

Judicial Education and ASEAN Integration: A Comparative Overview and Challenges and Opportunities for Timor Leste

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ABSTRACT

The Association of Southeast Asian Nations (ASEAN) is currently undergoing a process of political and economic integration unprecedented in Southeast Asia. What began in earnest in 2008, with the adoption of the ASEAN Charter – and thereby the creation of ASEAN legal personality – has further developed through the implementation of the economic, political-security, and socio-cultural community blueprint. However, much work still needs to be done to ensure that the promise of those opportunities is fulfilled. As ASEAN moves forward with its agenda for the establishment of an Economic Community by 2015, the judiciaries of the ten member states face considerable challenges with adapting to the new legal environment required of a single market. The proliferation of cross-border trade as well as ASEAN's goals for economic integration are factors that push member states towards the harmonisation of commercial laws, dispute resolution and other legal mechanisms. In addition, strengthening the capacities of ASEAN judiciaries is a requirement for stable democratic transitions throughout the region, and respect for justice and the Rule of Law is expressly mentioned in the ASEAN 2020 vision as a precondition for a peaceful and stable Southeast Asia.

Timor Leste's government has repeatedly stated its intention to join ASEAN and to become a full member in Asia's most significant regional integration process. The country is still immersed in its own judicial reform and capacity-building process, and ASEAN integration will undoubtedly pose new challenges for its fledgling legal and judicial structures. Against this background, and building upon the findings of a comparative study implemented in collaboration with the Human Rights Resource Center for ASEAN, this presentation will (i) outline the rationale for the future role of ASEAN judiciaries in regional integration; (ii) provide a brief comparative overview of how judicial training is currently structured and institutionalised across the different ASEAN member states; (iii) examine the extent to which the requirement of ASEAN integration is considered in judicial training and education; and (iv) discuss the challenges and opportunities for Timor Leste's ASEAN aspirations and its judiciary.

BIO OF PRESENTER

Christoph Sperfeldt is a PhD Scholar at the Centre for International Governance and Justice (CIGJ) within the Regulatory Institutions Network at the Australian National University. Mr Sperfeldt has worked as Regional Program Coordinator at the Asian International Justice Initiative (AIJI), a joint program of the East-West Center and UC Berkeley's War Crimes Studies Center, where he supports regional human rights and justice sector capacity-building efforts in Southeast Asia. Prior to this, Mr Sperfeldt was Senior Advisor for the Gesellschaft für Internationale Zusammenarbeit (GIZ) in Cambodia.