



Challenges Facing the Asian-African States in the Contemporary Era: An Asian-African Perspective

Prof. Dr. Rahmat Mohamad

At the outset I thank the organizers of this event for inviting me to deliver this lecture on a topic that has not only been close to my heart, it has also been an important concern of the Office that I occupy namely the Secretary-General of the Asian-African legal Consultative Organization (AALCO). The AALCO as you all are aware is the only intergovernmental organization that advocates the collective cause of the Asian-African States on issues of international law of common concern at the international legal fora.

Distinguished Professors and Dear Students,

In this short lecture, I would be highlighting the most prominent legal challenges that the international community (particularly the developing Countries of Asia and Africa) is facing at the current juncture. Though this list of challenges is potentially long, I would be confining myself to just four which are an integral part of the current Work Programme of AALCO.

Violent Extremism and Terrorism

We are living in a world of exploding tensions where conflict and violence prevail in many parts of the world. The multi-faceted scourge of violent extremism has become so pandemic for the past couple of years that an increasing number of AALCO Member States have been hard hit by its diverse atrocious manifestations; many innocent civilians have fallen victim to horrendous acts of terror violence perpetrated by members of extremist groups throughout Asia and Africa and millions of people in the two continents are affected by the surge in violent extremism. The appalling story of hundreds of girls being abducted in Nigeria or thousands of innocent men and women being persecuted and massacred in Iraq not long ago is extremely shocking and utterly heartbreaking. The brutality exhibited by violent extremist groups in the name of their faith and belief is alarmingly unprecedented and represents a serious threat to peace, security and stability of international community of States, particularly in Asia and Africa.

The upsurge in violent extremism and terrorist acts in the region needs to be tackled with the help of international legal tools and the collective political will and close (inter-state) cooperation. Attention may here be drawn to the UN General Assembly Resolution that was adopted by consensus last year on the theme "*A World Against Violence and Violent Extremism*" which in my view represents one of the steps forward in this direction. I am equally convinced that of the utmost importance (as mentioned in that Resolution) of respecting all human rights, fundamental freedoms and rule of law while fighting terrorism.

Broadly speaking, the international laws, both contractual and customary, that could be used to criminalize and suppress violent extremism and acts of terrorism are based on :

- Charter of the United Nations;
- International legal instruments concluded against terrorism, especially the Geneva Conventions on IHL and relevant Human Rights Treaties;
- Regional legal instruments against terrorism including 1998 Arab Convention on the Suppression of Terrorism, 1999 Organization of African Union Convention on the Prevention and Combating of Terrorism, 1999 Convention of the Organization of Islamic Conference on Combating International Terrorism, ASEAN Convention on Counter-Terrorism, Lomé Declaration of African Union on Unconstitutional Changes of Governments;
- 1998 Rome Statute of the International Criminal Court;
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
- United Nations convention against Transnational Organized Crime and the protocols thereto.

The need to tackle the increasing acts of violent extremism by using the international legal kits was consensually accepted by all the Member States of AALCO at the recently held Fifty-Third Annual Session of AALCO at Tehran in September 2014. According to the mandate given the long-term target of AALCO Member States is to come out with the AALCO Principles for Cooperation to Combat Violent Extremism.

International Law and Cyber Space

Another important, but new legal challenge that the international community in general and the Asian-African states in particular face relates to the issue of cyber space. The increase of international cyber terrorism in recent years has resulted in computer-based criminal activities that generate worldwide fear, destruction and disruption. National laws and policies that address cyber terrorism are mainly limited to developed nations and are not cohesive in managing 21st century cyber terrorism. Given the absence of an international legal framework to address cyber crimes (except the Convention on Cyber Crime of the Council of Europe), authorities and governments around the world face extreme challenges in finding and prosecuting those responsible for cyber terrorism.

The ability of governments to prevent and deal with such attacks is dependent on a number of factors, the most important being the existence and implementation of appropriate legislation. Given the current lack of international regulation on cyber terrorist attacks, the onus is on individual countries to rely on their domestic laws to take legal action. Apart from cyber terrorism, there are other important aspects on international law in cyber space, principal of which include; i) cyber sovereignty and cyber freedom; ii) peaceful uses of cyber space and cyber militarization ; iii) rules for international cooperation in combating cyber crimes, and etc. It is exactly these concerns that motivated the Government of the People's Republic of China to introduce the topic "international law in Cyberspace" into the agenda of AALCO formally at the recently concluded Fifty-Third Annual Session of AALCO. No wonder this proposal was accepted by all the Countries of the Asian-African region by consensus at the Session.

