



AALCO
Asian-African Legal Consultative Organization
Fifty-Fourth Annual Session
13 to 17 April 2015
Beijing, People's Republic of China

SUMMARY REPORT
OF THE FIFTY-FOURTH ANNUAL SESSION OF THE
ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION*

1. Introduction

1.1 43 Member States of the Asian-African Legal Consultative Organization (AALCO) participated in the Fifty-Fourth Annual Session (hereinafter "the Session") namely, **Arab Republic of Egypt, Bahrain, Bangladesh, Botswana, Brunei Darussalam, Cameroon, People's Republic of China, Cyprus, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Kuwait, Libya, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Sultanate of Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, State of Palestine, Sudan, Syrian Arab Republic, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates, Yemen.**

1.2 Representatives of the following Regional Arbitration Centres of AALCO were also present: Kuala Lumpur Regional Centre for Arbitration (KLRCA), Regional Arbitration Centre for International Commercial Arbitration, Lagos (RCICAL), 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 from the following Non-Member States: Algeria, Benin, Ethiopia, Namibia, New Zealand, Russia and Vietnam.¹

* Uploaded on 17 May 2015 after the feedback was received from the Member States.

¹ This list was updated on 24 April 2015.

- II. Representatives of the following International Organizations: Association of South East Asian Nations (ASEAN), International Committee of Red Cross (ICRC), International Court of Justice, International Criminal Tribunal for the Former Yugoslavia, League of Arab States, The Shanghai Cooperation Organization, UNCITRAL, United Nations and United Nations Environment Programme (UNEP).

2. Inaugural Session

2.1 The Session commenced on 13 April 2015. **H.E. Mr. Danesh Yazdi, President of Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran** welcomed all the delegations to Beijing. He then invited Premier Li Keqiang of the People's Republic of China to deliver the inaugural address.

2.2 **H.E. Premier Li Keqiang of the People's Republic of China**, in his inaugural address, stressed on the significance of reviving Bandung spirit and reinforcing Asian-African solidarity and friendship to meet the current challenges the regions face and for maintaining global peace and security. He said that it was important to safeguard the post-war international order, as this year also marked that 70th anniversary of the victory of the world anti-fascist war and the founding of the UN.

2.3 He said that peace and development cannot be achieved without Rule of Law and order. With this in mind the international community should work on the following areas: (i) to make a more just and equitable international political order, (ii) to work for a more open and institutionalized world economy, (iii) to uphold international peace and stability, (iv) to work together to meet global non-traditional security challenges, and (v) to deepen exchange and cooperation within the international legal system. As a mark of respect for the contributions made by all AALCO Members, China would support the work of AALCO as always and would fund the establishment of China-AALCO Research and Exchange Programme on International Law. H.E. Dr. Danesh Yazdi delivered the vote of thanks to H.E. Premier Li Keqiang.

2.4 **H.E. Prof. Dr. Rahmat Mohamad, Secretary-General of the Asian-African Legal Consultative Organization (AALCO)** welcomed all delegations to the Session and thanked the Government of the People's Republic of China for hosting the Session and for the meticulous arrangements made. He highlighted the contribution made by People's Republic of China to the development of AALCO since it joined the Organization in 1983.

2.5 **Mr. Miguel de Serpa Soares, Under Secretary General for Legal Affairs and legal Counsel of the United Nations** addressed the delegations on behalf of H.E. Ban Ki-moon, the Secretary General of the United Nations. His speech dwelled upon the cooperation between the two organizations in addressing areas such as reinforcing the rule of law at national and international levels and the current legal challenges faced by the international community.

2.6 **H.E. Mr. Danesh Yazdi, President of Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran** addressed the Plenary. He summarized the achievements of AALCO and stated that AALCO has been able to keep up with the current legal challenges. The inclusion of “Violent Extremism and Terrorism” and “International Law in Cyberspace” was indicative of this fact.

2.7 **Vote of Thanks** was delivered by **Dr. Pradip Choudhary, Director, Legal and Treaties, Ministry of External Affairs of India**, on behalf of the President of the Fifty-Second Annual Session.

3. First Meeting of the Delegations of AALCO Member States

3.1 **H.E. Mr. Danesh Yazdi, President of Fifty Third Annual Session and Deputy Foreign Minister of the Islamic Republic of Iran**, called the Meeting to order. The following agenda was adopted for the Fifty-Fourth Annual Session:

3.2 Agenda

I. Organizational Matters

1. Consideration and Adoption of the Agenda
2. Election of the President and Vice-President
3. Admission of Observers
4. Admission of New Members
5. Report of the Secretary-General on the Work of AALCO
6. Proposed Budget for the Year 2016
7. Report on the Work of the AALCO’s Regional Arbitration Centres
8. Report by the Chairman of the Working Group on Customary International Law
9. Report by the Chairman of the EPG
10. Venue of the Fifty-Fifth Annual Session

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

1. Law of the Sea
2. 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
3. Violent Extremism and Terrorism (Legal Aspects)

