



AALCO
Asian-African Legal Consultative Organization
Forty-Eighth Session
17 – 20 August 2009
Putrajaya, Malaysia

SUMMARY REPORT
OF THE FORTY-EIGHTH ANNUAL SESSION
OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION

1. Introduction

- 1.1 Thirty five Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Forty-Eighth Annual Session (hereinafter "the Session") namely, Arab Republic of Egypt, Kingdom of Bahrain, Bangladesh, Brunei Darussalam, People's Republic of China, Republic of Cyprus, Ghana, Republic of Indonesia, Republic of India, Islamic Republic of Iran, Iraq, Japan, Republic of Kenya, Democratic People's Republic of Korea, Republic of Korea, State of Kuwait, Lebanon, Malaysia, Union of Myanmar, Nepal, Sultanate of Oman, Pakistan, Palestine, State of Qatar, Kingdom of Saudi Arabia, Republic of South Africa, Democratic Socialist Republic of Sri Lanka, Sudan, Republic of Syria, Singapore, Tanzania, Thailand, United Arab Emirates, Uganda and Republic of Yemen.
- 1.2 Representatives of the following Regional Arbitration Centres of AALCO were also present: Kuala Lumpur Regional Centre for Arbitration (KLRC), Lagos Regional Arbitration Centre (LRAC) and Tehran Regional Arbitration Centre (TRAC).
- 1.3 In accordance with Rule 18 (1) of the Statutory Rules the following observers were admitted to the Session:
 - (i) Representatives of the following non-Member States: Algeria, Mozambique and Russian Federation.
 - (ii) Representatives of the following regional, inter-regional and international organizations and tribunals, specialized agencies and subsidiary bodies: International Law Commission (ILC), International Tribunal for the Law of the Sea (ITLOS), International Committee for the Red Cross (ICRC), United Nations Office of Legal Affairs (UNOLA), United Nations High Commissioner for Refugees (UNHCR), League of Arab States and Latham and Watkins LLP.

2. Inaugural Session

- 2.1 The Session commenced on 17th August 2009 with the President of the Forty-Seventh Session of AALCO, His Excellency Mr. Narinder Singh calling the Forty-Eighth Session to order.
- 2.2 **His Excellency Tan Sri Abdul Gani Patail, Attorney General of Malaysia, in his welcome remarks** bade the delegates a very warm welcome to Malaysia and to the Session. He stated that the presence of delegations definitely indicated the commitment of AALCO Member States towards the Organization. He was also pleased that the Session was the first international event to take place in the new Attorney General's Chambers building. Tan Sri Patail also took the opportunity to convey his gratitude to all Member States for their support in the election and appointment of Prof. Dr. Rahmat Bin Mohamad as the Secretary-General. He also noted that the thematic debate on "Strengthening and Revitalizing the Asian-African Legal Consultative Organization" had been scheduled for the Session to discuss pressing issues relating to various aspects of the Organization, in order to further strengthen it as an institution and its position as an international organization.

Tan Sri Gani Patail took the opportunity to extend his heartfelt appreciation to the Honourable Dato' Seri Mohamed Nazri Abdul Aziz, Minister in the Prime Minister's Department of Malaysia, for his gracious presence at the opening ceremony and to the Government of Malaysia for its support of the event. He also thanked the Organizing Committee and the AALCO Secretariat for their tireless efforts to ensure the smooth running of the Session. He wished the delegates a productive Session and looked forward to being part of the engaging days to come.

- 2.3 **His Excellency Prof. Dr. Rahmat Bin Mohamad, Secretary-General,** welcomed all the delegates to the Session and thanked the **Honourable Dato' Seri Mohamed Nazri Abdul Aziz, Minister in the Prime Minister's Department of Malaysia,** for agreeing to inaugurate the Session on behalf of the Right Honourable Tan Sri Dato' Haji Muhyiddin bin Mohd. Yassin, Deputy Prime Minister of Malaysia. The Secretary-General stated that Malaysia represented a unique culture that was built on the acceptance and absorption of new and varied cultures. The hallmark of this was the synthesis of traditional societies and culture with modern values. He noted that Malaysia had made significant contribution to the development of AALCO, ever since its joining the Organization in 1970. It had always been in the forefront of deliberations within the AALCO and its voice was considered to be representative of the concerns of third world countries. As a Malaysian national, it was his proud privilege and honour to serve the AALCO as its Chief Executive.

The Secretary-General stated that in its journey of fifty-three years, AALCO had ensured that the voice of Asia and Africa resounds in international law-making, the domain long considered to be traditionally the exclusive preserve of Western powers. Commenting on the changing dimensions of international law, he stated that the increasingly diverse sources of international law-making brought home the need to have technical and legal expertise on various legal regimes. As regards the thematic debate, the Secretary-General hoped that the outcome would lay down the path on which AALCO would tread in future. He was also confident that the Member States would take all necessary measures to bestow the Organization with adequate human and material resources. Prof. Mohamad also expressed his confidence that the Session would be able to achieve amicably, in the spirit of reconciliation, friendship and mutual trust, the objectives of the Forty-Eighth Session.

- 2.4 **His Excellency Mr. Narinder Singh, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India and President of the Forty-Seventh Session** in his address expressed his profound gratitude to all the Member States, the Secretary-General and the Secretariat of AALCO for extending all necessary support and assistance in discharging his duties as the President of the Forty-Seventh Session. He also expressed his sincere appreciation to the Government of Malaysia for the warm hospitality and excellent arrangements for the smooth conduct of the Session. He briefly explained some of the important activities undertaken during his tenure as the President of the Forty-Seventh Session, which included participation and statements made in the International Law Commission (ILC) and the Meeting of the Legal Advisers of AALCO Member States which was held on 24th October 2008 in New York. He also informed the Session regarding the convening of a Commemorative Seminar on Sixty Years of the ILC to mark the established working relationship between AALCO and the ILC. Other major inter-sessional activities included, successfully organizing the first ever, two-week training programme on *General Course in International Law* and the one-day Seminar on *International Criminal Court: Emerging Issues and Future Challenges*, organized in collaboration with the Government of Japan.

He observed that AALCO since its establishment fifty years ago, had many significant accomplishments to its credit. The role of AALCO and its contribution to the codification of the law of treaties and to the negotiations on UN Convention on the Law of the Sea during the Third UNCLOS were well known. He emphasized that the phenomenon of “fragmentation of international law” presents new challenges as increasingly the development of new rules of international law is decentralized, taking place in a variety of bodies, each following their own procedures, priorities and perspectives. This phenomenon also highlighted the increasing relevance of international law in a growing number of new areas and underlined the importance of and the need for an Organization like AALCO. He pointed out that in order to enable AALCO to meet these new challenges and in order to carry out its mandates effectively and efficiently; AALCO required the full support and cooperation of its Member States.

- 2.5. **Honourable Dato’ Seri Mohamed Nazri Abdul Aziz, Minister in the Prime Minister’s Department of Malaysia delivered the inaugural keynote address on behalf of the Right Honourable Tan Sri Dato’ Haji Muhyiddin bin Mohd. Yassin, Deputy Prime Minister of Malaysia.**

The Minister took the opportunity to welcome the Delegates, who had travelled from near and far to participate in the Forty-Eighth Session. Being an inter-governmental organization that championed aspirations of the Asian-African countries on international law issues, AALCO had grown in prominence to be one of the most influential inter-governmental groups at the international setting. The collective and cohesive support garnered from each Member State would undoubtedly solidify AALCO to formulate stronger views and positions at various multilateral forums. The Government of Malaysia, through the participation of the Attorney General’s Chambers in many of the AALCO’s Sessions, was testimony of its relentless support and commitment to the Organization.

