

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



**REPORT ON
THE CENTRE FOR RESEARCH AND TRAINING OF THE AALCO**

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CONTENTS

	Page Nos.
I. INTRODUCTION	1-2
II. CENTRE'S ACTIVITIES	2-10
A. Training Activities	2-4
1. Training Programme on "Basic Course on the World Trade Organization (WTO)" (1 to 5 February 2010, AALCO Headquarters, New Delhi)	
2. Internship Programme (2009-2010, AALCO Headquarters, New Delhi)	
B. Holding of Seminars/Workshops on International Legal Matters	4-7
1. Round Table Meeting of Legal Experts on the Forthcoming Review Conference of the International Criminal Court (30 to 31 March 2010, Putrajaya, Malaysia)	
2. Forthcoming Regional Training on Treaty Law and Practice, and the Drafting of International Legal Instruments (13 to 15 October 2010, Jakarta, Republic of Indonesia)	
3. The AALCO Lecture Series	
C. Upgrading the AALCO's Website	7-7
D. Publications	8-9
1. Yearbook of the Asian-African Legal Consultative Organization	
2. AALCO Quarterly Bulletin	
3. Newsletter of AALCO	
E. Special Studies Published	9-10
Essays on Contemporary Issues in International Law (CRT, AALCO: New Delhi, 2009)	
III. FUTURE PROJECTS/ENDEAVOURS	10-13
A. Proposed Training Programmes and other Activities in 2010-2011	10-12
1. Training Programme 2010-2011	
2. Expert Group Meeting	
3. Visiting Fellow Programme	
4. Young Jurist Conference	
5. Financial Implications	
B. Research and Training Fund of AALCO	12-13
IV. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT	13-14
V. Annex: Draft Resolution on the Agenda Item for the Forty-Ninth Annual Session of AALCO	15-16

REPORT ON THE CENTRE FOR RESEARCH AND TRAINING OF THE AALCO

I. INTRODUCTION

1. The Centre for Research and Training (hereinafter ‘CRT’ or ‘Centre’), functioning as an integral part of the Secretariat of the Asian-African Legal Consultative Organization (AALCO), evolved from the AALCO’s (the then, AALCC) “Data Collection Unit”,¹ which was established in 1989. Pursuant to the paragraph 2 of the Resolution AALCO/40/ORG.4,² the Data Collection Unit was renamed as the Centre for Research and Training in 2001. This marked, as envisaged, a new chapter in the efforts of the Member States towards undertaking research activities, as well as training programmes, within the AALCO.

2. The initial mandate entrusted to the Unit was collection and dissemination of information related only to international economic and trade related instruments and legislations from the Member States of the AALCO. However, pursuant to Resolution 38/ORG.6 adopted in Accra (Ghana) 1999, the Member States emphasized the need and the significance of exchange of information between the AALCO, the United Nations and its specialized agencies and other international bodies.³ It is pertinent to note that the said resolution did not confine the activities of the CRT to the international economic and trade law matters, but also covered the entire gamut of substantive activities of the Secretariat, thereby expanding the mandate of the CRT to all the areas of activities of the AALCO.

3. Further, transforming the Data Collection Unit in to CRT in 2001 reoriented the functioning of the Unit. The Meeting of the Advisory Panel of Liaison Officers⁴

¹ The Data Collection Unit was established based on the proposal made by the Government of Republic of Korea at the Twenty-Eighth Session of AALCO (the then AALCC, Asian-African Legal Consultative Committee), held in Nairobi in 1989. Initially, the CRT was conceived to primarily undertake the task of attempting the harmonization of legal regimes applicable to the economic activities in the Asian-African region, under the auspices of the AALCC. It may be recalled that the Government of the Republic of Korea had generously contributed US\$ 25,000 to the AALCC towards the above stated purpose. Although establishment of the Unit was proposed and unanimously approved at Twenty-Eighth Session in Nairobi, it became functional, as an integral part of the Secretariat in 1992 pursuant to the Thirty-First Session at Islamabad. As a first step, the Secretariat of the AALCC established a computerized Data Collection Unit which was to be used as a storehouse of information on economic and trade law regulations of Asian-African countries in general and AALCC Member countries in particular. Sizeable documents were received from Member States and international organizations on matters relating to economic laws and the same were compiled, as detailed in the Report of the Secretary-General on the progress made by the Data Collection Unit, Doc. No. AALCC/XXXIV/Doha/95/14/.

Also, pursuant to the Thirty-First Session, Islamabad 1992, an Advisory Panel, comprising Liaison Officers of the Arab Republic of Egypt, India, Republic of Korea, Malaysia and Philippines was established to advise on technical and general policy matters concerning the functioning of the Unit.