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

Environment and Sustainable Development

IV. International Trade Law Matters

Report on the Work of the UNCITRAL and Other International Organizations in the Field of International Trade Law

V. Two Half-Day Special Meetings

1. Special Meeting on “Selected Items on the Agenda of the International Law Commission”
2. Special Meeting on “International Law in Cyberspace”

VI. Any Other Matter

1. Special Event on “Commemorating the Sixtieth Anniversary of the Bandung Conference”
2. Parallel Side Event: “Colloquium on UN Charter and the Post-War International Order “(Co-hosted by the Ministry of Foreign Affairs of China and the Chinese Society of International Law)

3.3 **Admission of New Members:** No New Member was admitted in this Fifty-Fourth Annual Session.

3.4 **Admission of Observers:** The observers were admitted as per the list provided in page 2 of this report.

3.5 The President of the Fifty-Third Annual Session, **H.E. Mr. Danesh Yazdi**, invited the Member States to propose candidates for the posts of President and Vice-President of the Fifty-Fourth Annual Session of AALCO. The Head of Delegation of Kenya proposed the nomination of **H.E. Liu Zhenmin, Vice Minister of Foreign Affairs of the People’s Republic of China** as the President of the Fifty-Fourth Annual Session of AALCO. The nomination was seconded by the Heads of Delegations of Pakistan, Indonesia and Cyprus and he was unanimously elected. The Head of Delegation of Malaysia proposed the nomination of **Hon’ble Prof. Githu Muigai, Attorney General of Kenya** as Vice-President of the Fifty-Fourth Annual Session. The proposal was seconded by the Head of Delegation of Cameroon and he was unanimously elected. Thereafter, the outgoing President Dr. Danesh Yazdi invited the President and Vice-President of the Fifty-Fourth Annual Session to assume their positions on the dais.

3.6 The newly elected President thanked the Member States for nominating him. He expressed his satisfaction on the turnout for the Fifty-Fourth Session which indicated the relevance that Member States accord to AALCO and its activities.

4. First General Meeting

4.1 **Release of AALCO Publication: The Secretary-General of AALCO** briefly gave a background on the various publications of AALCO and their importance in the dissemination of international law knowledge in the Asian-African region. Thereafter, the following AALCO publications were released: Yearbook of the Asian-African Legal Consultative Organization (2014, vol.XII); AALCO Journal of International Law, (Vol. 3, Issue 2, 2014); and Secretary General’s Handbook on Basic Entitlements and Obligations under 1982 UNCLOS.

5. Special Event Commemorating the 60th Anniversary of Bandung Conference

5.1 The Session began with a commemorative video on the 1955 Bandung Conference and its objectives.

5.2 **H.E. Zhang Yesui, The Executive Vice Minister of Foreign Affairs of The People’s Republic of China**, said that the Bandung Conference proclaimed to the world the emergence of developing countries on the world stage as a new important force. He emphasized that the conference gave birth to the Bandung Spirit which characterizes solidarity, friendship and cooperation. He said Bandung Principles served as an important intellectual and political foundation for building up a just and equitable economic order. He stressed the need to uphold peace and stability through international rule of law. He highlighted the importance to uphold inclusiveness and mutual learning through the international rule of law.

5.3 **Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel**, highlighted the contribution of Bandung Conference to multilateralism and the importance of Bandung principles as touchstones for effective international relations among States. He reiterated the importance of the final communiqué of the Bandung Conference—and the “spirit of Bandung” that it represented. He said that it requires us to critically examine the operation of Bandung principles in the current environment, taking into account its history and prior application.

5.4 Thereafter, the following delegations presented their statements: **Indonesia, Myanmar, Pakistan, Japan, India, DPR Korea, Thailand, South Africa, Sri Lanka, Qatar, Republic of Korea, Iran, Arab Republic of Egypt, Nigeria, Kenya and Saudi Arabia.**

The **Secretary-General of AALCO** made his concluding remarks.²

6. Second Meeting of the Delegations of AALCO Member States

² In accordance with the past practice, detailed views of Member States will be reflected in the Verbatim Record of Discussions of the Fifty-Fourth Annual Session.

6.1 **Report of Secretary-General:** The Secretary-General summarized the activities and mandate undertaken since Fifty-Third Annual Session and made a brief presentation on the future plans of action including research intensification programmes and cooperation with academic institutions and international organizations.

6.2 **Dr. Roy Lee, the Permanent Observer of AALCO to the United Nations in New York** reported on his activities at the UN aimed at enhancing visibility of the Organization at the UN.

7. **Discussions on Budget for 2016**

7.1 **The Secretary General of AALCO** outlined the factors which necessitated the increase in the proposed budget for 2016. He also mentioned the requests from the State of Palestine, Yemen and Lebanon for waiver of their arrears. Thereafter, **Ms. Yukiko Harimoto, the Deputy Secretary-General of AALCO** presented the budget for 2016. She highlighted the exceptional circumstances that prompted an increase in the proposed budget. These include the related cost for the outgoing and incoming Secretaries-General. She also mentioned the impending 7th Pay Commission of India, the release of which may entail financial implications in 2016.

