

**VII. SUMMARY RECORD OF  
THE SECOND GENERAL  
MEETING  
HELD ON TUESDAY, 3<sup>RD</sup> JULY  
2007, AT 10.00AM.**

**Her Excellency Mrs. Brigitte Sylvia Mabandla, President of the Forty-Sixth Session in the Chair.**

**A. General Statements  
(Continued)**

1. The **Leader of the Delegation of Kuwait**<sup>1</sup> after congratulating H.E. Mrs. Brigitte Sylvia Mabandla, Minister of Justice and Constitutional Development, Republic of South Africa, on her election as the President of the Forty-Sixth Session of the Asian–African Legal Consultative Organization, stated that the Member States should always try to make a distinction between terrorism and legal arms struggle for self-determination in the way that has been provided in international law. He condemned the state terrorism that was practiced by the Israel vis-à-vis people of Palestine. He pointed out that the fight against terrorism should be conducted in a manner upholding the principles of human rights.

2. He opined that combating terrorism required the active cooperation of all Member States of AALCO, which would ensure that all means could be used to tackle that menace. While appreciating the efforts of AALCO for adopting a Model Law Against Trafficking in Women and Children on the lines of the United Nations Convention Against Transnational Organized Crime, he stated that Kuwait, which was a signatory to the above mentioned

instrument, had adopted Law 5 of 2006 to domesticate the Convention. He also pointed out that the Ministry of Justice was in the process of adopting draft laws to tackle the problem of trafficking in general and women and children in particular in the light of the provisions of the two Protocols to the above mentioned Convention.

3. Stressing the need to forge cooperation on different fronts to combat corruption, he added that Kuwait had joined the United Nations Convention Against Corruption according to Law 47 for the year 2006 and it was sought to be applied by law.

4. The **Leader of the Delegation of Sri Lanka** congratulated H. E. Mrs. Brigitte Sylvia Mabandla on her election as President of the Forty-Sixth Session of the Asian-African Legal Consultative Organization. He thanked the AALCO Secretariat for the kind invitation extended to the Government of Sri Lanka to participate at this Meeting and also the Government of the Republic of South Africa for the warm and cordial reception, generous hospitality and excellent arrangements made for the Meeting.

5. He informed that Sri Lanka being one of the founder members of AALCO had participated in almost all Meetings since its inception and exchanged views on matters of common interest to the Member States, such as international terrorism, trafficking in women and children and law of the sea.

6. He also stated that Sri Lanka was a nation, which had been long confronted with the serious challenges, posed by terrorism and had been in the forefront of international and regional efforts to enhance cooperation in combating the scourge. He added that

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<sup>1</sup> Statement delivered in Arabic. Unofficial translation from the Interpreters version.

the global reach of terrorist groups and the sustenance of their activities in countries of operation was supported by an equally sophisticated network of international financing, both direct, as well as indirect, through recourse to the front organizations. In the global experience, it had become increasingly evident that activities of armed groups throughout the world would not have assumed its present dimension if not for the existence of a comprehensive international network of fund raising which drew on contributions from the international diaspora, often through recourse to intimidation and threats. Thus, individual governments alone cannot deal effectively with these issues. These were transnational problems requiring transnational solutions through international treaty commitments and effective international cooperation.

7. The Leader of the Delegation welcomed the efforts being made to reach a consensus on the Comprehensive Convention on Terrorism sponsored by the Government of India. He also informed that Sri Lanka was one of the first States to sign and ratify the UN Convention on Terrorist Financing. He said that Sri Lanka had moved to create a range of anti terrorism offences as set out in Resolution 1373 since its adoption to curb terrorist financing by enacting legislation on anti money laundering together with Financial Transactions Reporting Act based on the IMF model and consistent with the recommendations of the Financial Task Force, in addition to a comprehensive law to give effect to the International Convention on the Suppression of Terrorist Financing. Moreover, the Leader of the Delegation requested that all Member States of AALCO to engage in closer cooperation in combating international

terrorism, more particularly, in the sphere of terrorist financing, which would certainly contribute to inhibit terrorism at domestic and international levels.

8. He said that trafficking in women and children was another fastest growing area of international criminal activity that was of increasing concern to the international community. The Leader of the Delegation informed that Sri Lanka had always accorded its unstinted support regionally and internationally in this regard and willing to extend its fullest support to AALCO Member States for efficient judicial cooperation and law enforcement to fight this outrageous crime.

9. He said that AALCO had played a key role in the past in giving expression to the interests of the developing countries of Asia and Africa during the negotiations of the 3<sup>rd</sup> United Nations Conference of the Law of the Sea. For instance, the concept of Exclusive Economic Zone was fashioned through ideas, which emerged within the deliberations in the AALCO. He also said that the Organization had a continuous role to play in the context of current issues before the Meeting of the State Parties and also the Prep-com, such as bio-prospecting in the deep seabed and establishment of the outer limits of the Continental Shelf. The Leader of the Delegation wished that the AALCO should remain engaged of these issues to ensure that the interests of the States of Asia and Africa are safeguarded.

10. **The Leader of the Delegation of the Arab Republic of Egypt<sup>2</sup>**, while dwelling on the origins of

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<sup>2</sup> Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

AALCO stated that the need to achieve freedom and self-determination on the part of States and the need to challenge the imperialism resulted in the creation of AALCO. He pointed out that Egypt sought to achieve a just and comprehensive solution to the problem of Palestine based on international legitimacy mainly through Resolutions 191 and 242 while conferring the right of self-determination for the people of Palestine. Opposing the Israeli settlement policies, he stated that Egypt was totally against the unilateralism of any kind that would change the demography of the Palestinian region and that would violate the provisions of international laws in general and Geneva Convention of 1949 in particular.

11. Commenting on the evil effects of terrorism he stated that terrorism had no race, religion, creed or nation and hence it should not be affiliated to one religion or one nation. He opined that Egypt condemned terrorism in all its manifestations including individual, groups and state terrorism taking into consideration the national liberation movements and the struggle of peoples to gain their right to self-determination.