² Resolution 40/ORG.4 entitled “AALCO’s Data Collection Unit”, adopted at the 2001 Session, held in New Delhi.

³ Paragraph 2 of the Resolution 38/ORG.6 also refers to the effective role of research and study in the fulfillment of the objectives of the Committee.

⁴ 270th Meeting of the Liaison Officers of the AALCC, held in December 2000.

suggested the following future engagements for the Centre: training programmes for personnel belonging to Legal Departments of AALCO's Member States, especially relating to international law; convening of workshops and seminars on the international law themes; arranging discussions or lectures by international law experts from within and outside the AALCO region. The mandate was further strengthened at the Abuja (Republic of Nigeria) Session, 2002 and by Resolution AALCO/41/ORG 4, the CRT was called upon to: (i) continue to update and improve the technical efficiency of the website for facilitating communication between the Secretariat, the Member States, the United Nations, its Specialized Agencies, and other International Organizations; and (ii) Foster capacity-building of the Centre to carry out further research projects on international law. It may be recalled that the said resolution also urged the Member States to furnish information and relevant materials in order to enrich the CRT.

4. Since its inception, the CRT has made several concerted efforts and making substantial contributions to the AALCO. This report briefly provides an outline of the measures taken and efforts made by the CRT in the last one year, i.e., since the Forty-Eighth (Putrajaya, Malaysia) Annual Session of AALCO, (17-20 August 2009) to 1st July 2010, in furtherance of its mandate and for the effective functioning of the Centre.

II. CENTRE'S ACTIVITIES

A. Training Activities

1. Training Programme on "Basic Course on the World Trade Organization (WTO)" (1 to 5 February 2010, AALCO Headquarters, New Delhi)

5. The AALCO's CRT successfully organized a five-day training programme on the topic, "Basic Course on the World Trade Organization (WTO)" from 1 to 5 February 2010 at the AALCO Headquarters, New Delhi.

6. During the Inaugural Session, Prof. Dr. Rahmat Mohamad, Secretary-General, AALCO, welcomed all the participants and highlighted the role and activities of AALCO and its training and research wing – CRT. The inaugural lecture was delivered by Professor B.S. Chimni, Jawaharlal Nehru University, New Delhi. Mr. Peter Pedersen, Counsellor, Council and TNC Division, World Trade Organization, also delivered a lecture on "Functioning of the WTO: An Insider's Perspective" at the inaugural session.

7. Sixty seven participants from twenty four countries attended the course, namely, India, People's Republic of China, Afghanistan, Pakistan, Hashemite Kingdom of Jordan, Nigeria, Bangladesh, State of Qatar, Lesotho, Libyan Arab Jamahiriya, Ghana, Sultanate of Oman, Zimbabwe, Mongolia, Burundi, Venezuela, Kenya, Nepal, Malaysia, State of Kuwait, Syrian Arab Republic, Uganda, Mauritius and Brunei Darussalam participated in the training programme. Participants included, Diplomats, Officials, Law Teachers, Research Scholars and Students.

8. Lectures on the following topics were delivered: An Introduction to the World Trade Organization; Functioning of the WTO: An Insider's Perspective; An Introduction to the Trade Related Aspects of Intellectual Property Rights (TRIPS); TRIPS and Developing Countries: Some Implementation Issues; Trade and Environment Interface; An Introduction to Sanitary and Phytosanitary Measures (SPS) & Technical Barriers to Trade (TBT) Agreements; State-of-Play in the Doha Round: Main Issues and Challenges; WTO Dispute Settlement System; Special and Differential Treatment; and General Agreement on Trade in Services. Lectures were delivered by experts in the field of WTO from diverse backgrounds. Experts included, Professor B. S. Chimni, Professor of International Law, Jawaharlal Nehru University, New Delhi; Mr. Peter Pedersen, Counsellor, Council and TNC Division, WTO; Dr. V.G.Hegde, Associate Professor, Centre for International Legal Studies, Jawaharlal Nehru University, New Delhi; Dr. Archana Negi, Assistant Professor, Centre for International Politics, Organization and Disarmament, Jawaharlal Nehru University, New Delhi; Dr. Ravindra Pratap, Assistant Professor, Guru Gobind Singh Indraprastha University, New Delhi; and Dr. Arpita Mukherjee, Professor, Indian Council for Research on International Economic Relations (ICRIER), New Delhi.

9. The training programme concluded on 5th February 2010 with Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO distribute the Certificate of completion to all the successful participants.

2. Internship Programme (2009-2010, AALCO Headquarters, New Delhi)

10. One of the Centre's activities is to encourage the young students of law from the Member States to get familiarized with the functioning of inter-governmental Organization and also to have a preliminary understanding of international law by way of short projects.

