

III. INAUGURAL SESSION

**INAUGURAL SESSION OF THE FORTY-THIRD SESSION
HELD ON MONDAY 21ST JUNE 2004 AT 10:30 AM**

(i) Welcome Address by His Excellency Amb. Dr. Wafik Z. Kamil, Secretary-General of AALCO

The President of Indonesia, Her Excellency Madam Megawati Soekarnoputri,

His Excellency Dr. Jun Hai-ung, Director General, Treaty Bureau, Ministry of Foreign Affairs and Trade, representative 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,

His Excellency Mr. Moh Buba Ahmed, the Ambassador of Nigeria to Indonesia and the President of the Forty-First Session of AALCO,

Hon'ble Ministers, Excellencies, Distinguished Delegates and Observers, Ladies and Gentlemen,

On behalf of the Organization and my own behalf, I respectfully and warmly welcome Your Excellency Madam President and this distinguished gathering to the Forty-Third Session of Asian-African Legal Consultative Organization. I would like to express on behalf of the Organization and its Member States our profound gratitude to Your Excellency, to the Government of the Republic of Indonesia and people for inviting the Organization to hold its Forty-Third Session in this beautiful island of Bali, which is known by various names like, '*The Last Paradise on Earth*', or '*Morning of the World*'. Ever since we landed here, Excellency, we all have been captivated by the breath-taking beauty of Bali, its rich cultural heritage and above all the warmth, generosity and hospitality of the Indonesian people.

Madam, it is a matter of privilege for us that our Session is being inaugurated by an outstanding, respected and eminent leader of your stature from our region. You are rightly considered in international foras as the voice of developing world.

I become nostalgic in reminding our distinguished delegates of the immense contribution made by your country to the development of AALCO. The Organization is considered to be a tangible outcome of the historic Bandung Conference of Asian-African countries that took place in your great country in 1955. Hailing from the Asian-African regions we very well know that the Bandung Conference has had no parallel in history. It gave a unique message to the world – it highlighted, whatever may be the differences in our political, economic systems, or the legal systems, the states of these regions are inextricably linked together as an Asian-African identity. This is the lasting message of Bandung, which has an emotional appeal, and for years, the name Bandung has provided a magical effect in bringing us together in various world foras. AALCO as an Organization has strived to illuminate this message in promoting Asian-African cooperation on legal matters. In nearly fifty years of its work the Organization has grown

in strength and has now 47 Member States after being established by seven Asian-African States from the two regions. Its membership comprises a large number of countries from the region, but infact needs to be enlarged to the fullest possible manner to have a stronger status as unique “body” in international legal matters among sister Intergovernmental Organizations.

Madam, this is the second time we are assembled in your country. To commemorate the twenty-fifth anniversary of Bandung Conference, the AALCO met for its Twenty-First Session in 1980 in Jakarta.

We were due to meet in your country for our Fortieth Session in 2001. However, due to circumstances beyond control, the Session took place for the first time at the Permanent Headquarters of the Organization in New Delhi. As Secretary-General of AALCO, Madam, I cannot forget the magnanimous gesture of your Government in granting US \$ 20,000 at that occasion to the Secretariat for meeting the part of expenses. Indonesia was considered as co-host of that Session.

Mr. President, the year 2004 marks the eve of the Fiftieth anniversary of the Bandung Conference and I am quite confident our Forty-Third Session will renew the Bandung spirit and go down in the annals of AALCO as a truly notable and historic Session.

On behalf of AALCO, I, once again express my profound gratitude to the Government of Indonesia and the Host National Committee for all their efforts exerted for the preparation of the Forty-Third Session of AALCO.

Madam President, Asian-African Legal Consultative Organization, since its inception in 1956, has been in the forefront of developing Asian-African approaches to various branches of international law. It has been making path-breaking studies on various branches of international law and conducting researches on issues having contemporary relevance for the Asian-African region. The relevance of an Organization like AALCO is more striking now, taking into account the current practice of international law making and practice.

