

**SUMMARY RECORDS OF THE FIRST  
GENERAL MEETING  
HELD ON MONDAY, 27 JUNE 2005 AT  
4:40 PM**

**H.E. Mr. Amos Wako, the President of the  
Forty-Fourth session in the Chair.**

**General Statements**

1. The **President** convened the First General Meeting. He announced that the meeting was open for the delegations and Observers also. In order to allow the delegations the maximum time for making statements, he refrained from delivering his Statement as the President of the Session and said that he reiterated and endorsed the views expressed by His Excellency the President of Kenya, the Minister of Justice and Constitutional Affairs of Kenya and himself as Attorney General of Kenya during the Inaugural Session.

2. The **Leader of Delegation of the Republic of Uganda** felt deeply honored to have the opportunity to participate in the Forty-Fourth Annual Session of the AALCO. He congratulated the Attorney General of Kenya on his election as the President of the Session. He thanked the Government of Kenya for hosting and organizing the Session and for the hospitality extended to all the delegates. He also thanked the Secretary General of the AALCO and his Staff for organizing the Session and preparing briefs for in depth discussion.

3. The Leader of the Delegation said that Environment and Sustainable development, Corruption, and human trafficking were some of the issues of great interest and concern to the Government of the Republic of Uganda.

4. Regarding Environment and Sustainable development, Leader of Delegation said that sustainable use of and management of the environment had been a critical area of importance to the Government of Uganda. The Government of Uganda had passed and implemented a number of policies

and laws geared towards protection of the environment and natural resources. The Government had vigorously enforced the National Environment Management Act and Wetlands Policy. With the hope of enhancing public health smoking had been prohibited in public places.

5. The Leader of Delegation said that the progress made on protecting the environment and trade was still a challenge for most countries. For Uganda, protecting the environment would require heavy investment in new and more efficient technologies in the short to medium term. It would also require a shift in culture towards renewable energy, which Ugandan government was working on through the Ministry of Energy and Mineral Resources. He hoped that through the forum like AALCO Annual Sessions, the world would be able to strike the right balance between economic development and international trade on one hand and protection of the environment.

6. Regarding the issue of corruption, the Leader of the Ugandan Delegation made the following pertinent points. Firstly, the issue of corruption was probably one of the greatest impediments to development on the African continent and needed to be fought resolutely. Uganda had a fully functional office of the Ombudsman or Inspectorate of Government. Secondly, Uganda had signed and ratified the United Nations Convention against Corruption and the African Union Convention. Thirdly, the Ugandan Government recognized that corruption was a global problem that needed to be tackled both at national and at the international level. He highlighted the need to support each other through measures like extradition of persons charged with offences related to corruption and exchange of prisoners who had been convicted of committing such offences.

7. Regarding human trafficking, the Leader of the Delegation said that his government condemned human trafficking, particularly of women and children in the strongest possible terms. It breached most of

the fundamental human rights enshrined in the Universal Declaration on Human Rights. Uganda realized the need for free movement of labour and reiterated solidarity with other developing countries, which called for free movement of labour in international trade. However, he was of the opinion that people desperate for work should not be subjected to cruel and inhuman treatment in contravention of international customs and norms.

8. The **Leader of Delegation of Sudan**<sup>1</sup> congratulated the President and Vice-President on their election. He also congratulated the Secretary General and the Secretariat staff for their efforts in the preparations for the Forty-Fourth session. He urged that Asian African countries need to concretize their stands on issues of international law. He underlined that Asian and African countries are endeavoring to bring about international order. He emphasized the need to strengthen the international institutions and also the need for reform of the international institutions particularly the United Nations. He observed that the people of Palestine were under the yoke of colonialism, which was turned into a big prison under Israel.

9. He pointed out that Sudanese government was trying to establish democratic relations between north and southern regions. He observed that United Nations Security Council resolution 1593 was passed against the people of Sudan. He observed that the resolution 1593 passed by the United Nations Security Council referring the matter relating to Darfur region of Sudan to the International Criminal Court would not be implement by Sudan because it was not a party to the Rome Statute of the International Criminal Court. He explained that Sudanese government had taken several steps since 2003 such as constituting a fact-finding committee, which had submitted its recommendations. Minister of Justice has also passed a resolution appointing a judicial committee.