11. During the period under review of this Report, i.e., from August 2009 to 1st July 2010, eight students have successfully completed their internship programme at the AALCO Secretariat. Out of there eight students, one was from India and seven others were from Malaysia.

12. During the internship, the internees were assigned several tasks which included: i) Preparation of a short report on the history, functions and objectives of the AALCO; ii) Creating a database of national legislation of Member States on specific topics; iii) Preparation of a report on a specific topic of the work by the International Law Commission (ILC); and iv) visit to intergovernmental Organizations such as International Committee of the Red Cross (ICRC) and the United Nations Office on Drugs and Crime (UNODC) and institution such as Indian Society of International Law (ISIL). After their successful completion of the internship, a Certificate was awarded by the Secretary-General of AALCO.

13. As the internship programme is available throughout the year in the AALCO Secretariat, the Member States are requested to make use of this opportunity and thereby

encourage the law students to undertake such internship programme with AALCO in New Delhi.

B. Holding of Seminars/Workshops on International Legal Matters

1. Round Table Meeting of Legal Experts on the Forthcoming Review Conference of the International Criminal Court, (30-31 March 2010, Putrajaya, Malaysia)

14. A two-day “Round-Table Meeting of Legal Experts on the Forthcoming Review Conference of the International Criminal Court”, jointly organized by the AALCO, the Governments of Malaysia and Japan, was held in Putrajaya, Malaysia on 30 and 31 March 2010. The Meeting was attended by 14 Member States of AALCO, 2 Non-Member States and 2 International Organizations. The Member States of AALCO who attended the Meeting, namely, Brunei Darussalam, People's Republic of China, India, Indonesia, Islamic Republic of Iran, Japan, Kenya, Malaysia, State of Qatar, Republic of Korea, Singapore, Sultanate of Oman, Thailand and United Republic of Tanzania and they had intensive discussions on the agenda items for the Review Conference which was held in Kampala, Uganda, from 31 May to 11 June 2010.

15. The Inaugural Address was made by the Hon. Mrs. Kuniko Ozaki, ICC Judge from Japan, on the criminal justice system and the current activities of the ICC, providing the audience with the most up-to-date information about the ICC. H.E. Amb. Yasuji Ishigaki, Special Assistant to the Minister for Foreign Affairs, Government of Japan in the inaugural session, rendered the keynote address on the Review Conference, which provided an overview of the agenda items for the Conference, including the crime of aggression, a review of Article 124, criminalizing the act of employing certain weapons in armed conflict not of an international character (the Belgian proposal), strengthening the enforcement of sentences (the Norwegian proposal), topics for stocktaking of international criminal justice (complementarity, cooperation, the impact of the Rome Statute system on victims and affected communities, and peace and justice).

16. There were three Working Sessions on stocktaking of international criminal justice, the crime of aggression and on other agenda items, were held. The Member States engaged in an active discussion on a range of issues, such as the agenda items for the Review Conference and the experiences of Japan, Kenya and the Republic of Korea on the ratification of the Rome Statute were also shared.

17. Under the Theme I: Consideration of the Progress in International Criminal Justice, the three States Parties, i.e., the Republic of Korea, Kenya and Japan, shared their experiences on the ratification of the Rome Statute by explaining the challenges that they faced and how they overcame these challenges. They also answered to questions raised by non-State Parties on specific legal issues on national legislation to implement the Rome Statute. With respect to the four topics for stocktaking of international criminal justice, there was a lively discussion especially on the concept of complementarity, issues on cooperation with the ICC, and the relationship between peace and justice.

18. In the Theme II: Consideration of proposals for amending the Rome Statute: Crime of Aggression, there was an intensive discussion on the Crime of Aggression and all of the three major issues related to the crime, that is, the definition of the crime, conditions for the exercise of jurisdiction by the ICC over the crime, and the amendment clause applicable to the crime were also discussed. It showed that a number of States had strong interests on the item of the crime of aggression.

19. Views were also expressed on issues such as whether there should be a requirement of "a manifest violation of the Charter of the United Nations", whether the amendment should permit the involvement of an organ other than the UN Security Council with the determination of an act of aggression as a condition for the exercise of jurisdiction by the ICC, and which paragraph of Article 121, whether paragraph 4 or 5, should apply to the amendment regarding the crime of aggression.