12. He stated that Egypt effectively participated in the establishment of the International Criminal Court through efforts of its men of law and jurists. He maintained that Egypt had also contributed largely to forge new concepts within the framework of United Nations Convention on the Law of the Sea. He further maintained that Islam was a religion of peace and justice and had incorporated principles of human rights. Commenting on the laws of Egypt on children, he stated that they had banned and incriminated the practice of child labour and further these laws were in the process of being

amended so as to deal with the shortcomings. They sought to provide a conducive environment for the development of children. He also maintained that Egypt sought to empower women on various fronts by adopting Constitutional amendments to that effect.

13. The **Leader of the Delegation of the Sultanate of Oman**<sup>3</sup> after congratulating the President on her election stated that the problem of terrorism should be accorded great importance since it threatened the very existence of human race. He maintained that the draconian issue of trafficking in all forms should also be dealt with seriously. He opined that the Sultanate of Oman endeavored to join the relevant regional and international agreements concerning the issue of trafficking in order to apply the best ways and means to combat this evil. He sought to substantiate it by citing the Sultanate of Oman Decree No. 37 of 2005 to approve the admission of the Sultanate to the United Nations Agreement on Transboundary Organized Crime and its Protocols. This instrument would come to be applied after the instrument had been ratified in accordance with the Constitution of Sultanate and her laws. He added that the Sultanate of Oman was on its way towards adopting an independent national legislation to combat this evil effectively in the light of the international agreements existing in this area and other model laws in general and the Model Law on Trafficking prepared by AALCO Secretariat in particular.

14. Commenting on how the Sultanate of Oman dealt with the issue of human rights, he informed that this

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<sup>3</sup> Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

had been one of the priority areas of the government. He informed that the Sultanate had created a Committee on Human Rights, related to the Ministry of Foreign Affairs to deal with all matters pertaining to human rights. This was at par with other Human Rights Committees existing at the international level.

15. He added that the mandate of the Committee was to follow up the matter of human rights and to come out with appropriate solutions for their protection. He further maintained that it was empowered to propose amendments to the laws so as to ensure maximum protection of human rights.

16. He also stated that the Sultanate of Oman was intending to establish a National Committee on international law which would involve all the government departments of the Sultanate and which would try to implement the international legal commitments of the country. Applauding the meeting on Human Rights in Islam, held at Malaysia, in the month of May 2006, he maintained that the outcome of that meeting, as well as the resolutions emanated from that meeting would be generalized and it would be distributed to all the participants.

17. The **Leader of the Delegation of Nepal** at the outset congratulated Minister Mabandla on her unanimous election to the high office of President of the Forty-Sixth Session of the Asian-African Legal Consultative Organization. He also said that under the leadership and inborn talent of Madam President, the Session would achieve a complete success and her guidance would leave an unforgettable imprint on the memory of delegations. He conveyed warm felicitations and congratulations to Mr. Pratomo on his

unanimous election as the Vice-President of the Forty-Sixth Session. He also recalled the significant efforts of the outgoing President Mr. Narinder Singh for the success of the AALCO.

18. The Leader of the Delegation said that the topics on the approved agenda of the Session were in fact timely and pertinent to address substantive matters of great interest and common concern for all regions. The deliberations among the galaxy of talents and experts during the Session would be found to be highly productive in the progressive development and codification of international law. Moreover, the Leader of the Delegation said that the proposed special meeting on some issues would also significantly contribute to the Member States to address various pertinent issues.

19. He said that the transnational organized crimes were assuming different dimensions and their nature of commissioning were also becoming more and more complicated. He noted that corruption, terrorism, trafficking in human beings, heinous organized crimes, were a serious threat to international peace, security and development. The Leader of the Delegation also said that the Asian-African region was already confronted with a gamut of socio-economic problems, these crimes had emerged as a major threat. This scourge had begun to negate whatever achievements had been made in strengthening democracy, promoting respect for rule of law, promoting human rights and creating momentum for social change. Moreover, the organized crimes, particularly terrorism and corruption, had emerged as a strong barrier to good governance and development and as a severe challenge for the human kind. The Leader of the Delegation stressed that the concrete and effective

efforts should be carried out at all the three levels, namely national, regional and international level.

20. The Leader of the Delegation was confident that the Forty-Sixth Session would further contribute to the progressive development and codification of international law. Finally, reiterating Nepal's consistent support for the Organization for the attainment of its objectives. He concluded by conveying their warm greetings and best wishes to all esteemed delegations present at the Session and wished for the great success of the Forty-Sixth Session with the fruitful conclusion.

21. **The Leader of the Delegation of Syrian Arab Republic<sup>4</sup>** congratulated both the President and Vice-President of the Forty-Sixth Session of the AALCO on their election and wished them success in their mission. He said that it was an annual occasion to recall with appreciation the "Bandung" Conference, 1955 and informed that Syria was one of the Non-Aligned Movement States.

22. He informed that the AALCO had tackled numerous legal issues and influenced the development of Public International Law and Private International Law. The Leader of the Delegation also appreciated the interest of AALCO towards Israel's violations of international law and international humanitarian law and human rights in the occupied Palestinian territories. He recalled that in spite of the resolutions of International legitimacy, since 1967

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<sup>4</sup> Statement delivered in Arabic. Secretariat acknowledges with gratitude the official translation provided by the Delegation of Syrian Arab Republic.

the Syrian Golan heights were still under the Israeli occupation and it imposed Israeli identity upon its people.

23. He stated that his country had suffered from terrorism and called for an international conference to define and study the phenomenon of terrorism and urged for co-operation in combating terrorism. The Leader of the Delegation also said that his country was still contributing in combating terrorism and insisted on the issue of defining "terrorism" and to differentiate it from the "resistance", and not to mix between the acts of the "national resistance" against those who occupy the land of others.

24. The Leader of the Delegation noted that the arrogance of some big states and its double standards in similar cases increases terrorism as well as politicizing the implementation of international law and the resolutions of international organizations.

25. Finally, he wished for the success of the Forty-Sixth Session and thanked the Government of South Africa for its hospitality and hosting the Session.

