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## REPORT ON THE AALCO's HEADQUARTERS BUILDING

### I. BACKGROUND<sup>1</sup>

1. At the AALCO's Thirty-Fourth Session held in Doha (Qatar) from 17–22 April 1995, the resolution adopted by the Member States, appreciated the efforts of the Government of Qatar, including allocation of a plot of land and the arrangement being made to construct the office premises and the residence of the Secretary-General to facilitate relocation of the Headquarters of the AALCO in Doha; and mandated the former Secretary-General, H.E. Mr Tang Chengyuan, to formulate the updated operation costs of running the Secretariat in Doha.<sup>2</sup>

2. Pursuant to the Qatar Session mandate, at the Thirty-Fifth Session held in Manila (Philippines) in March 1996, the Secretary-General's report, setting forth an estimate in this connection, reflected a deadlock situation of serious financial implications involved in operational costs of running the Secretariat in Doha and also the difficulty felt by and reluctance of the Member Governments about the inevitable increase of the assessed contributions.<sup>3</sup> The resolution adopted at the Session, mandated the Secretary-General to seek a possible way out of this deadlock through consultations with Member Governments.<sup>4</sup>

3. At the AALCO's Thirty-Fifth Session held in Manila 1996, the President of the Session and the Secretary-General of the AALCO had been mandated to find a solution to the common quest of hosting the Permanent Headquarters of the AALCO from the two offers, one from the State of Qatar and the other from the Government of India. In pursuance to the Manila resolution, the President and the Secretary-General held informal consultations and took measures to seek a way out of the deadlock situation of the Permanent Headquarters of the Organisation.

4. Vide letter dated 25 April 1997, the Government of India offered: (i) a plot of land measuring 0.6 acres in the Diplomatic Enclave in New Delhi; and (ii) construction thereon, free of cost to the AALCO, of the office premises of the Headquarters as well as the residence of the Secretary-General.<sup>5</sup> Pursuant to the proposal received from the Government of India, a meeting of the Ambassadors and High Commissioners of the Member States was convened by the AALCO Secretary-General in New Delhi on 30 April 1997 to inform the Member States regarding the above proposal of the Government

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<sup>1</sup> *Progress Report on the matters concerning the AALCC's Headquarters*, Doc. No. AALCC/XXXVIII/ACCRA/99/Org.4

<sup>2</sup> *Resolution on the relocation of Headquarters of the Asian-African Legal Consultative Committee from New Delhi to Doha*, adopted at Doha (Qatar) on 22 April 1995, Preambular para 4 and Operative Para 3.

<sup>3</sup> Doc. No.AALCC/XXXV/96/Manila/15.

<sup>4</sup> *Resolution on the relocation of Headquarters of the Asian-African Legal Consultative Committee from New Delhi to Doha*, adopted at Manila (Philippines), para 7.

<sup>5</sup> *Report of the Ambassadorial meeting of the Member States of AALCC held at New Delhi on Wednesday, 30<sup>th</sup> April 1997*, para 1.

of India and to consider this matter.<sup>6</sup> The general consensus at the meeting in the New Delhi was that the matter be referred to the Thirty-Sixth Session of the Organisation scheduled to be held in Tehran in 1997.<sup>7</sup>

5. The Heads of Delegations to the Thirty-Sixth Session of AALCO held in Tehran (Islamic Republic of Iran, 1997), expressed their profound gratitude to the Government of Qatar for the generous offer it made earlier and deeply appreciated the prompt and generous response of the Government of India, contained in its letter dated 25 April 1997.<sup>8</sup> The resolution adopted further mandated the President of the Session, Hon'ble Dr. M. Javad Zarif, and the Secretary-General to carry out further consultations with the Governments of the State of Qatar and India in order to finalize the Headquarters issue. The President and the Secretary-General were requested to report to a Special Session of the Heads of Delegations to be convened in New Delhi by July 1997.<sup>9</sup>

6. Pursuant to the mandate of the Tehran Session, the Special Session of AALCO was convened in New Delhi on 30 July 1997. The President of the Thirty-Sixth Session chaired the Session which was attended by the Ambassadors, High Commissioners and Charge d' Affairs and other representatives of Member States of AALCO. Addressing the Special Session, the Head of Delegation of the State of Qatar *inter alia* suggested that some more time was required for consultations. On the other hand, the Delegate of the Government of India in his statement reiterated India's proposal made vide letter dated 25 April 1997 (stated above). The Heads of Delegations, after informal consultations with the President and others, agreed that some more time was required for consultations on the subject. The President then proposed that the Special Session be resumed in the first half of October 1997, in light of the general feeling that "a limited amount of time" was required to follow up the developments in the period since the adoption of decision by the Heads of Delegations of Member States of the AALCO to the Thirty-Sixth Session held in Tehran in May 1997.<sup>10</sup>

