

**IV. SUMMARY RECORDS OF THE FIRST
MEETING OF DELEGATIONS OF AALCO
MEMBER STATES**

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DELEGATIONS OF AALCO MEMBER STATES
HELD ON MONDAY, 21ST JUNE 2004 AT 12:00 PM**

His Excellency Dr. Jun Hai-ung, Director General, Treaty Bureau, Ministry of Foreign Affairs and Trade (on behalf of His Excellency Amb. Young-jin Choi, Vice-Minister of Foreign Affairs, Republic of Korea and the President of the Forty-Second Session of AALCO in Chair.)

1. The **President** referred to the Provisional Agenda for the Forty-Third Session and sought the views of Member States on it. Their being no comments from the delegations, the President declared the Agenda adopted.

2. The next item taken up for the consideration was relating to the Admission of Observers. The Secretary-General drew attention to paragraph 18(1) of the AALCO present Statutory Rules which states that:

“The Organization may at its discretion admit to its annual sessions Observers from non-participating States, regional, inter-regional and international organizations and specialized agencies and the national liberation movements recognized by the United Nations.”

There being no comments, the participation of observers was approved by the Meeting.

3. The **President** introduced the agenda item “**Admission of South Africa as a Member of AALCO**”.

4. The **Secretary-General** informed the meeting that the Republic of South Africa had expressed its desire to join the AALCO as a full participating state through His Excellency the Minister of Foreign Affairs of Republic of South Africa’s letter dated 11 February 2004. A copy of same was circulated to Member States on 17 March 2004. In his letter besides inviting attention to Rule 4 of AALCO’s Statutory Rules, he had also requested that keeping in view the schedule of the Bali Session, Member Governments to kindly respond to the request of South Africa at the earliest in order to allow them to participate in the Forty-Third Session as full participating state. This proposal received a very positive response from the Member States and on 17 May 2004 the Secretary-General had informed the Minister of Foreign Affairs Republic of South Africa that it had been admitted as a full Member of AALCO. Further, the Secretary-General briefed the Member States of his efforts to steadily increase the membership of the Organization and hoped that by the next Session in 2005 the Membership would be 50 strong.

5. Thereafter, the Secretary-General urged all the Member States delegations present to endorse the admission of South Africa by acclamation. The delegations of Member States present unanimously approved the admission of South Africa and thereafter the Secretary-General and the Deputy Secretaries-General escorted the newly admitted Member State of South Africa to their seat as full member of AALCO.

6. The **Leader of Delegation of South Africa** said that it brought him much joy to be representing South Africa as a full member of the Asian African Legal Consultative Organization. He thanked the countries that gave support to his country's request to be admitted in AALCO as a full member. Their acceptance was a further edification of the South African democratic process, which this year celebrated 10 years of freedom.

7. The Meeting then took up the agenda item "**Election of the President**". The **Leader of Delegation of Sudan** proposed that His Excellency Prof. Yusril Ihza Mahendra, Minister of Justice and Human Rights of the Republic of Indonesia be elected as President of the Forty-Third Session of AALCO. Listing out the rich experience of Prof. Mahendra, the delegate expressed confidence that he would successfully steer the work of the Organization.

8. The **Leader of Delegation of Malaysia** seconded the proposal and endorsing the views expressed by the Leader of Delegation of Sudan said that Prof. Mahendra could provide an effective leadership to the Organization.

9. The meeting unanimously elected His Excellency Prof. Yusril Ihza Mahendra as the President of the Forty-Third Session of AALCO.

10. As regards the item, the "**Election of Vice-President**" the Leader of Delegation of the **Islamic Republic of Iran** proposed the name of His Excellency Mr. Ambrose Patrick Dery, the Deputy Attorney General and Deputy Minister of Justice of Ghana for the post of Vice-President of the Forty-Third Session of AALCO. The delegate recounted the wide experience of the nominee in dealing with legal matters in his country and Government.

11. The **Leader of Delegation of Tanzania** seconded the proposal.

12. The meeting unanimously elected His Excellency Mr. Ambrose Patrick Dery as the Vice-President of the Session.

[The President assumed the seat on the Dias.]

13. The **President** at the outset expressed his sincere gratitude to all delegations for electing him as the President of the AALCO meeting in Bali. He conveyed his heartfelt congratulations to His Excellency Ambassador Young-jin Choi for his exemplary manner, excellent conduct and diplomatic skills which made it possible for the successful conclusion of the Seoul session. He also expressed his sincere thanks to Ambassador Kamil and his able team of the AALCO Secretariat for putting their excellent efforts in preparing for this Bali meeting.