Our Annual Session, hosted alternatively by a Member State from Asia or Africa, is the plenary organ of the Organization. It provides a unique platform for the Asian-African Governments to deliberate upon the international law issues, which are of particular relevance for the two regions and to also come with concrete proposals and suggestions. The contribution of the AALCO’s deliberations on the Law of Sea, taken up on our agenda at the initiative of our host Indonesia in 1970, at its successive Annual Sessions, to the development of the United Nations Convention on the Law of the Sea, 1982 is well-recognized. Owing to its importance, to our region, the item remains of high importance even thirty-four years after it’s inclusion on our Agenda.

Mr. President, many other important agenda items which the AALCO has considered over the years include Human Rights, International Humanitarian Law in the

context of its work regarding Migrants, Cooperation Against Trafficking in Women and Children, Refugees and the Combating of Terrorism. I would like to add that the then High Commissioner for Human Rights Mrs. Mary Robinson in a letter addressed to me on the occasion of signing of MoU between AALCO and OHCHR had said that she was “struck” by the extent to which human rights were discussed by the Member States at our Annual Meetings. During the Thirty-Sixth Session, held in Tehran we had a One-day Special Meeting in cooperation with the International Committee of the Red Cross on “Inter-related Aspects between the International Criminal Court and International Humanitarian Law”. Again during the Forty-Second Session, held in Republic of Korea, we had discussed International Humanitarian Law at length in a One-day Special Meeting. All these activities have been built upon a strong base of cooperation with International Organizations, which in turn has cemented remarkably AALCO’s cooperation with the UN and the UN system.

Mr. President, like previous Sessions, the Secretariat has prepared documents on all the sixteen items on our agenda. These Secretariat documents have been placed for the consideration of all the delegations since and I hope we would have focused deliberations on items such as the Report on Matters Relating to the Work of the International Law Commission at its Fifty-fifth Session; Deportation of Palestinians and Other Israeli Practices among them the Massive Immigration and Settlement of Jews in All Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949; Law of the Sea; Extra-territorial Application of National Legislation: Sanctions Imposed Against Third Parties; Jurisdictional Immunities of States and Their Property; The International Criminal Court: Recent Developments; An Effective International Legal Instrument Against Corruption; WTO as a Framework Agreement and Code of Conduct for World Trade; Human Rights in Islam; and the International Protection of the Expressions of Folklore. Besides all the aspects of Administrative, Financial and Organizational matters, which represent the “Bearings” on functioning of the Secretariat would be also deliberated.

Mr. President, before I conclude, I take this opportunity to welcome South Africa as the 47th Member State of our Organization. I take this opportunity to request Asian African countries who are not yet members of AALCO, to join the AALCO family.

Mr. President, the AALCO Secretariat has done to the best of its abilities to make the Forty-Third Session a grand success. I seek your apologies in advance, if there are any non-premeditated mistakes from our part.

I once again welcome all of you to the Forty-Third Session of AALCO. I request the delegates to actively participate in our deliberations and seek your cooperation to make it a grand success.

Thank you Mr. President.

(ii) Opening Statement by 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

Her Excellency Megawati Soekarnoputri, President of the Republic of Indonesia, His Excellency Amb. Dr. Wafik Z. Kamil, Secretary-General of AALCO, Hon'ble Ministers, Distinguished Delegates, Observers, Ladies and Gentlemen.

On behalf of His Excellency Amb. Dr. Young-jin Choi who entrusted me with the honour of completing his remaining mission as the President of the Forty-Second Session of AALCO, I would like to express my sincere gratitude to all Member States of AALCO, the Secretary-General and his team of experts, whose efforts had made the Forty-Second Session a successful one. This Forty-Third Session has a particular significance by being held in Indonesia which was also the venue for the first Asian-African Conference wherein the establishment of AALCO was conceived.

Since its inception, AALCO has been evolving as an innovative institution with a unique structure. Although it is made up of diverse member countries with a variety of legal systems and cultures, AALCO has been extremely productive in generating new international legal norms. In particular, it has made a great contribution to the development of new regimes of the law of the sea and human rights law.