26. **The Leader of the Delegation of Tanzania** expressed profound appreciation for the customary African hospitality shown by the Government of the Republic of South Africa and congratulated the President of the Forty-Sixth Session on her election.

27. While recalling the circumstances in which AALCO came into being she stated that, since the liberation of Asian-African peoples from the yoke of colonialism had been

completed, AALCO should start responding to the newly emerging issues that characterized today's challenges. This included the need to eradicate poverty, to make international trade equitable for the developing world and to distribute the global resources evenly.

28. Commenting on the topics chosen for the two half day Special Meetings in conjunction with the Forty-Sixth Session of AALCO, she opined that both of them were of critical importance to Asian – African region. She further added that the topic of 'Investment' was of immense significance to the realization of the aspirations of the founding fathers of AALCO, and that the topic of 'Terrorism' would go a long way in addressing the pivotal issue of peace in the region.

29. Underlining the importance of the topic of Trafficking in Women and Children she opined that the topic must be articulated in a lucid manner so as to maximize the protection available to the victims of trafficking. She also maintained that the issue of corruption was of utmost importance in making the Asian-African region, a corruption free zone. She also highlighted the need to combat corruption in order to make sure that people were treated justly and the hard earned resources were utilized for the well-being and development of the people in general. She also emphasized the need to increase the voice of Asian -African region at those forums where international law making took place.

30. **The Leader of the Delegation of the Republic of South Africa** proudly extended his warm South African welcome to the Excellencies and dignitaries who were attending the Forty-Sixth Session and

also congratulated the President and Vice-President on their well-deserved and unanimous appointments.

31. He noted that the Asians and Africans had a long tradition of working and living together and recognised in each other a common humanity and common destiny, as they had suffered the same afflictions and humiliations imposed by colonialism and faced similar challenges in terms of dealing with the legacy of colonialism, which included an unequal international world order, poverty and underdevelopment. The Leader of the Delegation added that there was an urgent need for jointly fighting the evils of diseases that ravaged the two continents and ensure that HIV/AIDS, tuberculosis, malaria and other communicable diseases no longer impacted upon national development agendas, and it must be ensured that the tremendous suffering which accompanied these diseases be alleviated. Furthermore, he also said that there was a need to ensure active engagement with each other regarding human resource development, technical training, capacity building and knowledge sharing.

32. The Leader of the Delegation said that his country would like to emphasise the importance of bringing the two regions and continents closer together by using similarities and strengths to encourage the development. He also added that the responsibility of making the Forty-Sixth Session successful and effective was shared by all Member States collectively to ensure that innovative and concrete ways and means were found to strengthen co-operation between the two continents that have bequeathed to humanity such rich, ancient and enduring civilisations.

33. He informed that the AALCO had always symbolised Asian-African solidarity, with the aim of promoting an Asian-African perspective when dealing with or engaging on international law issues. Therefore, the success of assuming rightful place in the new world order was embodied as one of the primary objectives of AALCO, which was to exchange views, experiences and information on matters of common concern having legal implications for Asian and African nations. Adherence to this objective would ensure that the institutionalisation of democratic principles and the practice of legal, economic and corporate good governance were firmly entrenched within their societies. This in turn would ensure that co-ordinated approaches to international law were adopted so as to sustain international support for Asian and African developmental issues. The Leader of the Delegation also urged that the Member States of AALCO need to work together to eradicate poverty and underdevelopment and undertake international law initiatives to better integrate into the new world order.

34. He stressed that the aim of the Forty-Sixth Session to ensure that international law was affirmed and upheld as the supreme law, which governed the nations of the world.

35. The Leader of the Delegation added that the enormous potential and abundance of resources in both the continents and the fact that Asia and Africa made up 72 percent of the world's population, the countries must play a defining role in the re-shaping of the international legal, political and economic world order. He ensured that globalisation worked to their advantage as well. For the countries of Asia and Africa to succeed in their

quest to overcome the imbalance between developed and developing countries, we should act in solidarity in all areas using our combined strength to make our voices heard.

36. Finally, he said that the countries in Asia and Africa had come a long way since the Bandung Conference of 1955, however a lot remained to be done so that the hopes of today's and future generations were brought to full fruition. Those visionary founders of AALCO were able to free us from colonialism in its classical sense. Therefore, the Leader of the Delegation stressed that it was the responsibility of this generation to free Asia and Africa from poverty and underdevelopment.

37. The **Leader of the Delegation of Kenya** after congratulating Minister Mabandla on her election as the President of Forty-Sixth Session, stated that the emerging challenges to the Member States of AALCO such as the threat of transnational organized crime like trafficking in persons especially women and children, corruption and terrorism to mention but a few needed to be dealt with in an effective manner. In this regard he also welcomed the collaboration, which AALCO had entered into with various UN Agencies and other specialized bodies concerned with different subjects.

38. On the issues touching on maritime affairs, he opined that the safety of marine vessels continued to pose a problem in certain regions among AALCO Member States. Commenting on the need to forge solidarity between Asian and African States on issues of mutual concern, he stated that Kenya was immensely pleased to see the united front that the Asian and African group took, on

issues that were under consideration including the election to the membership of the Commission on the Limitation of the Continental Shelf and the Tribunal on the Law of the Sea in the recently concluded meeting of State Parties to the United Nations Convention on the Law of the Sea. He further added that it was made possible because of the forum of AALCO, which enabled the States of the Asian and African region to prepare adequately on the issues that were of common interest.

39. Commenting on the newly created Regional Centre for Commercial Arbitration in Nairobi on the footsteps of the others in Cairo, Kuala Lumpur, Tehran and Lagos, he opined that it would encourage Member States to make provision in their commercial legal agreements to the effect that disputes between States could be brought to the Centre for obtaining effective dispute settlement mechanism.

40. The **Leader of the Delegation of the Republic of Korea** at the outset congratulated the President of the AALCO on her election and expressed confidence that the Forty-Sixth Session would prove to be a resounding success, not only in exchanging views on key issues in contemporary international law, but also in forging and nurturing friendship between the peoples of Asia and Africa. He expressed his sincere gratitude to the Government of the Republic of South Africa for hosting the Forty-Sixth Session in the lovely city of Cape Town and also extended deepest appreciation to Ambassador Dr. Wafik Kamil, the Secretary-General of AALCO, and the Secretariat staff for their hard work in making the Session a memorable and successful event.

