

**VIII. SUMMARY RECORD OF THE THIRD GENERAL MEETING
HELD ON TUESDAY, 18TH AUGUST 2009, AT 11.15 AM**

His Excellency Ebo Barton Odro, Vice-President of the Forty-Eighth Session of AALCO in the Chair

A. Report on Matters Relating to the Work of the International Law Commission at its Sixtieth Session

1. Prof. Dr. Rahmat bin Mohamad, Secretary-General of AALCO introduced the report on the topic contained in the document AALCO/48th/PUTRAJAYA SESSION/2009/S 1. He informed that there were as many as eight topics on the agenda of the Sixtieth-Session of the International Law Commission. They were; Reservations to Treaties; Responsibility of International Organizations; Shared Natural resources; Effects of Armed Conflicts on Treaties; Expulsion of Aliens; The Obligation to Extradite or Prosecute; Protection of Persons in the Event of Disasters; and Immunity of State Officials from Foreign Criminal Jurisdiction. He stated that the report also contained a summary of views expressed by the Member States of AALCO in the Sixth Committee of the United Nations General Assembly (UNGA).

2. He further informed the delegates about the half-day Commemorative Seminar that AALCO had organized on the Sixtieth Anniversary of the International Law Commission in conjunction with the Extraordinary Session of AALCO on 2nd December 2008 at New Delhi. He stated that Mr. Narinder Singh and Amb.Rohan Perera, both members of the ILC, had made excellent presentations on the theme of: 'The Role of International law Commission in the Twenty-First Century'. Former President of ILC Prof. Djamchid Momtaz and he had also made presentations on 'Strengthening Asian-African Solidarity in the ILC and Ensuring Adequate Reflection of Asian-African concerns in its Work', he added. This was followed by a lively discussion which saw the active participation of a number of delegates. The seminar had ended with the adoption of a message which congratulated the ILC for its productive work over the years besides expressing best wishes for its future work.

3. Commenting on the importance of having a close relationship with ILC, he stated that it was well-entrenched in the Statute of the AALCO itself which required AALCO to examine the issues found in the agenda of ILC and to transmit the views and observations of the Member states of AALCO to the Commission. Fulfilment of this mandate, he stated, had helped to forge a close relationship between the two Organizations. While concluding hoped that this long-standing and mutually beneficial relationship would continue to grow in future also.

4. Mr. Narinder Singh, Member of the International Law Commission, while commenting on the long-standing and mutually beneficial relationship between the ILC and AALCO, stated that it was the statutory obligation of AALCO to examine the issues found on the agenda of ILC and to transmit the views of its Member States to the Commission. He further clarified that since AALCO had already made comments on the ILC's 60th Session during the last year's UN GA session and subsequently in the meeting of Legal Advisers of AALCO held in New York, he

would not focus on the work of the previous session (60th) of ILC. He went on to give a brief account of the work of the ILC at its 61st Session.

5. Commenting on the topic 'Effects of Armed conflicts on Treaties', he stated that last year the ILC had completed the first reading on this topic and expressed the hope that AALCO would be able to coordinate the views and comments of its Member States and transmit them to the Commission.

6. Commenting on the topic of 'Responsibility of International Organizations' he stated that the first reading of the draft articles had been completed. He further remarked that the draft articles on the Responsibility of International Organizations essentially followed the model and pattern of the draft articles on the Responsibility of States with some variations taking into account the differences between States and international organization. Although there were different views in the ILC regarding the possibility of international organizations resorting to counter measures, with many members holding the view that there was no place for counter measures in the relationship between an international organization and its Member States, which was based on the rules of the organization, provision had been made for counter measures which were however subject to safeguards. There were also different views on whether the responsibility of States to provide the necessary resources to an international organization to enable it to meet its responsibility should find place in the draft articles. He informed that the draft articles also provided for a situation where both a State and an international organization were responsible for the same act and that in such case, the State could not avoid its own responsibility by referring to the responsibility of the international organization.

7. Commenting on the topic of 'Reservations to Treaties', he stated that the discussion at the current Session related to the effects of interpretative declarations and responses thereto and their legal effects. The general view was that States were not required to respond to interpretative declarations and that the response or lack of response could not be given higher value than provided under the Vienna Convention on the Law of Treaties 1969. He also informed that the Special Rapporteur hoped to be able to complete the first reading either in the first reading of the full set of guidelines in 2010 or in 2011.

8. Commenting on the topic of 'Expulsion of Aliens', he mentioned that the Special Rapporteur had proposed a number of draft articles and after the consideration of the drafting Committee had submitted a revised set of draft articles. However the revised set of draft articles could not be considered by the ILC during this Session and would be taken up next year.

9. Commenting on the topic 'the Obligation to extradite or Prosecute (*aut dedere aut judicare*), he stated that the topic had been considered by a Working Group and some questions seeking further information from States had been formulated. He stated that ILC was looking forward to receiving the views and comments of States.

10. Commenting on the topic of 'Protection of Persons in the Event of Disasters', he informed that the ILC had received the Special Rapporteur's second report along with some preliminary draft articles which had been discussed and revised in the drafting committee. On the

scope of the topic he mentioned that there had been a debate about the merits of the rights-based and needs-based approach and that the draft articles as adopted tried to balance the two competing concerns. The definition of 'disaster' which had been adopted referred to an extraordinary event resulting in the loss of life, extensive damage to property and serious disruption of society.

11. Commenting on the issue of 'Immunity of State Officials from Foreign Criminal Jurisdiction', he stated that this issue was not taken up by the ILC during the session.

12. On the topic of 'Shared Natural Resources', he mentioned that the ILC had already completed its second reading on the topic of ground waters and had sought the views of States on the desirability of proceeding to the second part of the topic i.e., Oil and Gas. He mentioned that there were differing views in the ILC on taking up the second part of the topic and that the ILC awaited further responses from States in this regard.

13. While concluding he opined that he had the privilege of representing AALCO at both the Sixtieth and Sixty-first Session of the ILC.