AALCO, as a living institution, has succeeded in maintaining its vitality by adapting itself to the changing environment with maximum flexibility and cost-effective management. Now, it is gaining new dynamism by evolving into a formal Organization, constructing headquarters building, enlarging its membership, encouraging observers, and strengthening its cooperation with other international institutions.

During last one year there have been many events towards further development of AALCO. To mention a few, there has been much progress in the preparation for the revision of the Statutes of AALCO and in the construction of the headquarters building. The trend of increase in AALCO membership continues. The relationship of AALCO with other international institutions has been remarkably strengthened thanks to the active participation of the Secretary-General and his deputies in several international legal meetings.

At the active initiative of the Secretary-General the Secretariat also organized a two-day seminar in cooperation with the United Nations High Commissioner for Refugees (UNHCR) on the topic of "Strengthening Refugee Protection in Migratory Movements", in New Delhi on 17-18 September 2003. At the end of fruitful deliberations in the seminar, Secretary-General proposed a combined study with the UNHCR on one of the topics of relevance to both Asia and Africa. In pursuance of this proposal it was decided to have a study on the topic of "Statelessness: An overview from the African, Asian and Middle East Perspectives". I hope that with the technical and financial support

of the UNHCR the study would explore various dimensions of the issue with Asian, African and Middle East perspectives.

In an attempt to eliciting common positions on some of the issues on the agenda of the International Law Commission (ILC), we also organized a joint special meeting with the ILC in conjunction with the Legal Advisers meeting of AALCO held in New York on 30 October 2003. Honorable Chairman and eminent Members of the ILC took part in the meeting. Discussion took place on the topics of 'Responsibility of International Organizations', 'Shared Natural Resources' and 'Jurisdictional Immunities of States and their Property'. I hope that this kind of meetings may be held in future also to have a focused discussion on the topics that are on the agenda of the ILC.

The topics that are going to be discussed at this session are of extreme importance. Topics such as 'Expressions of Folklore and its International Protection' are of immediate relevance to Asian and African countries in view of the ongoing process of globalization of economies. Another important topic that is going to be discussed in the one-day special meeting is 'Establishing Cooperation against Trafficking in Women and Children'. This topic has special relevance to Indonesia as it was included on the agenda of the AALCO at the initiative of Indonesia at the New Delhi (HQ) Session in 2001. With distinguished panelists amidst us, it may be expected that this meeting would come out with certain valuable solutions to fight against this global evil. Other topics on the agenda are also of extreme importance in view of their relevance to the developments at the international level.

I once again thank the Secretary-General for his tireless efforts and the Government of Indonesia for their excellent preparations to make this session a historic one. I also wish the incoming President all the success and I am confident that under his able guidance the Organization would continue to work as a platform for legal deliberations on issues of significance to Asian and African continents.

Finally, I thank you all for your kind attention and I wish you a happy stay in Bali, close to the beauty of nature. I also wish you the most memorable and successful deliberations.

Thank you.

(iii) Vote of thanks by His Excellency Mr. Moh Buba Ahmed, the Ambassador of Nigeria to Indonesia and the Leader of the Delegation of the Republic of Nigeria

Excellency, Hon'ble President of Indonesia, H.E. Amb. Dr. Wafik Z. Kamil, Secretary General of AALCO, the President of the Forty-Second Session of AALCO, Hon'ble Ministers, Excellencies, Distinguished Delegates and Observers, Ladies and Gentlemen,

It is indeed an honour for me to propose a vote of thanks on behalf of the Asian-African Legal Consultative Organization to your Excellency Hon'ble President for your kind approval to personally grace and inaugurate the Forty-Third Session of the AALCO. Your Excellency, we are all waiting for your address for, it will surely set the tone and give us guidelines for our useful deliberations during the session.