14. It was an honour and privilege for his country to host for a second time the annual session of the AALCO, the first being in 1980. The timing of the Bali session was on the eve of the Golden Jubilee of the Asia-Africa Conference to be held in Bandung, Indonesia next year. He said that the monumental outcome of the Conference fifty years

ago was the ultimate source of inspiration for the birth of the Organization. He said that since then AALCO had come a long way and today it finds its place in playing its important advocacy role in serving the interests of Asian-African states in the field of international law and international affairs.

15. Prof. Mahendra observed that the world was ever changing and now, it was experiencing a transformation of human affairs and rapidly making headway towards a supposedly ideal new environment based on shared values of democracy and human rights. This was much more valid in view of the development unfolding in Iraq and the Middle East.

16. Mayhem was becoming the order of the day. In other regions, a string of terrorist acts was becoming daily news. Almost everyday there were new warnings of such acts. Terrorist attacks were inevitable. Each grew to be a constant reminder of the insecurity that surrounded us. We entered into the unknown, the uncertain and the insecure. Other factors may add to further the uncertainties. Social changes add to insecurity, namely population explosion, mass migration, ignorance and injustice. There was a widespread economic insecurity, among others, unequal distribution of wealth, unemployment and poverty. There were no simple solutions in addressing such a complex phenomenon of the globe we lived in.

17. Next he briefly highlighted some important developments following the successful conclusion of the Seoul session, the issues of which would be tackled by the Bali meeting with a view to achieving tangible progress.

18. He referred to the item on the Law of the Sea listed in the agenda and recalled that it was at the initiative of Indonesia, that this item had been considered by AALCO since 1970 as one of the priority items. On a personal note, he said, he would be happy if the Bali meeting could orient itself to focus on issues related to the implementation of the United Nations Convention on the Law of the Sea. The enormous abundant resources in the waters surrounding AALCO states were to be exploited for the service of the needs of humankind and not to be left entirely for the benefit of developed nations only. AALCO members should implement their resolve for full and effective participation in the work of the International Seabed Authority (ISA) and other related bodies established by the United Nations Convention on the Law of the Sea 1982 like International Tribunal of the Law of the Sea (ITLOS) and the Commission on the Limits of the Continental Shelf (CLCS), as well as in the United Nations Informal Consultative Process so as to ensure and safeguard their legitimate interests.

19. On the Israeli-Palestinian issue, AALCO could play a role to contribute for the success of the peace efforts exerted by the international community. In this respect, he shared the view that lasting peace in the Middle East and the independence of Palestinian State required strict observance of international law principles and norms. He hoped that AALCO could do its utmost to help support all necessary measures to be taken, to put an end to the flagrant and systemic violations by Israel of international law principles and norms and international humanitarian law as well.

20. He welcomed the inclusion in the agenda of an item Expressions of the Folklore and its International Protection. This issue was very much close to his heart. Folklore, as a means of self expression and social traditional identity, represented an important element of the cultural heritage of every nation. He hoped that AALCO would be in the position to be able to address the issues involved in the protection of Folklore so as to strengthen the existing intellectual property rights protection regime in order to provide proper legal protection mechanism to prevent unfair and improper exploitation of Folklore.

21. In recognizing the need to promote and strengthen measures to prevent and combat corruption effectively, AALCO members should resolve to support initiatives leading to the development of effective measures and legal instruments to combat corruption.

22. Pertaining to the World Trade Organization matters, AALCO members should reiterate their determination to actively participate in the negotiations addressing the concerns of developing countries in finding solutions to resolve the crucial issues which are of fundamental importance for the survival of developing and the least-developed countries.

23. A special one-day meeting to be devoted to the issue of trafficking in woman and children was the manifestation of the urgent need to eliminate such menace with a view of resolving to adopt effective national, regional and international measures to protect women and children from this peril which was incompatible with the dignity and worth of the human persons. It was imperative that this special meeting could register progress in finding ways and means to the establishment of cooperation within the framework of AALCO in order to adopt measures against trafficking in women and children.

24. The spirit of resolve to band together characterizing the Organization was the source of their pride and therefore he felt encouraged to call upon AALCO to forward strategies to enhance cooperation among members in their efforts to attain their objectives in the pursuit of making their contribution to make the world a better place.

25. With the increasing complexity of international relations and the problems they might face, it was must for the states to take a great deal of necessary bold steps to manage such challenges in the conduct of international relations, individually and collectively. As responsible members of the international community, he observed that they should ceaselessly continue their international collaboration and commitment to the pursuit of establishing a more secure, stable and prosperous global environment, of course, without compromising their supreme national interest. AALCO should be able to explore and develop creative methods to address new and emerging complex issues. In many cases this required bold measures. On this account, Prof. Mahendra suggested the following points:

26. *First*, security requirement should guarantee and be as imperative as protection of human rights and freedoms. Security must not become a pretext for suspending and eroding human rights and freedoms. Guantanamo Bay detention camp, the war on

terrorism, the situation in Iraq were the best to illustrate how to promote security but without creating a loss of freedom.