7.2 The Deputy Secretary-General's presentation was followed by comments from the delegations of **Japan, Pakistan, India, Republic of Korea, Cameroon, State of Palestine, Iran, Nigeria, South Africa, Saudi Arabia, Pakistan, Kuwait, Libya, Qatar, Sultanate of Oman, Iraq, Jordan, Democratic People's Republic of Korea, People's Republic of China, Turkey, Indonesia, United Arab Emirates, Bahrain and Arab Republic of Egypt**. The delegations generally supported the budget proposal for 2016. One delegate pointed out that as regards the salary and allowances of the new Secretary-General, the past instances were allowed on an one time *ad hoc* basis; and that the status quo as regards the strength of sanctioned staff should be maintained unless it is duly discussed in the Liaison Officers Meeting. Then the budget for 2016 was adopted with relevant comments properly reflected.

7.3 As regards the request made by the State of Palestine to waive its arrears, there was an overwhelming support for the same. One delegate, however, noted that it disapproved the request for waiver of arrears from three Member States on the ground that doing so would discourage other Member States from working together for the better administration.

8. **Second General Meeting**

8.1 At the Fifty-Fourth Annual Session of AALCO the following delegations made their general statements: **Japan, Brunei Darussalam, People's Republic of China, Malaysia, Sri Lanka, Sultanate of Oman, DPR Korea, South Africa, Nepal, India, Kuwait, Arab Republic of Egypt, Qatar, Republic of Korea, Myanmar, Syria, Bahrain, Cyprus, Thailand, Cameroon, Indonesia, Pakistan, Kenya, Islamic**

Republic of Iran, Ghana, Saudi Arabia, Sudan and Nigeria. The observer delegations from **Russia and Ethiopia** also presented their statements.

8.2 All the delegations congratulated the President and Vice-President on assuming their posts. Delegations also thanked the People and Government of the People's Republic of China for the warm welcome and hospitality. On the topics chosen for deliberation at the session, many delegates found them to be of contemporary relevance, having considerable interest to Member States. These included the latest additions to the agenda items such as, Violent Extremism and Terrorism (Legal Aspects), International Law in Cyberspace and Investment Treaties and Their Implications. While welcoming the Special meeting on "International Law in Cyberspace" many delegations expressed the need find the right balance between the assertion of sovereign rights in cyberspace and the protection of freedom of speech and expression. Many delegations also decried the military use of cyberspace. They were of the opinion that the deliberations of this meeting would contribute to global dialogue necessary to achieve consensus on this critical issue. While noting that AALCO should exclusively focus on the legal aspects of the issue, few delegates noted that there is a need for mutual legal assistance and cooperation among Member States in finding solutions to these vexing questions.

8.3 Many delegates opined that the commemoration of the 60th anniversary of the Bandung Conference presented an opportune moment for the Member States to further strengthen Asian-African solidarity and chart out a new plan of action for AALCO's development. Some Member States enumerated various legal measures they undertook since the last Annual Session which were in conformity with international legal norms. Many States emphasized the significance of rule of law to ensure peaceful coexistence and stability nationally and globally.

8.4 One delegate proposed to add French as one of the official languages of AALCO in order to attract Francophone States to join AALCO.

9. Third General Meeting

Agenda Item: Environment and Sustainable Development

9.1 **Deputy Secretary-General of AALCO, Ms. Yukiko Harimoto**, introduced the agenda item and stated that the report is focused on climate change and Sustainable Development Goals. She explained the recent developments in multilateral fora on climate change and sustainable development. She also highlighted the linkage between environment and development, and the need for a Comprehensive Agreement on Climate Change by briefly describing the recent related conferences.

9.2 Thereafter, the delegates of **Japan, Sri Lanka, Indonesia, Iran, People's Republic of China, India, Republic of Korea, Kenya, South Africa, Democratic People's Republic of Korea and Saudi Arabia** presented their views on the agenda item.

9.3 Many delegates appreciated the focus of the secretariat report on climate change and Sustainable Development Goals (SDGs). Delegates were generally in favour of a fair, equitable and legally binding agreement on climate change and emphasized the importance of the Paris Conference scheduled to be held in 2015. Some delegates mentioned the importance of “Intended Nationally Determined Contributions” (INDCs). Many delegates were of the view that poverty eradication is an imperative to sustainable and equitable economic development and that Common but Differentiated Responsibility (CBDR) is a recognized principle which must be reflected in any new agreement.