14. The **Delegate of Thailand** at the outset expressed his belief that the views and comments exchanged during the deliberations among the Member states will be greatly contributing to shaping common ideas on this issue. Commenting on the topic of 'Protection of Persons in the Event of Disasters' he opined that the world had faced a series of national catastrophes included the ASEAN region. In the past five years alone, they had faced two major natural disasters viz, Tsunami in 2004 and cyclone Nagis in 2008. In this context he emphasized the need to put in place a well-regulated legal framework to provide expedient relief for the people who were in need of rehabilitation. As regards the role that Thailand played in this regard in the region, he opined that his Country was playing a leading role in developing effective prevention, relief, mitigation and rehabilitation measures and arrangements in the ASEAN region. In this context, he recalled that in 2005 ASEAN had concluded the ASEAN Agreement on Disasters Management and Emergency Response as a legal framework to deal with various disasters. He further stated that Thailand supported the idea of following a rights-based approach in this issue which would provide physical security and basic necessities for those affected by disasters. This should not prevent economic, social and cultural rights from being conferred to the victims of disasters. While stressing the need to involve various actors in this regard he stated that the involvement of civil society along with the international community was absolutely critical in ensuring help to various persons affected by disasters. The need to consider the concept of 'Responsibility to Protect' in this context was stressed with the caution that due respect must be paid to the principle of sovereignty and non-intervention. Stressing the indispensability of having cooperation in addressing this problem, he stated that the problem of disasters affected so many countries at once. Hence, the need for cooperation in various capacities that include exchanging of experts, arranging of experts and seminars and work programmes was emphasized. The need to have early warning system was absolutely critical he added.

15. The **Delegate of Japan** at the outset informed the delegates that the Member of ILC from Japan Amb. Chusei Yamada had left the ILC on health grounds and Professor Shinya Murase of

Sophia University, Japan, has been elected as a new member of the Commission for the remainder of Amb. Yamada's tenure.

16. Commenting on the topic of 'Shared Natural Resources,' he remarked that the issue of transboundary oil and natural gas under the sea was often closely related to the delimitation of a maritime border between opposite or adjacent countries. Thus, he added, this issue should be approached with appropriate cautiousness.

17. Commenting on the topic of 'Expulsion of aliens,' he noted that the Commission should focus on the right of States to expel aliens and on the issues pertaining to the constraints on that right under general international law. In this regard, the draft articles prepared by Special Rapporteur Mr. Maurice Kamto which were submitted in July were in the right direction and represented a clear improvement from the original draft articles discussed in May. He also expressed hope that the Commission would continue to have constructive discussion on the new draft articles next year.

18. Commenting on the topic of 'Reservations to Treaties,' he informed that the ILC had discussed the draft articles on the power of the treaty monitoring bodies to assess the validity of reservations and the consequences of the assessment. In the view of Japan, generally speaking, those bodies did not have the authoritative power to decide the validity of each reservation and the assessment of a reservation by a treaty monitoring body did not have any binding force on the State that made that reservation, he added.

19. The **Delegate of the Republic of Indonesia**, while commending the work of the ILC on its Sixtieth anniversary, suggested that the Commission should take up issues of contemporary relevance in an effort to focus more on more pressing issues faced by the international community.

20. Commenting on the issue of 'Immunity of State Officials from Foreign Criminal Jurisdiction,' he congratulated the Special Rapporteur for having presented his concise preliminary report. This report, he stated, provided a comprehensive analysis on the complex nature of the problem. He added that various judgments and decisions rendered by international and domestic courts had provided no consistency as to the *rationale materiae* in respect of international crimes. He believed that this immunity had its roots in the Westphalian concept of state sovereignty which still applied in today's world. It had functional and representative component and was justified by the principles of sovereign equality and non-interference in internal affairs. The application of *act of state doctrine* and *non-justiciability doctrine* before national courts was further testament to the principle of sovereign equality which was important to ensure stable relations among states, he added. He expressed the hope that the study of the Commission on this issue will include the limitation aspect based on the application of the above mentioned doctrines. Furthermore, he believed that immunity of state officials from foreign criminal jurisdiction was a procedural issue and that it did not address the merit of the cases. He agreed with the Special Rapporteur that immunity was a legal relationship which implied a right for the State official not to be subjected to foreign criminal jurisdiction and a corresponding obligation incumbent upon the foreign State concerned. However he expressed the view that since all immunities of officials were derived from the immunity of the State, there was a need to

approach the question of recognition in relation to the scope of this study with prudence. Stressing the need to frame criterias on the range of state officials who will be eligible for immunity, he stated that today's globalized world dictated states to become more creative in promoting their interest in international relations, particularly on issues of their important respectively.

21. Commenting on the topic of 'Expulsion of Aliens', he remarked that the Special Rapporteur had rightly raised two issues: "expulsion in cases of dual or multiple nationality" and "loss of nationality, denationalization and expulsion". They were indeed issues of complex nature raising questions regarding basic fundamental of human rights of individual, since, it entailed the right of state to invoke the responsibility of another State for an injury caused by an internationally wrongful act of that State to its national. While stressing the need to clearly define the term 'alien', he wanted a distinction to be made between loss of nationality and denationalization. He concurred with the Special Rapporteur in this regard that while the loss of nationality was the consequence of an individual's voluntary act, denationalization was basically a state's decision of a collective or individual nature. He cited an example of this distinction by reference to a domestic legislation that Indonesia had enacted which stipulated the consequence for loss of nationality by a person who acquired the nationality of another State.

22. He remarked that Indonesia, like many Countries in the world, acknowledged dual nationality and thus denationalization depended on the exercise of the right of person having dual nationality to choose his/her nationality on voluntary basis. Whilst avoiding discriminatory or arbitrary decision, the exercise of this individual right would also prevent the statelessness situation, he added. As regards the Law on Naturalization, he stated that this allowed the right of naturalization. He further stated that Indonesia regularly administered its citizen in other countries to convince that they were Indonesian. It also helped to ensure that the children who are born from a mixed marriage were not losing the nationality of Indonesia until they reach mature age to make personal decision. Finally he agreed that the Commission needed to identify the minimum conditions that must be met with respect to denationalization, taking account of the fundamental principles of international law and human rights principles.

23. The **Delegate of the People's Republic of China** at the outset congratulated the President and Vice-President of the Forty-Eighth Session on their elections respectively. Commenting on the topic of Shared Natural Resources, he welcomed the adoption of 19 draft articles on the 'Law of Transboundary Aquifers' by the Commission at its 60th Session, besides expressing his delegation's appreciation to Amb. Chussei Yamada and the ILC for their dedication and professionalism. He opined that since the aquifers constituted an important source of fresh water on which mankind depended for its survival, it not only needed to be protected but also needed to be utilized reasonably. As for the draft articles, he remarked that since those provisions of the articles that dealt with the mechanism for international cooperation for the joint protection and utilization of transboundary aquifers were not based on international practices, it was premature to envisage the adoption of a Convention in this area.