41. With respect to the organizational matters, the Leader of the Delegation recalled the fact that the Forty-Second Session, which was held in Seoul in 2003, considered and adopted proposals concerning the rationalization of AALCO's Work Programme. He emphasised that his delegation attached great importance to the continued implementation of such rationalization. In this regard, he was of the opinion that the number of items to be deliberated should not be unduly expanded.

42. With regard to substantive matters, that the Report on the work of the International Law Commission at its fifty-eighth Session, and in particular, as regards the General Commentary of the Report on Shared Natural Resources, the Leader of the Delegation made a few observations. He opined that it was necessary to include provisions on the rights and obligations of non-aquifer States because the question of ground waters directly affects only some States. If there were no real incentives for non-aquifer States, it was likely that only aquifer States would become parties to such an instrument. He was also concerned that the present draft articles did not include a dispute settlement mechanism. With any instrument on the sharing of resources, disputes are always possible over the precise determination of who gets what. It should be noted that the 1997 Watercourse Convention had elaborate provisions on dispute settlement. The Leader of the Delegation opined that it was wise to formulate some similar mechanism for the current draft articles.

43. He said that the Law of the Sea, among others, was an area to which AALCO had contributed greatly and recalled that with the number of States

Parties to the Law of the Sea Convention reaching 155 countries and the US considering accession to it, its authority and near universality appears to have reached its apex. Nevertheless, there were a number of issues that needed to be addressed by the international community. For example, fish stocks in many parts of the world were being over-fished as a result of, among other things, illegal, unreported and unregulated fishing, and inadequate flag State control and enforcement. The Government of the Republic of Korea was of the view that flag States must ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas. However, he opined that it was important to note that any regulation of fishing activities on the high seas should be based on the best scientific evidence available at the time. He strongly supported strengthened compliance and enforcement by the flag State of the Law of the Sea Convention, more adequate control of flags of convenience, the eradication of piracy, and the prevention, reduction and control of pollution of the marine environment from land-based sources.

44. He noted that his country had been an active and enthusiastic supporter of the International Criminal Court since its inception. The number of States Parties to the Rome Statute has increased dramatically, to more than 100, which was a very encouraging development and demonstrated these States' resolve to wage a war against the world's most atrocious crimes. However, the Leader of the Delegation requested other Member States of AALCO to continue to make efforts to achieve the universality of the Statute. He said that

his country remained faithful to its commitment to support the work of the Court in all areas. The Leader of the Delegation informed that his government ratified the Agreement on the Privileges and Immunities of the ICC in November last year and the Korean National Assembly was currently considering the domestic implementing legislation for the Rome Statute.

45. In conclusion, he reaffirmed his Government's commitment to AALCO. The Leader of the Delegation said that his country had been an active and ardent supporter of AALCO since becoming a full member in 1974 and his Government was honoured to have hosted the Annual Session twice in Seoul, in 1979 and 2003. He also said that his Government took great pride in the accomplishments of the two previous sessions it hosted, and was happy to see that the various initiatives, taken along with the AALCO Secretariat at that time, continued to contribute to more productive and efficient AALCO Sessions.

46. **The Leader of the Delegation of the Islamic Republic of Iran** at the outset congratulated Minister Mabandla on her election as President of the Forty-Sixth Session of the Asian-African Legal Consultative Organization. He expressed his confidence that under her able leadership and with such excellent arrangement made by the Secretariat of AALCO, the Session would achieve success. He also appreciated the Government and People of South Africa for the hospitality rendered to the delegates from the Member States. The Leader of the Delegation also expressed his appreciation to H. E. Mr. Narinder Singh, Joint Secretary of Legal and Treaties Division in

Ministry of External Affairs of the Government of India and President of the AALCO's Forty-Fifth Golden Jubilee Session and H.E. Mr. Amos Wako Attorney General of the Republic of Kenya, Former President of AALCO's Forty-Fourth Session.

47. He noted that international law was a unique discipline with a multi-disciplinary character, which required appropriate inputs from specialists and experts from different fields in developing widely acceptable and effective legal regimes on many spheres such as the management of environment, scarce resources, oceans, rivers and development of natural resources. The Leader of the Delegation said that the main aim of international law was to establish an equitable and just world order, an order that was meant to serve the interests of all the peoples of the world without discrimination, on the basis of sovereign equality among all States and respect for their independence and territorial integrity.

48. He opined that AALCO could play a very significant role in enhancing exchanges and cooperation among Asian and African countries in the legal field, especially on the new dimensions of international law. Since its foundation, the Asian-African Legal Consultative Organization had undertaken various studies on international legal topics of common concern to both Asian and African countries and could continue to have fruitful contribution in harmonizing the positions of its Member States with regard to substantial and intricate international legal issues. The Leader of the Delegation said that the AALCO should focus on priority areas of direct and immediate concern to our continents such as international terrorism, right to development of the

developing countries including receiving equitable benefits from international trade, electronic commerce, etc. It should ensure greater interaction, through its forum, among the legal community of the Asian-African region.

49. The Leader of the Delegation said that all the human beings were living in a world that was characterized by legalizing any human phenomenon. In this context, certainly the norms and principles of international law had a very important role in regulating interactions among States. Despite certain efforts in putting law first, regrettably, the lack of respect for rule of law at the international level by certain States was a real challenge for all members of the international community, particularly the developing countries. In this context, the Leader of the Delegation opined that it was warranted to review the action by the UN Security Council in issuing resolutions in relation to the Iranian peaceful Nuclear Program.