The Honourable Dato’ Seri Mohamed Nazri Abdul Aziz stated that the Forty-Eighth Session came at a very critical time where the world was facing global financial meltdown. As world economies had become increasingly interconnected, globalisation had resulted in the liberalisation and integration of the economy, freer movements of capital, goods, services and investments. Market liberalization, which was a matter of national policy, if not properly strategized, might result in economic disruption. Hence, it was with great interest that he noted in the programme that several topics had been selected for

deliberations during this Session. The topic on “*Managing the Global Financial Crisis - Sharing of Experience*” would certainly be of mutual benefit to the delegations. The Minister hoped that together AALCO Member States could find ways to weather global financial turmoil by sharing their knowledge and experience.

He recalled that when the 1997 economic crisis hit Asia, various economic strategies were pursued. Malaysia adopted capital control policy to regulate movements of international capital, while some followed macro-economic models as advised by the International Monetary Fund (IMF). The interaction between the macro-economic policies and enabling legal framework to fight recession could not be ignored. Despite the IMF Articles of Agreement, there were now various creative provisions formulated under the Free Trade Agreements (FTAs) to address issues on financial and macro-economic stability, such as the “Prudential Measures” and the “Balance of Payment” Articles. Thus, it was timely that this Session took the initiative to deliberate on intricate legal and economic issues on managing global financial crisis.

The Minister believed that the Forty-Eighth Session would deliberate all the topics with great interest and enthusiasm so as to inculcate awareness, and forge closer international co-operation on issues of universal concern.

The Honourable Dato’ Seri Mohamed Nazri Abdul Aziz emphasized that in order to be able to rise to the challenges being posed to the government in this era of globalisation, especially with the emergence of new and complex issues facing a country that needed the expertise of a legal mind to understand its complexities, government lawyers needed to be continuously educated and trained to ensure that their knowledge and skills develop in tandem with current needs. The role of education, research and training as a transformational tool in developing human capital with expertise on various subjects of international law could be found entrenched in the Centre of Training and Research of AALCO (“the Centre”). He appreciated that the Centre had organised training programmes and internships to enable cross-fertilisation of ideas with regards to the most recent development on various international law issues. Not only would such training programmes help to keep abreast with the prevailing issues of international law, it would also enrich their understanding on Asian-African values and legal traditions, and effectively address the Asian-African concerns. Hence, it was his fervent hope that AALCO would emerge as a solid training provider to enhance the professional expertise in international law, with specific focus on the problems encountered in the Asian and African countries.

The Minister stated that he was delighted to note that AALCO would launch its publication on “*Essays on Contemporary Issues in International Law*” at the Forty-Eighth Session. That publication was indeed commendable, and would remarkably contribute to the ongoing debates on numerous critical areas of international law, ranging from human rights, humanitarian intervention, terrorism, environment and the World Trade Organisation. He was confident that the Session would see AALCO emerge stronger, financially and institutionally and that the resolutions adopted here at the Annual Session would greatly contribute towards a positive revitalisation of AALCO.

The Minister hoped that the delegates would take a moment or two to enjoy the gastronomical paradise that Malaysia had to offer as a result of its multi-cultural society, and not to mention the warm Malaysian hospitality, that was a signature quality of their proud identity, “*Malaysia, Truly Asia*”.

He wished all the delegates and participants every success in their deliberations and an enjoyable stay.

The Hon'ble Minister also released the Secretariat publication entitled, "*Essays on Contemporary Issues in International Law*".

- 2.6 The **Vote of Thanks** was proposed by **H.E. Mr. Jeffrey Radebe, Minister of Justice and Constitutional Development, Republic of South Africa and the President of the Forty-Sixth Session**. Mr. Radebe emphasized the need for cooperation at international level and amongst the Member States of AALCO, so that the world could tackle major challenges that include the global economic meltdown. He thanked the Organization for giving him an opportunity to hold the Presidency of the Forty-Sixth Session. He acknowledged the contribution made by his predecessor, former Justice Minister Brigitte Mabandla. He assured that South Africa would continue to identify and associate with those progressive nations of the world that sought to advance the cause of global security towards the attainment of prosperity and lasting stability. He also thanked the Government of Malaysia for hosting the Session. He took the occasion to request Honourable Dato' Seri Mohamed Nazri Bin Abdul Aziz, Minister in the Prime Minister's Department to convey their gratitude to the people of Malaysia for their hospitality. He also thanked the Attorney General of Malaysia, H. E. Tan Sri Abdul Gani Patail, for the guidance on all technical data necessary that could focus on all critical and current challenges. He expressed his confidence that under the Secretary-General's stewardship AALCO would grow from strength to strength and would better serve those for whom it was established to serve in the first place. He also thanked His Excellency Mr. Narinder Singh for his efficient Presidency and for serving as President of AALCO twice and his keen efforts to promote AALCO. He emphasized that through the commitment of all Member States of AALCO, resolutions adopted by AALCO could be translated into tangible action.

3. First and Second Meetings of the Delegations of AALCO Member States

3.1 Agenda:

The following agenda was adopted for the Forty-Eighth Session:

I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and the Vice-President
3. Admission of Observers
4. Admission of New Members
5. Report of the Secretary-General on the Work of AALCO
6. Report on the Work of the AALCO's Regional Arbitration Centres
7. Report on the AALCO's Centre for Research and Training (CRT)
8. Report of the Chairman of the Advisory Panel of AALCO
9. Venue of the Forty-Ninth Session

II. Matters under Article 1 (d) of the Statutes: Matters Relating to the International Law Commission

Report on matters relating to the Work of the International Law Commission at its Sixtieth Session

III. Matters under Article 1 (a) of the Statutes: Matters Referred to the Organization by Member States

Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949

IV. Matters under Article 1 (b) of the Statutes: Matters of Common Concern having Legal Implications

1. The International Criminal Court: Recent Developments
2. Managing Global Financial Crisis: Sharing of Experiences

V. International Trade Law Matters

WTO as a Framework Agreement and Code of Conduct for the World Trade

VI. Two half day Special Meetings

- (i) AALCO - Government of Malaysia Special Meeting on “Transnational Migration– Trafficking in Persons and Smuggling of Migrants”.
- (ii) AALCO-ITLOS- Government of Malaysia Special Meeting on “The Law of the Sea”.

VII. Any Other Matter

3.2 *Election of President and Vice-President:*

The President of the Forty-Seventh Session, H.E. Mr. Narinder Singh invited the Member States to propose the candidates for the President and Vice-President of the Forty-Eighth Session of AALCO. The **Leader of Delegation of Uganda** proposed the candidature of **H. E. Tan Sri Abdul Gani Patail**, Attorney General of Malaysia to preside over the Forty-Eighth Session. The **Leader of Delegation of the People’s Republic of China** seconded the proposal made by Uganda. As regards the Vice-President, the **Leader of Delegation of the Islamic Republic of Iran** proposed the candidature of **H. E. Mr. Ebo Barton Odro, Deputy Attorney-General and Deputy Minister for Justice of Ghana**, that was seconded by the **Leader of Delegation of the Republic of South Africa**. The Member States unanimously elected with acclamation **H. E. Tan Sri Abdul Gani Patail** and **H. E. Mr. Ebo Barton Odro** as the President and Vice-President of the Forty-Eighth Session. Thereafter, the newly elected President and Vice-President assumed their position on the dais.