7. Accordingly, the AALCO's Resumed Special Session of the Heads of Delegations was convened in New Delhi on 14 October 1997 to take a final decision on the Headquarters Issue in the larger interest of the AALCO. The President and the Secretary-General, addressing the Resumed Special Session, informed that in the period since 30 July 1997, they had held consultations in New Delhi with both the officials of the Ministry of External Affairs, Government of India, as well as the officials of the Government of the State of Qatar in Doha, as well as the Ambassadors and High Commissioners of Member States of the Organisation. The Session unanimously decided

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<sup>6</sup> *Report of the Ambassadorial meeting of the Member States of AALCC* held at New Delhi on Wednesday, 30<sup>th</sup> April 1997.

<sup>7</sup> *Minutes of the Meetings of Heads of Delegations of Member States*, held during the Tehran Session, 36<sup>th</sup> Session, 3-7 May 1997, pp.5-6.

<sup>8</sup> *Resolution on the Headquarters Issue*, The Asian African Legal Consultative Committee at its 36<sup>th</sup> Session, held in Tehran, 3-7 May 1997, Preambular paras 3 and 4.

<sup>9</sup> *Ibid*, Operative Paragraphs 1 and 2.

<sup>10</sup> *Report of the Secretary General on Headquarters Issue*, Doc. No. AALCC/XXXVII/New Delhi/98/Org.3, pp.1-3.

that the AALCO's Permanent Headquarters would be located in New Delhi.<sup>11</sup> The resolution adopted on 14 October 1997, by the Special session of the Heads of Delegations had *inter alia* requested the Government of India to take the necessary steps in order to expedite the construction of the Headquarters and the residence of the Secretary-General.<sup>12</sup>

8. On 14 April 1998, the opening day of the AALCO's New Delhi Session, H.E. Ms. Vasundhara Raje, the then Minister of State for External Affairs, Government of India in an impressive ceremony laid the foundation stone for the AALCO's Headquarters building. In her address delivered on that occasion, she stated "today marks an important beginning for the AALCO and for India, which together will commence a new journey in building up and further strengthening legal cooperation, among the Asian-African States." Further, reiterating her Government's offer, she declared, "We are greatly pleased to offer this valuable land of 0.6 acres in the prestigious locality of Chanakyapuri and also to make a further contribution of upto US\$ 1.5 million by way of grant to the AALCC towards the prompt construction of the premises for the office and for the residence of the Secretary-General of the AALCC."<sup>13</sup>

9. The Heads of Delegations in a resolution adopted at the end of the 37<sup>th</sup> (New Delhi) Session, expressed AALCO's gratitude to the Hon'ble Minister of State for External Affairs, Government of India for laying the foundation stone of the Headquarters of the AALCO and urged the Government of India to take the necessary steps for early conclusion of the Headquarters Agreement and construction of the Headquarters and the residence of the Secretary-General.<sup>14</sup>

## **II. PROGRESS OVER THE YEARS (1998 – 2005)**

### ***1998 – 2001: Paper work and other formalities completed<sup>15</sup>***

10. Subsequent to the New Delhi Session, consultations were held at various levels between the officials of the AALCO Secretariat and the Ministry of External Affairs. A paper prepared by the Secretariat on the basic requirements of the AALCO's Headquarters premises, including the residence of the Secretary-General was submitted for consideration of the senior architects of the Ministry of External Affairs. The floor plan and specifications of the proposed building in accordance with the construction laws and regulations of the Government of India as well as a draft time table/schedule for the expeditious completion of the construction were considered and finalized. In order to facilitate the work of the architect for the preparation of conceptual design of the

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<sup>11</sup> *Report of the Secretary General on Headquarters Issue*, Doc. No. AALCC/XXXVII/New Delhi/98/ORG.3, pp.3-6.

<sup>12</sup> Operative paragraph 10 of Resolution No. SS 1997/1 of 14 October 1997.

<sup>13</sup> *Progress Report on the matters concerning the AALCC's Headquarters*, Doc. No. AALCC/XXXVIII/ACCRA/99/ORG.4, p.1.

<sup>14</sup> *Report of the Secretary-General on the Headquarters Issue*, Doc. No. AALCC/XXXVII/New Delhi/98/Org.3

<sup>15</sup> *Progress Report on the matters concerning the AALCC's Headquarters*, Doc. No. AALCC/XXXVIII/ACCRA/99/ORG.4

building, the Secretariat also furnished detailed information regarding the activities of the AALCO.