50. He stated that his country was a member of the International Atomic Energy Agency (IAEA) and a party to the nuclear Non-Proliferation Treaty (NPT) and was committed to conduct transparent peaceful nuclear activities monitored by IAEA. He stressed that his country never threatened to use force against any member of the United Nations and had categorically rejected development, stockpiling and use of nuclear weapons and it always placed all its nuclear facilities under IAEA Safeguards. The Leader of the Delegation informed that his government signed the Additional Protocol in 2003 and voluntarily implemented it for over two years in order to leave no doubt about the peaceful nature of his governments program. The Leader of the Delegation

believed that intervention of the UN Security Council was unjust and devoid of any rational justifications.

51. He highlighted that according to Article 25 of the UN Charter, Member States had agreed to accept and carry out the decisions of the Security Council in accordance with the present Charter, the Security Council mandate is not to pressurize countries into negating the fundamental purposes and principles of the UN Charter. Likewise, the Security Council could not and should not require Member States to give up their basic rights emanating from treaties in contravention of the established principles of international treaty law. The Leader of the Delegation also said that it was absolutely imperative for the continuation and relevance of international treaties that the States parties, other than fulfilling their obligations, could benefit from them as well. The Leader of the Delegation commented that the attempts undertaken by certain members of the Security Council were detrimental to the real interest of the non-proliferation treaty.

52. The Leader of the Delegation said that the support for Iran's positions as recently as in September 2006 expressed by the heads of States and Governments of nearly two thirds of UN members, who belong to the Non-Aligned Movement, and the support of all members of the Organization of Islamic Countries in their Ministerial Meeting just less than three months ago in May 2007, undoubtedly indicate that the Council's resolutions on Iran's peaceful nuclear program don't have the benefit of universal acceptance

53. He opined that the Security Council should be held accountable for

its repeated failures to act against the real threats to international peace and security, like those of the Zionist Regime against Palestinian and Lebanese people. As an organ of an international organization created by States, the Leader of the Delegation added that the Security Council was bound by law, and Member States have every right to insist that the Council keep within the powers they had been accorded to it under the UN Charter, and they should be exercised in conformity with the purposes and principles of international law.

54. The Leader of the Delegation extended his thanks to the Government of Malaysia, the Kingdom of Saudi Arabia and Secretariat of AALCO for convening the "Meeting of International Experts on Human Rights in Islam" in Kuala Lumpur in May 2006. He also commended the Secretariat for preparing an excellent report on this issue.

55. He said that the issue of human rights, as an important issue, was vividly being discussed among the Muslim scholars and intellectuals, and a model in which human rights and Islamic teachings could be combined and observed altogether in Muslim societies was being sought. He believed that this issue should be rather considered in the context of cultural diversity and the debate as to whether human rights should be considered universal or culturally relative has come a long way. The Leader of the Delegation informed that in 1993, with the adoption of the Vienna Declaration and Program of Action at the World Conference on Human Rights, the need for integrating culture into the universality of human rights was put forward. In this context, the Leader of the Delegation recalled Paragraph five

of the Vienna Declaration and which read as:

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. (United Nations 1993)’

56. The Leader of the Delegation said that the draft resolution entitled "Human Rights and Cultural Diversity" was presented by Iran in 2000 and adopted by consensus ever since in regular intervals by the UN General Assembly. The said resolution effectively contributed to the elaboration and follow-up of the concept of cultural diversity. The Leader of the Delegation said that the promotion of mutual understanding in cultural and social fields through exchange of views was a prerequisite for cooperation in the area of genuinely promoting and protecting human rights, and his country had presented the said resolution in order to provide a conceptual framework within the United Nations system to serve as a basis for convergence of different ideas in the field of human rights at the international level. He was pleased to announce that on the basis of the proposal made by the Islamic Republic of Iran, a Ministerial Meeting

of Non-Aligned Countries on the issue of human rights and cultural diversity would be convened in Tehran on 3-4 September 2007. The Leader of the Delegation expressed his confidence that this Meeting would provide guidance for exploring ways and means to realize human rights in conjunction with observing cultural diversity.

57. He said that there was no doubt that international terrorism is a challenge to international peace and security and it threatens all nations and countries in the world, regardless of geography, status or power. Fighting terrorism required concerted efforts and political resolve of all nations. He stressed that importance should be attached to avoiding double standards and selectivity. The Leader of the Delegation also welcomed the adoption of a Global Counter-Terrorism Strategy by the United Nations General Assembly, which also addresses the root causes and the conditions conducive to the spread of terrorism.

58. Moreover, he added that the appalling cruelty of terrorist acts should not divert the countries attention from the bitter fact that terrorism could not be eradicated unless its root causes or the conditions conducive to its spread were identified and removed. Further he stated that the foreign occupation was a top root cause of the menace. He questioned how could the international community expect to win against terrorists while it was pushed toward anarchic condition through frequent use or threat of use by certain powers and in violation of all recognized principles of Charter based law?

59. The Leader of the Delegation condemned terrorism in all its forms

and manifestations and said that fighting terrorism had always been a top priority for his government, as it had been a victim of this menace for decades. He informed that in cooperation with the Terrorism Prevention Branch of the UNODC his government convened a Workshop on Prevention and Combating Terrorism on 17-18 January 2007 in Tehran. The Workshop was organized jointly with the Iranian Ministry of Foreign Affairs and the Iranian Judiciary. Participants were members of the Iranian Judiciary and different related organizations. He also informed that the two major questions that drew the attention of the participants were “the definition of terrorism” and “the international legal status of armed liberation movements.”

60. The Leader of the Delegation informed that his government had acceded to the International Convention against Taking of Hostages, in 2006; and accessions to the remaining instruments were underway. He also informed that the Iranian Judiciary was working on the best ways to incorporate the provisions of international anti-terrorism instruments into Iranian legal system.

61. The Leader of the Delegation informed that one of the AALCO topics which was first placed on the agenda of the Thirty-Sixth Session at Tehran, 1997, was “Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties.” Although the concept of rule of law, particularly in international interactions, constituted a framework for peaceful relations and source of rights and obligations for the States and other actors and as a source of inspiration for development and human rights, yet there was growing tendency among some powerful states to insist on unilateral measures. The Leader of

the Delegation believed that both Extra-territorial application of national legislation as well as the imposition of sanctions do not evolve around a consensus-building process, and could indeed create no legal norm or obligation for members of the international community. They were illegal and violated several provisions of many international instruments and international law, and were detrimental to the establishment and promotion of good friendly relations between the members of the international community, as underlined by the principles of international law concerning friendly relations among peoples. The Leader of the Delegation opined that extending and imposing of the economic sanctions against other countries was an example of the persisting cold war mentality and the clash of civilizations to exert economic might to pressurize political objectives.