- 3.3 **The President of the Forty-Eighth Session, H. E. Tan Sri Abdul Gani Patail, Attorney General of Malaysia** in his acceptance speech, thanked the outgoing President **H. E. Mr. Narinder Singh** for his exemplary leadership during the past year. He conveyed his sincere gratitude to all the Member States for the support bestowed on him and the support for his election as the President of the Forty-Eighth Session. He stated that with the support and guidance of the Secretary-General of AALCO, he hoped that the Forty-Eighth Session would be a great success. He also sought cooperation from all the Member States and participants to ensure the smooth running of AALCO in order for all the matters which were currently under consideration to be completed successfully. The President urged the Member States to focus on new and current areas, as well as urgent issues including threat

to international peace and security, overlapping claims pertaining to maritime boundary. He sought support and co-operation for the smooth running of the Organization.

- 3.4 **Admission of Observers:** The Admission of Observers to the Session, pursuant to Statutory Rule 18(1), was unanimously approved.
- 3.5 **Report of the Secretary-General on the Work of AALCO:** Prof. Rahmat Bin Mohamad, the Secretary-General stated that as it was his first formal address to the Heads of Delegations of AALCO Member States in a Session after his assumption of the office of Secretary-General of AALCO on 15th of August 2008, therefore, at the outset, he conveyed his profound gratitude to all the Member States of AALCO for bestowing him with the opportunity. He emphasized that AALCO was an outstanding symbol of Asian-African solidarity in cooperation on legal matters and he assured that he would work to the best of his abilities to realize the objectives of AALCO.

The Secretary-General informed that there were currently fifteen items on AALCO's agenda. The Secretariat had prepared Reports on all those items. In addition, following Article 1 (b) of the Statutes of AALCO, he had proposed a new item entitled "Managing Global Financial Crisis: Sharing of Experiences". Prof. Mohamad observed that the global financial crisis had been brewing for a while with its effects felt since the middle of 2007. The actors responsible for the global financial meltdown were from the North; however, its pernicious effect was cast more upon the livelihood of the people of the South. He emphasized that the AALCO as a legal organization must remain vigilant in this regard and examines the adequacy of legal mechanisms for regulating the international financial markets and the monetary system.

Apprising the meeting of the activities since the Forty-Seventh Session, the Secretary-General informed about the establishment of the Advisory Panel of Liaison Officers to look into financial matters and the work done by this body. He informed about the presentation of the views of AALCO Member States to the International Law Commission in 2008 and 2009 by Mr. Narinder Singh, the President of the Forty-Seventh Session. He also informed about the consideration of the item on "Cooperation between the United Nations and the Asian-African Legal Consultative Organization" by the UN General Assembly at its Sixty-Third Session in 2008, as well as the convening on its sidelines of the "Meeting of Legal Advisers of AALCO Member States and joint AALCO-ILC Meetings on 24th October 2008.

The Secretary-General informed that faced with the enormity of the financial crisis affecting AALCO, he had written to the Member States, to appeal for voluntary contributions to prevent the Secretariat from reaching the situation of imminent bankruptcy. On behalf of the Secretariat, he took the opportunity to profoundly thank the Governments of the Sultanate of Oman and Uganda for their generous voluntary contributions. Those had enabled the Secretariat to tide over the crisis to a great extent. Equally generous had been the grant of a range of office equipment by the Government of the People's Republic of China.

Prof. Mohamad informed that in order to address the financial crisis affecting the Secretariat in a more in-depth manner and work towards achieving lasting solutions, an Extraordinary Session of AALCO was convened on 1st December 2008 at the Headquarters in New Delhi. It *inter alia* approved the Budget for the year 2009 and adopted the Action Plan that laid down the scheme for the collection of outstanding arrears of contribution from the Member States. He apprised the meeting of the efforts put in by the Secretariat for implementing the Action Plan.

As regards the Inter-sessional activities, the Secretary-General informed about the activities at the Headquarters in New Delhi, *firstly*, Training Programme entitled “General Course on International Law” organized by the Centre for Research and Training in November 2008; *secondly*, the seminar to commemorate the Sixty Years of the International Law Commission on 2nd December 2008; and *thirdly*, with the financial support and collaboration of the Japanese Government, the seminar on “The International Criminal Court: Emerging Issues and Future Challenges” on 18th March 2009.

The Secretary-General also informed about the various measures taken to streamline the expenses of the Secretariat, as well as to enhance the efficiency and productivity, as well as the constitution of an in-house Secretariat Committee to revise the Statutory Rules.

In conclusion, the Secretary-General reiterated the commitment of the Secretariat to work with greater zeal and dedication to realize the objectives of the Organization, and in that endeavour, strongly urged the Member States to continuously guide the Secretariat.

- 3.6 ***Introductory Remarks by the Secretary-General on the Thematic debate on Strengthening and Revitalizing the Asian-African Legal Consultative Organization:*** The Secretary-General H.E. Prof. Rahmat Bin Mohamad stated that AALCO today stood at a turning point. On the one hand, AALCO's financial position was not sound, while on the other hand, there was a greater zeal, enthusiasm, and more importantly a firm determination amongst the Member States in synergizing their efforts in ensuring that AALCO moved ahead continuously. The latter was highly motivating for the Secretariat. He observed that it was imperative for any organization, in order to be successful, to revisit the purpose of its existence. Thus, re-affirming AALCO's existence was a manifestation of recognizing AALCO's contribution to the Asian and African communities since its inception. The existence of any organization was for a purpose. Like any other organization, AALCO's mainstay as stated in its purpose and objective was primarily to serve as an advisory body to its Member States in the field of international law and as a forum for Asian-African cooperation in legal matters of common concern. Secondly, AALCO must continue its efforts in assisting Member States in considering and deliberating on issues related to international law that might be referred to and to make such recommendations to governments as deemed necessary. Thirdly, as a body representing the Asian and African communities, it must communicate with the consensus of the governments of the Member States, its views on matters of international law referred to it, to the United Nations, other relevant Institutions and International Organizations.

The Secretary-General advanced several proposals to attain the objective of “Strengthening and Revitalizing the Asian-African Legal Consultative Organization”. These include: the proposal for the revision of scale of assessed contributions, and in this regard, the Secretary-General explained the imperative for the revision, and highlighted its salient aspects; replenishment of the Reserve Fund; exploring ways and means to raise additional resources; constitution of Expert Groups/Sub-Committees on pertinent legal issues and have focused meetings in New Delhi at regular intervals; organizing regular capacity building programmes for officials of the Member States; convening a “Young Jurist Conference” on the sidelines of the Annual Sessions; consideration of agenda items on the work programme of AALCO on “as and when required basis”; giving greater thrust to inter-sessional activities, particularly the holding of seminars, workshops, etc., on the topics on the work programme; designating the Heads of Missions of AALCO Member States in New Delhi as Permanent Representatives to AALCO; establishment of a regional office of AALCO in Africa; and giving an international character in the Professional Category of the Secretariat Staff, by attracting and retaining the best talent from the two regions.

The Secretary-General informed that his proposal relating to commemorating the Fiftieth Annual Session in 2011 had been received very positively by the Asian Member States. The Fiftieth Annual Session would be a landmark occasion and keeping in view the historical significance of the occasion it had to be appropriately commemorated. As soon as the Secretariat receives a concrete and firm offer, it would place it before the Member States.