9.4 One delegate stated that “climate change and sustainable development were two sides of the same coin. The efforts to tackle climate change would not succeed without implementing sustainable development agenda and vice versa, we will not succeed to implement sustainable development agenda without tackling the challenges posed by climate change”³. Many delegates were of the view that economies of Asian and African countries were dependent on natural resources and hence highly vulnerable to climate change. Many delegates mentioned the importance of South-South cooperation in efforts to mitigate climate change and adopt and implement SDGs. One delegate welcomed the entry into force of the Nagoya Protocol to the Convention on Biological Diversity. Some delegates welcomed the total amount of pledge Green Climate Fund (GCF), having exceeded 10 billion dollars.

Agenda Item: Report on the Work of the UNCITRAL and other International Organizations in the field of International Trade Law

9.5 **Mr. Mohsen Baharvand, Deputy Secretary-General of AALCO**, introduced the agenda item and highlighted the issue of shrinking policy space for Host States and the resource constraints that developing Member States grapple with while dealing with international arbitration disputes. Further, he briefly explained systemic deficiencies in the existing Investor-State Dispute Settlement (ISDS) mechanism including lack of transparency and the legitimacy of *ad hoc* arbitrators particularly in dispute involving sensitive public policy issues.

9.6 Thereafter, the delegates from **Japan, Myanmar, Thailand, People's Republic of China, Indonesia, Republic of Korea, India and South Africa** presented their views on the agenda item. The representative from the **UNCITRAL** also made a statement.

9.7 Many delegations appreciated the focus of the Secretariat report on International Investment Law. Some delegates were of the view that investor-State is beneficial for the foreign investment of the Host State. Some delegations were of the view that the first generation of bilateral investment treaties needed a thorough review. Some delegates stated the lacunae in their respective bilateral investment treaties. Many States supported the work of UNCITRAL in harmonization of international trade rules.

³ This change has been suggested by the Delegation of the Republic of Indonesia vide email received by the Secretariat on 5 May 2015.

9.8 Many delegates appreciated the work of UNCITRAL on transparency in ISDS mechanism. Many delegates emphasized the need to strike a balance between investor rights and the regulatory rights of the Host State. Many delegates described the regional multilateral investment mechanisms they are associated with. A few delegates called for harmonization of international trade rules regarding a framework convention on investment. One delegate said that the surge in reservations by States on bilateral investment treaties is not a favourable sign, as it results in high litigation costs for Member States. One State opined that ISDS mechanism unduly favours the investor and erodes state sovereignty. One delegate said that foreign investment comes irrespective of bilateral investment treaties, citing example that investment is coming from States which does not have BITs. One delegate mentioned that investment treaties should allow for health and safety regulation of Host State.

9.9 The representative of UNCITRAL explained the work of the organization relating to transparency in ISDS. He called for Member States to benefit from the research and activities of UNCITRAL relating to foreign investment.

10. *Topic I: Half Day Special Meeting on “International Law in Cyberspace”⁴*

10.1 While delivering the introductory statement on the topic, the **Deputy Secretary-General of AALCO Mr. Feng Qinghu** emphasized the new challenges which include: (1) disagreement over a universally accepted structure of internet governance and associated issues including state sovereignty in regulating internet within its jurisdiction, (2) articulation of rules related to state and non-state conduct during cyber warfare and (3) burgeoning transnational cyber crimes and the need for a multilateral treaty to effectively prevent its escalation.

10.2 With regard to cyber warfare, he noted that the articulation of traditional rules of war, both on the use of force (jus ad bellum) and International Humanitarian Law (jus in bello), applicable to cyberspace is a prime concern. While noting that cyber espionage factors have become a critical concern with respect to cyber security, he emphasized that Vienna Convention on Diplomatic Relations reaffirmed the inviolability of diplomatic correspondence and that it equally applied to cyberspace as well. As regards cybercrimes and international law, he added that its provisions did not adequately address various new threats such as terrorist use of the Internet, botnet attacks and phishing.

10.3 **Mr. Zhijong Fan, Representative of HUAWEI** explained the various ways in which Internet has changed our lives taking into account the past, present and future of the internet. To bring home this point, he gave a number of examples that included: the phenomenal growth of the Chinese company called Taobaor, due to the license issued by the Ministry of Industry and Informational Technology in 2013 which allowed it to

⁴ In accordance with the past practice, detailed views of Member States will be reflected in the Verbatim Record of Discussions of the Fifty-Fourth Annual Session.

operate 4 G; the work of the HUAWEI in Nairobi, Kenya on building a new mobile network; the work of the national power grid company, Copel in Brazil which was building its network and data centres to convert itself to a smart grid company and the changed nature of the functioning of Banks after the advent of Internet.

10.4 In conclusion, he stated that protecting internet and preventing its misuse is as vital as protecting other sources such as air and water and that the misuse of the internet would only undermine the efforts of mankind and slow down the technology evolution itself.

10.5 **Mr. Richard Desgange, Regional Legal Advisor, ICRC, Beijing** explained why it has been difficult to provide an authoritative definition of ‘cyber warfare’ and stressed that IHL applies to this new technology in armed conflicts. He went on to add a list of challenges emanating from the interpretation and application of IHL in regard to cyberspace.

