

**SUMMARY RECORD OF THE FIFTH  
GENERAL MEETING (CONTD.)  
HELD ON SATURDAY,  
8<sup>TH</sup> APRIL 2006 AT 10.00 AM**

**H. E. Mr. Narinder Singh President of the  
Forty-Fifth Session in the Chair.**

**A. Human Rights in Islam  
(continued)**

1. The **Delegate of United Arab Emirates**<sup>1</sup> at the outset extended thanks and appreciation to the President and Vice President of the Session and to the Secretary-General of AALCO and also extended his thanks to Malaysia for their willingness to host the Meeting on Human Rights in Islam in May 2006. He highlighted that one of the characteristics of AALCO was the discussion based on scientific study and objectively and based on law, justice and brotherhood. He said that the topic human rights in Islam was an important topic on agenda of AALCO based on the proposal of Kingdom of Saudi Arabia and bolstered and strengthened by the Secretary-General of AALCO and all Member States of AALCO. He condemned the unjust campaign against the divine law which had entrenched hatred against Islam and accusation of Islam being incompatible with human rights. He emphasized that Islamic law was not different from any other religion in having legal concepts and human rights which was of concern for the entire humanity. He reiterated that the United Arab Emirates would work towards creating a culture of respecting and protecting human rights through collective and joint action within the framework of AALCO. He reaffirmed the importance of discussing this item in the coming session. He also supported the Kuwaiti proposal of drafting a human rights Convention within the auspices of AALCO.

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<sup>1</sup> Statement delivered in Arabic. Unofficial translation from the interpreter's version.

2. The **Delegate of Malaysia** said that at the previous session the Malaysian Delegation was enlightened by the Report on the item prepared by the Secretariat on the principles of International Criminal Law and National Criminal Law and the explanation on the philosophy and principles of Islamic Criminal Law with the view to elaborate the nexus between those principles and its main aim of protection of human rights. In particular, Malaysian Delegation was enlightened by the exposition of the five key objectives of Islamic Criminal Law, namely the protection of faith, life, intellect, property and progeny (dignity) and the elucidation of the linkage of those objectives directly with the international norms of human rights.

3. He emphasized that Malaysia read with great interest another excellent Report of the Forty-Fifth Session on the agenda item "Human Rights in Islam" which focused on the international and national criminal procedural laws from a human rights perspective, the human rights aspects of various criminal procedural law principles under Islamic law and also the comparative analysis of criminal procedural laws of Islam from a human rights perspective.

4. The Malaysian Delegate observed that Islam sought to protect the rights of the individual and society. An extension of this philosophy within the context of criminal procedure laws of Islam was found in its main objective to ensure justice was upheld at all times. It was regarded as one of the mechanisms to control the exercise of the power of the authority.

5. He also took the opportunity to provide an overview of the criminal procedural laws found in Malaysia which was taken from the Indian Criminal Procedure Laws, which in turn found its origin from the British Common Law system, which interestingly was in consonant in many respect with the

principles of criminal procedural under Islamic principles and laws. In Malaysia, the legislative powers were vested with the Federal Parliament and the State Legislative Assembly to promulgate laws on matters as determined by the provisions of the Federal Constitution. It conferred the State Legislature with powers to create offences and their punishment for persons professing the religion of Islam against precepts of that religion, except with regard to matters within the powers of the Federal Parliament to legislate. The Constitution further gave powers to the Federal Parliament to create criminal law. Pursuant to this provision, the Penal Code had been promulgated as the main penal legislation, which embodied the bulk of criminal offences, and was a criminal law of general application in Malaysia. Although the effect of these provisions was that the *Shariah* Courts in Malaysia could not deal with substantive criminal offences such as murder, rape, robbery and theft, the recognition of the *Shariah* Courts were even more pronounced and strengthened by Article 121(1A) of the Constitution which stated that the civil courts ought to be excluded in matters falling under jurisdiction of the *Shariah* Courts. He drew attention to the most recent decision of a civil High Court which ruled that the issue relating to conversion of a person into Islam must be dealt with by the *Shariah* Court as the civil courts do not have jurisdiction to deal with such matters.

6. The Malaysian Delegate gave an insight of the fascinating juxtaposition between the international, national and Islamic criminal procedure laws, by giving some examples relating to the rights of the accused persons: the *principle of non-retroactivity* of the law as established in international and national laws, which in the case of Malaysia was found under Article 7 of the Federal Constitution, was also found in Islam. Prophet Muhammad did not apply the *Shariah* to those who committed acts that were in violation of Islamic teachings prior to their conversion to Islam, which was

in fact consistent with the principle of non-retroactivity.

7. Regarding the *Presumption of Innocence*, under section 182A of the Criminal Procedure Code of Malaysia, at the conclusion of a trial, the Court should consider all the evidence adduced before it and should decide whether the prosecution had proved its case beyond reasonable doubt. The aim of this principle was that, not to put the accused person at the state of guilt until he was proven so. The *Shari'ah* law applied the same principle, where the accused person was presumed innocent until and unless the accuser managed to bring forward proofs that the former was guilty of the offence alleged against him. The duty of the accused person on the other hand was only to deny the allegation made. This was based on the principle that "*the evidence is on the accuser and the oath is on the accused person*".

8. Regarding the principle of *Equality and Equal Protection of Laws* the Malaysian Delegate said that Article 8 of the Malaysian Federal Constitution provided that all persons were equal before the law and entitled to the equal protection of the law and except expressly authorized by this constitution, there should be no discrimination against citizens on the ground only of religion, race, descent and so on. Islam emphasized on equality and equal protection of laws.

9. Regarding *Right of Privacy*, Malaysian Delegate was of the view that Islamic law protected a person's inviolability and ensured the security of private life. Thus, an individual's home and personal life were sacred. As far as *Shari'ah* law and Malaysian criminal procedure laws were concerned, both systems adhered to the principle that the privacy of the accused had to be protected. The principle could be observed under Islamic law from the rule of *isti'dhan* (asking permission to enter a house or a dwelling) whereas under Malaysian law the rules of obtaining a warrant for a search

(except under some circumstances). Both systems allowed the violation to the right of privacy in some cases of extreme necessity. In *Ghani & Ors v. Jones* [1969] 3 All E.R 1702, Lord Denning MR said: "...His privacy and his possession are not to be invaded except for the most compelling reason." This opinion was in line with the Islamic principle of "*yatahammal al-darar al-khaas li-daf'i al-darar al-amm*" (harm to the individual has to be sacrificed to avoid the public harm).