In conclusion, Prof. Mohamad observed that the people of Asia and Africa aspired for a world in which the values of liberty, justice and equality prevail under the rules of an advanced international law that satisfied their needs. There was a clear need to make international law more relevant to the day-to-day life of individuals as it had been with respect to States as the traditional major actors. In that endeavor the AALCO had a unique role to play as a legal body representing the Asian-African States by identifying their common interests and needs as well as by providing a common platform in the development and codification of International Law. Over the years, despite perennial financial problems, AALCO, as a living institution, had succeeded in maintaining its vitality by adapting itself to the changing environment with maximum flexibility and cost-effective management. He was quite confident that the future had much better prospects in store for the AALCO. For those reasons, he believed that the AALCO deserved the unreserved support, encouragement and wider utilization by its Member States. He hoped that the outcomes of the thematic debate would give the requisite momentum towards ensuring the financial sustainability and revitalization of the Organization. He also urged the Member States to reflect upon the Secretariat's draft of the "Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization", annexed to his report AALCO/48/PUTRAJAYA/2009/ORG 1.

The following Member States participated in the thematic debate: **Japan, Republic of South Africa, Islamic Republic of Iran, State of Qatar, Bangladesh, Iraq, Sri Lanka, Republic of Korea, Malaysia and India.** The delegations generally supported the proposal of the Secretary-General to revitalize and strengthen the Organization and expressed support for the adoption of the Putrajaya Declaration by the Forty-Eighth Session. A delegation hoped that the adoption of the Putrajaya Declaration would be a catalyst for Member States to renew their faith in AALCO and to demonstrate their commitment and support in strengthening AALCO as a vital instrument for promoting Asian-African solidarity in the development of international law. Towards that end an effective mechanism was essential to guide Member States in achieving their aims and aspirations as contained in the Putrajaya Declaration, and an Action Plan could be formulated for that purpose. As for any revitalization plan, financial stability of the Organization was very important. Therefore, the delegations generally agreed upon the imperatives for revising the Scale of Assessed Contributions from the Member States and favourably considered the proposals of the Secretary-General in that regard. The delegations also emphasized the importance of organizing regular training and capacity-building programmes.

A Delegation stated that the establishment of AALCO was a milestone towards cooperation and consultation among developing countries in the field of international law. The functions and purposes of the Organization could be divided into two pillars: on the one side, the Organization was a forum for exchanging information on the international legal matters of common concern or under consideration by international institutions like ILC or UNCITRAL, and on the other side, it was responsible for making recommendations to the Member States and communicating the views of its Members to the principal or subsidiary organs of the United Nations. The delegation felt that it was successful to cover its responsibilities under the first pillar to some extent, but with respect to the second pillar there was need to work together more than before to materialize the objectives of the

Organization. That Delegation was also of the view that the *sine qua non* of any revitalization or reform was the “political will” of Member States and in this era of globalization there were many areas of common concern that needed cooperation and consultation among Asian and African countries. Another delegation was of the view that during the present time it was important that AALCO should play a significant role in studying the issues on its present agenda as well as taking up new topics. A delegation suggested that developing countries were facing the problem of poverty and called for the inclusion of a new topic on the agenda, namely, “Legal Empowerment of the Poor”.

- 3.7 The **Chairman of the Advisory Panel** in his report highlighted the reasons for the financial crisis of AALCO. In accordance with the resolution adopted at the Forty-Seventh Session, the Secretary-General was requested to constitute a Committee of Member States to revise the scale of annual contributions as well as to study the issue in-depth and submit their Report and Recommendations for the consideration at the Forty-Eighth Session.

In his report he added that the Advisory Panel was successful in placing the two issues namely: (i) the arrears problem; and (ii) the need for revision of scale of contributions, threadbare before the Liaison Officers. It also recommended that there was a dire need to adopt a Long Term Plan to place the AALCO on a financially sound footing by increasing the scale of annual contributions from Member States and such proposal was kept for final approval of the Forty-Eighth Session. Besides that proposal, it was recommended that AALCO should be transparent and accountable to its Member States in financial matters and in that context should increase its activities to well equip the Member States on international law, conduct capacity building programmes and training for officials and other academia from the Asian-African countries. It was essential that the AALCO Secretariat should consider reviewing the increase in the contribution periodically as practiced by several other international organizations including the United Nations, wherein the revision happened every three years.

The **Leader of the Delegation of Uganda** suggested that AALCO should have a Reserve Fund which could be used in extreme circumstances. He also suggested exploring the possibility whether the Organization could make any investments by which it could generate alternative sources of income.

- 3.8 **Budget for the Year 2010:** The Budget for the year 2010 was approved. Outlining the budgetary proposals, Secretary-General stated that the Budget for the Year 2010 was divided into two major heads namely; ‘Operational’ Expenses and ‘Activities Oriented’ Expenses and no provision has been made for capital expenditure. Under the “Operational” head, the expenditures included: salary and emoluments of the Secretariat Staff; maintenance; and publications and other activities of the Secretariat. Regarding the locally recruited staff, their salary structure was revised in accordance with the Government of India’s policy, after nearly one and half decades. Certain amount of arrears to the Staff was required to be disbursed. Further, certain outstanding payments to the creditors were also required to be cleared. The **Leader of the Delegation of Uganda** reiterated deep concern that no provision was being made under the Reserve Fund. He called upon the Member States to take immediate measures to replenish the Reserve Fund.

First and Second General Meetings

4. Delegations from the following Member States and International Organizations made statements during the First and Second General Meetings: **Republic of South Africa, People’s Republic of China, Thailand, Japan, Republic of Korea, Indonesia, Malaysia, State of Kuwait, Sultanate of Oman, United Republic of Tanzania, Arab Republic of Egypt, Nepal, Iraq, Uganda, Sri Lanka, Kenya, Union of Myanmar, Bahrain, State of**

Qatar, International Tribunal for the Law of Sea (ITLOS) and the International Committee of the Red Cross (ICRC).

All the Delegations congratulated **H.E. Tan Sri Abdul Gani Patail, Attorney General of Malaysia**, on his election as the President of the Forty-Eighth Session of AALCO. Many delegations expressed confidence that under his able leadership and the concerted efforts of the delegations of the Member States, the Session would achieve success. Delegations also congratulated **H. E. Mr. Ebo Barton Odro, Deputy Attorney-General and Deputy Minister for Justice**, Ghana on his election as the Vice-President.

The Delegations sincerely thanked the host Government, Malaysia for the warm welcome and hospitality. They also appreciated the efforts of Prof. Rahmat bin Mohamad, the Secretary-General of AALCO and his Secretariat team for the well organized preparations for the Session. Some delegations commended the efforts of AALCO in galvanizing Asian-African cooperation in the field of international law. Many delegations appreciated the initiative of the host Government, Malaysia and the AALCO Secretariat for the two half-day special meetings on important agenda items, namely, “Managing Global Financial Crisis: Sharing of Experiences”, “Transnational Migration – Trafficking in Persons and Smuggling of Migrants” and “Law of the Sea”. Many countries supported the recommendation of the Extraordinary Session of AALCO which was held in December 2008. At the same time, they encouraged the Secretary General to approach countries in arrears at the highest level.

Several delegations stated their positions on the items on AALCO’s agenda and the contribution of the respective countries.