27. *Second*, they look ahead efficiently and effectively. It was not necessary for them to wait for great catastrophes to occur if they could see them coming such as migration, environment/climate, and social issues.

28. *Third*, they might establish a common effort towards the implementation of measures above. Active efforts to tackle issues with tangible results were the only answer. They needed enlightenment to promote confidence, as they could not afford to live with insecurity in freedom.

29. He hoped that by utilizing such measures, AALCO would be able to prepare itself to develop steps with a view to produce strategies to strike a balance between its inspiring commitment to further the best interests of the members and the imperative to play its unifying role to be at the forefront in managing such challenges. Remedies to global problems, regarded by many, could be sought only in an international endeavor. AALCO could play such role in reaffirming its commitment to the realization of its aspirations. Cohesiveness could only serve their common purpose and their objectives with vigor.

30. The Meeting then took up for consideration the agenda item “**The Secretary-General’s Report on the work of the Organization**”. The President invited the Secretary-General to present his Report.

31. The **Secretary-General**, at the outset, extended his warm congratulations to His Excellency Prof. Yusril Ihza Mahendra on his election as the President of the Forty-Third Session and expressed his confidence that under Prof. Mahendra’s leadership and his great command over international law issues, Forty-Third Session would achieve its objectives and register historical success. He recounted his personal association with Prof. Mahendra and said that after his election as Secretary-General in Cairo in 2000, Prof. Mahendra had personally congratulated him and had expressed his desire to host the Annual Session of AALCO in Indonesia. On behalf of his colleagues in the Secretariat and on his own behalf, he assured Prof. Mahendra of full co-operation in all his endeavours to promote the work of the AALCO all along his Presidency.

32. He also congratulated His Excellency Mr. Ambrose Patrick Dery, Deputy Attorney General and Deputy Minister, Ghana on his election as the Vice-President of Forty-Third Session.

33. This Session marked the completion of one year of his second-term and he expressed gratitude to all the Member States for reposing confidence in him. Their kind support and co-operation was valuable for him in discharging his duties upto their satisfaction.

34. He recalled that at the Forty-Second Session in Seoul, the Organization followed an innovative approach regarding rationalizing the agenda of AALCO, by placing the items for consideration into deliberated and non-deliberated items. It ensured focused and

fruitful deliberations on the selected items. Moreover, in order to facilitate the task of preparation of the documents, namely the Summary Report and the Resolutions, for adoption by the Session, a Drafting Committee was established for the first time at Seoul Session. This Committee met either before the General Meetings or after it and based upon its thorough and careful work, the Session had adopted on the concluding day the Summary Report and the Resolutions as final documents, as well as the Message to the President of the Republic of Korea. Such a Drafting Committee with participation open to all the delegates would be constituted at Bali also to facilitate the work.

35. The agenda for the Bali Session, which was endorsed by the Member States, had ten items for focused deliberations, while other items were categorized as non-deliberated. Agenda item pertaining to “Establishing Cooperation Against Trafficking in Women and Children”, proposed on the agenda by Indonesia, during the Fortieth Session in 2001, would be considered in-depth in the One-day Special Meeting on Wednesday, 23 June 2004.

36. The topic “Expressions of Folklore and its International Protection” was in accordance with the provisions laid down under Article 4 (d) of the AALCO’s Statutes, and was included at the initiative of the Secretary-General in the agenda. He hoped that fruitful deliberations would take place and if the Session gave him the mandate, then he might, as part of Inter-sessional activity, organize in association with WIPO a Seminar/Workshop/Expert Group Meeting.

37. The Secretariat had prepared documents for all sixteen items on the agenda. Among them 10 would be deliberated. He invited Member States to give their comments/observations regarding non-deliberated items either in their General Statements or in a Written Form to be handed over to the Secretariat, for inclusion in the Report of the Forty-Third Session. He briefly highlighted the developments in respect of the non-deliberated items, namely, Status and Treatment of Refugees; Legal Protection of Migrant Workers; International Terrorism; Environment and Sustainable Development; and Report on the Work of the UNCITRAL and other International Organizations in the Field of International Trade Law.

38. As regards the item on Status and Treatment of Refugees he said that the resolution 42/3 adopted at the Seoul Session, welcomed the initiative of the Secretary-General to convene a Workshop in cooperation with UNHCR. In pursuance of this mandate, the Secretariat organized a Workshop in cooperation with UNHCR on the topic, “Strengthening Refugee Protection in Migratory Movements” on 17-18 September 2003. In addition, as a proposed follow-up to the above-mentioned AALCO-UNHCR Seminar, the AALCO proposed an in-depth study to be conducted, with the technical and limited financial assistance from the UNHCR, on the topic of “Statelessness: An overview from the African, Asian and Middle Eastern Perspective”.