20. As regards the Theme III: Consideration of proposals for amending the Rome Statute: Review of Article 124, criminalizing the act of employing certain weapons in internal armed conflict, and strengthening the enforcement of sentences, there was a discussion on the deletion of Article 124 enabling a State Party to opt out from the jurisdiction of the ICC with respect to war crimes for seven years after its ratification of the Rome Statute. Most of the Member States were in favour of retaining this provision. As to the Belgian proposal and the Norwegian proposal, there was not so much discussion since most States had not made their positions clear yet.

21. The report of the proceedings of the Seminar was released by H.E. Amb. Ichiro Komatsu, Ambassador of Japan to Switzerland during an informal network meeting at Kampala, Uganda on 2nd June 2010 on the sidelines of the Kampala Review Conference of the Rome Statute held from 31 May to 11 June 2010. The report is also available on the website of AALCO, www.aalco.int.

2. Forthcoming Regional Training on Treaty Law and Practice, and the Drafting of International Legal Instruments (13 to 15 October 2010, Jakarta, Republic of Indonesia)

22. A Regional Training on Treaty Law and Practice, and the Drafting of International Legal Instruments jointly hosted by the Ministry of Foreign Affairs, Republic of Indonesia, the AALCO, in collaboration with the Treaty Section of the United Nations Office of Legal Affairs, United Nations Institute for Training and Research (UNITAR), United Nations Development Programme (UNDP) and United Nations Office on Drugs and Crime (UNODC) in Jakarta will be held from 13 to 15 October 2010. The Secretariat is grateful to the Government of Indonesia for graciously and kindly hosting this Regional Training and to the Chief of the UN Treaty Section for positively responding to the proposal for collaboration. The Invitation, Provisional Agenda, Tentative Programme and other information regarding this programme would soon be disseminated to the Member States. The Secretariat urges the Member States to nominate their officials to enrich their knowledge base on this important aspect of international law.

3. The AALCO Lecture Series

23. The Secretary-General of AALCO has initiated the idea of conducting “AALCO Lecture Series” to make AALCO a vibrant centre for exchange of views, perspectives in the discipline of international relations and international law. With an objective of strengthening the Asian-African solidarity of cooperation in international legal matters, as well as to enhance AALCO’s profile in the diplomatic and academic community based in New Delhi, the Secretariat of AALCO has so far organized three lectures in the “AALCO Lecture Series” with eminent personalities as speakers for the programme. A brief account of the three lectures is as follows:

i. First Inaugural Lecture

24. On 22 December 2009, the First Inaugural Lecture of the “AALCO Lecture Series” was delivered by H.E. Tan Sri Abdul Gani Patail, the Attorney-General of Malaysia and the Current President of AALCO on the topic, “Enhancing Asian-African Solidarity in the Progressive Development and Codification of International Law: A Vision” at the Permanent Headquarters of the AALCO Secretariat, New Delhi. Prof. Dr. Rahmat Mohamad, the Secretary-General of AALCO in his introductory remarks welcomed the speakers and the audience and highlighted the significance of the Lecture Series to make AALCO as a platform for discussion on matters pertinent to international law and relations among the diplomatic and academic community in New Delhi. H.E. Tan Sri Abdul Gani Patail in his presentation talked about how AALCO could function effectively in the future to enhance Asian-African solidarity on international law. In this regard, he made very valuable suggestions: i) To increase in-depth and open debates in AALCO on the issues of international law; ii) To keep up with and contributing to the development of international law in the UN and other international organizations; iii) To expand the role and influence of AALCO among the Member States; iv) Training and capacity building; and v) Utilization of experts from the AALCO Member States on international law. At the end of the Lecture, Dr. Xu Jie, Deputy Secretary-General of AALCO proposed a vote of thanks to the eminent Attorney-General of Malaysia for his lucid presentation and to the Secretary-General of AALCO for his guidance and to all the participants attended the lecture.

ii. Second Lecture

25. The Second Lecture of the AALCO Lecture Series was held on 23rd February 2010 at the AALCO Headquarters, New Delhi on the topic “The Role of International Law in Diplomacy – and Vice Versa”. The lecture was delivered by H. E. Mr. Gudmundur Eiriksson, Ambassador of Iceland to India. The lecture was attended by Dr. Ram Jethmalani, Former Union Law Minister of India and Leading lawyer; Ambassadors/High Commissioners of several countries in New Delhi, which include, Malaysia, Angola, Italy, Finland, Paraguay, Denmark, Poland, Netherlands, and Mozambique; Diplomats of several Member States and Non-Member States of AALCO, Officials and academia.