10. Regarding the principle of *Due Regard to Decency and Human Dignity*, the Malaysian Delegation observed that decency was a subjective word and might be subject to various interpretations. However it was an accepted universal standard, Islamic or otherwise, that decency and dignity must always be observed especially when dealing with arrested persons. The Quran says:

*"We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our creation" (Surah al-Isra', verse 17)*

11. In the conduct of body search, for instance, the preservation of decency and dignity of the accused person, was observed either under the universal standard or Islamic criminal procedural laws. One could argue that the requirements set out by Islam were much stringent due to the religious obligation of protecting human dignity.

12. Regarding the *Rights to fulfill basic needs while in detention*, Malaysian Delegation stated that basic needs included all necessary things that a person needed to survive such as food, drink and clothing. It was narrated that when the Prophet saw al-'Abbas who was a captive of the battle of *Badr* without proper clothing, he provided him with clothes. Similar requirements were found under the international regime, and in Malaysia, by virtue of the Prison Act and the

Lock-Up Rules. The Delegate stated that it was evidently clear from the examples that Islamic Criminal Procedures which had been framed more than 14 centuries ago, based on the basic principle of absolute justice for the "prized creation of Allah", was in tune with the modern and contemporary concepts of criminal procedure.

13. Malaysian Delegate recalled the proposal placed at the Forty-Fourth Annual Session of the AALCO to host an expert group's meeting to discuss the issue of human rights in Islam. He informed that this meeting, called the Meeting of International Experts of Human Rights in Islam (MIEHRI), was scheduled to be held in Kuala Lumpur from 15 to 19 May 2006 in collaboration with the AALCO Secretariat; Kingdom of Saudi Arabia and the Ministry of Women, Family and Community Development of Malaysia. The main purpose of MIEHRI was to initiate and facilitate in-depth discussions on the key issues that affect the principles and practices of human rights as they were understood and applied in the Islamic world. The main theme of the meeting was "Understanding Human Rights As Understood in Islam". Based on this theme, MIEHRI was set to serve as a platform for experts from various fields to examine the Islamic principles of human rights with the main purpose to dissuade misunderstanding of Islam and the Muslims, predominantly against the backdrop of the current tensions between the Muslim and the non-Muslim worlds. It was anticipated that the experts would identify and develop practical recommendations that could be used to enhance international cooperation based on mutual respect, tolerance and understanding. The Malaysian Delegate informed that his Government had invited over 50 leading scholars and experts in various fields and disciplines that had been identified, among others from a list provided by the AALCO Secretariat. The meeting is expected to gather around 200 participants, that would include representatives from the 47 AALCO Member States and guests including from international, regional and national

organizations. There would be six 90-minutes Plenary Sessions dealing with the following key topics: General Overview on Human Rights – the Islamic law and International Law; Islam and Human Rights – Managing Diversity; Civil and Political Rights; Economic, Social and Cultural Rights; Human Rights of Women and Children; and Islam and War on Terrorism. The Plenary Sessions would precede Working Groups that would be discussing issues relevant to the topics deliberated by the speakers at the Plenary. It was expected that apart from having the benefit of the presentation by the speakers at the Plenary, the experts would be able to utilise the two-hours allocated for each Working Group to engage in substantive discussions on the topics chosen.

14. He said that in line with the decision of the Forty-Fourth Annual Session of AALCO on this matter, Malaysia would host the meeting in collaboration with the AALCO Secretariat with due recognition to the contribution of the Government of the Kingdom of Saudi Arabia as the initiator of the human rights in Islam issue before AALCO. In that regard, the Government of Malaysia welcomed any further assistance and contribution from other AALCO Member States. The Government of Malaysia would report, through the Secretariat of AALCO, the outcome of the Meeting of International Experts of Human Rights in Islam to the Member States at the Forty-Sixth Session of the AALCO. He took the opportunity to invite all Member States of AALCO to take part at the MIEHRI and sought their active participation.

15. The **Delegate of Somalia** fully supported the agenda item “Human Rights in Islam” proposed by the Kingdom of Saudi Arabia and underlined the need to deliberate the item.

16. The **Delegate of the Republic of Indonesia** observed that with respect to the two instruments, Universal Declaration on

Human Rights and the Cairo Declaration on Human Rights in Islam, Indonesia recognized that these two instruments basically were in line and paired. For further implementation, Indonesian delegation emphasized the importance of education on Universal Declaration on Human Rights taking place alongside the strengthening of religious belief and the teaching of moral standards, greater respect for and observance of the fundamental rights of human being. By doing so, Indonesian delegation was of the hope that it would open up a new and brighter horizon to humanity. The delegation would support any practical measure such as in-depth study on this item continuously. Indonesian delegation also expressed its desire to support Meeting of International Experts on Human Rights in Islam to be held on 15 – 19 May 2006 at Kuala Lumpur.

#### **B. WTO as a Framework Agreement and Code of Conduct for International Trade**

17. The **President** invited Dr. Li Zhenhua, Deputy Secretary-General to introduce the next item on the Agenda “WTO as a Framework Agreement and Code of Conduct for International Trade”.

18. **Dr. Li Zhenhua, Deputy Secretary-General** while introducing the topic noted that the Secretariat document provided an overview of the Sixth WTO Ministerial Conference 2005, with special emphasis on Negotiation on Agriculture, Non-Agriculture Market Access (NAMA), Trade Related Intellectual Property Rights (TRIPS) and Public Health, Trade Facilitation, Development issues, General Agreement on Trade in Services (GATS) and progress in the review of the Dispute Settlement Understanding (DSU).

19. Dr. Li said that the Hong Kong Ministerial Conference, after six days of intense negotiations, concluded by adopting a Ministerial Declaration, which did not contain specific numbers and formula structures for cutting subsidies and tariffs. Instead, Ministers agreed on some general parameters to guide the development of these 'full modalities' on

agriculture and non-agricultural market access (NAMA), and set themselves April 2006 deadline for finalizing them.

20. More specifically, he noted that in the negotiations on Agriculture, the WTO Members decided to eliminate all forms of export subsidies by the end of 2013. However, this was subject to an agreement on the modalities which should be completed by April 2006. In domestic support, it was agreed that greater cuts would be made in higher levels of subsidies. In the case of cotton initiative, it was agreed by the Members to eliminate all forms of export subsidies in 2006 with duty and quota free access to LDC's cotton.