10.6 Firstly, since IHL relies on attribution of responsibility to parties to an armed conflict, anonymity in cyber space may create major legal challenges. Secondly, in cases where the only hostile act is a cyber-operation, it may be difficult to call it an armed attack within the meaning of IHL. This question was closely related but nevertheless distinct from whether a cyber-operation alone could amount to a “use of force” or an “armed attack” under the UN Charter. Thirdly, the interconnectedness of cyberspace makes it impossible to distinguish between military and civilian networks before launching cyber-attacks.

10.7 The following delegates presented their statements pursuant to the presentations made by the panelists: **Japan, Ghana, China, Nepal, India, Pakistan, Malaysia, Sultanate of Oman, South Africa, Iran and Sudan**. The Observer delegation of **Vietnam** also made a statement.

11. Fourth General Meeting

Agenda Item: 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

11.1 **The Deputy Secretary-General, Ms. Yukiko Harimoto** introduced the agenda item. She briefed the recent developments, referring also to the illegal annexation of Palestinian Land, creation of Jewish Settlements and massive deportation of Palestinians which violate international law and IHL. On 1 April 2015 Palestine became the 123rd State to join the ICC, marking an important step towards accountability and justice for the victims in the conflict. She emphasized that the resolution to the conflict could be achieved only in accordance with the principles of rule of law including the widely supported UN Security Council and UN General Assembly Resolutions 242, 338 and 1515.

11.2 The following Member States presented their views, namely: **State of Palestine, Qatar, Japan, Indonesia, Iran, Arab Republic of Egypt, Saudi Arabia, People's Republic of China, India, Pakistan, Syria, Nigeria and Libya.**

11.3 Most delegates expressed their wholehearted support to the creation of an independent State of Palestine enjoying full sovereignty. Many of them added that the Israel- Palestine conflict should be resolved exclusively through peace talks based on the relevant UN Security Council resolutions, Madrid Principles, the Arab Peace Plan and Quartet Roadmap.

11.4 Many delegates expressed deep concern over the violation of human rights and IHL committed by parties to the conflict and made it clear that a military solution to this conflict would only damage the prospect of peace and stability in the region.

11.5. A few delegates welcomed the establishment of the Independent Commission of Inquiry by the Human Rights Council and expressed hope that the outcome of this inquiry would end the culture of impunity for the violation of human rights and IHL committed by the occupying power, Israel.

11.6 One delegate brought attention to the four-point proposal that it had offered for resolving the conflict. Another delegation mentioned that it had hosted along with another country and with the Palestinian authority an international Conference on Palestine entitled "*The Cairo International Conference on Palestine: Reconstructing Gaza*" that was aimed at strengthening the ceasefire in place and improving the prospects of attaining a political solution.

Agenda Item: The Law of the Sea

11.7 The **Deputy Secretary-General of AALCO Mr. Feng Qinghu**, introduced the agenda item and stated that the report focused on Marine Scientific Research and Exploration of Deep Sea Resources. He highlighted issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction especially the necessity for a new international legal instrument in this regard.

11.8 Following the introduction, a brief presentation was made by **Mr. H.P.Rajan, Legal Adviser of AALCO**. In his presentation, he highlighted that marine scientific research is an important and essential component to understand the nature of deep sea resources as well to develop appropriate technology and devise mechanisms for the protection and preservation of the marine environment and its biodiversity. He pointed out that while the Convention recognized the conduct of marine scientific research as a freedom of the high seas, it also contained general principles for the conduct of marine scientific research in the various maritime zones of coastal States. He explained that although the term marine scientific research was not defined in the Convention, the three Regulations adopted by the International Seabed Authority for prospecting and exploration of polymetallic nodules, sulphides and cobalt-rich ferromanganese crusts all defined marine scientific research as well other terms like prospecting, exploration,

exploitation, marine environment, serious harm to marine environment etc. He stated that there were several practical difficulties involved in determining what activities constitute marine scientific research and what activities go beyond marine scientific research. He was of the view that in view of several contemporary developments, and the importance of the subject to Member States of AALCO, it would be very useful to convene a workshop that would provide an opportunity for an in-depth discussion of the complex legal and practical issues involved.

11.9 An expert presentation was also made by **Ms. Alice Hicuburundi, Senior Legal Officer, Division on Ocean Affairs and the Law of the Sea, UN**, on the issues of Marine Scientific Research. She explained the legal regime of marine scientific research under Part XIII of UNCLOS. She said that the deep sea is seen as the source of future scientific discoveries and resources. She highlighted that strong and dependable scientific knowledge base is fundamental to informed political and economic decision-making. She advocated strengthening co-operation and co-ordination among States and international organizations, at the global and regional level. She underlined the need for establishing better links between marine scientists and policy makers and managers. She called for strengthening capacity building and better dissemination of knowledge, information and data sharing among Member States.