26. Ambassador Eiriksson in his lecture made an excellent presentation on the role of international law in diplomacy and vice versa citing many case studies such as, invasion of Kuwait by Iraq and subsequent invasion of Iraq by the coalition forces, war on terrorism, Nicaragua case, legality of nuclear weapons etc. and in this context, he also briefly outlined the changing attitude of the developing countries towards international law. Dr. M. Gandhi, Director, Legal and Treaties Division, Ministry of External Affairs, Government of India was the discussant, he gave insightful comments on the lecture. Many thought provoking questions and comments were made by the participants. Dr. Xu Jie, Deputy Secretary-General of AALCO proposed a vote of thanks.

iii. Third Lecture

27. On 26th March 2010, the Third Lecture of the AALCO Lecture Series on the topic, “Universalization of the International Criminal Justice System: The Role of the International Criminal Court” was delivered by Hon’ble Ms. Kuniko Ozaki, Judge, International Criminal Court (ICC). In her presentation, she highlighted the function, composition of the ICC and various principles of international criminal law applied by the Court when dealing with the Cases. She also highlighted the evolution of global culture of making individuals accountable for the crimes committed and prosecuted at the ICC. Mr. Christopher Harland, Regional Legal Adviser, International Committee of the Red Cross (ICRC), the discussant analysed and made pertinent comments on the lecture delivered by the Judge Ozaki. At the end, Dr. Xu Jie, Deputy Secretary-General of AALCO thanked the Hon’ble Judge Ozaki for her outstanding presentation on the subject; Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO for his guiding spirit, Mr. Christopher Harland, Regional Legal Adviser, ICRC for the discussions and all the distinguished participants attended the lecture.

iv. Fourth Lecture

28. The Fourth Lecture is scheduled to be held on 16th July 2010 on the topic, “Blockade on Gaza: International Legal Implications”. The highlight of the Lecture would be to consider the violation of international law issues and the blockade on Gaza by the Government of Israel. The Speakers for the Lecture would include: Introductory Remarks by Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO; Addresses by the Ambassadors of Arab Republic of Egypt, Palestine, Turkey, League of Arab States and Prof. Achin Vinayak, Head, Department of Political Science, University of Delhi.

C. Upgrading the AALCO’s Website

29. The Secretariat has since the Forty-Second (Seoul, Republic of Korea) Annual Session 2003, in pursuance of the mandate given by Resolution AALCO/42/ORG 4, made concerted effort towards improving the website of AALCO. The homepage of the AALCO’s website has been professionally redesigned with a new outlook. The main contents of the web page are the following hyperlinks: About AALCO, Statements of the Secretary-General and Deputy Secretaries-General; Secretariat; Research and Training; Publications; Permanent Headquarters Agreement; Liaison Officers Meeting; Model

Legal Instruments; and Memorandums of Understanding (MoUs) with other inter-governmental Organizations, etc.

30. The homepage also provides a hyperlink on Regional Arbitration Centres of AALCO, giving a short description on the functions of Arbitration Centres, as well as their activities. The website also displays the detailed information about the Annual Sessions. The Report of the Forty-Eighth (Putrajaya, Malaysia) Annual Session, 2009; Verbatim Record of the Forty-Seventh (HQ, New Delhi) Annual Session, 2008; Report of the Proceedings of the Round Table Meeting of Legal Experts on the Review Conference of the Rome Statute of the International Criminal Court held on 30-31 March 2010 at Putrajaya, Malaysia have been uploaded recently.

31. In order to further improve the quality of the website, the Member States are requested to provide the name and address of the focal points, with the email and URL of the Ministry concerned, along with the Head of the Ministry to the Secretariat.

32. The Secretariat plans to upload the national legislations of Member States on various topics of international law on the website in the coming months. In this regard, the Member States are requested to send their national legislations on international law topics to the AALCO Secretariat.

D. Publications

33. The AALCO, since its inception, has regularly been bringing out publications such as Reports and Verbatim Record of the Annual Sessions, Special Reports on various topics of international law, Proceedings and Reports of various Meetings and Seminars held by AALCO, and Commemorative Volumes of Essays in International Law etc.

34. The serials brought out by the Secretariat are: Yearbook of the Asian-African Legal Consultative Organization, AALCO Quarterly Bulletin, and Newsletter: Asian-African Legal Consultative Organization which reflects on the current activities of the Organization.

1. Yearbook of the Asian-African Legal Consultative Organization

35. The annual report of the Organization re-named as the “Yearbook of the Asian-African Legal Consultative Organization”, is being published by the Secretariat since 2003 (Volume I) and is in the seventh year of publication. The Yearbook provides comprehensive information about AALCO, its activities, and Secretariat studies prepared on the agenda items during the year, summary of deliberations and the resolutions adopted at the Annual Session. In addition, it contains statements delivered by the Secretary-General and the Deputy Secretaries-General. In the last seven years, the Yearbook has established its place firmly among the publications of this stature. It has been well received by the Member States, international organizations, international lawyers and academics.