11. When the AALCO Secretariat was informed of the decision of the Ministry of External Affairs to entrust the entire planning, designing and execution of the AALCO Project to a Government Agency – Central Public Works Department (CPWD), a Meeting was arranged with the Director General, CPWD at the Ministry of Urban Development. It was agreed that as soon as the preliminary conceptual drawings of the proposed Headquarters building was prepared by the architects of the CPWD, they would be sent to the AALCO Secretariat for comments. The Secretariat upon receipt of the preliminary drawings, convened a meeting on 21<sup>st</sup> January 1999, which was chaired by the then Joint Secretary & Legal Adviser, Ministry of External Affairs and attended by the then Chairman of the AALCO's Advisory Panel, the officials of the Ministry of External Affairs and CPWD architects, the Secretary-General, Deputy Secretaries-General and other officials of the AALCO Secretariat. The preliminary drawings along with models of two options for the Headquarters building were presented before the Meeting and during the discussion, the advantages and disadvantages of both the options were elaborated.<sup>16</sup>

12. At the 262<sup>nd</sup> Meeting of the Liaison Officers held on 4 February 1999, the two models were presented before the Meeting and the Meeting approved the second option, which provided for two separate buildings, one for the Secretariat offices and the other one for the residence of the Secretary-General. This option, preferred by the Secretariat as well as endorsed by the Liaison Officers, was officially conveyed to the Joint Secretary (Projects), Ministry of External Affairs and the Chief Architect, CPWD with a request to finalize the conceptual drawings. Thereafter, the CPWD prepared the estimated cost and invited tenders from the contractors registered with the CPWD.<sup>17</sup>

13. On 26 April 2000, the Headquarters Agreement between the AALCO and the Government of India was signed by H.E. Mr. Tang Chengyuan, former Secretary-General, on behalf of the AALCO and Dr. P.S. Rao, Joint Secretary and Legal Adviser, Ministry of External Affairs, on behalf of the Government of India.<sup>18</sup>

### ***2001 – 2005: Commencement of construction work and progress made<sup>19</sup>***

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<sup>16</sup> *Progress Report on the matters concerning the AALCC's Headquarters*, Doc. No. AALCC/XXXVIII/ACCRA/99/Org.4, p. 4.

<sup>17</sup> *Minutes of the 262<sup>nd</sup> meeting of the Liaison Officers*, AALCC/LOM/99/263/1.

<sup>18</sup> *Report of the Secretary-General on the work of the Asian-African Legal Consultative Committee*, Doc. No. AALCC/H.Q.(New Delhi)/2001/ORG.1, p.12.

<sup>19</sup> See generally, *Report of the Secretary-General on the work of the Asian-African Legal Consultative Committee*, Doc. No. AALCC/H.Q.(New Delhi)/2001/ORG.1; *Report of the Secretary-General on the work of the Asian-African Legal Consultative Organisation*, Doc. No. AALCO/XLI/Abuja/2002/Org.1; *Report of the Secretary-General on the work of the Asian-African Legal Consultative Organisation*, Doc. No. AALCO/XLII/SEOUL/ORG.1; *Report of the Secretary-General on the work of the Asian-African Legal Consultative Organisation*, Doc. No. AALCO/43/BALI/2004/SD/ORG 1.

14. The necessary clearances from various departments of the Government of India and local authorities were obtained by September 2001. Before the Abuja Session (Nigeria, 2002), a private contractor had been appointed by the CPWD to carry out construction work. To expedite the construction of the building as well as to ensure the building is equipped with requisite infra-structural facilities, in consonance with the needs of an intergovernmental organization, the Secretary-General, Amb. Dr. Wafik Zaher Kamil has made several site visits over the period.<sup>20</sup>

15. On 2 July 2002, a big socio-cum-religious ceremony was performed at the site of the Headquarter building to mark the auspicious occasion of the beginning of the construction work of the Headquarters building as well as Secretary-General's residence. The ceremony was presided over by the Secretary-General and was attended by the Liaison Officers, the officials of the Ministry of External Affairs and CPWD architects, the Deputy Secretaries-General and other officials of the AALCO Secretariat.<sup>21</sup> The plans and drawings of the building were displayed outside the meeting hall at the Forty-First Session, Abuja 2002.