Armed Conflict and Refugee Flows

Another critical challenge that the Asian-African countries face emanates from the forced displacement of people triggered by armed conflicts occurring in many parts of Asia and Africa. The number of persons of concern to UNHCR has doubled in the last ten years and what is more, refugees are crossing borders at the highest rate in nearly two decades. By the end of 2013, thousands and thousands of people across the world had been forced to flee their countries – the highest number in any year since the Rwandan genocide of 1994.

The case of the Syrian refugee crisis has been heartbreaking. According to the United Nations, hundreds of thousands of people have fled the country, and many more have been displaced internally. This human tragedy has shocked the world's conscience and has led for appeals for humanitarian relief. In addition to the hundreds of thousands who became refugees across Africa – from the Central African Republic, the Democratic Republic of the Congo, Sudan, Mali, to Somalia to name a few. Millions more were displaced inside their own countries¹.

It needs to be stressed here that the local and international response to the refugee crisis is paramount. Ensuring that refugee camps are secure, so that they are not used as

¹ According to the UN High Commissioner for Refugees Mr. António Guterres, more than 80% of today's refugees are hosted by developing countries, up from 70% a decade ago. Sustaining the international refugee protection system will require enhanced support to host countries and more serious efforts by the international community towards meaningful solidarity and burden-sharing. The current crisis in Syria, and the enormous impact which 2.2 million registered refugees are having on the economies and societies of neighboring countries namely Lebanon and Jordan, are a case in point.

staging ground for militants, and that humanitarian assistance is provided as well as assistance to local communities in the spirit of burden sharing to ameliorate these risks. This requires much more coordinated effort and attention than is currently being afforded to. If not addressed in a timely manner by the international community, host countries could face a catastrophe or see no choice but to shut their borders. Either scenario would be a humanitarian nightmare for those who have been uprooted by the brutal conflicts.

The importance of finding durable solutions including legal mechanisms for the putting up of proper refugees and displaced people remains one of the ultimate challenges facing the international community in general and particularly the Asian-African States in a global environment marked by many protracted conflicts. Again this was recognized by the Member States of AALCO at the recently held Fifty-Third Annual Session and the Member States of AALCO were encouraged to consider the possibility of ratifying the 1951 Convention and the 1967 Protocol.

The Violence in Gaza/ Palestine

The most recent round of violence between Israel and Palestine has been precipitated by a number of factors. The immediate cause was the alleged kidnapping and murder of three Israeli teenagers in mid-June. The Gaza conflict began on 8 July following weeks of tension after the abduction and murder of three Israeli teenagers in the West Bank, and the subsequent revenge killing of a Palestinian youth. Israel responded with a wave of arrests of Hamas members, which triggered intensified rocket fire from Gaza. Subsequently, Israeli warplanes pounded Gaza relentlessly for weeks resulting in the death of more than 2000 innocent civilians of Gaza.

This act of Israel manifested a complete disregard for the most basic principles of the Law of Armed Conflict and of the fundamental human rights of the entire Palestinian population. Additionally, the offensive has also caused widespread destruction of buildings and infrastructure: according to the UN Office for the Coordination of Humanitarian Affairs, over 3,300 houses have been targeted resulting in their destruction or severe damage.

There is no longer any doubt that the Palestinian question needs more international attention and global deliberation. This is a slow genocide of a people who have struggled against occupation at least since 1967. Google images have accurately shown how the Palestinian territory has reduced over the decades. Indeed the issue of Israeli occupation of Palestine continues to burn even today.

At the last Annual Session, Member States of AALCO had strongly condemned the actions of Israel and stated that it should act in conformity with its obligations under the applicable principles of international law and that the international community must end its policy of collective punishment of the civilian population of the Gaza Strip. It is a pity that although the legal obligations are loud and clear, yet the reality on the ground is still unsatisfying and at moments heading for worse scenario.

Distinguished Faculty Members and Dear Students,

These are only some of the pressing challenges that the Asian-African States face in the contemporary era. And I, as the Secretary-General of AALCO, have been and would continue to pay continuous attention to try to assist in resolving these problems in a way that is compatible with the rules of international law. Thank you.