2. AALCO Quarterly Bulletin

36. For wider dissemination of information, on the practice and developments relating to different subjects of International Law, AALCO, has been publishing, 'Quarterly Bulletin' since 1976 (Volume 1). In the year 1997 its name and periodicity were changed to 'AALCO Bulletin' brought out bi-annually, till 2001 (Volume 25). The Secretariat felt the need to re-structure the format and mode of this publication and after careful discussions and study, a totally overhauled publication in the new title, i.e; 'AALCO Quarterly Bulletin' was launched by beginning once again with Volume 1, Issue No. 1 dated January-March, 2005 and is being published regularly.

37. The present AALCO Quarterly Bulletin (Vol. 5, No. 1-4 (2009)) contains well-researched articles on international law; write-ups on selected current developments; and selected documents of relevance to the Asian and African States. The publication provides appropriate information to scholars and academics who are keen to obtain insights to the Organizations' work in promoting research in international law matters. In this respect, it is requested that the Member States support this publication by way of encouraging their international law scholars, law faculty, research scholars to contribute articles for this publication, especially reflecting the international law issues in the Asian and African regions.

3. Newsletter of AALCO

38. In order to cover the recent meetings and other diversified activities of AALCO and to reflect upon the growing stature of the Organization, the Secretariat commenced publishing "Newsletter" from September 2004. The present Newsletter (Volume 7, No.1, January - March 2010) contains the most current news of AALCO and it keeps the Member States abreast with the latest developments.

E. Special Studies published

39. The Centre in pursuance of its mandate to conduct an in-depth research on topics of international law published, "Essays on Contemporary Issues in International Law" (2009); Golden Jubilee volume titled "Commemorative Essays in International Law" (2007) and four Special Studies namely: "The Concept of International Terrorism" (2006); "Rights and Obligations under United Nations Convention against Corruption" (2006); "Combating Corruption: A Legal Analysis" (2005) and "Special and Differential Treatment under WTO Agreements" (2003). The details of the above publications have been provided in the earlier Report⁵ except as provided below:

Essays on Contemporary Issues in International Law (CRT, AALCO: New Delhi, 2009)

40. This publication was an attempt by the AALCO Secretariat to reflect upon some of the pertinent issues in the present day realm of international law. The essays of the

⁵ AALCO/48/PUTRAJAYA/2009/ORG 4.

publication were contributed by the Secretary-General and the Legal Staff of the Organization by giving their general observations, commentaries and views on the contemporary development of international law with special reference to AALCO's work on the chosen theme. The continuous efforts by the Secretariat to publish and conduct research in relevant areas that were of concern to the Member States of AALCO was a step in the direction to make AALCO the reference point for its Member States on matters relating international law. This Publication was released at the Forty-Eighth Annual Session of AALCO held at Putrajaya, Malaysia in 2009.

III. FUTURE PROJECTS/ENDEAVOURS

A. Proposed Training Programmes and other Activities in 2010-2011

41. One of the primary objectives of the Asian-African Legal Consultative Organization (AALCO) is to undertake activities for the promotion and wider dissemination of international law and strengthen international law expertise in the Asian-African region. Pursuant to this object, AALCO has over the years undertaken various activities, including organizing Training Programmes for the officials of Member States, Workshops and Seminars on various international law themes. These programmes have served as one of the important means of building network among the scholars, diplomats and other government officials dealing with international law in the Asian-African region. This would go a long way in promoting and strengthening South-South cooperation.

42. In the period 2010-2011, the AALCO Secretariat intends to further strengthen the existing programmes and introduce new programmes. Some of the proposed programmes are: Training Programme in international law issues organized at the Headquarters (New Delhi)/any interested Member State(s); Regional Workshop on Treaty Law and Practice; Expert Group Meetings in International Law; Visiting Fellow Programmes; and Young Jurist Conference.

1. Training Programme 2010-2011

43. The Centre for Research and Training (CRT) of the Asian-African Legal Consultative Organization (AALCO) organized its first training programme on international law for Government officials in the year 2008. The topic of the Training Programme was "General Course on International Law, 2008" which was held from 3 to 14 November 2008 at its Headquarters, New Delhi. 11 Member States were represented in the programme. Secondly, the Secretariat organized a "Basic Course on the World Trade Organization (WTO)" from 1-5 February 2010. 67 participants from 24 countries participated in the Training Programme. The intention of the Training Programmes was to broaden the understanding and professional expertise in international law, with specific focus on the problems encountered by the officials in Asian and African countries.