One delegation highlighted the plight of the Palestinians and urged Member States to help them in their crisis. The delegations expressed concern relating to referral powers of the UN Security Council contained in the Rome Statute of the International Criminal Court. The delegation was of the view that the ICC should work independently and impartially, otherwise it would lose its credibility. Emphasis was made on the need to formulate rules for addressing crimes like piracy and transnational organizational crimes. Another delegation supported AALCO’s efforts in the fight against crime of trafficking in persons. The delegation explained the domestic legislative framework and institutions established to protect human rights, particularly, of women, children and disabled persons. Regarding the global financial crisis, the delegations opined that an in-depth study could be carried out to examine how to manage this problem and should formulate various strategies. One delegation highlighted the serious challenge posed by the scourge of international terrorism, which was an organized crime against humanity. The delegation also urged all member States of AALCO for a coordinated strategy and legal and institutional mechanism to combat the growing menace of human trafficking and smuggling. Another delegation condemned all violence in the name of religion and stated that no religion preached violence. One delegation gave a detailed account on the domestic laws adopted by their country to counter human trafficking and to protect children from sexual and physical abuse. The delegation also highlighted the importance of the fighting the menace of piracy.

On the importance of AALCO, for the States of Asian-African region, the delegation of Thailand maintained that AALCO remained an indispensable forum for Asian-African regional cooperation in legal matters of common concern. On the need to create capacity building, the delegation reiterated its position that AALCO should create a Working Group in order to address efficiently issues relating to WTO especially in the light of the Doha Round of negotiations.

While commenting on the special meeting on ‘Managing Global Financial Crisis-Sharing of Experience’, the delegation of the Republic of South Africa pointed out that it had been arranged at the most opportune time since global economic meltdown had affected a large number of States across the world. He added that AALCO could play a vital role in reforming the International Financial Institutions, particularly the International Monetary Fund and the World Bank, given its past role in dealing with economic disputes from a legal perspective.

The **delegation of the People’s Republic of China** with regard to the future work of AALCO suggested that the Organization should continue to strengthen its connection with various UN bodies and institutions so as to increase the former’s influence; need to keep a tab on the latest developments in the international legal field and conduct in-depth research on those issues with a view to finding solutions to them; the necessity of producing reports on current issues of international law having a significant bearing for the developing world and lastly, the requirement of engaging with the academic community by holding periodic seminars and workshops with a view to developing indigenous expertise from the developing world.

The **delegation of Japan** stated that AALCO could be a central forum of legal advisors to discuss important issues of common concern to the Member States. He suggested that Member States should share not only their success stories, but also the difficulties and challenges faced by them so that others could learn from their experiences. Further, he pointed out that the need to fully utilize the network of the legal advisors among the AALCO Member States and try to establish an appropriate framework in which they could communicate and share information between annual Sessions.

The **delegation of the Republic of Indonesia** observed that the Asian-African countries need to take initiative to create new track negotiation for the establishment of international legally binding instrument on the protection of genetic resources, traditional knowledge and folklore. They noted that the failure of the WIPO Meeting last July provided momentum for developing countries, to revive the urgency of having a clear legal framework on the matter.

The **delegation of Iraq** emphasized that Piracy at Sea was a growing menace and suggested that there was need to prepare a draft agreement between Member States of AALCO aimed at punishing the perpetrators of this crime. He also suggested that AALCO should formulate and adopt a definition of Piracy at Sea.

The **delegation of Sri Lanka** proposed that the Secretariat of AALCO, could examine and advise Member States concerning issues dealt with in the Report of the Commission on Legal Empowerment of the Poor. That Commission was co-chaired by Mrs. Madeleine Albright, and by a Peruvian economist, Hernando De Soto, on the links between social exclusion, poverty and the law. Further, he recommended that AALCO could include on its agenda the topic “Legal Empowerment of the Poor”.

The **delegation of Uganda** called upon AALCO to work on the following additional areas:-
1. The promotion and the practice of democracy as understood and practicable in the Asian-African realities and not as imposed by any Euro-Centric and/or western models; 2. Promoting a world trade system in which the system is an engine of growth for Asia and Africa and where Asia and Africa were beneficiaries rather than victims of the world trading system; 3. Sharing information through AALCO between AALCO annual Sessions, on success stories as well as failures in member countries; 4. Defining an active role for

AALCO in the creation of maintenance and multiplication of wealth in the Member States; and 5. Promoting free travel for legitimate foreign visitors among the Member States.

While commending the role of Permanent Observers of AALCO at UN Offices, the **delegation of Kenya** stated that as the only African nation hosting one of the four United Nations Headquarters (UNEP & HABITAT), it would be appropriate that such an office could be established in Nairobi, Kenya.

The **delegation of Malaysia** urged the AALCO Secretariat to convene an Experts Working Group before the 8th Assembly of States Parties (ASP) in 2009 (scheduled from 18 to 26 November 2009) to formulate a consolidated and cohesive approach on the substantive proposals to be considered at the 8th Assembly of States Parties.

Two Observers, the International Tribunal for the Law of the Sea (ITLOS) and the International Committee of the Red Cross (ICRC) made brief statements about their respective Organizations and their continued cooperation with the AALCO.

The Third General Meeting

5. *Agenda Item II: International Law Commission*

- 5.1 **The Secretary-General of AALCO** introduced the item. The Secretary-General briefly presented the report on the work of the Commission at its Sixtieth Session and expressed AALCO's congratulations to the International Law Commission on its Sixtieth Anniversary. He requested that delegates submit specific comments and observations on the agenda items of the ILC to facilitate the work of the Commission.
- 5.2 **Mr. Narinder Singh, Representative of the International Law Commission (ILC)** made a statement on behalf of the International Law Commission. In his presentation he focused on the issues dealt with by the ILC at its recently concluded session by giving a bird's eye view of recent developments that had taken place on those agenda items.

The delegations from **Thailand, Japan, Indonesia, People's Republic of China, Islamic Republic of Iran, and Malaysia** made statements on the work of the Commission. The primary thrust of their interventions, focused on the current work programme of the ILC, highlighted the views and positions of their respective countries on each topic under the consideration of the Commission: Reservation to Treaties; Responsibility of International Organizations; Shared Natural Resources; Effects of Armed conflicts on Treaties; Expulsion of Aliens; The Obligation to Extradite or Prosecute (*aut dedere aut judicare*); Protection of Persons in the Event of Disasters; and Immunity of State Officials from Foreign Criminal Jurisdiction. While appreciating the outstanding contribution of the ILC on its Sixtieth anniversary, the delegates opined that it had played a critical role in improving the international legal framework in diverse areas besides promoting rule of law at the international level.

Commenting on the need to have close relationship between AALCO and the ILC, the Delegates opined that it represented an essential mechanism for the progressive development and codification of international law, in pursuance of which the Asian-African States could make immense contribution. The need to further enhance this cooperation was stressed by many delegates. One Delegate, without undermining the contribution of both the Organizations, however stressed the need to identify contemporary issues of international law in an effort to address the pressing problems that the Asian-African States

faced at the present current juncture of international relations. In this regard the inputs provided by AALCO would be of immense value to the ILC in identifying particular issues apart from the main topics already considered by the ILC.

6. Agenda Item IV: Managing Global Financial Crisis-Sharing of Experiences

6.1 The **President** while introducing the agenda item on “Managing Global Financial Crisis: Sharing of Experiences” stated that the Asian financial crisis of 1998 was one of the most dramatic events of recent times which raised many questions regarding the appropriate policy response to the financial crisis. The current financial crisis which had affected the ASEAN region the most, emanated from three factors like inadequate risk management practices at banks, increased complexity of financial instruments and speculation of financial markets.