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

10. The **Leader of the Delegation of the People's Republic of China** extended cordial congratulations to the Hon. Attorney General of Kenya on his election as President of the Forty-Fourth session of the Asian-African Legal Consultative Organization, and to the Hon. Attorney-General of Malaysia on his election as Vice President. He was of firm belief that their able leadership would ensure a complete success of the session. He also expressed his appreciation to the President of the last session, the Hon. Dr. Hamid Awaluddin, Minister of Justice and Human Rights of Indonesia and his distinguished predecessor the Hon. Professor Yusril Mahendra, for the excellent job they had done over the past year. He thanked the Government of the Republic of Kenya for hosting the Forty-fourth session and the hospitality accorded to all the delegates. He also thanked H. E. Dr. Wafik Z. Kamil and his colleagues in the AALCO secretariat for the excellent preparations for the session.

11. The delegate said that the year 2005 marked the 50<sup>th</sup> anniversary of the Asian-African Conference, which was for the first time convened solely by Asian and African countries. Over the past 50 years, the Bandung Spirit, emerged during the Bandung Conference, and marked by unity, friendship and cooperation, had been underlying Asian and African countries' efforts to achieve social and economic development. He said that remarkable achievements had been made in this regard, Asian and African countries were presently playing a greater role in international affairs. In April 2005, leaders from 106 countries in Asia and Africa gathered at Indonesia. They committed themselves to establish an Asia-Africa new strategic partnership, and reiterated that the Bandung Spirit would remain the foundation for Asian and African countries to develop better relations and address global issues of common concern.

12. He said that AALCO was one of the tangible fruits arising from the Asian-African Conference 50 years ago. In the Asia-Africa New Strategic Partnership Declaration

adopted at 2005 Asia-Africa Summit, it was proposed that regional and sub-regional organizations should be enhanced and reinforced so as to promote sustainable partnership. AALCO was one of such organizations. He pointed out that, as AALCO, the only intergovernmental legal consultative body of the Asian and African region, it had, since its inception in 1956, been playing an important role in providing assistance to its Member States in the practice of law, enhancing cooperation on legal issues as well as in promoting development and codification of international law. Government of China appreciated the current efforts of AALCO to encourage more Asian and African countries to join the Organization and its efforts in improving the efficiency and effectiveness of its work. He said that Government of China encouraged AALCO to continue to enhance and expand cooperation with the UN and other related legal bodies to strengthen the important role of the UN in maintaining world peace and security and in promoting development. He firmly believed that, with the joint efforts of its Member States, AALCO would contribute greatly to the promotion of new strategic partnership among Asian and African countries and enhancement of their role in international affairs.

13. The Leader of the Delegation pointed out that the international situation at present was under going complicated and profound changes. In this increasingly globalised world, countries were becoming more inter-dependent, and global threats and challenges more diverse and interconnected. He said that confronted with various new opportunities and challenges, Asian and African countries, which had long suffered from colonization and poverty, longed for world peace and common development all the more. It turns out that the *Charter of the United Nations*, Five Principles of Peaceful Co-existence and the Ten Principles of the *Declaration on Promotion of World Peace and Cooperation* adopted at the Asian-African Conference had been recognized as the basic principles governing international relations.

14. He said that in a few months, we would celebrate the 60<sup>th</sup> anniversary of the United Nations. The past years had made it clear that the UN, being the most universal and authoritative international organization, was irreplaceable. Government of China held that a reformed UN with a bigger role to play would serve the common interests of humanity. The UN reform, however, should contribute to the promotion of multilateralism, maintenance of the authority of international law, and enhancement of unity among its member states. Moreover, more input should be directed to the field of development. The Chinese delegation was of the view that the UN reform should be all-dimensional and multi-sectoral with the aim of enhancing its capacity to deal with new threats and challenges, so as to be more contributive to world peace and development.