21. The Second major focus was the Non-Agricultural Market Access (NAMA), wherein the Members adopted the 'Swiss Formula' with unspecified number of coefficients. The developing countries then proposed the 'simple Swiss' formula and 'multiple coefficient approach' linked to each country's average tariff. Regarding TRIPS and public health, he said that the Conference approved changes to the TRIPS agreement making it easier for poorer countries to obtain cheaper generic versions of patented medicines.

22. Regarding the special and differential treatment for LDCs, Members agreed to provide duty and quota-free access for at least 97 percent of products originating from the least developed countries by 2008. However, there was an important caveat. Members could exclude three percent of the exports from this obligation for protecting certain politically sensitive products. This deal, if implemented in spirit by the developed countries would benefit the 50 LDCs, 34 of which were in Africa, in increasing their exports. As regards the review of the DSU there was no progress because of the pressing areas of the ongoing talks such as Agriculture, NAMA and Services. Further, in the case of implementation related issues and concerns, which were of crucial importance to the

developing countries, he noted that progress had been disappointing.

23. He acknowledged that the Hong Kong Declaration had brought the Doha Development Round of negotiation back to track. However, he noted that the Declaration had imposed on the Members the formidable challenge of finalizing full modalities on Agriculture and NAMA by April 2006. In his view, no effort should be spared to settle differences in Agriculture issues and NAMA and in establishing the modalities, which was crucial for the success of the Doha Development Round.

24. **The Delegate of Thailand** in his intervention noted that the international trading system had a vital role in stimulating economic growth, particularly for developing countries. He said that the WTO was the only global international organization dealing with the rules of trade between and among nations and economic territories. Such rules established a framework and code of conduct for international trade and therefore affected economic well-being of the countries. It was thus important that the developing countries effectively participate in WTO negotiations to make it a truly free and fair global trading system.

25. The Delegate said that to be able to participate effectively and work constructively in the WTO negotiation process, knowledge and understanding of the negotiated issues were required. In this regard, targeted as well as general programmes for technical assistance and capacity-building were essential in helping developing countries to better integrate into the global trading system and fully enjoy the benefits of trade liberalization. In this connection, Thailand welcomed the agreement of Member States, which was reflected in AALCO's Forty-Fourth Session Resolution on the agenda on WTO, to request the Secretary-General, in consultation with Member States, to organize a seminar which will facilitate the

exchange of views by Member States on issues currently under negotiations within the WTO, subject to the availability of necessary resources. As for the issues of the seminar, Thailand was of the view that among the key issues under negotiations at WTO, trade in services seemed to be an area with which developing countries were relatively less familiarized. Therefore, a seminar on this issue, with a focus on GATS provisions and the implication of Annex C of the Ministerial Declaration resulting from Hong Kong Ministerial Conference, would facilitate greater participation of developing countries in global trade in services.

26. In addition to trade in services, the Delegate noted that Dispute Settlement Understanding (DSU) was another area of interest. It was widely acknowledged that dispute settlement mechanism provided under DSU was crucial for effective operation of WTO agreements and its practical aspect was critical for the attainment of benefits under those agreements by WTO Members. A seminar on this issue may be designed to allow Members to share their experiences from using DSU and discuss problems encountered during the proceedings as well as their possible solutions. Thailand was convinced that the outcome of the discussion might assist WTO Members in assertive contribution to the undergoing review process of the DSU.

27. **The Delegate of Malaysia** in his statement circulated during the Session recorded Malaysia's appreciation for the continued efforts of the AALCO Secretariat to keep the Member States informed of developments in WTO negotiations. On its part, he noted that Malaysia had continued to be actively involved in the deliberations of all issues arising from the Doha Round and had in particular engaged WTO Members on specific areas of concern and interest.

28. He reflected that the Doha Round was intended to provide an avenue for WTO

Members to improve the rules and procedures within the multilateral trading system. However events and the vested interests of WTO Members had not only hindered the review process, it had actually, despite the best efforts of certain Members, stalled the process. Therefore, Malaysia commended the success of the Hong Kong Ministerial Conference which benefited from the commitment and political will of WTO Members to partially at least resolve some of the outstanding issues.

29. The Delegate noted with regret that agriculture was used as a "Sword of Damocles" over the delegates by certain WTO Members to achieve progress in the areas of trade of concern to those latter States. In the process certain hard compromises had to be made by the developing countries. He felt that at least the sacrifice of the developing countries enabled the process to move forward. Another positive result achieved at the Hong Kong Ministerial Conference was the imposition of timelines for the conclusion of negotiations on the various issues. Nevertheless, the issue of the review of the Dispute Settlement Understanding still remained unresolved.

30. Malaysia, he said, was proud to report its contributions to the developments in the Negotiation Group on Trade Facilitation. The Negotiation Group was able to achieve convergence to move to the second phase of the negotiations, that was to clarify and improve relevant aspects of Transit of Goods under Article V, Fees and Formalities connected with Importation and Exportation under Article VIII and Publication and Administration of Trade Regulations under Article X of the General Agreement on Tariffs and Trade (GATT) 1994. These improvements were intended to further expedite the movement, release and clearance of goods, including goods in transit. The text-based approach would still be used to formulate a framework on Trade Facilitation. The emphasis on Technical Assistance and Capacity Building had been

incorporated during the negotiations and these were areas of importance to all developing countries to further improve the delivery system connected to trade facilitation. This in turn would reduce transaction costs and enable developing countries to be more competitive. Malaysia reiterated its continued support and participation in the Negotiating Group on Trade Facilitation under the new Chairmanship of Mr. Tony Miller.

31. The Delegate also said that Malaysia was optimistic that the commitment and political will shown by the WTO Members during the Hong Kong Ministerial Conference would continue to facilitate and advance negotiations on the outstanding issues and enable these issues to be satisfactorily resolved within the agreed deadline of 2006. The conclusion of the outstanding issues would contribute to the further strengthening of the multilateral trade system and reduce States increasing recourse to bilateral and regional arrangements which could undermine the WTO regime. He observed that a growing number of countries were strongly pursuing other issues of particular interest to them such as Government Procurement (GP), Competition Policy, Labour and Environment bilaterally because many countries, including Malaysia, were unable to agree on principle to include these matters for negotiation. Malaysia noted that despite these reservations, these issues of late had unfortunately become part of the Free Trade Agreement “template” due to the non-level playing field in which States trade.

32. Another undesirable development was the imposition of certain requirements or obligations by negotiating States on the other side purely on the basis of its own domestic legislative mandate. In Malaysia's case, he noted, despite its commitment to the WTO mechanism, it finds itself drawn into the melee of negotiations on Free Trade Agreements (FTAs) and Regional Trade Agreements (RTAs). But in doing so, the line adopted by Malaysia was to enhance the

trade interests obtainable through the WTO regime without departing from the basic obligations under the WTO Agreements.