44. The Training Programme at the Headquarters is an annual feature and permanent activity of the Centre for Research and Training. In this respect, the Secretariat would

organize continuously on international law issues with the objective to refresh Diplomats and Government officials from Capital with the fundamentals and the new developments in international law.

i. Annual Training Programme on World Trade Organization (WTO) and its Covered Agreements

45. The Secretariat is proposed to have an “Annual Training Programme on World Trade Organization (WTO) and its Covered Agreements” jointly with the Secretariat of the World Trade Organization. As the proposal is in the preliminary stage of consultations, the Secretariat would inform the Member States once it gets finalized.

ii. Training Programme on International Humanitarian Law (IHL)

46. The Secretariat is presently working on a proposal to have a Training Programme on International Humanitarian Law (IHL) for both Member and Non-Member States jointly with the International Committee of the Red Cross (ICRC). The Secretariat has received a positive response from the ICRC and is exploring the means and methods of designing such programme for the benefit of its Member States.

iii. Database on National Legislations on International Humanitarian Law of AALCO Member States

47. The Secretariat is intending to formulate a database on the national legislations of the Member States of AALCO on the various fields of international law. Towards that objective, AALCO is presently considering to prepare a database of the Member States on the area of International Humanitarian Law (IHL) jointly with ICRC. The details are being under consultation with the ICRC. In this regard, the Member States are requested to send their national legislations on IHL treaties, and thereby facilitate the Secretariat to compile the information and bring out a database on the national legislations on IHL treaties of AALCO Member States.

2. Expert Group Meeting

48. The Secretary-General proposes to establish an Expert Group of eminent jurists and scholars from Member States on the important agenda items of the work programme of AALCO. The Expert Group may either hold periodical meetings at the Headquarters of AALCO in New Delhi or at a place of their choice in consultation with the Secretary-General of AALCO. The proceedings of such meeting and the recommendations would be submitted at the Annual Session. The Expert Group shall have a Chairperson and four experts nominated by the Member States, who shall be appointed by the Annual Session.

3. Visiting Fellow Programme

i. Senior Visiting Fellow Programme

49. The Secretariat intends to introduce a Senior Visiting Fellow Programme for the Senior Academic and Research Scholars from the Member States of AALCO. Every year two Senior Fellows would be invited to the AALCO Secretariat through open competitive advertisement. The period of stay would be for 6 months and during that time he/she would work as part of the Secretariat in the AALCO Headquarters and perform research in areas of interest to Member States which are selected by the Organization. Such scholars would be awarded full scholarship in the form of subsistence allowance during his/her duration of stay in the Headquarters. Distinguished and very senior Professors would be offered additional facilities and allowances commensurate with their status.

ii. Research Assistant

50. The Secretariat would introduce a Research Assistant programme. Two Post Graduate Students of Law or Young Researchers would be invited to stay with the AALCO Secretariat for a period of 12 months, who would pursue their research on selected areas of Asian-African countries interest endorsed by the Secretariat. He/she would also be required assist the activities of the Secretariat and gain knowledge of its working.

4. Young Jurist Conference

51. One of the important means to promote the dissemination and promotion of international law and future international lawyers is to hold periodic international conferences of young jurist. The Secretariat proposes to hold an Asian-African Young Jurist Conference at its Headquarters in New Delhi. The primary aim of this conference is to build a network of young international law jurists within the Asian-African region and discuss issues of contemporary relevance and importance. The Conference would be guided by the leading international lawyers and legal luminaries invited from different regions of Asia and Africa.

5. Financial Implications

52. The expenditures involved in organizing the above stated programmes have been mentioned in the Proposed Draft Budget for the Year 2011.

B. Research and Training Fund of AALCO

53. It may be recalled that at the Thirty-Third (Tokyo, Japan) Annual Session, 1994, the Heads of Delegations had decided that the CRT would be retained as a part of the AALCO Secretariat, and its operational costs would be met from the regular budget of the AALCO. However, the regular budget itself is facing many difficulties due to non-payment of the contributions by some Member States on time and huge arrears of contributions by the Member States for many years.

54. The problem of funding the activities of the CRT, especially from the regular budget of the Organization has severely restricted the activities that could be undertaken by the Centre. The Centre, because of financial constraints, is not able to expand its further research activities and undertake projects, as well as training programmes, within AALCO.

55. Keeping in view the importance of the Fund, the Forty-Seventh Session, in the Resolution AALCO/47/ORG 4, urged the Member States to make voluntary contributions to the “Research and Training Fund” established vide AALCO/RES/45/ORG 4 to promote and strengthen Research and Training under the CRT, and to provide a sustainable financial base to the Centre to undertake its mandated activities”.