16. The Secretary-General and the Deputy Secretaries-General have been attending regular meetings with the concerned officials of the Ministry of External Affairs and the CPWD, in order to expedite the process of construction. The progress of the construction of Headquarters building has been monitored on a regular basis and on-site meetings are being convened every fortnight. There has been coordination between Ministry of External Affairs and AALCO (including the Secretary-General and Deputy Secretary-General) the contractor, and the CPWD – the executing agency and the MEA. The on-site meetings ensured that the required directions were given on the spot in order to avoid any undue delay and to continue to monitor the progress of the work of construction of the building.<sup>22</sup>

17. The construction work has made a substantial progress since the Abuja Session. The photographs were displayed during the Forty-Second Session, Seoul (Republic of Korea, 2003) which demonstrated the status of work-in-progress of the construction. During the Seoul Session, the Secretary-General and the Delegate of India informed the Member States that as the construction site was a rocky terrain and also in view of the ban by the Supreme Court of India prohibiting use of blasting devices within city limits, the excavation and leveling work had to be done manually,<sup>23</sup> which was the reason for slow work at the site.

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<sup>20</sup> *Report of the Secretary-General on the work of the Asian-African Legal Consultative Organisation*, Doc. No. AALCO/43/BALI/2004/SD/ORG 1, pp. 27-28.

<sup>21</sup> *Report of the Forty-first Session of Asian-African Legal Consultative Organisation (AALCO)* held at Abuja (Nigeria) from 15 – 19 July 2002, at pp. 21-22; *Minutes of the 277<sup>th</sup> Meeting of the Liaison Officers*, held on 2<sup>nd</sup> July 2002.

<sup>22</sup> *Report of the Secretary-General on the work of the Asian-African Legal Consultative Organisation*, Doc. No. AALCO/43/BALI/2004/SD/ORG 1; *Minutes of the 284<sup>th</sup> Meeting of the Liaison Officers*, LOM/M/284/19.5.2004, paras.27 and 28.

<sup>23</sup> *Report of the Forty-Second Session*, held in Seoul, Republic of Korea, 16 – 20 June 2003 Doc. No. AALCO/42/SEOUL/2003/REP, p.25.

18. However, 100% excavation work was completed and 60-70% of the construction work was accomplished till the Forty-Third Session held in Bali (Indonesia, 2003) and the picture presentation was made in order to demonstrate the progress made since Seoul Session (Republic of Korea, 2003). The delegations highly appreciated the tremendous effort and progress in construction work made since the Seoul Session.

19. By 2005, the construction work reached its completion stage. 90% of the work was to be completed by the forthcoming Forty-Fifth Session, scheduled to be held from 27 June – 1 July 2005 in Nairobi, Kenya. In the Nairobi Session, the final set of photographs was displayed to reflect the position as on 20 June 2005, together with a comprehensive report. All possible efforts were made to get the building ready so that it could be inaugurated during the forthcoming Forty-Fifth Session. With this important step, the Organization would start functioning from its permanent abode.

### **III. INAUGURATION OF THE PERMANENT HEADQUARTERS OF AALCO DURING THE FORTY-FIFTH GOLDEN JUBILEE SESSION ON 6 APRIL 2006**

20. In conjunction with the Forty-Fifth Golden Jubilee Session of AALCO held in New Delhi, 2006, the new Permanent Headquarters Building of the Asian-African Legal Consultative Organization was inaugurated by Hon'ble Mr. Anand Sharma, Minister of State for External Affairs, Government of India in the evening of 6<sup>th</sup> April 2006. Members of Delegations including several Senior Ministers of Law and Justice and Attorneys and Solicitors General of AALCO Member States and Members of the Diplomatic Corps based in New Delhi attended the inaugural function. Former Secretaries-General of AALCO Mr. B. Sen and Mr. Tang Chengyuan also graced the occasion.

21. The Minister in his address on the occasion stated that the Organization had emerged as a unique organization in the Asian-African region by providing a platform for the international lawyers of this region to discuss a wide range of international legal issues on which the Member States shared common concern and also to develop coordinated negotiating positions concerning a number of issues. He added that the new Permanent Secretariat building was in the midst of the diplomatic area of Chanakyapuri and the building was the manifestation of the importance that India attached to the Asian-African solidarity in many fields and more importantly in the creation of just and equitable international order based on rule of law.

22. The Secretary-General on behalf of Member States and on behalf of the Secretariat thanked the Government and people of India for the warm gesture in providing to the Organization its permanent abode in its Golden Jubilee year. He stated that the Government of India had generously granted a plot of land in the prestigious Chanakyapuri Diplomatic Enclave and took charge of the expenditure involved in the full construction of the Headquarters building, which included the office premises as well as the residence for the Secretary-General. He hoped that this permanent seat of AALCO would ensure the Organization to function with greater efficiency from its new

Headquarters Building and contribute more to the activities relating to the Asian-African solidarity in international law matters.