11.10 Thereafter, the delegates of **Thailand, Japan, Republic of Indonesia, Ghana, People's Republic of China, Nepal, India, Pakistan, Malaysia, Sultanate of Oman, South Africa** and **Iran** presented their views on the agenda item. The observer delegation of **Vietnam** also made a statement.

11.11 Many delegates appreciated the focus of the secretariat report on Marine Scientific Research and Exploration of Deep Sea Resources. Most delegates applauded the progress made by the Working Group to study issues relating to the Conservation and Sustainable Use of Marine Biological Diversity beyond Areas of National Jurisdiction (BBNJ). One delegate supported the Secretariat's suggestion on conducting study, sponsoring seminars and workshops on BBNJ and exploration of deep sea resources. Some delegates were of the view that strengthening of capacity-building programs is significant for the Asian and African states to meaningfully participate in international marine affairs.

11.12 One delegate stated that his country is yet to explore in deep sea mining but it has been closely following the work and rules of International Sea Bed Authority. Many delegates urged other Member States to intensify marine scientific research as provided under Part XIII of UNCLOS and also to respect sovereignty, jurisdiction and rights of coastal states. One delegate said with reference to deep sea bed mining, there is a lot which needs to be done in terms of capacity building for developing countries and land-locked states. Many delegates emphasized that the mineral resources in the Area are the "Common Heritage of Mankind".

Agenda Item: Violent Extremism and Terrorism (Legal Aspects)

11.13 **Prof. Dr. Rahmat Mohamad, Secretary General of AALCO**, introduced the agenda item and explained the idiosyncratic and multidimensional nature of violent extremism that necessitates a comprehensive articulation of the existing international legal norms.

11.14 Thereafter, presentations were made by the following Member States namely: **Japan, Indonesia, Ghana, Myanmar, Iran, Jordan, Malaysia, Kenya, Qatar, Uganda, Iraq, Turkey, People’s Republic of China, India, Nigeria, Cameroon, South Africa, Pakistan, Saudi Arabia and Syria.**

11.15 All delegates expressed their grave concern over the threats posed by crimes of terrorist and violent extremist groups and reaffirmed that they constitute a serious concern for all Member States. They vehemently condemned the horrendous crimes perpetrated by extremist groups such as ISIL, Boko Haram, and Al-Qaeda. Delegations expressed their condolences and sympathy for recent terrorist attacks in Kenya, Pakistan and Somalia.

11.16 Many delegates emphasized the importance of UN Security Council Resolution 2178 to combat violent extremism and its various manifestations. Many of them enumerated the legal measures undertaken by them to prevent and tackle terrorism and violent extremism. Some delegates stressed on the significance of strengthening bilateral and regional cooperation with respect to capacity building and information sharing in pursuance of thwarting this menace. It was pointed out that conventional international customary law provides sufficient apparatus for effective cooperation in this regard.

11.17 Some delegates pointed out that terrorism and violent extremism should be disassociated with any religion and regardless of their underlying motivation they cannot be justified. One delegate emphasized that an “Asian-African Guidelines” should incorporate substantive elements in addressing violent extremism, and the draft guidelines presented by the Secretariat in its current form must be revised and resubmitted in the next Annual Session for consideration by the Member States. He recalled the resolution on “international terrorism” adopted at the Fifty-First Annual Session on the mandate given to the Secretariat to study the feasibility of an Asian-African on Mutual Legal Assistance in Criminal Matters and subsequently consider drafting an Asian-African Treaty on this matter.

12. *Topic II: Half Day Special Meeting on “Selected Items on the Agenda of the International Law Commission”*⁵

12.1 **The Secretary-General of AALCO Prof. Dr. Rahmat Mohamad** delivered the introductory statement on the subject and stated that the International Law Commission (ILC) and AALCO have shared a long-standing and mutually beneficial relationship and that one of

⁵ In accordance with the past practice, detailed views of Member States will be reflected in the Verbatim Record of Discussions of the Fifty-Fourth Annual Session.

the functions designated to AALCO under its Statute is to study the subjects which are under the consideration of the ILC and thereafter forward the views of its Member States to the Commission.

12.2 Explaining the deliberations held at the Sixty-Sixth session of the Commission, he pointed out that they focused on eight topics, namely; Expulsion of aliens; the obligation to extradite or prosecute (*aut dedere aut judicare*); Protection of persons in the event of disasters; Immunity of State officials from foreign criminal jurisdiction; Subsequent Agreements and Subsequent Practice in relation to the interpretation of treaties; Identification of Customary International Law; Protection of Environment in relation to armed conflicts, and Protection of Atmosphere. He went on to give a brief summary of how each one of them was dealt with.

12.3 While stressing that the Special Meeting would focus on three topics; Immunity of State Officials from Foreign Criminal Jurisdiction, Expulsion of Aliens and Protection of Atmosphere; he also observed that the topic of the “Identification of Customary International Law” has been a matter of great concern to developing countries on account of the reason that the voice of Asian and African states were not simply present in the international law discourse. He also brought attention to the fact that the Secretariat of AALCO had proposed and received approval at the Fifty-Third Annual Session to constitute an “Informal Expert Group of Customary International Law”, that has held two meetings so far.