6.2 The **Secretary-General of AALCO** introduced the topic and highlighted that financial liberalization and deregulation had created many opportunities for economic development. But at the same time, both measures had also burdened the global economy with many financial crises over the last three decades. He briefly explained about outcome of *The Commission of Experts of the President of the United Nations General Assembly on Reforms of the International Monetary and Financial System* and the *UN Conference on the World Financial and Economic Crisis and its Impact on Development* convened by the United Nations from 24th to 30th June 2009 in New York. He emphasized that AALCO as an intergovernmental Organization was a suitable forum to discuss the legal dimensions of the financial crisis. The impact of the financial crisis and the responses were varied in each State. If mandated by the Member States, AALCO could play an important role in the ongoing international efforts to regulate the financial and banking sector. Those efforts would be complementary and supportive to the ongoing international efforts and would lead to progressive development of financial and banking regulations.

6.3 **H.E Tan Sri Zeti Akhtar Aziz, Governor, Central Bank of Malaysia** in her presentation on the topic elaborated that even after witnessing 100 financial crises, “we must share the lessons learnt from such instances since our regions were still vulnerable and fundamental to financial crisis”. The dynamics of these issues affecting Asia was that the crisis starts in the financial markets and then extends to the foreign exchange. She explained that many of the Asian countries survived the financial crisis due to resilience. She informed that States needed to anticipate these crises and must take all preventive measures to overcome them. The government through the Central Bank must restore the stability of financial markets, ensure credit flows to private sector and should ensure resumption of growth. Henceforth, the Government should be able to ensure restoring the confidence which could happen through surveillance, ensuring access to financing, and block erosion of capital. She reiterated the significance of regulation and control by the central banks so that other financial institutions should not suffer due to the financial crisis, that would ensure that even when the economy is adversely affected due to financial crisis it could recover from its reminiscences at the earliest.

6.4 **Mr. Kenji Aramaki, Graduate School of Arts and Science, University of Tokyo** in his presentation “Global Financial Crisis-Japan’s Experiences in the 1990s and Challenges for the Global Regulatory Reform” explained Japan’s experiences in the 1990s, which included formation of an Asset Bubble and its collapse, the evolution of a financial crisis and policy responses to it. He also explained the current crisis and challenges for strengthening global financial system. He stated that de-leveraging by financial institutions has been under way and would continue for the years to come. He suggested that the most important was to make this process proceed as orderly as possible. At the same time, an overhaul of the

regulatory and supervisory framework of the financial sector is being worked out so as to prevent another formation of financial excesses and accumulation of risk in the financial system. He concluded that stable and well-functioning financial system was a common concern for all countries and coordinated efforts for this were strongly needed.

The following Member States of AALCO made comments and observations on this topic, namely, the Republic of South Africa, State of Kuwait, People's Republic of China, Saudi Arabia, Indonesia, Thailand and Arab Republic of Egypt. There was a general consensus and opinion that Member States of the Asian-African regions must cooperate in terms of sharing their information and experiences in order to form an interconnected regulatory structure among governmental authorities so that the States could take preventive measures to overcome financial crisis. The role of the government financial institutions in taking control of collapsing financial institutions and thereby restoring the confidence of the creditors through proper surveillance and intervention was also emphasized.

7. Special Meeting jointly organized by AALCO-the Government of Malaysia on “Transnational Migration – Trafficking in Persons and Smuggling of Migrants”

- 7.1 His Excellency Tan Sri Abdul Gani Patail, President of the Forty-Eighth Session of AALCO** briefly outlined of the topic for the Half-Day Special Meeting on “Transnational Migration: Trafficking in Persons and Smuggling of Migrants”. The President while enumerating the importance of the topic said that it is an undeniable fact that no AALCO Member State could claim to be untouched by the problems associated with transnational migration of their peoples. He explained that the key differential between the trafficking and smuggling was exploitation. It was observed that in order to resolve the challenges arising from the transnational nature of these offences needs to be combated; and coordination and cooperation between and among the law enforcement agencies of the affected countries, be they source, transit or destination countries has to be encouraged.

The Secretary-General of AALCO in his introductory statement stated that AALCO had been constantly making efforts to legally enable its Member States about the issues involved in those crimes. He highlighted that AALCO had since 2001 been dealing with the issue of “Establishing Cooperation against Trafficking in Human Beings, especially Women and Children” upon introduction of the item by the Government of Indonesia as well as “The Legal Protection of Migrant Workers” upon introduction by the Government of Philippines in 1996.

The Panellists from three countries namely, Malaysia, Ghana and Indonesia dealt with the issue in detail. **Mr. Tun Abd. Majid Bin Tun Hamzah, Head of the Prosecution Division, Attorney General's Chambers, Malaysia** elaborated the measures taken by the Government of Malaysia in order to combat trafficking in persons and smuggling of migrants in his country. He also gave factual evidences of various criminal cases where charges were against the perpetrators of the crime. The Vice – President of the Forty-Eighth Session of AALCO in his capacity as Deputy Attorney General of Ghana, **Mr. Ebo Barton Ordo**, reviewed the issues related to trafficking and smuggling of people, with great emphasis on irregular migrants and victims of trafficking being considered as another commodity in a larger realm of criminal commerce that often involved other commodities such as narcotics, weapons and money-laundering. He expressed concern that trafficking had become a global organized crime like, linking groups and forming complex networks. The relatively low risks of trafficking and appealing profits are root factors for criminals to engage in trafficking activities. For traffickers risks were limited as victims were intimidated by them both in receiving countries where the victims feared prosecution and deportation, and in the countries of origin where victims were vulnerable to retaliation, or

even made to swear an oath before a shrine never to reveal any information in connection thereto. The third panellist, **Mr. Adam Mulawarman Tugio, Deputy Director, International Treaties for Political, Security and Territorial Affairs, Department of Foreign Affairs, Indonesia**, discussed about Indonesia's initiatives to combat trafficking in persons. On those lines, he stated that Indonesia had been cooperating at both international levels by establishing the Joint border committees and at regional level through the Bali Process. In his opinion trafficking in human beings was a severe violation of human security and dignity of the person.

The following Member States made brief remarks on this half-day Special Meeting, namely; **People's Republic of China, Sultanate of Oman, Thailand, Sri Lanka, Myanmar, Japan, Republic of South Africa, Arab Republic of Egypt, Nepal, Islamic Republic of Iran, India, Qatar, Malaysia and Kingdom of Bahrain**. There was a proposal to constitute a committee of experts under the auspices of AALCO, on mutual legal assistance in criminal matters. At this juncture, it was pointed out that AALCO should work in cooperation with ASEAN and SAARC Convention. The following observers also made statements, namely, **Algeria and the UNHCR**.

8. Special Meeting jointly organized by the International Tribunal for the Law of the Sea (ITLOS) – the Government of Malaysia and AALCO on “Law of the Sea”.

A half-day special meeting on the Law of the Sea, in conjunction with the Forty-Eighth Annual Session of AALCO was jointly organized by the International Tribunal for the Law of the Sea, the Government of Malaysia and the AALCO Secretariat. The meeting deliberated upon the themes of “Maritime Security and Piracy” and “Delimitation of Maritime Boundaries”.