15. The Leader of the Delegation said that the Bandung Spirit would remain a banner for the Asian and African countries, since Unity, Friendship and Cooperation, as the core principles of the spirit, were the common desires of the people of Asian and African countries. Government of China had always attached great importance to AALCO and had taken an active part in its activities and rendered strong support for its work. The Leader of the Delegation reiterated that his Government would, as always, continue to support AALCO and contribute to the strengthening of its role and broadening of its influence in world affairs.

16. The **Leader of the Delegation of the Republic of Indonesia** congratulated Mr. Amos Wako, the Attorney General of the Republic of Kenya on his worthy election as the President of the meeting. He also seized the opportunity to convey to the gathering his profound gratitude for the invitation extended to his Government and for the personal invitation to him to participate in the Forty-Fourth Session of the Asian-African Legal Consultative Organization.

17. The delegate stated that AALCO had played a significant role as an advisory body to discuss issues on International Law and as a forum to strengthen the ties of Asian-African cooperation in legal matters in which members could express their aspirations to achieve the goal of progressive development of international law. His delegation was of the view that this session was of paramount importance because it was expected to have a fruitful discussion on recent international law issues, *inter alia*, International Terrorism, Palestinian Case, Jurisdictional Immunities, International Criminal Court (ICC), the work of the International Law Commission (ILC), Trafficking in Women and Children, Human Rights in Islam, Anti-Corruption, World Trade Organization (WTO), and Folklore Protection.

18. He briefly commented on the agenda items. Regarding International Terrorism, he was of the view that it constituted one of the most serious threats to peace and security of all nations and all peoples and a challenge to all States and humanity. Indonesia supported the efforts to conclude the Draft Comprehensive Convention on International Terrorism, not because Indonesia had been hit for many times by the barbaric acts of terror but because terror is the devil's act to destroy human beings and the whole humankind.

19. On the question on Palestine, Indonesia was profoundly concerned over the repeated military actions in the Occupied Palestinian Territory and the re-occupation of Palestinian population centers by the Israeli occupying forces. Moreover, Indonesia reiterated the importance of the safety and well-being of all civilians in the Palestinian territory, and condemned all acts of violence and terror against civilians on both sides, including the extra judicial executions and the excessive use of force engaged by Israel, especially on the existence of the wall, illegally built by Israel, over Palestine's territory. He said that Palestine must be the home of Palestinians not the shelters. Palestinians must live on their own land free from terror of violence, intimidation and fear.

In short, Palestinians cannot live in the mid of nowhere, but on their own land.

20. With regard the agenda item Jurisdictional Immunities, Indonesia was convinced that the United Nations Convention on Jurisdictional Immunities of States and Their Property would enhance the rule of law and legal certainty, particularly in dealings of States with natural or juridical persons, and would contribute to the codification and development of international law and the harmonization of practice in this area.

21. On the agenda item Work of the International Law Commission at its fifty-sixth session, his delegation would convey its observation on the issues of Reservation to Treaties, Diplomatic Protection, Unilateral Acts of States and International Liability for Injurious Consequences Arising Out of Acts not Prohibited by International Law (International Liability in Case of Loss from Transboundary Harm Arising Out of Hazardous Activities).

22. Finally, on the agenda item of International Criminal Court, his delegation would highlight and give its comments on the ongoing debate on the matters of the definition of acts of aggression, the complementarity principle, the three situations which possibly could be the first case to be brought before the Court, and the efforts undertaken by some countries to undermine the Court by concluding "Non Surrender Agreement".

23. He said that the Asian African countries, were confronting transnational organized crime. This kind of crime had already transcending the boundaries of all nations. They penetrated all of us now. No single nation can be immune from this dangerous crime.

24. Transnational organized crime became more dangerous because they operate globally, goes beyond and trespass the national integrity of any nations. They were very dynamic and mobile because they use high capital along with high sophisticated technological

equipments. They operate in any part of the world with the same and similar methods, no ethical consideration, no moral values, and no respect for human rights. Human dignity was not their goal not only legitimate to them but also considered as an effective vehicle. Well-trained and highly skill full people supported these facts. These people had knowledge and skills, but they don't have any sights and hearts on valuing and respect the human civilization. They were the enemy of human kind. Hestated that since all have become victims and suffered, so together we could fight against them. Only through international cooperation, transnational organized crime could be eliminated. Together, we could and had to put tough measures on this particular issue.