33. **The Delegate of India** congratulated the AALCO Secretariat for providing a comprehensive overview of state of play of the Doha Round in the post-Hong Kong Ministerial Conference in its report. He said that India remained fully committed to the multilateral trading system, and to the successful and early completion of the negotiations under the Doha Work Programme, based on the fulfillment of the mandate agreed at Doha, the Framework Agreement adopted by the WTO General Council on 1<sup>st</sup> August 2004 and the Hong Kong Ministerial Declaration of 18<sup>th</sup> December 2005.

34. The Delegate said that the central focus was to address developmental concerns of the developing countries while striving for a fair and equitable trade. WTO was not only about free trade, but also very much about fair trade. The challenge in the current Doha Round was to deliver pro-development outcomes acceptable to all, which meet the aspirations of diverse group of countries. India was willing to work with other WTO Members with a view to deliver pro-development outcomes and balanced progress on all issues under negotiations.

35. He noted that India was a very active Member of the WTO. At the Hong Kong Conference in December 2005, India was proactive in articulating its position on issues of concern to it and to other developing countries. India played a key role in further strengthening the developing country coalitions by bringing together G-20, G-33 and G-90 groups of countries in a broad alliance to reinforce each other's position on issues of mutual interest.

36. The Hong Kong Ministerial Declaration had addressed some of India's core concerns and interests, and provided some negotiating space for future work leading to modalities for negotiations in this

month and following months. He said that his delegation welcomed this opportunity to share some of its views on WTO agreement on the topics of Agricultural NAMA (non-agricultural market access services, trips and traditional knowledge, trade facilities, WTO implementation and special and differential treatment issues. He then highlighted some of the specific issues:

37. **Agriculture**, he noted, was critical to the collective interests of the developing countries. For India it was a matter of livelihood for 650 million people. He said that States should strive for elimination of trade-distorting subsidies and protection provided by a few developed countries and thus level playing field was established in agricultural field. Regarding market access in agricultural products, the G-20 proposal was a genuine middle ground. Further, the provision of Special Products and Special Safeguard Mechanism remained absolutely essential to any agreement on tariff reductions on agricultural products, as this was important for India as well as other developing countries.

38. **NAMA (non-agricultural market access)**: In these negotiations, India sought significant enhancement in market access for developing countries through the reduction in tariff peaks, tariff escalation, high tariffs and non-tariff barriers in the developed countries on products of export interest to developing countries. An important point in these tariff negotiations was provision of less than reciprocity for developing countries and availability of flexibilities as incorporated in para 8 of annex B of the August 2004 Framework Agreement, whereby each developing country should be able to set aside certain percentage of products and keep them insulated from tariff cuts. Such provisions were of developmental necessity and cannot be traded off against other elements of the modalities.

39 **Service**: The progress in the Services negotiations, he noted was slow.

Only 30 countries, including India filed revised offers. In India's revised offer of 24<sup>th</sup> August 2005, it had offered to undertake extensive commitments in a number of new sectors/sub-sectors, including architectural, integrated engineering, urban planning and landscape services, environmental services, construction, tourism, air-transport, etc. services. India had also made substantial mode-4 offers including all categories of natural persons, like intra-corporate transferees, business visitors, contractual suppliers, etc. However, there was not much improvement in areas of interest to India, namely, Movement of Natural Persons (Mode 4) and Cross Border Supply (Mode 1). He said that India considered the Hong Kong Ministerial Declaration on Services as balanced mix of allowing flexibility for developing countries and providing guidelines for securing market access in areas of interest to India.

40. **TRIPS and Traditional Knowledge**: Under TRIPS Agreement, there were three issues of interest to developing countries are (a) Relationship between TRIPS and CBD; (b) Geographical Indications extension to products other than wines and spirits; and (c) Setting up on multilateral register for wines and spirits.

41. Developing countries were a recognized repository of traditional knowledge and biological material. Traditional knowledge had been used for ages to provide cost-effective cures for a number of ailments. Developing countries, therefore, sought amendments in the TRIPS Agreement to prevent bio-piracy and to prevent misappropriation of traditional knowledge. This was an important developmental issue. India was seeking disciplines on disclosure of the source of origin of the biological resources and traditional knowledge along with securing prior informed consent and equitable benefit sharing. The Hong Kong Ministerial Declaration had mandated to intensify the consultative process on this issue, and had instructed the General Council of the WTO



to review the progress and take appropriate action by 31<sup>st</sup> July 2006. India would like to see concrete outcome on this issue in the present Doha Round.

42. **Trade Facilitation:** India's participation in Trade Facilitation negotiations was positive and constructive. India hoped that the final outcome of negotiations should be win-win for developing countries as well as the world trading system as a whole. There was a need to strike balance between facilitation and control; between efficiency and resource constraints; and the net result should be a substantial reduction in the transaction costs for international trade.

43. **Implementation and Special and Differential Treatment (S&D) Issues:** India was initiator of consultations on implementation issues. He said that India would continue to seek commercially meaningful outcome on development cluster S&D proposals submitted by Members and key implementation issues.

44. **The Delegate of the People's Republic of China** firstly noted that China had been playing constructive role in Doha Development Agenda (DDA) in a manner of active participation. China believed that the successful conclusion of DDA would be conducive to strengthening the multilateral trading system and promoting the sustainable and balanced development of global economy and realizing mutual benefit and win-win outcome. He said that China attached importance to DDA and had made positive contribution to the progress of negotiation by participating in the negotiation in a comprehensive way. During the WTO Ministerial Conference at Hong Kong, China acted as an important channel of communication among different parties, which contributed a lot to the process.

45. Secondly, he noted that China believed that more political will of all parties was expected in DDA since severe divergence still remained on several crucial

issues including agriculture. The developed members, such as the US and EU, bear special responsibilities and obligations, and they were supposed to move a step forward first to set a good model for the purpose of forwarding the negotiation. China was willing to join hands with all parties to make great effort to conclude DDA with balanced achievements before the end of 2006.

46. Thirdly, focus of DDA was a development in essence. He noted that the success of DDA, to a large extent, depended on the solution of the development issue. The special and differential treatment of developing members should be stressed and manifested in DDA, which would enable developing countries to fully participate in and benefit from the multilateral trading system. In China's view, developing members shall be treated as one group and would strongly object to any intention to divide developing members into different groups.