24. Commenting on the topic of 'Effects of Armed Conflicts on Treaties', he appreciated the adoption of 18 draft articles by the ILC at its 60th Session. While congratulating the work of the Special Rapporteur Mr. Brownlie in this area, he remarked that the draft articles appropriately

reflected the fundamental principle that an armed conflict does not necessarily terminate or suspend treaty relations. He added that the draft articles which were well-defined and internally coherent, needed to be acknowledged positively. He further expressed the need to explore two important questions in this area which included; Do the same rules apply without distinction in respect of the effects of internal armed conflict on treaties?, and Is there anything unique about their respective nature?

25. Commenting on the topic of 'Immunity of State Officials from Foreign Criminal Jurisdiction', he remarked that, in order for the international legal order and stability to be maintained, it was necessary for the Commission to pay close attention to this topic and to clarify the rules of international law in this area. He also added that the Commission needed to be cautious in formulating exceptions to the immunity of state officials since stretching the exceptions unduly would fundamentally negate the legitimacy of the principle of immunity.

26. Commenting on the topic of 'Protection of persons in the Event of Disasters', he opined that the Commission should focus its attention towards the effects of natural disasters. He stated that the Protection of persons in the event of disasters should, in the final analysis, be achieved not only by the Victim State alone, but also through international cooperation. The need to ascertain the modalities for facilitating international cooperation in this context was strongly stressed by him. However, he expressed skepticism in adhering to the concept of 'Responsibility to Protect' in achieving international consensus on this concept.

27. Commenting on the topic of 'Responsibility of International Organizations' he opined that, only those rules of international law governing the responsibility of States that had been well-established, should be applied to the concept of responsibility of international organizations under similar circumstances. As for those rules in the draft articles on the responsibility of States which are controversial and not well-entrenched in the practice of States, he stated that it was inappropriate to extend them by analogy to the responsibility of international organizations. As regards the countermeasures undertaken by international organizations, he was of the view that it ran counter to the function of organizing the international community performed by international organizations. Hence he advocated a cautious approach in this regard.

28. Commenting on the topic of 'Reservation to Treaties', he welcomed the adoption of a number of draft articles and commentaries by the Commission at its 60th Session. He also appreciated the efforts made by the Commission and its Special Rapporteur for doing a wonderful job in this area. However, he expressed doubts concerning the right of the State or international organization to formulate objections before it became a State Party to an instrument. In his view, before a State or an international organization expressed its consent to be bound by a treaty, such a declaration did not produce any legal effect.

29. While concluding he applauded the achievements of the Commission over the years on its 60th Anniversary, which he stressed, had played an important role in the progressive development and codification of international law.

30. The **Delegate of the Islamic Republic of Iran** at the outset acknowledged the outstanding contribution of the International Law Commission to the codification and progressive development of international law on the occasion of its Sixtieth anniversary.

31. Commenting on the topic “Expulsion of Aliens”, he opined that this was a problem that affected almost all the regions of the world and that a significant body of national legislation existed in this area, which made it possible to ascertain general principles in this regard. He completely agreed with the view expressed by the Special Rapporteur on this topic, that, the right to expel is a customary international law right inherent in the sovereignty of States. In his view, the central problem that this issue posed concerned how to reconcile the right to expel with the requirements of international law, in particular with the rules of international human rights law. He remarked that expulsion should be based on legitimate grounds as defined in international law, such as public order and national security of the expelling State and that collective expulsion, being contrary to international human rights law and the principle of non-discrimination, should be avoided. He added that a more wiser and realistic way would be to emphasize on those rules of international human rights law which were relevant, applicable and in fact non-derogable.

32. Commenting on the topic of “Effects of Armed Conflicts on Treaties”, he reiterated his Country’s position that the mandate of the International Law Commission in considering the effects of armed conflicts on treaties was to supplement and not to modify the existing law related to this issue, particularly the 1969 Vienna Convention on the Law of Treaties. However, he opined that the draft articles did not seem to duly reflect the achievements of international law as regards the stability of treaties creating permanent regime or status. In this view, such treaties created *erga omnes* obligation to which all States, and not only the States parties to the treaty, were bound. He expressed hope that the International Law Commission, while considering the second reading of the draft articles, would take into account the principles of inviolability of treaties establishing boundaries and thus contribute to the international peace and security.

33. Commenting on the topic of “Protection of Persons in the Event of Disasters”, he opined that there existed a set of norms of standards used in international humanitarian law, international human rights and refugees and the law of displaced persons which were applicable in the context of nature-driven disasters. On the lack of any systematic attempt to consolidate these norms in a single unified body, he remarked that it has been entrusted to the International Law Commission. He added that this body of law described as “international law of intervention during disasters”, was aimed to reduce human suffering resulting from disaster situations. He also added that the primary obligation of a State affected by a disaster was to provide care to the victims. This, in his view, did not preclude other States, international organizations and non-governmental humanitarian organizations, from extending their assistance to the victim State. This was to be done with the consent of that victim State, he added. He further stated that the victim State had an obligation not to refuse, in an arbitrary and unjustified manner, any offer for assistance made in good faith. This, which could be justified by reference to the new concept of “Responsibility to protect”, must respect the principles of humanity, neutrality and impartiality as conceptualized by the 20th International Conference of Red Cross and Red Crescent and as approved by the International Court of Justice in its judgment of 27th June 1986 concerning Military and Paramilitary Activities in and against Nicaragua.

34. Commenting on the topic of “Immunity of States from Foreign Criminal Jurisdiction”, he was of the view that assertions by national courts of principle of universal jurisdiction without taking into account the principle of immunity of States officials had led to inter-States tensions. He shared the view of the Special Rapporteur on the subject that all State officials, namely heads of State, heads of governments and ministers of foreign Affairs as well as other high-ranking officials, should enjoy immunity *ratione materiae* while in office. As regards the status of former State officials, he considered that the question should be considered in the light of the judgment of the International Court of Justice in its Arrest Warrant Case dated 14th February 2002.

35. Commenting on the topic of “Obligation to Extradite or Prosecute”, he stated that he shared the view of the Special Rapporteur that the topic had no direct relationship with universal jurisdiction and that, the decision-making as to whether to extradite an alleged offender or to prosecute him / her in national courts, resided with the of sovereign right of the territorial State. He further added that the obligation to extradite or prosecute was a treaty obligation and the territorial State had the ultimate jurisdiction and authority to decide on the appropriate course of action to discharge this obligation.