25. His delegation strongly supported the agenda of the special day meeting proposed by the Secretariat. Finally, He conveyed his profound appreciation to the Government of Kenya for hosting the Forty-Fourth annual session and for the warm welcome as well as the proverbial Kenyan hospitality accorded to his Delegation. He said that the Kenyan Government had been exceptionally generous and its staff had been wonderfully helpful. Indonesia firmly believed that this session would serve as an effective and efficacious forum for the discussion of current as well as new issues and challenges faced by the International community as a whole.

26. The **Leader of Delegation of Malaysia** at the outset expressed his thanks to the Attorney General of the Republic of Kenya, the Host National Committee of the Forty-Fourth Session and the AALCO Secretariat for the preparations made for the present session. He expressed his delegations interest on the issues on the agenda, particularly on Trade, Environment, Terrorism and Human Rights in Islam.

27. With regard to the issues relating to 'Trade', he stated that the well being of the people and eradication of poverty depended very much on a fair and balanced multilateral framework, which in turn depended on a

reformed and improved WTO process and could be achieved through an efficient and fair dispute settlement mechanism.

28. On the WTO Dispute Settlement Understanding (DSU), he said that his delegation applauded the initiative to speed up the negotiations by introducing a "bottoms up" approach. He said that whilst Malaysia appreciated the reasons for adopting this approach, Malaysia nonetheless was concerned that the process might have certain drawbacks. Malaysia observes that the main issues still remain unresolved, and this process has yet to show its effectiveness in resolving the outstanding issues, in time for the Hong Kong Ministerial Conference to be held later this year. Until now, Members were still discussing conceptual issues and there had not been any consensus on any of the proposals discussed. On this matter Malaysia stressed the urgency to arrive at an agreement in order to conclude the DSU negotiations.

29. He expressed the concern that subsequent to failure of Doha rounds negotiations, Malaysia was concerned that the flurry of FTAs may result in WTO-plus commitments. He said that in such instance, Malaysia believed that multilateralism should not be forsaken in favour of bilateralism, as multilateralism addressed the needs and interests of the international community as a whole. Thus, he said that Malaysia strongly urged all Member countries to play an active role towards concluding the Doha Round in the near future.

30. With respect to the topic of 'Environment', he welcomed, on behalf of his delegation, the special meeting on "Environmental Law" allocated in this session, which would allow Malaysia to place its views on issues relating to environment. He stated that Malaysia supported the contention that countries were obligated to take measures to ensure environment sustainability, and that developed countries should play a greater role in assisting developing and least developed countries on environmental matters including by providing not only financial aid and

technology transfer to these countries but also capacity building in the areas required by the respective countries. He added that environment sustainability could be seen as a condition precedent to the enjoyment of other human rights such as right to life and right to health and quoted United Nations Secretary General's Report on the reform of the United Nations and the resolution on human rights and the environment as part of sustainable development (document E/CN.4/2005/L.79) that was adopted at the recent 61<sup>st</sup> Session of the Commission on Human Rights.

31. With regard to terrorism, he said that Malaysia was happy to note the successful conclusion of the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) on 1 April 2005. However, he expressed Malaysia's concern on the lack of progress in the deliberations of the Comprehensive Convention on International Terrorism (CCIT). With respect to the specific provisions where parties were still at a stalemate. Malaysia was of the view that Parties should adopt a more open and pragmatic approach in reaching a compromise with the objective of finalizing this instrument.

32. Further, he said that his delegation was encouraged by the continued placement of the item entitled "Human Rights in Islam" in the Agenda of the Annual Session of this Organization since its Forty-First session in Abuja in 2002 at the initiative of the distinguished delegation of the Kingdom of Saudi Arabia. He noted that his delegation found the exposition contained in the background paper prepared by the Secretariat most informative. The information contained in the paper managed to highlight, though in a general manner, the philosophy and reasons for the criminalization of certain offences and their punishments under Islamic Criminal Law. In this regard, he reiterated Malaysia's proposal at the Forty-Third Session held in Bali to establish an intergovernmental expert group, which consists of eminent jurists in Islamic Law from Member States of the AALCO to deliberate the issue, particularly

with the view to preserve the Islamic standards in human rights.