62. The Leader of the Delegation said that the tragedy of Palestine was a major source of anger and desperation that was felt throughout the Muslim world, lied at the heart of the Middle East conflict. The Israeli criminal acts against the Palestinians and other peoples in the region were the gravest threat currently posed to regional as well as international peace and security. He also said that indiscriminate use of military force against civilian population, willfully killing, collectively punishing, racial discrimination and apartheid, family separation of the Palestinians, destroying their homes and infrastructures, trying to economically strangulate them, unrelenting expansion of Jewish settlements on the occupied lands, as the new form of colonialism, targeted assassinations and humanitarian crisis and the withholding of funds from the Palestinian Authority, which are all

prohibited under the international law, had continued during the year under review.

63. He informed that establishing the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory by UN General Assembly, in its resolution (A/RES/ES-10/17) adopted on 15 December 2006, which was to serve as a record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could be a suitable mechanism to follow up the ICJ Advisory Opinion of 9 July 2004.

64. The Leader of the Delegation once again reaffirmed his country's commitment to AALCO and its objectives and said that his country had been always an active and ardent supporter of AALCO since becoming a full member in 1970. He informed that Tehran was honoured twice to have hosted the Annual Session of AALCO, in 1975 and 1997, and since 1980, his government has been designating its highly qualified and experienced diplomats to serve in AALCO as Deputy Secretary-General. The Leader of the Delegation appreciated and fully supported undertakings of the AALCO's Secretary-General and his team in their hard and tireless efforts and looked forward to more active and constructive initiatives of the Organization.

65. **The Leader of the Delegation of Sudan**<sup>5</sup> at the outset congratulated Minister Mabandla on her election as

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<sup>5</sup> Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

the President of the Forty-Sixth Session of AALCO. He welcomed the accession of the Republic of Cameroon into AALCO. He pointed out that we could not have a situation of peace, stability and development unless justice and equality were practiced among and with respect to all the countries of the world, irrespective of their political or economic situation. This required that international institutions like the United Nations machinery, Specialised Agencies, Regional Organizations and institutions of international law, acted in an impartial manner and fulfilled their responsibilities in an objective and neutral way. He maintained that Sudan respected very much its international commitments and had never been in the practice of intervening into the domestic affairs of other States. Despite that he added that Sudan was and still was suffering from unjust sanctions imposed on it by some States in contravention of the principles of international law. He added that the unilateral sanctions imposed on Sudan violated the basic norms of international law.

66. Commenting on the stability and the security of Darfur and the Eastern parts of Sudan he stated that AALCO's help and assistance in the efforts to normalize that situation were crucial. On the issue of the jurisdiction of International Criminal Court, he maintained that the citizens of those countries, which have not ratified the Rome Statute, should not be tried before ICC. On the issue of terrorism, he opined that a distinction should always be maintained between terrorism and resistance to occupation.

67. Commenting on the topic of human rights in Islam, he maintained that Islam protected the rights of every one and that equality was maintained

between Muslims and non-Muslims irrespective of their religion, race colour or culture. He added that Sudan had established a unit in the Ministry of Justice, to combat violence against Women and Children. On the topic of terrorism he stated that Sudan was fully committed to the view that terrorism in all its manifestations was unacceptable. He also reiterated the need to make a distinction between terrorism and resistance to occupation and condemned unequivocally the inhuman practices of Israel vis-à-vis the people of Palestine and asked AALCO to condemn such practices.

68. Commenting on the domestic laws of Sudan on corruption, he opined that their Criminal Law of 1925 and subsequent legislations punished embezzlement, bribery and forging accounts. He also emphasized the need to unify laws in the Member States of AALCO and undertake collective measures to combat this evil.

69. The **Leader of the Delegation of Senegal**<sup>6</sup> after congratulating the President on her election opined that Senegal had been effectively participating in the deliberations and the codifications of international law ever since it had joined AALCO. He informed that Senegal had ratified the United Nations Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

70. He further maintained that the close cooperation of all the countries of the world was necessary in order to tackle the evil of terrorism effectively. He also informed that Senegal had established a National Committee for

Combating Corruption in order to take care of the problem of corruption.

71. The **Observer Delegate from the Holy See** informed that the Forty-Sixth Session of the AALCO had considered several issues of critical importance to the human family, the status and treatment of refugees; the ongoing conflict in the Middle East; international terrorism; and establishing co-operation against trafficking in women and children. She also stated that the above said matters posed a challenge to the AALCO to engage in thoughtful and courageous dialogue, with a view towards ensuring a more just society founded on the core principles of the dignity of the human person, the common good, and the rule of law. In this regard the Holy See offered its perspective and a positive understanding and appreciation of the values that must necessarily be part of this dialogue.

72. She said that Catholic social teaching had historically endeavoured to read the signs of the times so that the Church could articulate its best hopes for humanity. She also informed that the Second Vatican Council, for example, centred on a doctrine of individual rights that focused on the person and validated the claims of the person over and against society. She also added that human activity which betters the world was in accordance with God's mandate to human beings to subject themselves to the world and all that it contained and to govern the world with justice and holiness. She also stated that it was part and parcel of the mission of the society to help examine the values of life, to defend human dignity, to promote human rights, and to help build up the human family.

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<sup>6</sup> Statement delivered in Arabic. Unofficial translation from the Interpreter's version

73. She believed that AALCO had the opportunity to help shape the ways in which both governments and civil society pursue justice by seeking more humane and just conditions of life and by directing institutions to promote and protect human dignity. She was of the opinion that efforts in the formation of laws and policies in this regard, however, should strive to play a more positive and effective role in the formation of consciences. She was of the opinion that despite the harsh realities of human suffering caused by injustices perpetrated in almost every sphere are signs of hope that must be acknowledged. She also added that a strong conviction of "faith in action" could be witnessed on the ground, as numerous voluntary catholic organizations and Christian associations had made it their business to raise the awareness of the problems that exist, and to set up assistance and victim protection, in many cases long before State Authorities had done so.