36. Before concluding his statement, the delegate drew the attention of all the delegates to the point that the main discussion of this Session related to the work of the ILC at its 60th Session that had already been examined by the Sixth Committee. He pointed out that if the Member States of AALCO decide to establish an Expert Group, it would be appropriate if that Group examine and comment on the subjects that were under consideration by the International Law Commission in its last Session. Additionally, it could recommend the Member States on the points that need attention and observation that might be raised during the meetings of the next Sixth Committee of the General Assembly. Certainly, by doing so, the Group would contribute to the revitalization of the Organization.

37. The **Delegate of Malaysia** at the outset appreciated the AALCO Secretariat for having produced an excellent report on the agenda item. Commenting on the topic of ‘Reservation to Treaties’ he remarked that, the Vienna Convention on the Law of Treaties 1969, the Vienna Convention on Succession of States in Respect of Treaties 1978 and the Vienna Convention on the Law of Treaties between States and International Organizations 1986, which formed the essence of the law of reservations, were silent on the effect of reservations on the entry into force of treaties, problems pertaining to the particular object of some treaties, reservations to codification treaties and problems resulting from particular treaty techniques. In this regard, he supported the ILC’s work on the “*Guide to Practice on Reservations to Treaties*”. In his view, notwithstanding the many issues which remained unresolved at the 60th Session, the draft Articles which had been crystallized already showed promise to be useful guides to assist States in their formulation of reservation to treaties. Commenting on the draft guideline 2.9.9 entitled “*Silence with respect to an interpretative declaration*”, he supported the contention that as a general rule, approval of an interpretative declaration should never be automatically inferred from the mere silence of a State. He further stated that Malaysia believed that a universally acceptable set of guidelines can only be developed by the ILC if States played their part by providing actual instances around which the proposed guidelines would be applicable.

38. Commenting on the topic of 'Responsibility of International Organizations', he remarked that, countermeasures being a subject which is controversial, Malaysia was of the view that the ILC should elaborate further the details and mechanisms pertaining to the issue in an effort to frame the complete parameters of countermeasures. He added that, given the special nature of international organizations and their complex relations with Member States, the ILC needed to be vigilant in drafting the provisions on countermeasures.

39. Commenting on the topic of 'Shared Natural Resources', he opined that Malaysia welcomed the adoption of the second reading of the draft articles on the law of transboundary aquifers by the ILC at its 60th Session. On the issue of whether the draft articles on transboundary aquifers should be transformed into a Convention or not, he was of the view that it needed to be decided in the light of a number of considerations pertaining to the entire issue. In this regard, he stated that Malaysia would be submitting its response soon to the questionnaire circulated by the ILC to States on State practice regarding transboundary oil and gas. On the issue of the codification of the law on transboundary oil and gas, he opined that, Malaysia was of the view that ILC should not proceed with the codification of law on transboundary oil and gas, as the topic was best dealt with on a case-by-case basis through bilateral or regional arrangements by the relevant States.

40. Commenting on the topic of 'Effects of Armed Conflicts on Treaties', he welcomed the transmission of draft articles together with the commentary by ILC to governments for comments and observations. He further added that while Malaysia appreciated the taking note of ILC of its interventions and concerns in formulating the draft articles in this area, it would be submitting its comments and observations to the ILC before the stipulated deadline.

41. Commenting on the topic of 'Expulsion of Aliens', Malaysia appreciated the ILC, particularly its Special Rapporteur, Mr. Maurice Kamto, for the efforts taken with regard to this topic. He also welcomed the 4th Report of the Special Rapporteur which was considered during the 60th Session of the ILC. On the issue of the loss of nationality and denationalization in relation to expulsion, Malaysia was of the view that matters affecting citizenship formed part of the sole prerogative of the State in exercising its sovereign rights. He further added that within their domestic legal framework, Malaysia provided procedures for the deprivation of citizenship, which were non-arbitrary non discriminatory, and which were subject to the condition that such deprivation would not lead to statelessness. He concurred with the opinion of the Special Rapporteur that it would not be worthwhile for ILC to prepare separate draft Articles on the issues dealt with in the 4th Report due to the fact that such issues pertained more to the nationality regime than the topic of expulsion of aliens.

42. Commenting on the topic of 'Obligation to Extradite or Prosecute', he stated that Malaysia had provided its input on the topic during the meetings of Sixth Committee of the United Nations General Assembly at its 63rd Session in October 2008. This, pertained to the three draft Articles proposed by the Special Rapporteur, reiterated his Country's position that the obligation to extradite or prosecute arose from treaties and not forming part of a general obligation under customary international law, he added.

43. Commenting on the topic of 'Protection of Persons in the Event of Disasters', he commended the Special Rapporteur for his informative and comprehensive Preliminary and Second Report on this topic. The Report by the AALCO Secretariat was also useful in recalling the salient points raised by Member States on the topic in the Sixth (Legal) Committee of the General Assembly at its 63rd Session in 2008, he added. With regard to the Report of the 60th Session of the ILC, he remarked that Malaysia would be forwarding information pertaining to its current practices and domestic legislation along with observations relating to its specific legal and institutional problems encountered in responding to disasters. He further expressed hope that other AALCO Member States too would take the same initiatives in order to clarify their respective views and concerns in an effort to take further steps towards addressing this important subject matter. With regard to the publication of the 2nd Report by the Special Rapporteur dated 2009 which elaborated the scope of the topic and proposed three draft Articles on "*Scope*", "*Definition of disaster*" and "*Duty to cooperate*", he opined that Malaysia was generally supportive of the proposed draft Article 1 on "*Scope*" and was of the view that this represented an important issue to address. Malaysia was of the view that the level of adequacy and effectiveness of the response required from States in the event of disasters should be further deliberated and later clarified by the ILC, particularly, taking into consideration the various capacities and internal procedures of States in addressing the rights and needs of persons involved in a disaster, he added. In this context, he opined that Malaysia was concerned about the uncertainty existing in this matter which could cause undue burden on States and, might lead to the opening of floodgates of litigation in which victims of disasters sought legal redress against the State for failure to fulfill its obligations. He supported the view that a sovereign State and its Government should be the sole determinator of when, and to what extent, assistance is to be administered to victims of disaster. The principles of sovereignty and non-intervention should not in any way be impugned, he further added.