33. He also informed the Meeting that Malaysia was organizing, with the Hague Conference on Private International Law (HCPIL) Secretariat, a seminar on fostering The Rule of Law in Cross-Border/Transnational Civil and Commercial Relations in the Asia Pacific in the State of Sabah from the 22<sup>nd</sup> –24<sup>th</sup> August 2005. The objective of the seminar was to provide an in-depth understanding of the principles and application of the relevant conventions under the auspices of the HCPIL with particular emphasis on three of the civil and commercial conventions relating to the abolishment of the requirements of the legalization of foreign documents, service outside jurisdiction and recognition and enforcement of foreign judgment.

34. Finally, he commended the AALCO Secretariat, under the stewardship of Secretary-General Amb. Kamil, for the excellent work in carrying out its responsibilities to serve AALCO member countries and also expressed his wish for the opening of the new AALCO Headquarters by the end of this year, which would provide it a more conducive working environment. He reaffirmed the view that the work of the Secretariat should have the full support of member countries, which inter-alia could be shown through the financial contribution of member countries to AALCO and thus urged member states to fulfill their financial commitments towards the organization.

35. The **Delegate of Arab Republic of Egypt**<sup>2</sup> expressed deep regrets on behalf of the Minister of Justice of Arab Republic of Egypt, as he could not attend the session because of some urgent matters. He congratulated the President and the Vice President on their election. He also thanked the Republic of Indonesia for holding the Forty-Third session. He observed that this was the third successful

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<sup>2</sup> Statement delivered in Arabic. Unofficial translation from the interpreters version.

meeting after the AALCO's status has been changed from Committee to Organization. He also thanked the Secretary General for his efforts in enhancing the status of the AALCO at the international level.

36. He observed that Egypt being one of the founding members of AALCO was always active in supporting the activities of AALCO. Egypt had also been active in supporting the activities of AALCO by providing the Secretariat with best possible legal experts and Cairo has also been hosting the international arbitration centre. He hoped that the deliberations at this session would discover new dimensions on various issues. He put forth the suggestion that AALCO could establish a fellowship programme for those working in the field of international law in member countries and certificates could be awarded. He expressed his country's solidarity with Sudan on the referral of the situation in Darfur region of the Sudan to the International Criminal Court.

37. The **Leader of Delegation of the Islamic Republic of Iran** congratulated the President and the Vice President for their election and expressed the appreciation of the Iranian delegation to the Government and people of the Kenya, for hosting the Forty-Fourth Session of the AALCO and hospitalities and thanked the AALCO Secretariat, especially Amb. Dr. Wafik Kamil, his Deputies and staff for providing the very informative documents.

38. The Leader of Delegation of the Islamic Republic of Iran raised a few important issues regarding the High Level Panel, which had caused great concerns for the international legal community. He drew the attention of the participants towards the *High Level Panel on Threats, Challenges and Change*, the two reports of the Secretary General of the UN published in last December and March 2005, and the Draft Outcome Document of the President of the General Assembly on the *Reform of the United Nations* published on 8<sup>th</sup> June 05.

39. The Leader of the Delegation emphasized the following points:

(a) Regarding the issue of the use of force, although the Panel had stressed that it did not favour the rewriting or reinterpretation of Article 51 of the Charter, it had in fact reinterpreted this article against the entire legislative history of the Article and post Charter practice and *opinio-juris* that could justify pre-emptive action;

(b) The profound incompatibility that existed between the UN Charter and the Report's approach in endorsing the pre-emptive action in the event of "imminent" or "proximate" threats. Regrettably in the report of the Secretary General of the UN entitled "In larger freedom-towards development, security and human rights for all" to a very large extent, the views of a majority of member states have been neglected and as a matter of fact the approach in the Secretary General's report on the issue of use of force amounts to departure from the Charter; and

(c) The Report of the High Level Panel contained a number of important recommendations in the field of disarmament and non-proliferation. However, it lacked a real assessment of the current threats to the international peace and security caused by the actual existence of weapons of mass destruction and not simply by their proliferation and that the report does not properly address nuclear disarmament.