12.4 **Amb. Dr. Hussein Hassouna, Member of ILC** was the first panelist on this Special Meeting who spoke on the topic “Expulsion of Aliens”. His presentation then focused on four aspects of the topic, namely historical background, general approach of the ILC on the Draft Articles, Analysis of the ILC draft Articles, debates on the Draft Articles held at the UN Sixth Committee.

12.5 On the historical aspects, he stated that from 2005 to 2014 the Commission received and considered nine reports by the Special Rapporteur and that that in his last report submitted in 2014 he submitted his proposals for reformulating the draft articles adopted on first reading in the light of the comments and observations received from Governments. On the general approach adopted by the Commission, he pointed out that though expulsion of aliens is a sovereign right it also involves the question of respect for the rights of aliens.

12.6 Commenting on the draft articles adopted by the ILC, he explained that they are divided into five parts and that while parts I and II dealt with general framework and cases of prohibited expulsion, Parts II and IV dealt with protection of the rights of aliens subject to expulsion, Part IV dealt with procedural rules. The last Part dealt with the legal consequences of expulsion, he added.

12.7 On the debate over the draft articles that took place at the United Nations General Assembly, analyzing ILC draft articles, he observed that it reflected a divergence of

views among the various delegations especially as regards their potential impact on their national policies and immigration laws.

12.8 **Prof. Shinya Murase, Member of the ILC** made a statement on the topic “Protection of the Atmosphere”, referring to his second report. He recalled an extremely lively discussion on the topic in the Sixth Committee of the General Assembly, wherein many Asian and African states participated. He provided a working definition of “Atmosphere” and also mentioned two new terms, namely “air pollution and atmospheric degradation”. He stated that the final draft guideline flows from the concept of common concern of humankind, that is, the principle of international cooperation. He explained that he reviewed the global and regional treaty practice, previous ILC articles, ICJ jurisprudence, relating to international cooperation. He stated that finally in his second report he touched upon the principle of good faith. He also discussed his future plan and tentative work schedule as a Special Rapporteur of ILC on the topic.

12.9 **Mr. Narinder Singh, Member of the ILC** made a statement on the topic “Immunity of State Officials from Foreign Criminal Jurisdiction”. He explained the three elements of the topic namely persons enjoying immunity, jurisdiction affected by immunity, and domain of such jurisdiction. He exemplified the topic with the help of ICJ jurisprudence on the issues of diplomatic and counsellor relations, privileges and immunities etc. He relied on the Arrest Warrant Case and other cases to drive home the point that a Head of States (HOS), Head of Government (HOG) and Minister of Foreign Affairs, enjoy immunities from jurisdiction in foreign states, both civil and criminal. He said that this view is also supported by Customary International Law relating to treatment of Foreign Minister. He also explained Immunity *rationae materiae and rationae personae* with reference to Draft Articles of the International Law Commission on the topic. He said that the same reasoning would apply to the Head of States (HOS) and the Head of Government (HOG) also.

Report of the Chairman of the Informal Consultation on the Work of the Informal Expert Group on Customary International Law

12.10 The report was presented by the Chairman of the Group, **Ambassador Dr. Hussein Hassouna** who stated that the ILC Special Rapporteur on the topic of “Identification of Customary International Law” had already presented three reports on the topic. He went on to highlight the conclusions that had been reached at the meeting of the informal consultation on the Work of AALCO Expert Group on Customary International Law that took place on 15th April 2015. The conclusions included: taking note of the informal expert group recommendations available on AALCO website and appreciating the sterling work of Prof. Yee as AALCO Special Rapporteur; the need to give more time to the Member States of AALCO to analyse the report and make recommendations thereon; that AALCO should retain this issue on its agenda and have more consultation on the topic to have a more in-depth input; that Member States should send their comments on the recommendation made by the AALCO Expert Group in an expeditious manner and that Secretary-General should refer in general to the AALCO

Informal Group recommendations and Prof. Yee's report when addressing the ILC in Geneva later this year.

12.11 The following Member States of AALCO delivered their comments after the Panelists had made their presentations. **Japan, Thailand, China, India, Iran, Myanmar, Pakistan, Malaysia.** The Observer Delegation from **Russia** also made a statement which was followed by a brief statement from the **Permanent Observer of AALCO to the United Nations Prof. Roy Lee** who spoke about the different ways in which the Member States of AALCO could influence the work of ILC.

13. Third Meeting of the Delegations of AALCO Member States

Report on the Work of AALCO's Regional Arbitration Centres

13.1 **The Deputy Secretary-General of AALCO Mr. Feng Qinghu** presented the introductory statement on the subject that gave a brief overview of the evolution of the regional arbitration centres of AALCO.