47. Fourthly, he noted that it was well recognized that China, as a new member of WTO, had made magnificent contribution to the multilateral trading system. China would continue to make positive contribution in DDA according to its economic development and capability. But the special concern of a new member should be given special consideration.

48. **The Delegate of the Republic of Indonesia** observed that the level set under the Doha Mandate continue to be the basis for the negotiation on agriculture in the Hong Kong Conference. It was decided that the final balance would be found on the conclusion of the negotiations as a single undertaking. To achieve this balance, the modalities to be developed should develop operationally effective and meaningful special and differential treatment for the developing countries.

49. Agriculture, he noted, was one of critical importance for the economic development of the developing countries

and the developing countries must be able to pursue agricultural policies as supportive of the developmental goals, poverty reduction strategies, food security and livelihood concerns. In view of the G23 proposal, the developing countries should be given flexibilities in applying some tariff lines for special products related to food security, livelihood security and development needs. The other important issue was the Market Access to Non-Agricultural products. The Delegate also said that Indonesia gave particular attention to the Annex B of the '2004 July package' which was the current basis for the negotiations. It was less specific than the agricultural and simply place an additional paragraph addressing developing countries concerns, with little tariff reduction formula, the starting point for binding and bound tariff lines, flexibilities for developing countries and participation in sectoral initiatives. The developing countries should have long implementation period for the tariff reductions.

50. The Delegate noted that it was important to recognize the need to rectify the WTO legal framework and conduct for world trade. The Asian and African countries of AALCO should agree on a common ground of what should be done and the objectives of trade. In so doing, Indonesia gave high expectations in their participation in the rules based multilateral trade system, would succeed in securing a fair share in the global trade commensurating with their economic development.

51. **The Delegate of Somalia** noted that there was an attempt to prove a rosy picture of what was happening in the WTO. He liked somebody to explain the massive demonstrations against the WTO that were happening during the WTO Ministerial conferences.

52. **The Delegate of Kuwait**<sup>2</sup> noted that the WTO Agreements were the most important agreements and had incorporated huge commitments. Despite this States had acceded and made huge commitments by agreeing to these Agreements. He noted that most of the States that had acceded to the WTO did not know the implications of their commitments. He noted that the Supreme Council had been considering these issues, but after many meetings, many new issues had been added. He said that the meager awareness about the implications of the Agreements had led to confusion and so this had to be eliminated. He expressed Kuwait's full support for the proposal of Thailand to hold a Seminar by the AALCO Secretariat.

53. **The President** in his brief remark, as a clarification of the question asked by Somalia, noted that the globalization and increase in general international trade had benefited countries around the world and increased the incomes and standards of livings in the countries. However, it was also recognized that all countries had not shared equally the benefits of globalization. And some of the countries that had not benefited proportionately were some of the weakest developing countries with lowest incomes and standards of living and this was a cause of concern to all. However, in the international arena, multilateralism was the way forward and in the bilateral negotiations in the trade matters, he thought, would be difficult for any country, because that would involve having bilateral agreements with such a large number of countries and it would involve immense time and effort and would not be practicable, especially the smaller developing countries. Multilateralism was the preferred option where the developing countries could work together on issues of common interest and in view of that in the forthcoming negotiations also the Member States of AALCO can present common positions thereby strengthen their negotiating positions and

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

ensure a better deal for their countries and their people.

54. Thereafter, the President closed the agenda item relating to the WTO and move to the next agenda item "Expressions of Folklore and its International Protection.

### C. Expressions of Folklore and its International Protection

55. **Mr. Motokatsu Watanabe, Deputy Secretary-General** introduced the item on the topic contained in the Document No. AALCO/45/HEADQUARTERS SESSION (NEW DELHI)/2006/SD/S 15.

56. He informed that the report provided an overview of the work of the WIPO Intergovernmental Committee (IGC) since its inception in 2001, focusing its attention on the recently concluded Eighth Session of the Committee and the documents circulated at the Session for the consideration of the Member States. The report also provided a brief overview of the UNESCO Convention for Safeguarding the Intangible Cultural Heritage 2003. An annexure of the draft policy objectives and core principles for the protection of traditional cultural expressions/folklore had been attached to this Report.

57. He said that it was of paramount importance to the Asian and African Countries to establish a strong international legal mechanism for the protection of folklore from exploitation, and the reason for which, these regions were the custodian of majority of the world's Expressions of folklore. It was in this context that the WIPO Member States took the initiative of establishing an Intergovernmental Committee (IGC) in 2001 to discuss, *inter alia*, the policy, legal and international dimensions of the intellectual property protection of expressions of folklore. Realizing the need to put forward the Asian and African views before the IGC, he recalled, that the Secretary-General of AALCO proposed at the Forty-Third

Session in Bali the inclusion of this item on the agenda of AALCO, which was approved by the Member States.

58. He stated that the W.I.P.O.'s IGC, which had so far convened eight sessions, made considerable progress in formulating flexible policy objectives and core principles for the protection of traditional cultural expressions/folklore. At these sessions discussions were focused on different options available for the States to effectively protect folklore. However, there were many outstanding issues on which the Committee was yet to evolve a consensus formula, and hence, he hoped that it would be considered at the Ninth Session of IGC to be held soon after the AALCO's Session, that was from 24-28 April 2006.

59. The Deputy Secretary General said that during the Seventh and Eighth Sessions of the Committee the delegates raised number of concerns about the relationship of protection of folklore to the existing intellectual property system. One view was that the documents circulated in that Session had a "pro-intellectual property rights bias" because, it acknowledged that any legal measures to protect folklore had to be consistent with current Intellectual Property instruments. The question of international versus national approaches was another issue that was central to the meeting. In the Eighth Session, a clear disagreement between developing countries and some developed countries emerged. While both sides agreed to move forward on general guidelines and statements of principles for the protection of folklore, some developed countries (the US and Canada) were unwilling to continue work on drafting substantive provisions for a possible international treaty.

60. He welcomed that in spite of these differences, WIPO General Assembly renewed the mandate of the IGC in September 2005 for another two years, which reiterated that no outcome, including

the possibility of developing an international instrument, was excluded from the mandate.

61. He mentioned that the important development in the protection of traditional cultural expressions was the entering into force of the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage on 20 April 2006. This Convention was a step forward from the legal protection point of view as it provided for the general safeguard measures for the protection of intangible cultural heritage. However, he observed that the Convention needed to be assessed in the light of the developments that might take place under other organizations like WIPO, the WTO Trade Related Intellectual Property Rights (TRIPS) Council and Biological Diversity Convention.