74. The **Leader of the Observer Delegation of Lesotho** congratulated the Honourable Minister of the Department of Justice and Constitutional development of South Africa, Mrs. Mabandla on her election as the first Woman President of AALCO. The Leader of the Delegation informed that this was the first time her Country participates in AALCO Annual Session and hence she conveyed her sincere thanks to the President of AALCO for extending an invitation to Lesotho.

75. She said that AALCO as a viable framework where the Member States could benefit from research and training in the field of international law. She also stated that her country espoused the rule of law, democracy, respect for human rights, and good governance as the pillars for peace,

stability, and development. She also reiterated that as a country, Lesotho was fully aware that peace and stability were the foundations of economic growth, both at the national and international level. The Leader of the Delegation stressed that though her country was small, but it was very much a part of the global world, and acknowledged the positive measures to combat practices that affect stability of the international community.

76. She informed that in an endeavour to enhance peace and security, Lesotho had taken steps to establish an Anti-Corruption Unit; enacted an anti-Money laundering legislation in combating terrorism; set up a Commission to look into the issues of children's foreign adoption; domesticate the International Criminal Court; and mobilise for the ratification/accession of the Hague Convention on the Proliferation of Child Abduction, and other related instruments to this issue.

77. The Leader of the Delegation concluded her remarks by thanking the host country for the hospitality extended to her delegation and wished for the success of the Annual Session.

78. The **Observer Delegate from the Commonwealth Secretariat** at the outset congratulated Madam President of AALCO on her well-deserved and historic election, indeed providing a formidable role model for African women, and also congratulated the Vice President of the Forty-Sixth Session. The Observer also commended Secretary-General of the AALCO for providing the excellent leadership for the Organization over the past years and also appreciated the good working experience with the Secretary-General in particularly remarkable organizational and

diplomatic skills, which have enabled the successful Organization.

79. She reaffirmed the 53 member Commonwealth's commitment to democracy, the rule of law, good governance, freedom of expression and the protection of human rights as stated in the Harare Declaration of 1990. She also believed that the work of two organisations the Commonwealth and AALCO through the Bandung Declaration mirror each other closely.

80. She informed that the sustained work in maintaining Rule of Law in Member States was actualised by the Commonwealth Secretariat's work in: Democracy activities and good offices; Building Capacity and Institutions to sustain democracy; Delivering the legal framework and implementing international legal obligations; and added to these she also addressed few of the areas of the Secretariat's work which were reflected in the thematic issues.

81. With regard to Elimination of Corruption, she said that a programme had been developed to encourage and assist member countries to adopt anti-corruption legislation. This involved looking at ways to implement the United Nations Convention against Corruption (UNCAC) adopted in 2003. Moreover, an Expert Working Group was convened in 2004/5 by a CHOGM Mandate to examine the modalities of cooperation among Commonwealth countries in respect of the repatriation of illegally obtained wealth. Added to that the report of the Group was adopted by Heads of Government in 2005 and its 10 priority recommendations are being taken forward by CLS. She also informed that a global anti corruption conference was held in London and a legislative

guide was being developed to assist Member States to implement UNCAC.

82. With regard to International Criminal Court, the Observer Delegate informed that the Commonwealth Secretariat started preparation and introduction of implementing legislation; an Expert group convened to elaborate model legislation to implement the Rome Statute; prepared Manual for police and prosecutors on the Rome Statute and the prosecution of international crimes under domestic law; and finally made collaboration with UNODC, AU and the Council of Europe, on enhancing the effectiveness of the tools of international cooperation, in particular extradition, mutual legal assistance cross border restraint and forfeiture of proceeds of crime.

83. With regard to Counter-Terrorism Project, she informed that the Secretariat prepared a model law on Counter-Terrorism; Implementation kit for the existing 12 UN Counter Terrorism Conventions; Regional workshops conducted for prosecutors and legislative drafting; Training carried out for draftspersons in the Pacific; Assistance to individual member countries re-preparation of country reports to the UN Counter-Terrorism Committee, Adaptation and adoption of the model law continues for West-Africa and is completed for Eastern, Southern Africa and the Caribbean regions; Anti money laundering initiatives and legal responses to the financing of Terrorism; and finally, Capacity building for prosecutors and investigators.

84. With regard to Access to Justice she informed that the Secretariat assisted member countries in policy development on the

administration of and access to justice; conducts needs assessment for judiciary; Enhancing capacity for judges and the legal profession and judicial reform; and Development of access to justice principles and best practice guidelines.

85. With regard to Trade and WTO, she stated that the Secretariat had taken following initiatives namely, Development by way of trade regulation and appropriate regulatory instruments for multilateral trading regime involving issues of WTO accession; Intellectual Property Law Issues; and Maritime Boundaries program run primarily for small and vulnerable States to assist them maximise their maritime areas and to benefit from their sovereign rights.

86. With regard to Building Institutions to facilitate good governance she said that the Secretariat assists countries by providing them with legal experts in the operation of their legal system, in law revision and reform; Drafting constitutions; Legal and judicial reforms and administration of justice; and Managing and designing elections and electoral systems.

87. With regard to Gender and the law the Observer Delegate informed that within the Secretariat they dealt collaboratively with LCAD on gender issues, namely, Gender, democracy, peace and conflict; and Gender, human rights and law including responses to ending trafficking in women and children.

88. In conclusion, the Observer expressed full confidence with the co-operation of Member States and delegates that it would be in the best interests of both Commonwealth Secretariat and AALCO to cooperate more closely in the development of

international law initiatives, and finally, wished for the success of the Forty-Sixth Annual Session of the AALCO.