56. Any Member State of AALCO could provide voluntary contribution to the “Research and Training Fund”. The Fund will be exclusively devoted to research on international law issues of common interest to Member States and for the training of the officials of Member States.

IV. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT

57. The adaptation of the “Data Collection Unit” to the “Centre for Research and Training,” symbolized a new beginning for the Centre towards undertaking research, as well as training programmes, with in AALCO. However, the Centre has been facing difficulties in its effective functioning due to financial constraints as mentioned above.

58. It is pointed out that during the Tokyo Annual Session, 1994 and Doha Annual Session, 1995 the Secretariat was called upon to take active measures to publicise the existence of the Unit and the services available in the Unit.⁶ Therefore, it is submitted that the Member States may consider reviving this mandate and adopting appropriate methods to publicise the work of the Centre as well as the activities undertaken by and resources available with the Centre, in order to encourage other groups like students, research scholars, universities, and Organizations to access it.

59. CRT, as part of its activities, would continue to hold meetings of experts on various issues of international law. Along with its periodic publications, the CRT would also undertake, in future, special studies with a view to providing Member States in-depth analysis on topics of relevance.

60. Keeping in view that the Secretariat in the process of revitalizing its activities, the Member States are urged to fund adequately for CRT in order to facilitate its future activities as explained in the previous section effectively. This would help the Centre to

⁶ Para 5 of the “Report on the Progress made by the Data Collection Unit” adopted at the Thirty-Third Annual Session held at Tokyo, 1994 provided:

“5. Directs the Secretariat to take active measures to publicise the existence of the Unit so that the services available in the Unit could come to the knowledge of the private companies in the Member States.”

It was reiterated and further elucidated in Para 5 of the “Resolution on the progress of the AALCO’s Data Collection Unit” adopted at the Thirty-Fourth Annual Session held at Doha, 1995.

institute fellowships and per diem for officials and experts participating in the Training Programmes.

61. The Member States may also provide the Secretariat with necessary directions and recommendations regarding the research topics as well as specific Training Programmes. The Member States may also suggest topics of common interest and concern for conducting in-depth research studies.

V. ANNEX

SECRETARIAT'S DRAFT
AALCO/RES/DFT/49/ORG 4
8 AUGUST 2010

REPORT ON THE CENTRE FOR RESEARCH AND TRAINING OF THE AALCO

The Asian-African Legal Consultative Organization at its Forty-Ninth Session,

Having considered the Secretariat Report on the Centre for Research and Training (CRT) of the AALCO, contained in Document No. AALCO/49/DAR ES SALAAM/2010/ORG 4,

Having heard with appreciation the introductory remarks of the Deputy Secretary-General,

Recognizing the need and importance of the exchange of information among AALCO, its Member States, the United Nations and its Specialized Agencies, and other International Organizations for improved capacity-building and enhancement of legal expertise in areas of international law,

Bearing in mind the effective role of research and training in promoting the objectives of the Organization,

Also bearing in mind a more proactive role the CRT could play in furthering the mandate of the Organization in making the best use of the Headquarters which is equipped with modern technology and infrastructure facilities,

Appreciating the efforts of the Secretariat in preparing special studies on matters of common concern and its plan to hold training programmes in cooperation with International Organizations and to ensure financial support to these programmes,

Also appreciating the efforts of the CRT for organizing the Training Programme on "Basic Course on the World Trade Organization (WTO)" at the AALCO Headquarters in New Delhi;

1. **Requests** the Secretariat to maintain, update and improve the technical efficiency of the website for facilitating dissemination of information to the Member States, the United Nations and its Specialized Agencies, and other International Organizations;

2. **Also requests** the Secretary-General to foster capacity-building of the Centre to carry out further research projects on international law and to organize training programmes for the benefit of the officials of Member States handling international law issues;

3. **Urges** Member States to furnish information and other relevant materials, including the name and address of the focal point with e-mail and the website of the Ministry concerned and officials in charge of AALCO, in order to enhance the activities of the Centre for Research and Training (CRT);

4. **Also Urges** Member States to make voluntary contributions to the “Research and Training Fund” established vide RES/45/ORG 4 to promote and strengthen Research and Training under the CRT, and to provide a sustainable financial base to the Centre to undertake its mandated activities;

5. **Directs** the Secretariat to take necessary measures to promote the awareness about the Centre so that the services available in the Centre would be made use of by the public and private sectors in the Member States;

6. **Also directs** the Secretariat to work towards the realization of its proposal for the training of officials of AALCO Member States;

7. **Requests** the Member States to provide the Secretariat with specific topics for conducting in-depth research studies; and

8. **Decides** to place this item on the provisional agenda of its Fiftieth Session.