44. Commenting further on the proposed draft article 2 on the 'definition of disaster', he noted that the definition of disaster as proposed in draft Article 2 required some actual 'loss' as opposed to the mere 'threat of harm' as in the Tampere Convention. He added that Malaysia shared the view that actual loss must be involved when a disaster strikes to place certainty on the definition and occasion of what amounts to a disaster. This definition necessitated further study since it involved number of complex and controversial issues such as the need to make a distinction between man-made and natural disasters he added. As regards the proposed draft Article 3 on "*Duty to cooperate*", he opined that the draft Article required States to cooperate amongst themselves for purposes of the implementation of the draft Articles. In this regard, he stressed the need to figure out the precise obligations of States by the ILC as envisaged in this draft Article, particularly in light of the principles of sovereignty and non-intervention. On the role of non-State actors, he stressed the need to limit their roles and the need to clarify their role in order for their role to be accepted by States. He also called upon all the Member states of AALCO to participate actively in the future consideration of the draft articles.

B. Managing Global Financial Crisis: Sharing of Experiences

His Excellency Tan Sri Abdul Gani Patail, President of the Forty-Eighth Session of AALCO in the Chair

1. H.E. Tan Sri Abdul Gani Patail, Attorney General of Malaysia in his introductory remark stated that the Asian financial crisis of 1998 was one of the most dramatic events of recent times which raised many question regarding the appropriate policy response to financial crisis. True to the “cycle theorists” findings, a fairly regular repetition of financial crisis occurs every so many years. Each crisis was unique and could not be compared with other crisis in a particular sequence. But true to the cycle, after the 1997 crisis, the world was facing another round of financial crisis. The present global financial crisis originated in the US. International surveys revealed that the main three reasons for this financial crisis were inadequate risk management practices at banks, increased complexity of financial instruments and speculation of financial market. The International Monetary Fund through its current release on the *Global Financial Stability Report* (GFSR) had updated that financial conditions had improved more than expected owing mainly to public intervention. The recent data suggested that the rate of decline in economic activity was moderating, although to varying degrees among regions. Despite these positive signs, the global recession was not over, and the recovery was still expected to be slow. The financial meltdown had affected the livelihoods of a large section of the population in an increasingly inter-connected world especially in the Asian and African regions. The global financial crisis provided an opportunity for countries to review their international trade law and policies in order to remain competitive. He expressed his belief that it would be beneficial for AALCO Member States to share their experiences on how Member States have dealt with the financial crisis. These would include policy and regulatory framework initiated in the respective countries so as to find the common basis for handling such a crisis. Keeping this in view, a panel of experts from Asia and Africa had been selected to share their country experiences with regard to financial and banking regulations.

2. Prof. Dr. Rahmat bin Mohamad, Secretary-General of AALCO in his introductory remarks highlighted the importance of the topic. He stated that it was unfortunate that many of the Member States of AALCO present were facing the adverse consequences of the crisis. However, it was noteworthy that most of the Member States of AALCO had come up with policy and legal initiatives to address the crisis. In this context, he felt that it was appropriate to propose “Managing Global Financial Crisis: Sharing of Experiences” as an item on the agenda of the Forty-Eighth Annual Session. The proposal was in line with Article 1 (b) of the AALCO's Statutes which provided for exchange of views, experiences and information on matters of common concern having legal implications and to make recommendations thereto if deemed necessary.

3. He stated that financial liberalization and deregulation had created many opportunities for economic development. At the same time, both measures had also burdened the global economy with many financial crises over the last three decades. In this context, he pointed out that *The Commission of Experts of the President of the United Nations General Assembly on Reforms of the International Monetary and Financial System* headed by Nobel Laureate Mr. Joseph Stiglitz, in its preliminary report had identified the failure of the prevailing regulatory philosophy based

on free market as one of the reasons for the financial crisis. Further, the *UN Conference on the World Financial and Economic Crisis and its Impact on Development* convened by the United Nations from 24th to 30th June 2009 in New York to assess the global financial crisis had recognized that the current crisis had revealed many deficiencies in national and international financial regulation and supervision. The Conference emphasized the critical need for expanding the scope of regulation and supervision and making it more effective. It underscored that each country should adequately regulate its financial markets, institutions and instruments consistent with its development priorities and circumstances, as well as its international commitments and obligations.

4. The Leaders of the Group of Twenty (G-20), in their Meeting in Washington on 15 November 2008, adopted a Declaration, which emphasized that regulation was first and foremost the responsibility of national regulators who constitute the first line of defense against market instability. The Declaration pointed out that financial markets were global in scope, therefore, intensified international cooperation among regulators and strengthening of international standards, were necessary, and their consistent implementation was necessary to accord protection against adverse cross-border, regional and global developments affecting international financial stability. These views were reaffirmed by the Leaders of the G-20, when they met in London on 2nd April 2009 and emphasized that “a global crisis requires a global solution”. They had identified that major failures in the financial sector and in financial regulation and supervision were fundamental causes of the crisis.

5. The Secretary-General was of the view that AALCO as an intergovernmental organization was a suitable forum to discuss the legal dimensions of the financial crisis. The impact of the financial crisis and the responses were varied in each State. If mandated by the Member States, AALCO could play an important role in the ongoing international efforts to regulate financial and banking sector. These efforts would be complementary and supportive to the ongoing international efforts and would lead to progressive development of financial and banking regulations. As a first step, an efficient panel of experts comprising of H.E Tan Sri Zeti Akhtar Aziz, Governor, Central Bank of Malaysia and Mr. Kenji Aramaki, Graduate School of Arts and Science, University of Tokyo was invited who could share their country experiences with regard to the financial and banking regulations. He requested AALCO Member States to share their experience on how they have dealt with the financial crisis. These would include policy and regulatory (Legal) framework initiated in their respective countries. The second step was to find a common denominator where Member States of AALCO could raise this problem as a common concern in international law. He informed that the Secretariat would do the necessary follow up based on the outcome/mandate of the Session.

6. **Her Excellency Tan Sri Zeti Akhtar Aziz, Governor, Central Bank of Malaysia** made a presentation on Managing Financial Crisis in Malaysia. She elaborated that even after witnessing 100 financial crises, it was essential that we share the lessons learnt from such instances since our regions were still vulnerable and fundamental to financial crisis. The dynamics of these issues affecting Asia was that the crisis starts in the financial markets and then extended to the foreign exchange like say in the United Kingdom the money market was affected while in the US it was the credit market which was affected by the financial crisis. The beginning

of the financial crisis normally would be when the financial markets get affected, which then spreads to the financial institutions leading to their insolvency.