62. He pointed out that, to agree universally on the substance of the international protection on this issue cannot be done overnight, it was nevertheless crucial for at least the developing countries which were the owners of the resources to be able to agree among themselves on the best possible protection model. Further, he stressed the Member States to utilize all available options, whether inside or outside the Intellectual Property system, preventive or defensive, national or international, to seek the objective of effective protection of our expressions of folklore.

63. He concluded by saying that, AALCO, an intergovernmental legal organization with representation from a large number of Asian and African States, could be a suitable forum for further discussion and deliberation on the protection of folklore. This would help in consolidating the position of the Asian-African countries on the substantive aspect of the future international instrument for the protection of folklore. He also suggested in initiating a joint AALCO-WIPO seminar on folklore matters and a Joint Expert Meeting to discuss a draft of an International or

Regional Instrument to Protect Expressions of Folklore.

64. **The Delegate of the People's Republic of China** expressed his appreciation to the Deputy Secretary-General Mr. Motokatsu Watanabe for introducing the item and extended his gratitude to the Secretariat for their efforts in preparing this working document.

65. He observed that the folklore was testimony of history and precious cultural resources. It manifested civilization of human society and embodied diversity of world culture. Whereas, in many developing countries including China, folklore witnesses vast changes to their original cultural environment and was challenged seriously by the accelerating trend of globalization and modernization. Some kinds of folklore, which need to be transmitted orally or by practice, are disappearing. A lot of traditional techniques were close to dying out, many precious substances and materials, which had great value both in historic and cultural aspects were destroyed or scattered outside its original country. Abuse of expression of folklore for commercial and business interests happened frequently. Improper exploitation of folklore was wide spreading which prejudiced the cultural and economic interests of nationals.

66. Enhancing the protection for folklore was not only the necessity of the development of countries and nationals, but also inevitable requirement of cultural dialogue among civilizations as well as the requirement of sustainable development of human society. Though the last three decades had witnessed great momentum in the area of legal protection of expressions of folklore, both at national and international levels, there was still no international legal framework in this regard.

67. While tracing the history, the delegate informed that his country had 5000 years of civilized history and consisted of 56

ethnic groups and their people created rich and varied expressions of folklore during their long term production and day to day life, which demonstrate unique Chinese characteristic in various aspects, such as spiritual value, mode of thinking, imagination and culture identification. It also constituted emotional ties among various nationalities in China as well as the foundation to maintain the integrity of the country. Strengthening the protection for the expressions of folklore had become an urgent task for his Government. The delegate pointed out that, in March 2005, the State Council of China issued a Circular on strengthening the protection for Cultural Heritage, in which National culture and folklore protection was listed as one of the important components of Intangible Heritage protection. A Joint-Ministry meeting mechanism composed of 9 Ministries was established to coordinate the protection of intangible heritage. Significantly, he mentioned that from this year onwards, second Saturday of June would be designated as China's Cultural Heritage Day.

68. The delegate said that his government was glad to see that UNESCO and WIPO had made progress in the area of folklore protection, by adopting the UN Convention of Intangible Heritage Protection and drafting a Joint Model Provisions of protection policy subjects and core principles for the protection of expressions of folklore. These achievements provided *sui generis* model for legal protection of folklore. His Government had been actively supporting the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore under the aegis of WIPO, in their effort to explore the proper mechanism for the protection of expressions of folklore.

69. The delegate further stated that despite the efforts had been made, we should be aware that there was still a lot to do to meet the needs of the current situation. He

suggested for making further study on the ways and means of folklore protection. There were still disputes on how to coordinate the protection work between national and international levels. For instance, some developed countries were not in favor of formulating a legally binding international instrument.

70. With regard to the protection of expressions of folklore, his Government was of the view that a legally binding international instrument was critical and the matter should be discussed in a constructive manner. Further he opined that, due to the similar experiences and common interests among Asia and Africa countries, AALCO could provide an enabling forum for further discussion on the issue, with a view to expedite the negotiation and conclusion of a legally binding international instrument for the protection of expressions of folklore.

71. The **Delegate of the Republic of Indonesia**<sup>3</sup> in his statement congratulated the Secretary-General of AALCO for including the "Expressions of Folklore and its International Protection" in the agenda of its Forty-Fifth Session and he said that the forum would benefit from such exercise in further discussing issues related to the possible international protection of folklore.

72. He appreciated WIPO and UNESCO for their active work in the field of folklore over the past three decades, including the launching of joint Model Provisions that provide a "sui generis" model for intellectual property-type protection of traditional knowledge-related subject matters. In this light, his government closely observed the work conducted by the Intergovernmental Committee under the aegis of WIPO to explore the proper mechanisms for the protection of genetic

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<sup>3</sup> The written statement was submitted by the Delegation of Republic of Indonesia and was deemed to be read.

resources, traditional knowledge, and expressions of folklore.

73. As regards their country's position, he stated that, it was an archipelagic country composed of more than 17,504 islands, Indonesia was endowed with vast natural resources and cultural heritage. It had more than two hundred and twenty million people comprising 749 ethnic and sub ethnic groups that speak about approximately 731 dialects. Such diversity coupled with a long cultural history was certainly a great and valuable asset for Indonesia that needs to be protected.

74. For that reason, his country noted with great apprehension over the years the emergence of various types of exploitation of expressions of folklore or "traditional cultural expressions – TCE" as referred to by WIPO IGC. This type of exploitation had crafted in such a way to give precedence to the development of technology and the expansion of business interests over respect of fundamental cultural and economic interests of the concerned community. Given this fact, Indonesia exerted continuous efforts to promote the protection of TCE, including the inclusion of adequate provisions in the national Copyright Law. His government established a National Working Group on the Empowerment of Genetic Resources, Traditional Knowledge and Folklore with the aim to study and prepare a national system for the protection of genetic resources, traditional knowledge and folklore.

75. His delegation was of firm hope that the AALCO forum would reach a consensus to support and encourage *the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore-WIPO* to create an international legally binding instrument and take into account the requirements of the disclosure of origin.

76. The delegate emphasised that his government would encourage the Member

States of AALCO to make bilateral and multilateral agreements in the protection of genetic resources, traditional knowledge and folklore. Furthermore, his delegation hoped that the AALCO forum recommended an in-depth study on the exploitation of the intangible expression of folklore. This study was expected to make a recommendation on the measures that can be taken by Members of AALCO in providing effective legal protection for the intangible expression of folklore.