Excellency, I also would like to thank the Ministry of Justice and Human Rights and the Organizing Committee for the excellent arrangements which your officials have made both for the efficient functioning of our session and for the warm hospitality and the excellent arrangements made for our stay here in this beautiful island. We are sure that with all this effort we would have a very fruitful and a very successful annual session here. I would also like to thank all the Hon'ble Ministers, their Excellencies, the Ambassadors and the Delegates and Observers, who have come here from their respective capitals to participate in this annual session and I am confident that we would have fruitful exchange of views and experiences during this annual session. I would also like to thank the distinguished Secretary-General and the Deputy Secretaries-General as well as all the officials of the Secretariat of the Asian-African Legal Consultative Organization, who have been working hard to prepare all the basic documents, which will be discussed here. I also thank all the assisting and other staff for their valuable help in organizing this conference. I am sure that this session would be a great success and will remain in the memories of all the participants as a historical one. I express gratitude and thank you all on behalf of all gathered here.

Once more thank you and God bless you all.

(iv) Address by the President of Indonesia Her Excellency Mrs. Megawati Soekarnoputri

Excellencies,

Distinguished delegates,

At the outset, permit me to begin, on behalf of the people and government of Indonesia, by extending a warm welcome to Indonesia to the Heads and Members of all delegations. May the serene life of the Balinese people and culture provide us with new inspiration and impetus to discover new avenues in resolving our numerous common challenges.

We are indeed in need of this new inspiration and impetus. The Asia-Africa Conference 50 years ago has left the nations of our two continents with the provisions of the Bandung spirit. Imbued with this spirit, many nations in Asia and Africa gained their political independence. Inspired by the same spirit, they began voicing their aspiration to actively participate in establishing an order among nations of the world based on justice, equality, mutual respect, and the non-interference in the internal affairs of others.

Up to this moment, we still feel the vibration of that spirit. Our common struggle to realize a new world order that is far from any form of disparities continues on, for the Bandung spirit still burns bright. The vigorous and extensive expression to perfect the

institutional aspects and working methods of the United Nations is also a reflection of the aspiration for the realization of that new world order.

In the meantime, on the other hand, if the vibration of that spirit remains palpable it is also actually due to the unending struggle to realize that aspiration. The political independence that has been enjoyed during that time by the nations of Asia and Africa has not completely been able to bring into reality the many hopes and dreams that they longed for through their respective national independence.

Not few among us, the nations of Asia and Africa, who though have succeeded in enjoying independence, still confront various challenges particularly domestic ones. The effort to extricate ourselves from the clutches of poverty and underdevelopment encounters a great number of difficult barriers. Several of them were even trapped in various internal disputes, or even dissensions, at a time when the progress and prosperity they dream of have yet to materialize.

It is those poverty and underdevelopment that in turn stimulate the increasingly-fierce competition over the access to the limited economic resources among groups or factions within a nation. The internal political disputes that eventually breed instability disturbances have further complicated the struggle to realize the aspiration and objective for independence that was previously fought for collectively.

It was such a long and tortuous road that they had to tread on, while the rapidly-changing world does in reality not always provide them with beneficial influences. The noble aspiration that was essentially developed to realize an order that is more democratic, open, and further upholds human rights, has grown even more difficult to implement in such an internal condition. Quite often, in the midst of the difficulties in resolving internal issues, they have become all the more vulnerable to diverse international sanctions, owing to the forms and methods of settling those issues that are deemed to be inconsistent with the new values and standards in those fields of democracy, transparency, and human rights.

A long list is at our disposal enumerating those less than pleasing issues. Similar to other developing nations, apart from those issues, our lives in Asia and Africa are also replete with the various forms of disasters. Long droughts, which are usually followed by harvest failures, earthquakes, or even tidal waves, have exacerbated further that poverty and underdevelopment horizon. It is equally true for the degradation of the quality of the environment and floods, which other than being the result of the travails of a much-changed nature, are also the outcome of human deeds or negligence.

This is also the case with regard to the issues pertaining to development. Aside from the mounting difficulties in finding cheap sources of financing, a burdening load is also being felt from the foreign debt-servicing obligations. On the other hand, problems are also encountered in gaining access to the markets for the products they produce, and to the technologies they require for the development. Inwardly-looking, challenges are also still faced in building the human resources and a clean and effective governmental system that is particularly necessary to fight corruption. The principles of sustainable

development, which we believe to be benevolent concepts, have been confronted with hindrances in their implementation due to those impediments and inadequate capacities.