7. Interdependence of the global financial system and the increasing need to be global economy leads to opening up of the financial markets making them vulnerable to financial crisis. She explained that many of the Asian countries survived the Asian financial crisis due to resilience and we were affected because we were open economies that get affected by world trade. There are two ways of preventing the financial crisis: one, States ought to take an approach which is very comprehensive and address all the areas that would possibly be affected; two, anticipating these crises and make early interventions in order to take control of the vulnerable sectors. At this juncture, she pointed out the low-cost methods adopted by the countries like Korea, Thailand, Indonesia and Malaysia which had indeed significantly helped them overcome the crisis when compared to the Western economies. She also observed that the government through central bank must restore the stability of financial markets, ensure credit flows to private sector and should ensure resumption of growth. Henceforth, government should be able to ensure restoring the confidence which could happen through surveillance, ensuring access to financing, and blocking erosion of capital or capital flight by not allowing companies or investors to withdraw their investments.

8. Emphasizing on the role of regulatory authorities to acquire the assets but take over of the entire financial institutions upon their failure, she said that banks must be resumed by take over, cooperation which would ensure deposits and insurance. She reiterated the significance of regulation and control by the Central banks so that other financial institutions should not suffer due to financial crisis, that would ensure that even when the economy was adversely affected due to financial crisis it could recover from its reminiscences at the earliest. Hence, after take over by the central banks, the financial institution must be handed over to public insurance body. There was a need to establish institutional arrangements like the Credit Counseling and Debt Management Body in Malaysia for the betterment of small and medium scale enterprises and large corporations.

9. She also informed the delegates that from the experience of Malaysia, it was essential that one must enhance the resistance which was hard work for almost ten years to regulate and control the financial system. Therefore, one could draw upon from the following facts that the word 'resilience' was very thin and in order to sustain during financial crisis, States must diversify their financial system, strengthen their surveillance measures, enhance access to insurance and entrust central banks as the supervisory authority. Under this inference, it was essential that Crisis management framework for the Asian – African region must be formed to establish regulatory network of authorities which would cooperate for peaceful coexistence and protect the financial markets of these regions.

10. Mr. Kenji Aramaki, Graduate School of Arts and Science, University of Tokyo in his presentation "Global Financial Crisis-Japan's Experiences in the 1990s and Challenges for the Global Regulatory Reform" explained Japan's experiences in the 1990s, which included formation of an Asset Bubble and its collapse, the evolution of a financial crisis and policy responses to it. He also explained the current crisis and challenges for strengthening global financial system. He stated that de-leveraging by financial institutions had been under way and

would continue for the years to come. He suggested that the most important element was to make this process proceed as orderly as possible. At the same time, an overhaul of regulatory and supervisory framework of financial sector was being worked out so as to prevent another formation of financial excesses and accumulation of risk in the financial system. He concluded that stable and well-functioning financial system was a common concern for all countries and coordinated efforts for this was strongly needed.

11. The **Delegate of the Republic of South Africa** stated that since the last decade of economic growth and prosperity, the world was now experiencing the worst financial crisis in generations. This crisis had given rise to a synchronized global recession which threatened livelihoods, jobs and social cohesion across the globe. On the African continent, sustained progress toward the Millennium Development Goals could be reversed, and the crisis would pose new threats to democracy, peace and progress. The achievements of the past decade were built upon an unsustainable economic model. It was a model premised on the view that unregulated markets were stable and if left to themselves, they would generate socially optimal outcomes. Instead, the risks grew and the model became increasingly unstable, as the mutually reinforcing elements of the current global crisis combined and fed each other. The tipping point came when asset price bubbles burst, generating severe financial stress in the developed world. The world faced a global syndrome of mutually reinforcing crises, each of which was unprecedented in their severity: A systematic crisis of finance with weak credit injection due to, amongst others, uncertainty in markets and legacy of past excesses; a synchronized global recession, especially in the developed countries illustrated by escalating unemployment levels, falling commodity prices, slowing export demand and other related indicators; and a social crisis, in particular the increasing poverty and unemployment levels. Job losses could reach 50 million in 2009.

12. A coordinated and credible global response was urgently needed. As the crisis deepened and challenges spread from finance to the real economy, from the developed world to the developing countries, so must the corresponding breath of our collective answer. This global response must address the immediate dangers posed by financial paralysis and global recession, particularly the threat of contagion to emerging markets and developing countries. The Washington Summit built a solid foundation for action, including a combined stimulus to demand, support to developing countries, a standstill on protectionism and far reaching regulatory reforms.

13. He informed that the South African Government proposed that a plan to restore global economic growth and development should be based on the following four pillars: To stabilize global finance, by unlocking credit and taking decisive, coordinated and temporary national action to restore confidence in the financial system; to counter the global recession by boosting domestic demand through coordinated fiscal and monetary policy actions that took account of medium term sustainability and ensuring that the global economy remains open for trade and capital flows; to deploy resources to support demand and sustain investment in developing countries, especially to respond to the growing crisis of unemployment and poverty in developing countries and Africa in particular; and lastly to lay a foundation for sustainable recovery based on a more balanced and inclusive world economy premised on a stronger and more equitable system of global economic multilateralism.

14. He also informed that the Government of South Africa had developed, in consultation with relevant stakeholders such as business and labour, a Framework for South Africa's Response to the International Economic Crisis. This Framework formed the basis of South Africa's approach on regional/international cooperation in developing a global response to the international economic crisis. The Framework was based on five broad principles: first, concern was to take active steps to avoid the destabilization of the welfare of the vulnerable groups, including their jobs, health and education and to avoid the increase of inequality and poverty; second, to ensure that all of their activities that were aimed at strengthening the capacity of the economy to grow and create decent jobs in the future, were protected and supported as far as possible; third, to maintain the planned high level of investment in public sector infrastructure and to encourage the private sector to maintain and improve, where possible, their levels of direct investment and continue with corporate social investment programmes; four, interventions must be timely, tailored and targeted as is appropriate, and these must be reviewed periodically; and lastly, in line with the principles outlined above, South African Government convinced of the need for a bold intervention in the form of a broad stimulus package that has economic and social components.