13.2 This was followed by presentations made by the Directors of the following arbitration centres: **Hon. Wilfred Danola Ikatari, Director, Regional Centre for International Commercial Arbitration-Lagos (RCICAL); Dr. Oveis Rezvanian, Director of Tehran Regional Arbitration Centre (TRAC); Prof. Datuk Sundra Rajoo, Director, Kuala Lumpur Regional Centre for Arbitration (KLRCA) and a delegate from Kenya for the Nairobi Centre for International Arbitration (NCIR).** All these presentations had outlined the activities undertaken by their respective Centres in the previous year.

Report by the Chairman of the Eminent Persons Group (EPG)

13.3 The Chairman of the AALCO Eminent Persons Group (EPG) for the fifth meeting, **Dr. Djamchid Momtaz** presented a Report on the Meeting of the EPG that took place on 12th April 2015 at Beijing. He informed that the meeting focused on both the organizational as well as substantive issues of the Organization in great details.

Adoption of thanks to the President of the People's Republic of China

Excellency,

On behalf of all the Delegations of the Member States, Observers and the Secretariat of AALCO, attending the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization (AALCO), I would like to extend the following message as a token of our heartfelt appreciation, gratitude and respect to the People and Government of the People's Republic of China:

“We, the participants in the Fifty-Fourth Annual Session of the Asian-African Legal Consultative Organization, wish to seize this opportunity to convey our profound gratitude and sincere respect to Your Excellency, and through you to your esteemed Government and the people of the People’s Republic of China, for graciously helping and assisting to host the Fifty-Fourth Session of AALCO in this historical and majestic city of Beijing, China. We are proud to have commemorated the sixtieth anniversary of Bandung Conference here. The Conference of Bandung declared the will of the Asian and African nations to reconquer their sovereignty and complete their independence through a process of authentic independent economic and social development for the benefit of all laboring classes. Excellency, I thank the Government of People’s Republic of China on behalf of AALCO, and on my own behalf, for hosting this session.

People’s Republic of China has always espoused the cause of the developing countries and hence taken a keen interest in the affairs of AALCO over the years. In that pursuit it has always taken an active part in deliberations during the Annual Sessions and has undertaken to strengthen the agenda and the role of the Organization among the comity of nations.

Your Excellency would be pleased to know that a spirit of constructive dialogue and cooperation amongst attending delegations marked this Session as special, thus enabling us to make crucial decisions on the organizational as well as substantive matters. Amongst the many factors which paved the way for the success of the Session, one of the prime ones was the excellent cooperation from the Government of People’s Republic of China, which contributed significantly towards the excellent achievements of our deliberations.

In this magnificent city of Beijing, famous for its picturesque juxtaposition of history and modernity, we the delegates of the Fifty-Fourth Annual Session of AALCO had a very comfortable and a memorable stay. We would like to place on record our sincere gratitude for the full cooperation and warm hospitality that the Government of People’s Republic of China has extended to AALCO and its Member States. I wish to especially thank the Government of People’s Republic of China for providing excellent accommodation, logistics and transportation for the entire Secretariat Staff of AALCO.

Please accept, Your Excellency, the assurances of our highest respect and consideration.”

Adoption of Resolutions

13.4 RES/54/ORG 2, the organizational resolution on the AALCO’s Budget for the Year 2016 was adopted on 16 April 2015.

13.5 The following resolutions were adopted at the third meeting of delegations of AALCO Member States on 17 April 2015.

Organizational Matters

RES/54/ORG 1 Report of the Secretary-General on Organizational, Administrative and Financial Matters

RES/54/ORG 3 Report on AALCO's Regional Arbitration Centres

Substantive Matters

RES/54/S 2 The Law of the Sea

RES/54/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/54/S 9 Violent Extremism and Terrorism (Legal Aspects)

RES/54/S 10 Environment and Sustainable Development

RES/54/S12 The Report on the Work of UNCITRAL and Other International Organizations in the field of International Trade Law: Investment Treaties and Their Implications

RES/54/SP 1 Resolution on Special Meeting on "International Law in Cyberspace"

RES/54/SP 2 Resolution on the Special Meeting on "Selected Items on the Agenda of the International Law Commission"

RES/54/SP XX Resolution on Half Day Special Event to Commemorate the 60th Anniversary of Bandung Conference.

Consideration of the Summary Report

13.6 The draft summary report of the Fifty-Fourth Annual Session was placed for the consideration of Member States. The Member States adopted the draft summary report and thereafter they were requested to send in their written comments on the same to the Secretariat within one month, after which it would be finalized.

Fifth General Meeting and Concluding Session

Vote of Thanks

13.7 A vote of thanks on behalf of Asian Member States was proposed by the Head of Delegation of India and a vote of thanks on behalf of the African Member States was given by the Head of Delegation of Nigeria.

13.8 His Excellency, Mr. Liu Zhenmin, the President of the Fifty-Fourth Annual Session delivered the concluding remarks.

The Fifty-Fourth Annual Session of AALCO was thereafter adjourned.