77. Finally, the delegate called the Member States of AALCO to exchange their information and carry out consultations with regard to the development of IPR's protection system of the expression of folklore, genetic resources and traditional knowledge.

78. **The Delegate of Islamic Republic of Iran<sup>4</sup>** highlighted that the majority of the AALCO Member States had a rich and remarkable cultural heritage and invaluable Genetic Resources which they wished to protect, while there was no an effective and strong legal mechanism for the protection of folklore, traditional knowledge and genetic resources for preventing and suppressing misappropriations and misuses of them.

79. He noted that the developments of legal framework for the protection of folklore had been a subject of discussion in some international bodies such as WIPO and UNESCO; these efforts had not culminated a legally binding instrument for protection of folklore.

80. His delegation strongly believed that the existing IPR regime for the protection of folklore was insufficient for protecting against abuses and misappropriations of expression of folklore (EoF) and traditional knowledge (TK) and fight against bio-piracy. So it was necessary to find and

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<sup>4</sup> A written statement was submitted by the Delegation of Islamic Republic of Iran which was deemed to be read.

resolve proper means to face up illicit and unfair exploitation of folklore and traditional knowledge.

81. He observed that all the Member States of AALCO had a rich cultural heritage and invaluable Genetic Resources which they wish to protect, while there was no effective and strong legal mechanism for the protection of folklore, traditional knowledge and genetic resources for preventing and suppressing misappropriation and misuse of them. Therefore, this forum was benefited for discussions related to the possible international protection of folklore, traditional knowledge and genetic resources.

82. He noted that the development of a legal mechanism for the protection of folklore had been a subject of discussion at many international fora, such as WIPO and UNESCO but these discussions had not been resulted to a development of a strong legal mechanism for protection of folklore. His delegation believed that the existing IPR regime was insufficient for the protection against abuses and misappropriations of EoF and TK and fight against biopiracy. It was necessary to find effective means to face up illicit exploitation and other prejudicial actions. Therefore, without a legally binding international instrument, any endeavor would not be successful in international arena.

83. By concluding, he said that for the above said reasons, the majority of Member States of AALCO were in favour of development (the said document) legal international instrument in this regard. His country believed that the Intergovernmental Committee on Intellectual Property and Genetic Resource, Traditional Knowledge and Folklore should focus on its work in developing a *sui generis* mechanism and to form a binding international instrument.

#### **D. Report of the AALCO's Regional Arbitration Centres**

84. The **President** invited the Secretary-General to initiate the topic 'Report of the AALCO's Regional Arbitration Centres'.

85. **The Secretary-General** informed that this item was discussed during the first Meeting of the Heads of Delegations when the signing ceremony for the establishment of the Kenya Centre was taken up. He informed that though the three Directors of the Centres were there, thinking that this matter would be taken up in the first day of the Meeting, but two of them had to leave for another important engagement. However, Ms. Eunice R. Odirri, Director of Lagos Centre was here and invited her to present her report.

86. **Ms. Eunice R. Odirri, Director, Regional Centre for International Commercial Arbitration, Lagos** presented the Report on the Lagos Centre for the year 2005-06. She informed that the disputes referred and arbitrated at the Centre in the six years of its operation, disputes referred to the Centre had gradually increased to 58 in 2005-2006. 75 percent of these were ad hoc arbitration with parties preferring the venue, facilities, including secretarial services.

87. She noted that the Centre's Model Arbitration Clause of Lagos Centre continued to be incorporated in the numerous commercial contracts and it was hoped that in the not too distant future, more institutional cases be administered under the rules of the Centre. She then mentioned that the rules of Arbitration of the Lagos Centre, which were taken from the UNCITRAL Arbitration Rules, with some modification, had to be revised and the reason was to add more speed, flexibility and neutrality to disputes administered at the Centre in the changing and more complex global trading system.

88. Consequently, in October 2005, the Centre engaged in gathering of the views of experts and practitioners of international

arbitration to the Centre rules. As a corollary, the Federal Government of Nigeria, since 21 September 2005 had set in motion the review and amendment of its Arbitration and Conciliation Act of 1988, which were the laws of the Federation of Nigeria Chapter 19. This law was modeled on the UNCITRAL Model Law on International Commercial Arbitration 1985 and they were enacted for the purpose of providing a legal framework for fair settlement of international commercial disputes by arbitration and conciliation and to make applicable the Convention on the Recognition and Enforcement of Arbitral Awards, to any award made in Nigeria and in any contracting State arising out of international commercial arbitration.

89. In practice the Arbitration and Conciliation Law of Nigeria in its present form was viewed as maximizing rather than minimizing judicial intervention in the Arbitral process. Such situation sought to be discouraged by the very existence of UNCITRAL Model Law. Therefore an amendment of the Arbitration and Conciliation Law of Nigeria would recast the Nigerian Judicial regime as an Arbitration friendly one and therefore encourage the greater use of arbitration in Nigeria as well as encourage the inflow of Foreign Direct Investments in to the economy.

90. She then reported on the promotional activities of the Centre for the year 2005-06. One of the primary functions of the Lagos center was to sensitize trade groups, corporate organizations, institutions within the sub-Sahara regions on the rational of the settling disputes arising out of international trade, commerce and investments. As between parties from the region and as between these parties and other parties from other part of the world, by alternative methods to litigation as provided for in the Arbitration and other Alternative Dispute Resolutions methods.

91. In view of this primary function, the Lagos Centre in carrying out these function,

dedicated the year 2005-2006 to Round Table meetings with trade groups, corporations, and entrepreneurs, including members from different chambers of commerce from different countries of the world, especially the Economy of the West African States (ECOWAS). During the meeting held at the Centres meeting rooms, the role of the Lagos Centre in international commercial arbitration and dispute resolution through ADR methods was highlighted. In this same period, the Centre visited the Republic of Benin, Burkina Faso and Ghana to publicize the role and usefulness of the Centre in the sub-region.

92. Article 35 of the ECOWAS Statutes states that the ECOWAS Court of Justice situated in Abuja, Nigeria with the power to encourage amicable settlement of disputes, including commercial disputes, in matters adjudicated by the Court. The Lagos Centre during the period 2005-06 had established venues for cooperation with ECOWAS Court with a view to assist in the development and capacity building of the ADR personals and procedures that would be used by the ECOWAS Courts.