15. Some key interventions were highlighted: based in the above principles, wherein the Government of South Africa and its partners had committed themselves to identify mechanisms of supporting a major public investment programme of approximately R787 billion set for three financial years to March 2012. This programme includes the building of new stadia, or revamping existing stadia, road infrastructure and information technology for 2010 FIFA World Cup to be hosted in his country (South Africa playing host for Africa); fiscal and monetary measures were necessary and should be used aggressively where required to address the crisis, including specified related responses; a significant part of the national response to the global economic slowdown should be to rebuild local industrial capacity and avoid de-industrialization during the period ahead. Critical to this strategy was the need to improve the competitiveness and performance of key local industries, particularly vulnerable sectors and small businesses; retaining and increasing employment would be in the centre of the coordinated efforts in the period ahead, including the avoidance of retrenchment, or seeking alternatives to retrenchments; social interventions should be scaled up to address the jobs challenges, through, amongst others, developing effective social plans at industry and company level in order to ensure that job losses were avoided, workers were retrained and communities were cushioned from the effects of the economic crisis.

16. In line with the highlighted measures, and as an alternative to retrenchments, the Government allocated R2.4 billion towards a training lay-off scheme. The training plan would be applicable to workers in defined circumstances earning up to R180,000 a year. The fund would be used to pay training allowances to workers, pegged at 50% of the basic wage or salary, to a maximum of R6,239 a month. This scheme would be launched in September 2009. Other measures to be taken over the next two years include the Industrial Development Corporation's (IDC) spending of R6 billion to assist business in economic distress. The IDC had already received applications from over 147 companies involving more than R1.2 billion, and there were other 24 applications about to come through the system involving a further R2.6 billion.

17. The **Delegate of the People's Republic of China** stated that the financial crisis originated from the United States in the second half of last year, the current international financial crisis had been rarely seen in history in terms of its breadth, depth and severity and has had a serious impact on the economic development and people's livelihood in Asia, Africa and beyond. He said that for people of insight, this crisis was indeed thought provoking. It was an important task for the community to analyze the causes of the crisis, adopt timely and appropriate measures in response, and find ways to improve the international financial system from the perspectives of laws and institutions so as to avoid similar crisis in the future. It was therefore of great significance for Member States to discuss how to tackle the international crisis at the annual session of AALCO; which was an important platform for Asian and African countries to engage in extensive consultation. As an emerging developing country, China was also hit by the financial crisis. The Chinese delegation expressed their belief that there were many reasons behind the crisis, including inappropriate macroeconomic policies of the economies and deficiencies in financial regulation. He informed that after the crisis broke out, China had made timely adjustment to its macroeconomic policies, swiftly adopted a proactive fiscal policy and a moderately easy monetary policy, and formulated a package plan to expand domestic demand and boost economic growth. The measures China have adopted mainly include the following: substantially increase government spending, implement a two-year investment plan totaling RMB 4 trillion, carry out structural tax cuts, repeatedly lower interest rates and increase liquidity in the banking system, implement industrial restructuring and rejuvenation plans on a large scale, and vigorously promote scientific innovation and technological upgrading, redouble efforts to conserve energy, reduce pollution and protect the eco-environment, adjust the distribution of national income, energetically expand domestic markets, especially rural markets, and significantly raise the level of social security.

18. He informed that China had attended the two G-20 Summits on tackling the international financial crisis. During the Summits, China's President H.E. Hu Jintao put forward proposals on countering the current global financial crisis, including promoting economic growth through appropriate fiscal and monetary measures, taking measures to stabilize the international financial organizations, improving international monetary system, opposing all forms of trade and investment protectionism and working hard for early progress in the Doha Round negotiations. As a member of AALCO and the biggest developing country and one of the emerging economies, China called on the international community to pay great attention to and minimize the damage of the financial crisis on developing countries, help them uphold financial stability and boost economic growth and increase assistance to them. He stated that as a responsible member of the international community, China, while responding to the crisis domestically, had been actively involved in the international cooperation to fight the financial crisis, joining all forms of cooperation worldwide. In the face of the international financial crisis, China would continue to follow the basic state policy of opening-up and unswervingly pursue a win-win strategy in opening to the outside world.

19. The **Delegate of the Kingdom of Saudi Arabia**¹ remarked that their Kingdom was not affected by the global financial crisis and had not faced bankruptcy though there was indirect impact on their economy. The delegate said that the Government should have control over the

¹ Statement delivered in Arabic. Unofficial Translation from the interpreter's version.

financial system, and not entirely depend upon the foreign market for their investments, and; must control and protect the investor's money. It was further informed that their government had created a commission on financial markets which would take benefits from others experiences, etc. The participation of Saudi Arabia in the G20 and submission of proposal of establishing controlling bodies was also addressed by the delegate. It was opined that there should be shrinking of foreign trade, more freedom with less rules and regulations in order to safeguard one's economy against financial crisis.

20. The **Delegate of the Republic of Indonesia** stated that the global financial crisis had been brewing since the middle of 2007 and into 2008 and individual countries should come and work together to tackle it effectively. The delegate highlighted the efforts made by his government to deal with this global financial crisis. After the 1997-1998 Asian economic crisis, Indonesia had implemented wide-ranging economic and financial reforms, including a rapid reduction in public and external debt, strengthening of corporate and banking sector balance sheets and reducing bank vulnerabilities through higher capitalization and better supervision. The authorities were also required to implement bank restructuring program to overhaul the banking system and to enable banks to function as financial intermediation as efficiently and quickly as possible. The restructuring program had focused on closure of deeply insolvent banks, takeovers, carving out and transferring bad assets to a central agency, and capital injection from private and public sources. The delegate expressed that by the year 2003, the banking system had been able to reach stability due to continuous improvements in several banking and financial system performance indicators. Those conditions were supported by macroeconomic stability and relatively conducive monetary conditions.

21. On an overview of the first semester of 2007, the financial stability in his country was well maintained, however, during the second semester of 2007 pressure on the financial system emanated mainly from the external environment. This was primarily reflected by fluctuations in the global financial market. In fact, global stock markets were corrected more frequently due to increasing uncertainty and waning confidence among business players in the global financial market, which represented the effect of the subprime mortgage crisis. She further stated that there was no direct involvement of Indonesian banks in subprime mortgage transactions and due to ever increasing integration between the domestic and global economies, global financial market volatility triggered by the subprime mortgage crisis promptly affected their domestic financial sector. Hence, in 2008 the government issued two government regulations in lieu of laws (PERPPU) and Bank of Indonesia promulgated several new regulations, including an amendment to the minimum reserve requirement to maintain financial system stability and to strengthen the banking industry. The first regulation raised the maximum guaranteed deposits at banks by 20-fold to Rp 2 billion (US\$200,000) to revive investor confidence in banks. The second regulation enabled illiquid banks to get emergency credit from the Central Bank (Bank Indonesia), as the lender of last resort, by expanding the categories of assets that banks could pledge as collateral.

