

5TH JOINT JUDICIAL CONFERENCE
OPENING ADDRESS

Friday, 13 September 2019

The Honourable the Chief Justice Sundaresh Menon
Supreme Court of Singapore

The Right Honourable Chief Justice Dato Seri Paduka Steven Chong Wan Oon, Chief Justice of Brunei Darussalam,

The Right Honourable Chief Justice Tan Sri Tengku Maimun binti Tuan Mat, Chief Justice of Malaysia,

The Right Honourable Justice Tan Sri Dato' Sri Azahar bin Mohamed, Chief Judge of Malaya,

The Right Honourable Justice Tan Sri Datuk Seri Panglima David Wong Dak Wah, Chief Judge of Sabah and Sarawak,

Fellow Judges, Distinguished Guests, Ladies and Gentlemen:

1. A very good morning to all of you and a very warm welcome to the 5th Joint Judicial Conference (“JJC”) of the Judiciaries of Brunei, Malaysia, and Singapore. On behalf of the Singapore Judiciary, it gives me great pleasure to welcome you to Singapore. Let me take a moment first to congratulate Chief Justice Chong and Chief Justice Tengku Maimun on each having taken the helm of their respective judiciaries since the last JJC. All of us wish you the

very best in your tenures. Since its inception in 2011,¹ the JJC has provided members of our three Judiciaries² with a valuable setting in which we can come together to renew and deepen our friendships, and to share and learn from each other's perspectives and experiences. Over the years, we have had the opportunity to cover a significant number of topics, particularly on the best practices in court administration and various areas of law that draw from our shared common law tradition.

2. As hosts of this year's JJC, we have curated two sessions which we think raise important issues of common interest to all three jurisdictions.

3. The first session, to be held in a short while, examines whether, and if so how, the commercial jurisprudence of our respective jurisdictions has diverged from our shared roots in the English common law. This is a question of some significance in today's climate, especially in light of the pace of economic growth in our region as well as other notable developments such as the Belt and Road Initiative and the ongoing trade war. These developments have led to heightened attention being directed to the integrity, coherence, and robustness of ASEAN legal systems. We will examine specifically the areas of tort law, contract law, and intellectual property law, which are foundational areas that provide the legal framework for most regional transactions and projects in key sectors such as manufacturing, infrastructure, and technology. A careful consideration of the trajectory of our jurisprudence

in these areas is important, as we will each come across high value, high profile, and cross-border disputes involving these areas of law with growing frequency. It is hoped that the session will help prepare us for those demands by giving us the opportunity to reflect on and understand whether, how, and why we might have gone down a particular route. It is further hoped that from a broader perspective, this session will serve as a platform for further discussions on the harmonization of our region's commercial laws. This is an important and pressing issue, because while there has been increasing cross-border investment in Asia generally and more particularly in our region, it has been observed that the fragmented legal and regulatory framework we have in place poses a major impediment to trade, investment, and economic growth.³ Exchanges on these issues can help smoothen the differences.

4. The second session will be held this afternoon and it centers on the theme of judicial innovation and initiatives. As I noted in my address at the 4th JJC and indeed elsewhere, it is my firm belief that as members of the Judiciary, we must explore the viability of employing innovative measures to improve judicial administration and decision-making, and to nudge the profession at large to consider, debate, and suitably prepare for the inevitable advent of creative disruption within our profession. A key aspect of such disruption and innovation is, of course, premised on technology and the advances in that area, such as in the use of predictive and analytical tools. We will consider some of these tools and their role in the administration of

justice this afternoon. But innovation is not simply about technology; structures, processes, and mindsets too have to be reviewed and refreshed to keep pace with the growing demands on our courts and the evolving societal paradigms within which we each operate. One aspect of such innovation are the initiatives aimed at facilitating dialogue and collaboration between courts, and this conference is itself an exemplary illustration of that. I look forward to what will undoubtedly be a lively discussion this afternoon on the innovative tools and initiatives that may be considered by our courts as we seek to administer justice more efficiently and effectively.

5. Coming to the end of the conference, we will share a Closing Dinner this evening at the Marina Mandarin. Experience tells us that some of the best exchanges of ideas occur in a less formal setting, preferably in good company and with good food. While I must commend the organizing team for all their efforts, and am confident that the food and company tonight will not disappoint, I must also acknowledge that a conference hosted by either our Malaysian friends or our Bruneian counterparts will be an especially difficult act to follow! Nonetheless, we will do our best!

6. In conclusion, please allow me, once again, to welcome you to Singapore on behalf of the Singapore Judiciary. It is our honour to host the JJC this year. I hope you will find the discussions fruitful and energizing, and I look forward to sharing with and learning from all of you. Above all, I hope

you will enjoy your time here.

7. Thank you very much.

-
- ¹ The 1st JJC was hosted by the Malaysian Judiciary in Putrajaya, Malaysia on 19 March 2011. Altogether, 15 members of the Singapore Judiciary, including The Honourable the Chief Justice Chan Sek Keong, participated in this JJC: see “Highlights of Judges’ Events” at p 29 of the Supreme Court of Singapore Annual Report 2011.
- ² The Bruneian Judiciary first participated in the 2nd JJC hosted by the Singapore Judiciary on 3 March 2012: see “Highlights of Judges’ Events” at p 20 of the Supreme Court of Singapore Annual Report 2011.
- ³ See Business Times (Claire Huang), 23 January 2016, “Legal Convergence needed in Asean for region to soar”: <https://www.businesstimes.com.sg/government-economy/legal-convergence-needed-in-asean-for-region-to-soar>.