89. The **Observer Delegate from the United Nations Environment Programme (UNEP)** congratulated both the President and Vice-President on their election. She also thanked the Government of the Republic of South Africa for their hospitality and organization of the Session that had made their stay in the beautiful country of South Africa a memorable experience. She also commended the Secretary-General and AALCO Secretariat for the preparations made for the meeting. She conveyed to the Session special greeting and best wishes from the UNEP's Executive Director and Deputy Executive Director Mr. Achim Steiner and Mr. Shafqat Kakakhel.

90. The Observer Delegate recalled the signing of the Memorandum of Understanding between the AALCO and UNEP at the Forty-Fourth Session of the Organization in Nairobi, Republic of Kenya in 2005. The MOU established a renewed framework for cooperation and collaboration between the two Organizations, in particular, in the area of promoting the development and implementation of environmental law, as a branch of international law. She mentioned that specific areas of cooperation were agreed and these included encouraging wider acceptance of international environmental instruments; increasing awareness of international environmental legal instruments as well as compilation of compendia of national jurisprudence of the Member States in the field of environment and sustainable development. Other identified areas were to prepare and disseminate booklets and guidance materials to

assist Member States to better and effectively implement MEAs; undertake joint training programs; and build the capacity of the Member States to better implement MEAs as well as carry out joint studies on identified priority themes on environmental law. To operationalize the MOU, a Steering Committee consisting of officials of the two organizations was established to define, monitor and execute all activities to be carried out.

91. She stated that the UNEP appreciated the invitation to attend the Annual Session since it was also envisaged under the MOU to extend invitation to each other's meetings and events of mutual interest. On the same token, she hoped that AALCO would in future be able to accept UNEP's invitations extended to it for events it organizes. In particular, capacity building including training programmes which UNEP organizes since these would enable AALCO to learn and assess how such programmes could be of benefit to its Member States and use them as appropriate. Furthermore, it was judicious that both their Organizations practically operationalize the other agreed areas of cooperation and effectively implement and enforce the MOU for the benefit of Member States.

92. The Observer Delegate stated that the UNEP continued to collaborate with and provide, within available and meager resources, advisory services, technical support and assistance to the AALCO Member States in all the areas of cooperation specified in the said MOU. UNEP had, in the past over 30 years concentrated its attention on the development of international environmental law most of which were unfortunately inadequately complied with and/or implemented or enforced.

Consequently, it had in the recent years focused its attention to developing and/or strengthening the capacity needed by the Parties to these environmental treaties including AALCO Member States for the development and effective implementation of environmental law, which included compliance with, and enforcement of MEAs. To that end, UNEP had developed several environmental legal materials and tools for this purpose. She said that some of those materials available both in hard copies and CD Rom would be handed over to the AALCO Secretariat for its Centre for Research and Training (CRT).

93. She drew attention to the Report of the activities of the AALCO-CRT that had been given in the Session. UNEP saw that Centre as an important institution to build and/or strengthen the capacity of enforcement officials of the Member States for both the development and implementation of international law which the UNEP considered to also include environmental law. Under the MOU between their two Organizations, CRT could also very well be used by UNEP for its capacity building and training programmes on environmental law benefiting AALCO Member States based on modalities, which could be discussed and agreed. CRT might wish to explore such opportunities and achieve more as a result of its presence in the region where UNEP also had a regional office based in Bangkok, Thailand but does not have a regional training institute of its own except partner institutes or centres of excellencies for which CRT could be one, if Members so desire and AALCO followed up with UNEP administration.

94. The Observer Delegate congratulated both AALCO Secretariat and the UNEP's host, the Government of Kenya for the momentous signing of an agreement to establish an AALCO Arbitration Centre in Nairobi, Kenya. This in her view was a positive step to be applauded and they looked forward to work with the Government of Kenya as it established that institute to be used by and for the benefit of Member States. She hoped Member States would accord the Centre the importance it deserved by making it a mechanism of choice for settlement of disputes in the agreements to be concluded between and among the Member States of AALCO. Such a move would practically contribute to South-South cooperation, which the UNEP continued to nurture, and promoted in their activities in the developing world.

95. The Observer Delegate stated that in the present day world protection and conservation of the environment for sustainable development was the cornerstone of all countries and communities socially, economically and politically. Any decision taken at national or regional level might have an impact on the environment today and as a result in the future. It had already become clear that Climate Change was impacting and affecting the entire ecosystem in terms of water scarcity, poor agricultural crop, causing land degradation, deforestation and desertification, to mention but a few. Accordingly, climate change already threatened to frustrate Governments' efforts to eradicate or alleviate poverty consequently, making prospects for achieving Millennium Development Goals (MDGs) less certain. The international community could not, therefore, avoid or postpone taking action and the time to do so was now. In this regard, UNEP urged

AALCO and its Member States to consider to coherently mainstreaming environmental management considerations in its work so that together the two Organizations could play a positive role in protecting the environment in which we live in and make it sustainable for the future generation.

96. The Observer Delegate stated that UNEP was delighted to see a specific document prepared by the Secretariat for the Session entitled "Environment and Sustainable Development". The document took stock in a summarized form developments and international events which had taken place in the last one year or so on the subject matter as well as proposing some of the key issues for a focused discussion during the Session. However, she said it was not clear from the Agenda items adopted for the meeting where and when those issues would be debated upon in detail so as to ensure that the Member States play the role expected in the same issues in upcoming future negotiations. The Forty-Sixth Session could have formed a good basis for the Member States to discuss before hand and prepare negotiated regional positions on several environmental law issues, such as, on climate change including Clean Development Mechanism (CDM) projects to be discussed later this year in Bali, Indonesia or legal regime on access to genetic resources and benefit sharing coming up in Montreal, Canada also later in the year, or deserts and desertification coming up in Spain also later in the year or biological diversity issues to be discussed early next year, to mention but a few.

97. UNEP keenly followed the work of AALCO especially in the context of the renewed framework

MOU. It looked forward to continue working with AALCO to support its Member States to effectively develop, implement and enforce environmental laws both at national as well as regional level including fulfilling their obligations and commitment made under different international environmental treaties. Together, both could save and serve the environment and leave behind a better future for our societies and communities.

**The Meeting was thereafter adjourned.**