22. These concerted measures to strengthen the banking industry were adopted and were quite strategic, given that almost 80 percent of the country's financial assets were still concentrated in banks. She further stated that the government of the Republic of Indonesia also issued a government regulation in lieu of law that served as the legal basis for the Financial

Safety Net program, which would give the Government and the Central Bank more authority during a financial crisis. The regulation dealt with Indonesia's complete laws and allowed the government to manage any kind of situation, whether in a normal situation, transitional period, or crisis. The regulation aimed to complement two earlier regulations on the Indonesian Deposit Insurance Corporation (LPS) and the Central Bank, to help protect the financial system from possible crises. The regulation allowed the government and the Central Bank to inject liquidity.

23. The delegate observed that the financial system stability in Indonesia was well maintained during second half of 2008, though pressures intensified on the financial sector during that period as a result of the global economic crisis, the system was able to overcome it. The Jakarta Stock Exchange Composite (IHSG) slid sharply and Government Bonds (SUN) experienced a significant decline. The banking sector also suffered liquidity pressures, due in part to the global liquidity. The pressure manifests itself in the form of increases in liquidity risk, particularly from August to September 2008. Concomitantly, the banking sector there also faced increase in exchange rate risk as the currency rates weakened. However by the end of 2008, the pressure on the stability of the financial system started to subside, although not completely returning to levels prior to the crisis. The decrease in pressures was attributed to the various policies taken, both by the Government and Bank in Indonesia. It was further informed that even though pressures on the financial sector had increased, the most dominant industry of the financial sector which was the banking industry had been able to maintain relatively solid performance. Thus, the delegate gave a brief outline on their measures to mitigate financial crisis.

24. The **Delegate of Thailand** thanked the Secretary General for his introductory remarks and initiative in placing this new issue on the agenda of the Forty-Eighth Session. He extended sincere thanks to the outstanding panelists for their inputs which had set the tone of the debate. He stated that the current economic challenges and difficulties the world face, though an unfortunate event, provided all with a learning opportunity and a time to devise measures of cure, relief and promotion to allow the economy to recover quickly and in a sustainable manner. It was without doubt that all governments had exercised their utmost efforts to weather this crisis, the government's main legal advisory arm; he shared the legal aspects of Thailand's recent approaches to reviving the economy. He focused on three specific measures that had played a major role in their recent economic stimulus programmes, namely tax measures, regulation of financial institution and public debt management. Firstly, tax measures carried out by the government consist of the following, for example, providing revenue tax relief for taxpayers and welfare for the less privileged members of society in many ways, tax reliefs for small and medium business enterprises. Tax incentives for long-term investments to enhance competitiveness of the private sector, such as tax reliefs for the purchase of new machinery or land, and tax reductions for companies listed in the Stock Exchange of Thailand.

25. Secondly, as regards the regulation of financial institutions, all regulatory bodies concerned, i.e. the Bank of Thailand, Ministry of Finance and Securities and Exchange Commission had undertaken a close scrutiny of operations to ensure that a healthy reserve was maintained by all operators. Despite the global financial turmoil that had resulted in the failure of several major financial institutions, commercial banks, fund managers, securities brokers, insurance companies in Thailand had all weathered these conditions and warded off any risk of a

systematic failure. The legal mechanisms had greatly aided to this cause by providing enough tools for the authorities to supervise the operations without impeding the efficiencies of the capital and money markets in any way. Finally, the Government had recently implemented another stimulus package to drive the economy out of the current recession. The package, not unlike those undertaken by many other countries, involved a major amount of cash injection into the economy to boost key areas of productivity and consumption, as well as to enhance the country's major infrastructures. This package had, however, presented somewhat of a challenge on the legal front due to the large amount of potential public debts that would have to be incurred to carry out the programmes. Thai laws imposed a limit on the amount of public debts that could be incurred in terms of proportions to the gross domestic product. The programme of the sizable amount and urgency carried out inevitably exceeded that legal limit and thus several options had to be decided. After having regard to the exceptional nature of the circumstances, a special legislation was finally enacted to authorize additional domestic loans to be incurred by the Ministry of Finance to implement the programme without interfering with the regular budgetary rules that were in force.

26. The **Delegate of Arab Republic of Egypt**² said that one cannot find solution to the crisis since there are changes in the nature of the economic structure of the economy. No more is the government having control or monitoring power over the financial markets. The capitalist attitude was revealed in spreading the idea that the financial markets have collapsed. He reiterated that those systems that took control of the markets 30 years ago still exists and states must go ahead with traditional mechanism. He also stated that lawyers are requested to undertake the issue when the crisis takes a proper shape and were looked upon only at last resort. The delegate opined that the government interference in financial markets was a must based on the need to monitor and conduct surveillance. For example, when the crisis occurred, the United Nations had convoked the G-20 and G-7 Meeting in order to place the global financial market stable. Hence, it was incumbent upon the government to safeguard the society and ensure social justice to restore faith and confidence of the common investor and the need in the financial market.

27. After these statements by the Member States, the **President** asked whether there was any other statements by the member States and gave the floor to panelists for answering all the queries that were raised during the deliberations. The first Panelist said that it was laudable to note that Member States recognized the significance of cooperation and the current crisis was an example of the collapse of financial markets and there was a need to bring them to equilibrium through traditional approach and restore the confidence in the market. The regulatory authorities must be futuristic in approach as the financial institutions may be viable, but by implementing the surveillance, intervention and monitoring mechanism, future global financial crisis that affects the financial market of an economy could be prevented. Therefore, there was a need to establish cooperative mechanism among law enforcement authorities, banking sector personnels, etc., to take immediate action for peaceful coexistence. The Second panelist also emphasized on the need to strengthen global regulatory network among Asian – African countries so that the regions stay well protected from future financial crises.

² Statement delivered in Arabic. Unofficial version from the interpreter's version.

The meeting was thereafter adjourned.