39. Coming to the item on Legal Protection of Migrant Workers, he said that since the inclusion of this item on the Agenda of AALCO at Manila Session in 1996, substantive progress had been made in the deliberations at the successive annual sessions and the

Special Meeting convened in conjunction with New Delhi Session in 2001, in co-operation with the International Organization for Migration. As an outcome of these discussions, a Draft Model Regional Co-operation Agreement between States of Origin and States of Destination/Employment within AALCO Member States had been prepared in consultation with IOM and the views expressed by the Member States. This Draft was placed before the Forty-First Session held in Abuja in 2002. A resolution was adopted at that Session which mandated the Secretary-General to consider holding an Expert Group Meeting, which was planned to be held by the end of April 2004, but for unforeseen reasons it was postponed. Now he was planning to convene in cooperation with IOM and a Member State which was studying the possibility to host that Meeting in the later part of this year.

40. An important initiative during the Inter-Sessional period was the convening of the AALCO Legal Advisers' and Joint AALCO-ILC meeting at the UN Headquarters in New York on 30 October 2003. While the Legal Advisers Meeting provided an impetus to the work of the Organization, the joint Meeting with ILC ensured deliberations on some of the important topics under consideration of the ILC. It also paved the way for the further strengthening of cooperation between the two organizations. Few other meetings were planned in pursuance to the mandate given to him by the Forty-Second Session but due to lack of resources it was difficult to convene them.

41. He said that he was on the other hand very enthusiastic to convene an in-depth seminar to study various aspects of Human Rights in Islam but despite the resolution adopted during the Forty-Second Session, on the item requesting Member States to send their comments to the Secretariat to help holding this Seminar and despite the letters sent from the Secretariat to Member States as a follow-up, the Secretariat did not receive the needed database to hold it.

42. The Organization had as many as 16 cooperative arrangements with United Nations, its Agencies and other Inter-governmental Organizations. Since assumption of office, it had been his endeavour to conclude more such Agreements. The latest one being the Cooperation Agreement between the AALCO and ICRC which was concluded on 7 July 2003.

43. Concerning the enlargement of the Membership of the Organization, he mentioned his efforts in widening its base in attracting French speaking African and Asian states, as well as Central Asian Republics. He hoped that by the next Session the Membership would rise to 50.

44. At the level of the Secretariat, in order to strengthen the legal activities in the Organization, in the past three years he mentioned about several steps taken by him. Among them include: Appointment of two new legal officers to expand and strengthen the research activities; restructuring and revitalizing the publications, namely the Yearbook of the Asian-African Legal Consultative Organization; the Quarterly Bulletin; and the AALCO Newsletter.

45. He also stated about the progress in the construction work of the Permanent Headquarters. The facilities of the new Headquarters would make it possible for the Organization to undertake further research activities as well as organize training programmes for officials from our Member States.

46. Before concluding, as an exclusively legal body, he said that we cannot neglect expressing our concern on the horrifying violations of International Law and International Humanitarian Law which occurred in two of their Member States. The first flagrant violation was the cruel and inhuman treatment meted out by some of the soldiers of the Occupying Powers to the detainees in Iraqi prisons, particularly in the *Abu Ghraib* prisons. The pictures were horrifying and depicted brutality and savagery of highest order. Words failed him in condemning the torture inflicted upon Iraqi citizens. He hoped that the perpetrators of those heinous crimes would be brought to justice.

47. Second was the on-going escalating tension in Middle-East, aggravated by Israeli actions such as the assassination of Senior Palestinian leaders and the construction of boundary wall in the Occupied territory, which was a cause of serious concern to their Member States. These actions of Israel made it amply clear to the international community that it had no respect for international law.

48. As it would be recalled that during the Seoul Session the Resolution adopted on the "Relevance of International Humanitarian Law in Today's Armed Conflict" vide its paragraph 11 reaffirmed the importance of continuation of discussion, study and dissemination of the current status on the development of International Humanitarian Law, in partial fulfillment of that mandate he suggested the necessity of having a serious follow-up on International Humanitarian Law during this Session as well as the coming Sessions of AALCO.

49. It was gratifying for him to see that many Hon'ble Ministers and distinguished delegates had assembled at Bali. He sought their guidance and suggestions to revitalize AALCO's role and activities so that it could be more vibrant and render useful services to its Member States. He assured that he would do his best with his team to attain the objectives of the Organization and for that he needed support and full cooperation from Member States.

The meeting was thereafter adjourned.