Excellencies,

Distinguished delegates,

I believe that those present here are better versed in the issues I have just brought up. Perhaps those issues have even only grazed the tip of the iceberg. However, either by coincidence or not, whether there exists a cause and effect relationship, the prevalence of those issues have provided a clear picture of the real imbalances, in the lives of nations across the world. Imbalance, in turn, give rise to the issue of injustice that on the other hand, and in numerous instances, has become the root cause of various issues other than that imbalance.

Terrorism also has its root cause in injustice. This is our understanding from the very beginning, when the world was shocked by a series of those odious acts. Whatever the motives or reasons, we repudiate terrorism as a means or excuse to achieve an objective. We believe that no issue can be resolved by resorting to acts of terror. In addition to inflicting innocent victim losses, in our view, terror will only beget other acts of terror.

During the previous 2003 Session of the United Nations General Assembly, I have unequivocally stated our position against terrorism. Yet, more importantly, on that occasion we have also expressed that it would be more effective if we, the developed and developing countries, were also to co-operate in assessing, investigating, and eliminating the root causes that in truth are the sources of terrorism itself.

We are all aware of the beginnings and road that terrorism took to develop. In Indonesia, we are of the belief that in reality only a small dose of honesty and courage is needed to uncover the sources that bring about terrorism. Simultaneously, we are also convinced that – without such attitude – what we have been hearing as the policy of “the war against terrorism” would easily lose sight of its direction. Should this situation be allowed to persist, it would not be improbable that the world would fall into deeper uncertainties, fear, and threats of unilateral acts.

It is within this context that I would like to call our attention to the importance of this meeting. We are currently being confronted with a variety of political, monetary, economic-trade, technological, socio-cultural, security, and environmental issues. It is truly not my intention to elaborate on those issues aimlessly in this honorable assembly.

In my opinion, one aspect will become clearer in the future. Without togetherness in the handling of those issues, what will arise is an increasing imbalance, particularly between the Developed and Developing countries, including in Asia and Africa. It is obvious that we could look at all those issues from various perspectives. However, what is certain is that nothing will change within us lest we ourselves start and take the initiative to resolve them.

Above all, we also realize that among those efforts, there is none better for us than to perform them together in the framework of co-operation. We indeed need not engage in confrontations. Other than being outdated, such methods would also not be much different from the attitude that every now and then would issue threats, sanctions, or even unilateral actions, which we have precisely objected to all along. In the context of Asia and Africa, what we need is the will and determination to formulate similar theorems and positions, and to jointly deliberate on them in order to find a solution.

As an organization, the Asian-African Legal Consultative Organization is the most tangible fruit to arise out in 1956, soon after the Asia-Africa Conference. In connection to the new inspiration and impetus that I have mentioned at the beginning of this address, I am of the hope that the meeting of this Legal Consultative Organization would produce legal formulations and recommendations that would be applicable in negotiations to improve the current condition, resolve our common challenges, and end the imbalances in the various facets of life and co-operative relations among nations.

I do realize that these are all easier said than done. However, I am equally convinced that, at an age that will reach 48 years this year, this Organization would be highly eager to bring about a most concrete piece of work. A product that would tangibly contribute to the efforts to solve the multitude of issues with regard to the aspiration for a new world order, or for the improvement of the quality and dignity of the lives of nations in Asia and Africa.

The convening of the Forty-Third annual session of the Asian-African Legal Consultative Organization in Indonesia is truly a great honor and privilege to my country. This year, we are preparing the forthcoming Summit and fiftieth Commemoration of the Asia-Africa Conference in 2005. Similar to the hope we place on the Session of this Organization on this occasion, together with South Africa, we are earnestly preparing the 2005 Conference. In the context of realizing the Bandung spirit, we are hard at work preparing a bridge that would enable the nations of Asia and Africa to build more concrete and substantive co-operation.

On the final note, Excellencies, Heads of Delegations, and distinguished delegates, I would like to conclude my address. With the blessings bestowed upon us by God the Most Compassionate and Merciful and with the consent of the Chairperson, I now declare the Forty-Third annual session of the Asian-African Legal Consultative Organization officially open.

I thank you.