40. The delegation concurred with the Panel's view that terrorism attacks the values that lie at the heart of the Charter of the United Nations and that it flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse and that any initiative to combat terrorism effectively requires comprehensive strategy, taking into account all aspects of the problem including its root causes.

41. He said that his delegation also agreed with the Report that one of the biggest failures of the United Nations in civil violence had

been its inability in halting war crimes, crimes against humanity and genocide especially ethnic cleansing in certain well-known cases. To respond to these problems, the Panel had initiated a new concept, namely the “*Responsibility to Protect*”. In any event, the principle of sovereignty should not be jeopardized and relationship between sovereignty and responsibility be interpreted as providing a license for resorting to force.

42. He highlighted that in the Draft Outcome Document, which had been presented by the President of the General Assembly after consultation with the Member States, some of the above points had been dealt with and his delegation welcomed the resulting document.

43. Therefore, his delegation was of the view that AALCO, as a legal organization with responsibility of monitoring of legal developments, was one the most suitable fora for consideration of this issue and other legal issues in order to provide guidelines to Member States.

44. The **Leader of Delegation of Republic of Kenya** noted with appreciation the confidence AALCO Member States had shown in the election of the Kenyan Attorney General Hon. Amos Wako as the President of the Forty-Fourth session. He was pleased that the large numbers of AALCO delegates were attending the session. On behalf of his Government, he wished to support the Secretary General’s request to hold the Forty-Fifth Session in the Headquarters of AALCO in New Delhi, India, in order to coincide with the launching of the new Head Quarters Building and the commemoration of AALCO’s fiftieth anniversary.

45. He acknowledged the innovative approach adopted and followed since 2003 of rationalization of agenda items and welcomed the preparation of detailed documents on both deliberated and non-deliberated items by the AALCO Secretariat. He also congratulated the

Secretariat for the preparation of a study entitled “Combating Corruption: A Legal Analysis” and welcomed the development of this study as a useful reference material in the fight against corruption. He also welcomed and supported AALCO’s continued engagement with the International Law Commission.

46. Further, he appealed the Member States to continue to make presentations to AALCO with a view of considering the various positions that can be used for constructive interfacing with forums like ILC on issues of mutual interest. This would ensure that, as international law was codified, the concerns of AALCO Member States were taken on board.

47. The Leader of the delegation also noted with commendation the Award to the Secretary-General by the VI World Congress on Human Rights on December 10<sup>th</sup> 2004, in New Delhi, in recognition of his contribution towards the protection of Universal Human Rights. Further, he noted that the SG residence and AALCO Secretariat would be a massive office and residential complex and thus Member States were being asked to make voluntary contributions towards the expenses. Kenya was pleased to announce that it had cleared all its arrears and urged all other members to do the same.

48. He said that Kenya was pleased with the efforts aimed at strengthening Cooperation with the United Nations, its Specialized Agencies and other Intergovernmental Organizations. During the course of this session, the revitalized MoU with UNEP would be concluded. Kenya was in agreement with the proposals on preparation of studies on selected items on the agenda of the 60<sup>th</sup> session of UNGA, proposals for holding Inter-session meetings, workshops and seminars, and preparation for the 50<sup>th</sup> anniversary of AALCO, including the proposal to bring out a commemorative volume entitled *Essays in International Law*.

49. He stated that Kenya reaffirmed her support for the expedited establishment of regional centers for arbitration for purposes of developing jurisprudence for the two regions. Also, Kenya supported the efforts by the Secretariat to draft the revised Statutory Rules of AALCO. Finally, he thanked the participants and expected that this meeting will go a long way in achieving these objectives of AALCO in the innovative development of International Law.

**The meeting was thereafter adjourned.**