- 8.1 **Judge Jose Luis Jesus, President of the ITLOS**, made a presentation on “The Role of the Tribunal on Piracy and Use of Force at Sea”, and in doing so elaborated on the historical background; the international framework on piracy, particularly the piracy regime under the High Seas Convention, 1958; the UN Convention on the Law of the Sea, 1982; and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988; possible avenues for resolving the situation; and possible solutions and the role of the ITLOS.
- 8.2 **First Admiral Zulkifili Bin Abu Bakar, of the Malaysian Maritime Enforcement Agency (MMEA)** made a presentation entitled “Piracy in Straits of Malacca”. He highlighted the role MMEA was playing in maintaining the security of the straits of Malacca. As regards, the maritime threats in the straits of Malacca, he focussed upon the non-traditional security threats that included smuggling of drugs and weapons, pirates or sea robbers, human smuggling, illegal logging, illegal migration, movements of criminals across borders, accidental spills, illegal dumping and over fishing as well as illegal fishing.
- 8.3 **Mr. Masataka Okano, Director for International Legal Affairs, Ministry of Foreign Affairs, Japan**, in his presentation on “Piracy in the Gulf of Aden”, elaborated upon the characteristics of piracy activities off the coast of Malaysia; inadequacy of legal tools for crackdowns; legal challenges confronting legal advisers, such as to: What extent pirates could be apprehended? Who could apprehend pirates? What should be done with the apprehended pirates? To which extent can we use weapons against pirates? and issues such as ransom money; self defense measures by ships.
- 8.4 **Judge Shuji Yanai of the ITLOS** made a presentation on “The role of Tribunal in maritime delimitation boundaries.” He elaborated upon the competence of the Tribunal in

such matters, as well as the Special Chambers created by the ITLOS to expeditiously consider maritime boundary disputes.

- 8.5 **Mr. Robert Vatkin**, gave a presentation on “A practitioner’s perspective in handling maritime delimitation boundaries”. He highlighted that boundary disputes were factually, technically and legally complex. He elaborated upon the process management issues for boundary disputes.
- 8.6 **Mr. Philippe Gautier, the Registrar of the ITLOS** elaborated upon the jurisdiction of the International Tribunal of the Law of the Sea and highlighted upon the role of the Registry, both prior and after the institution of proceedings.

In the ensuing deliberations, the delegations from **Bangladesh, Republic of Indonesia, Arab Republic of Egypt, Uganda, People’s Republic of China, Kenya, Thailand Malaysia, Ghana** and the Observer Delegations from the **League of Arab States** and the **Division of Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations** participated.

The Fourth General Meeting

9. ***Agenda Item III: Deportation of Palestinians and Other Israeli Practices Among Them The Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law Particularly The Fourth Geneva Convention of 1949***

- 9.1 **Amb. Tabatabaei Shafaei, Deputy-Secretary-General of AALCO** in his introductory remarks recalled that AALCO in its Annual Sessions had always condemned the inhumane and illegal acts by the Occupying Power, Israel and continued to reiterate its support to the Palestinian nation, to be free of all occupation and its right to become a sovereign independent State. There were numerous United Nations Security Council and General Assembly Resolutions asking Israel to abide by international law, particularly international humanitarian law and human rights law. However, the Occupying Power, Israel, continued its war crimes with impunity. Further, Israel had rejected the Advisory Opinion of the International Court of Justice, and is continuing with the construction of the separation wall, which is totally illegal and contrary to international law. The Deputy Secretary-General stated that the recent decision of the Government of Israel for the construction of Israeli settlements in East Jerusalem violated international law and its commitments under the Road Map and the Annapolis process. Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory (OPT); and blockades and sanctions, particularly in the Gaza Strip were highly condemnable. The Deputy Secretary-General highlighted, the plight of Palestinian refugees resulting from the illegal occupation by the Israel.
- 9.2 The Delegates of the **Arab Republic of Egypt, Kuwait, Indonesia, Islamic Republic of Iran, Japan and South Africa** presented their statements on the topic. The delegations condemned the continued violation of international law, particularly international humanitarian law and human rights law, by the Government of Israel. The delegations also highlighted illegal actions by Israel, including forceful deportation of Palestinians, illegal settlements in the OPT, and military excesses against the Palestinian people. One delegation suggested the establishment of a Centre for documentation related to Palestine. Another delegation suggested that an Independent Commission of Board of Enquiry to be established within AALCO to explore possible ways and means to bring the perpetrators of crime against the Palestinians to justice. Yet another delegation suggested the Secretary-General of AALCO to constitute a team of experts to conduct a possible study on how the

existing resolutions adopted by the General Assembly and Security Council as well as the principles of international law can be implemented.

10. Agenda Item IV: International Criminal Court: Recent Developments

- 10.1 **Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO** in his introductory statement said that AALCO had been following developments related to the International Criminal Court since its Thirty-Fifth Session held in Manila in 1996. He informed that as of 31st July 2009, 110 State Parties had ratified the Rome Statute. The Statute recognized that States had the primary responsibility for investigating and prosecuting international crimes, guaranteeing fair public trials consistent with internationally recognized human rights principles. He briefly enumerated the discussion during the Seventh Session (November 2008) and the First and Second Resumptions of the Assembly of States Parties (ASP VII) (January-February 2009) whereat discussions focused on a non-paper by the Chairman on the crime of aggression, reflecting a new structure based on the understanding that the Review Conference would adopt the amendments on aggression as an annex to the enabling resolution. At the June 2009 Inter-sessional meeting, discussions were held on the basis of two papers submitted by the Chairman: a non-paper on the Elements of Crimes, as well as a non-paper on the conditions for the exercise of jurisdiction. He underlined that the future work on aggression should focus on the outstanding issues left over from the Group, as well as the Elements of Crimes. He also enumerated the main issues to be addressed during the Rome Statute Review Conference, to be held in Kampala, Uganda in May and June 2010, were the crime of aggression and Article 124 of the Statute, a provision granting States exemption from jurisdiction over war crimes for a period of seven years. In addition, the Governments of Belgium and Mexico had circulated informal proposals to expand the list of weapons banned under the Statute. Member States can deliberate on these issues.

The SG recalled that Resolution RES/47/S 9, adopted at the Forty-Seventh Session 2008 had in Operative Paragraph 6 “Requested the Secretary-General to explore the feasibility of convening an inter-sessional meeting, *inter alia*, for promotion of human rights in the backdrop of the Rome Statute of the International Criminal Court. In partial fulfillment of that mandate and with the objective of pondering over legal issues relating to the Rome Statute of the International Criminal Court and its contemporary relevance to the AALCO Member States, a One-Day Seminar, jointly organized by the Government of Japan and the AALCO on “The International Criminal Court: Emerging Issues and Future Challenges” was held on 18th March 2009, in New Delhi. For that he thanked the Government of Japan for support rendered in convening the Seminar. The Report of the Seminar was thereafter released.

- 10.2 The following delegates presented their comments and observations: **Sultanate of Oman, Japan, Islamic Republic of Iran, Malaysia, People’s Republic of China, Republic of Korea, State of Kuwait, Arab Republic of Egypt and Indonesia.** All the delegations emphasized that it was important to arrive at a definition of the Crime of Aggression before the 8th Session of Assembly of States Parties scheduled to be held in November 2009. They also touched upon the possible issues to be discussed during the Review Conference of the Rome Statute in 2010 at Uganda. Regarding, inclusion of the crimes of terrorism and drug trafficking, they were of the opinion that legal mechanisms already existed. It was also suggested that AALCO should host an inter-sessional meeting to gather all Member States of AALCO to discuss issues of common concern.