23. The Secretary-General also requested the Member States to provide their National Flags to the Secretariat for display in the Permanent Headquarters. The display of national flags at the Permanent Headquarters would be reflective of Asian-African solidarity. He also suggested to Member States to present to the Secretariat an item representative of their national culture and heritage to display in the new building. This in his view would be conducive to creating a sense of association of Member States with the Permanent Headquarters of their Organization and believed that this would mark the commencement of a new era in AALCO activities.

24. Further, the Secretary-General noted that the new headquarters building, comprising the Secretariat and Secretary-General's residence, would be a massive office and residential complex. It would be necessary to furnish this huge building in accordance with the status of an Inter-governmental Organization. This involves a large expenditure and it would not be possible to meet such expenses from the regular budget of the Organization. In this regard, he might humbly request Member States to make voluntary contributions for ensuring appropriate furnishing of the Headquarters building in case we find that our resources cannot cover the huge expenses, the Secretariat may incur in. Needless to state that if Member States clear their arrears or part of it, the Secretariat could find itself in a better position to meet on its own all other needed expenses.

25. During the Forty-fifth Session, the Member States also adopted a resolution thanking the people and Government of India for their magnanimity in gifting to AALCO its magnificent Permanent Headquarters in the prestigious Diplomatic Enclave of Chanakyapuri, New Delhi.<sup>24</sup>

#### **IV. PROGRESS SINCE THE INAUGURATION OF THE HEADQUARTER BUILDING**

26. During the Forty-Fifth Session, the Member States realizing that some of the works have been pending and some technical requirements needs to be completed, had requested the Secretary-General to expedite, in coordination with the concerned authorities of the Government of India, the total completion of the building in order to enable the Secretariat to shift to its Permanent Headquarters.<sup>25</sup> Accordingly, the Secretary-General and the Deputy Secretaries-General had been reviewing the progress in the work and convened regular meetings with the concerned officials of the Ministry of External Affairs (MEA) and the Central Public Works Department (CPWD), in order to expedite the completion of the building. All the works are in the final stage and it is hoped that the completed building would be ready for shifting by the first half of 2007. The highlights of the progress are listed below:

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<sup>24</sup> RES/45/ORG 5, 8 April 2006, New Delhi.

<sup>25</sup> Ibid.

- **Construction of Ramp:** The construction of the ramp was initiated at the specific request of the Secretary-General to make the headquarters building more functional. The Government of India generously granted 20 lakhs for this purpose. The amount would be in addition to the overall Project sum of Rs. 7.785 crores. Clearance for the construction of the ramp was granted by the New Delhi Municipal Corporation (NDMC) on 30 June 2006. The construction began on December 2006 and was completed on 15 February 2007.
- **Furnishing of the Headquarters Building, including Conference Hall:** For the furnishing of the Headquarters Building, including Conference Hall, it may be recalled that ten percentage of the total allocated amount that is Rs. 1.2 Crores was allocated. With this amount, the Government of India would be furnishing only the Office Block. The MEA has already called for Tender for the procurement of furniture and the process would be completed simultaneously along with other pending works.
- **Furnishing of the Secretary General's Residence:** Furnishing of the Secretary-General's residence is the sole responsibility of the Secretariat. An understanding was reached between the Government of India and the Secretary-General whereby the some furnishing of the Residence (kitchen) would also be undertaken from the budget allocated for the furnishing of the office block. This was made possible by reducing some of the furnishing requirements for the office block.

In this context, it may be noted the most of the electrical/electronic and other requirements, other than furnishing of the Office Block, which the Secretariat is bound to incur, would have to be covered from the regular budget of the Organization. Keeping in view the heavy burden on the Organization and the financial situation, the Secretary-General urges and welcomes from the Member States appropriate support on a voluntary basis.

- **Utility connections:** The MEA is currently in the process of applying for the Completion Certificate for the Building to the NDMC. After getting the completion certificate, the MEA would apply for the electricity, water and sewage connections. The Government of India is making all efforts to get these connections simultaneously with the completion certificate in order to avoid delay.

## V. EXPECTED DATE OF SHIFTING TO THE NEW HEADQUARTERS BUILDING

It is understood that, as the ramp construction is over, the Completion Certificate would be obtained within two months. Simultaneously, all the pending requirements and furnishing of the building would be completed by May-June 2007. It is expected that the Secretariat would be able to shift to the new Building by July 2007.