93. The Lagos Centre believed that constant simulation of arbitration and other ADR methods with participants playing the role of Arbitrators and parties to arbitrations as well as playing the role of mediators and conciliators. This could improve the grasp of the subject of arbitration and other ADR methods within the sub-region. The Lagos Centre organized in late July-October 2005, mock arbitration session, where students from various universities in Nigeria were invited to participate in these simulations.

94. In addition to the above, discussion had been going on between the Centre, in some cases concretized and in some other cases ongoing between the Lagos Centre and the institutions in the sub-region regarding the teaching and practical training of ADR methods in the institutions curricula. Another promotional activity during the year 2005-06 was that the Director chaired the



ADR Session at the Nigeria Bar Association Annual Conference held in 2005.

95. The Lagos Centre as a result of the various services it had provided in the settlement of international disputes, had expanded its data bank, otherwise known as the Resource Centre to house 20 modern internet ready computers, within this period of time, with advanced and up-to-date information retrieval systems, which guarantees that researchers and disputing parties would attain all required information with ease. Centre also aims to connect this to wider electronic network in order to enable personal access information sources, while making information on investment opportunities in the sub-region available to foreign investors online. The Centre had also increased its cooperation agreements with more international arbitration institutions such as the London Court of International Commercial Arbitration (LCIA), the American Arbitration Association (AAA), the international branch in Dublin, and City Dispute Panel in London as well as in China.

96. The Director reported that the Lagos Centre's Advisory Committee was inaugurated at the Centre's Conference Room on the 8<sup>th</sup> February 2006 by the Secretary-General of AALCO, Amb. Dr. Wafik Kamil. The members of the Committee consist of experts and jurists with knowledge of Arbitration, from around the world.

97. Regarding the office of the Lagos Centre, she noted that plans had reached advanced stage for the construction of the permanent office of the Lagos Centre at the Victoria Island in Lagos. When completed, it was expected to contain four large hearing rooms, in addition to other facilities required to achieve the objective in establishing the Centre in Lagos. It was expected that the Centre would be able to function from the Office in the not-so-distant future.

98. She then invited all interested Members of AALCO for the Seminar on the

theme "Strengthen Arbitration and ADR Institution and Centres in Africa as a catalyst for attracting Foreign Direct Investments" at the Hilton Hotel in Johannesburg, South Africa from 14-16 June 2006, and "UNCITRAL Model Law: The Nigerian Experience" will be held in conjunction with the Nigerian Bar Association, Alternative Dispute Section at Lagos and the dates would be posted in the internet.

99. Finally, she expressed her sincere gratitude to the Secretary-General Amb. Kamil who had continued to support the Lagos Centre in all its undertakings and the Federal Government of Nigeria which was represented by the Hon'ble Attorney General and Minister of Justice.

100. **Mr. Anthony Cannorty, Member of the Advisory Committee of the Lagos Centre** expressed his pleasure for having been invited to the Membership of the Lagos Regional International Arbitration Centre and said that he had no doubt that the Centre would be immensely successful.

101. **Mr. Dato' Syed Ahmad Iddid, Director, Kuala Lumpur Regional Arbitration Centre,**<sup>5</sup> presented his report for the year 2005-06. He firstly, congratulated Mr. Narinder Singh, Legal Adviser to the Ministry of External Affairs, Government of India on his election to the Presidency of AALCO. He also appreciated the services rendered by H. E. Mr. Amos Wako (President of AALCO's 44<sup>th</sup> Session) and for steering AALCO from Kenya to India to celebrate the launch of AALCO's Permanent Headquarters Building. He also congratulated H.E. Mr. Vincent Lyimo of Tanzania on being elected the Vice President for the Session and said that he was looking forward to the 46<sup>th</sup> Session to be held in Sudan, 2007.

102. He said that the KLRCA & UNCITRAL would organize a Conference

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<sup>5</sup> A written statement was submitted it was considered deemed to be read.

in Kuala Lumpur on November 22<sup>nd</sup> & 23<sup>rd</sup>, 2006. He invited all to the conference and so help make the conference a huge success. Another event i.e. the "Asia Pacific Conference on Contemporary Trends in Mediation & Arbitration" would be held on July 17<sup>th</sup> & 18<sup>th</sup>, 2006 at the Pan Pacific Hotel in Kuala Lumpur. This would be jointly organized by KLRCA and the IUI (International Islamic University).

103. He thanked the Right Honourable the Prime Minister of Malaysia, Y.B. Dato' Seri Abdullah Ahmad Badawi, for his approval of the full sum (more than a RM1 Million) for the construction of the new annexe. At the pace of construction that was going on, the handing over of the annexe could be between August and October of this year.

104. He noted that the new Arbitration Act 2005 of Malaysia had come into force on Wednesday March 15, 2006. The aim of the Act was to help Malaysia get more arbitration matters but not necessarily for KLRCA. It opened the doors to LCIA, ICC, AAA, PCA, SIAC, HKIAC and a host of other arbitral bodies from outside Malaysia elsewhere in Asia, in Australia, New Zealand, Europe and the Americas. With an influx of such bodies, it would be natural that the use and importance of the KLRCA (and its mentor, AALCO) would be affected. Perhaps it was time to re-think whether it was needed to continue the KLRCA in its current form or just bring in outside arbitral institutions which had better resources, more funds and bigger manpower? While there were decreases in arbitration in Europe, one could expect an increase in Asia and Africa in the coming years.

105. He was delighted to add that during the past few days when he was in New Delhi, he was able to visit (i) the International Centre for Alternative Dispute Resolution where he met the Secretary-General Mr. B.S. Saluja and (ii) the Indian Council of Arbitration (ICA), where he met Mr. G.K. Kwatra, the Executive Director.

The KLRCA had an MOU with the ICA and he was pleased that Mr. G.K. Kwatra would join them in the Conference in Kuala Lumpur on 22-23 November 2006.

106. He invited the Directors of the AALCO's Arbitration Centres' of Lagos, Cairo and Tehran (and Nairobi), to attend the November 22-23 Conference in Kuala Lumpur and all the Directors could meet on 24<sup>th</sup> November to discuss common issues like code of conduct or independence/impartiality of Arbitrators, scope of fees, who were AALCO Centres' competitors and such other items which could assist the Centres to meet these challenges.

107. **The President** said that the items on the agenda for the day had concluded. He then invited all the participants for the reception and dinner hosted by the Hon'ble Minister of State for External Affairs and the Secretary in the Ministry of External Affairs, India.

108. **The Secretary-General** thanked all the delegations for their cooperation and invited all to join for a sightseeing tour to the city of New Delhi.

**The Meeting was thereafter adjourned.**