11. Agenda Item V: WTO as a Framework Agreement and Code of Conduct for the World Trade

- 11.1 **Dr. Xu Jie, Deputy Secretary-General, AALCO** in his introductory statement highlighted that since the Hong Kong Ministerial Declaration 2005, the Members have been trying to achieve the degree of convergence required to reach a final deal, particularly on the negotiations on Agriculture and Non Agricultural Market Access. He invited the attention of the delegates to the World Trade Report of 2009, in the WTO examined the use of certain contingency measures, available to WTO Members in the import and export of goods. The fundamental reason for incorporating such provisions into trade agreements was for Governments to manage circumstances that could not be anticipated prior to their occurrence. The Report suggested that evidence could not preclude the possibility that such measures were sometimes used as a protectionist device. He proposed that taking into consideration the importance of the topic and the impact of the WTO Regime and the ongoing trade negotiations, on the Member States of AALCO, the AALCO Secretariat would be very much willing to undertake research studies, workshops/seminars and capacity building exercises for the officials and trade negotiators of the Member States, subject to the financial and material support from the Member States and international and regional organizations. The Secretariat believed that these initiatives would help the officials and trade negotiators of the Member States to gain more legal expertise to understand the various aspects of the WTO Regime. This would also help the developing and Least Developed Countries to get a rightful place in the world trading system.
- 11.2 The **Delegations of Japan, Sultanate of Oman, State of Kuwait, Nepal, Malaysia** and Thailand made their statements on the topic. One delegation explained the national legislative measures adopted by this country to implement the WTO regime. Another delegation was of the view that there was a need to clarify and improve certain elements of the Dispute Settlement Understanding (DSU). The delegation also supported the proposed enhancements to be made with respect to Special and Differential Treatment in WTO. One delegation pointed out that the participation of developing countries in WTO negotiations is vital as it would allow reflecting their concerns and positions in the international forum. Another delegation stated that as the Doha Round of Negotiations are entering the final stage, such questions as easing or lessening obligations or extending the time limit of implementation to developing countries would be important. The delegation stated that his country had been playing an important role by actively participating in the ongoing negotiations, by submitted concrete proposals on the DSU.

The Third Meeting of the Delegations of AALCO Member States

12. Agenda Item I: Report on AALCO's Regional Centres for Arbitration

- 12.1 **Dr. Xu Jie, Deputy Secretary-General of AALCO** briefed the work and development of the AALCO's Regional Centres for Arbitration and invited the Representatives of the AALCO's Regional Arbitration Centres to present their reports.
- 12.2 The report of **Dato' Noorashikin Tan Sri Abdul Rahim**, Director, Kuala Lumpur Regional Centre for International Commercial Arbitration (KLRCICA) highlighted the activities of the Centre since the last Session.
- 12.3 **Mrs. Eunice R. Oddiri**, Director, The Lagos Regional Centre for International Commercial Arbitration presented her report on the activities of the Centre since the last Session.
- 12.4 **Mr. Mohamad Asbaghi**, Adviser, The Tehran Regional Arbitration Centre, presented his report on the activities of the Centre since the last Session.

13. Agenda II: Report on AALCO's Centre for Research and Training

- 13.1 **Dr. Xu Jie, Deputy Secretary-General of AALCO** while introducing the item recalled that the Centre for Research and Training (CRT), was functioning from the Secretariat of AALCO since November 2001. He further recalled that the mandate entrusted to Centre was to collect and disseminate information on the agenda of AALCO and facilitate exchange of information among the Secretariat, the Member States and the United Nations; and foster capacity-building of the Centre to carry out further research projects on international law.

As regards the assigned mandate for the Centre, the website of the AALCO had been significantly improved and steps were underway to professionally redesign the website. Towards realizing that, he requested all the Member States to provide information and other relevant materials to facilitate in improving communications between the Secretariat and its Member States.

He had given a brief account of the activities undertaken by the AALCO, in which he mentioned that AALCO had jointly organized with the Government of Japan, a one day Seminar on the topic, "International Criminal Court: Emerging Issues and Future Challenges" in 2009 and a half-day Commemorative Seminar on the Sixty Years of the International Law Commission, in December 2008.

The Deputy Secretary-General noted that the CRT organized its first Training Programme on "General Course on International Law" in 2008 and it was well received by the Member States. Further, he stated that the Centre endeavoured to organize Expert Group Meeting, Visiting Fellow programmes and a Young Jurist Conference for the benefit of Member States.

Keeping in view of the financial position of AALCO was not very sound, he urged the Member States to fund generously through voluntary contributions or to the CRT Fund in order to facilitate its future activities efficiently.

- 14. Chairman of the Drafting Committee** presented her report.

15. Adoption of the Resolutions

- 15.1 The following Declaration and Resolutions were adopted at the Third Meeting of the Delegations of AALCO Member States on 20 August 2009:

RES/48/DEC	Putrajaya Declaration on Revitalizing and Strengthening the Asian-African Legal Consultative Organization
RES/48/ORG 1	Report of Secretary-General on Organizational, Administrative and Financial Matters
RES/48/ORG 2	AALCO's Draft Budget for the Year 2010
RES/48/ORG 3	Report on AALCO Regional Centres for Arbitration
RES/48/ORG 4	AALCO's Centre for Research and Training
RES/48/S 1	Matters Relating to the Work of the International Law Commission at its Sixtieth Session
RES/48/S 3	The Status and Treatment of Refugees
RES/48/S 4	The Deportation of Palestinians and Other Israeli Practices Among Them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law Particularly the Fourth Geneva Convention of 1949
RES/48/S 5	Legal Protection on Migrant Workers
RES/48/S 6	Extra-Territorial Application of National Legislation: Sanctions Imposed Against Third Parties
RES/48/S 7	International Terrorism

Summary Report of the 48th Annual Session of AALCO, 2009

RES/48/S 9	The International Criminal Court: Recent Developments
RES/48/S 10	Environment and Sustainable Development
RES/48/S 11	An Effective International Legal Instrument against Corruption
RES/48/S 12	Report on the Work of UNCITRAL and Other International Organizations Concerned with International Trade Law
RES/48/S 13	WTO as a Framework Agreement and Code of Conduct for World Trade
RES/48/S 14	Expressions of Folklore and its International Protection
RES/48/S 15	Human Rights in Islam
RES/48/S 16	Managing Global Financial Crisis: Sharing of Experiences
RES/48/SP 1	Resolution on the Special Meeting on Transnational Migration-Trafficking in Persons and Smuggling in Persons.
RES/48/SP 2	Resolution on the Special Meeting on the Law of the Sea

Venue of the Forty-Ninth Session

- 15.2 As soon as the Secretary-General receives a final invitation from any Member State for holding the Session, or any other substantive information, he would duly inform the same to the Member States.

Adoption of Summary Report

- 15.3 The Summary Report of the Forty-Eighth Session of the Asian-African Legal Consultative Organization was adopted.
- 15.4 The Provisional Summary Record of the First and Second Meeting of the Delegations of AALCO Member States and the First to Third General Meetings were distributed. Member States were requested to review the Provisional Summary Record and submit their views/suggestions to the Secretariat within the next two months after which the Summary Records would be finalized.
- 15.5 The President summarized the accomplishments of AALCO at its Forty-Eighth Session and thanked all those who made the Session a success.