at is the process of improving human rights mechanism for ASEAN. At the 13th ASEAN Summit on November 18 to 20, 2007, in Singapore, ASEAN leaders agreed to adopt the ASEAN Charter, including an Article that mandates the creation of an ASEAN human rights body (AHRB). Since ASEAN has never had any human rights organ, the adoption of the ASEAN Charter could be viewed as a major step forward in the process of establishing a human rights mechanism for ASEAN.

50. In this connection, I am of the view that civil society movements must be given space to flourish, and there must be greater engagement in the community building process. The process must be from the bottom up. This must be the order of the day for ASEAN.

## **CONCLUSION**

Ladies and Gentlemen,

51. To conclude, ASEAN needs to face the future with confidence.

Its strong foundation and remarkable achievements thus far will serve ASEAN well as it pursues higher goals in the coming years. Economically, ASEAN should move towards greater economic integration with emphasis on sustainable and equitable growth. It should also shall promote a more caring and cohesive ASEAN community, whose strength lies in fostering a common regional identity and a shared vision for the future.

52. Finally I wish the conference every success. Thank you for listening. I now declare the Conference open.

DATED: 21 SEPTEMBER 2016

**TUN ARIFIN BIN ZAKARIA  
CHIEF JUSTICE  
MALAYSIA**