

10. The Meeting then took up for consideration **“Report of the Secretary-General on the Work of the Asian-African Legal Consultative Organization”**. The President invited the Secretary-General to present his Report on the work of the Organization.

11. The **Secretary-General**, at the outset, expressed his warm congratulations to the President of the Forty-Fourth Session on his election. He expressed his confidence that under his dynamic leadership and great command over international law issues, the Session would achieve its objectives and register historical success. He assured the President on behalf of the Secretariat its full co-operation in all the endeavors of the Kenyan Presidency to promote the work of AALCO, during the Session as well as throughout the term of the Presidency of AALCO.

12. The Secretary-General also congratulated Y. Bhg. Tan Sri Abdul Gani Patail, Attorney General of Malaysia on his election as the Vice-President of Session.

13. He stated that the Forty-Fourth Session coincided with the completion of his fifth year as Secretary-General of AALCO and expressed his deep gratitude to all the Member States for reposing confidence in him. Their kind support and co-operation was valuable for him in discharging his duties up to their satisfaction. He assured the Member States that he would continue to work with greater zeal and sincerity throughout his tenure.

14. Thereafter, the Secretary-General summarized the main aspects of his Report contained in document AALCO/44/NAIROBI/2005/SD/ORG 1. He stated that the Report covered the activities of AALCO until May 2005 and was placed for the consideration of Member States, on the 1 June 2005.

15. The Secretary-General stated that in the last two Sessions by rationalizing the agenda, into deliberated and non-deliberated items, the Organization had been able to

ensure focused and fruitful deliberations on the selected items. He stressed that by following a selective approach, there was no intention to belittle the importance of any particular agenda item referred to by the esteemed Member Governments. It was the current relevance and the keenness to have an in-depth approach, which sets the priority in making such selection.

16. The agenda, endorsed earlier by the Member States, had ten items for focused deliberations, while other items were categorized as non-deliberated. Agenda item pertaining to “Environment and Sustainable Development” was to be considered in-depth in the One-day Special Meeting on Wednesday, 29 June 2005. The host Kenyan Government, the United Nations Environment Programme and the Secretariat had joined hands to address important issues pertaining to environmental law and sustainable development. He stated that 2005 marked the completion of three decades of work on this important topic by the Organization. He thanked the UNEP and the Kenyan Government for their timely initiative in organizing with AALCO the Special Meeting and also the learned panelists who would be sharing their views and expertise on the subject matter.

17. The Secretary-General informed that the Secretariat had prepared documents for all sixteen items on the agenda, among them 10 would have detailed deliberations. Therefore, he invited Member States and Observers, who wished to do so, to give their comments/observations regarding the following non-deliberated items either in their General Statements or in a Written Form handed over to the Secretariat that could later be included in the Report of the Forty-fourth Session. He proceeded to highlight the developments in respect of such non-deliberated items.

18. AALCO’s involvement in matters concerning Law of the Sea dated back to 1970, when the item was first placed on its agenda. Its contribution to the negotiations concerning the 1982 United Nations Convention on the

Law of the Sea was well recognized. After the entry into force of the Convention, the deliberations in AALCO had focused on issues related to its implementation, particularly through the institutions established by the UNCLOS. The present Secretariat Report focused on the fifth meeting of the Informal Consultative Process; fourteenth session of the Meeting of Parties to the UNCLOS; post-Bali Session developments in the International Seabed Authority; Commission on the Limits of Continental Shelf; the International Tribunal for the Law of the Sea. In addition, it also placed for consideration an introductory note on the Regional Agreement on Combating Armed Robbery and Piracy against Ships in Asia adopted on 11 November 2004 in Tokyo, Japan.

19. The second item on the non-deliberated list was the “Status and Treatment of Refugees”. This item had been on the agenda of AALCO for nearly four decades. The adoption of the 1966 Bangkok Principles on Status and Treatment of Refugees and its Revised Text at the Headquarters Session, held in New Delhi, in 2001, was a significant achievement. AALCO’s long-standing co-operation with the UNHCR was formalized with the signing of the Memorandum of Understanding (MoU) on 23 May 2002.

20. An important initiative recently taken in furtherance of the MoU was the on-going study on the topic of “Statelessness: An Overview from the African, Asian and Middle Eastern Perspective”. The study sought to determine the magnitude and scope of the problem of statelessness in the Asian, African and Middle-eastern regions; underline any linkages between statelessness and migration, women and children; and identify approaches or best practices adopted by States to address such cases and fill in any gaps. It was a joint exercise between the AALCO and UNHCR and both had decided to conduct it in two phases and present it for the consideration of the Member States on the occasion of the Golden Jubilee of the Organization, next year. He informed in this regard that a representative of UNHCR would present in his

general statement the view of UNHCR concerning this study.

21. As regards the item on “Legal Protection of Migrant Workers”, since the inclusion of that item on the Agenda of AALCO at Manila Session in 1996, substantive progress had been made in the deliberations at the successive annual sessions and a Special Meeting was convened in conjunction with New Delhi (HQ) Session in 2001, in co-operation with the International Organization for Migration. As an outcome of these discussions, a Draft Model Regional Co-operation Agreement between States of Origin and States of Destination/Employment within AALCO Member States had been prepared, pursuant to Resolution No. RES/40/SP. 1 and in consultation with IOM. The views expressed by the Member States, following that were inserted and the revised Draft that was placed before the 41st Session held in Abuja in 2002. It was attached to the actual Secretariat Report (S 5) for further consideration by Member States, seeking their cooperation towards elaborating a Model Cooperation Agreement on Matters Relating to Protection of Migrant Workers between States of Origin and States of Employment/Destination. Once adopted, he believed it would be an important contribution by AALCO to the resolution of migration issues as well as to human rights in a broader sense. The Secretariat looked forward to receiving comments and inputs of Member Governments. He hoped that thereafter the Member States would finalize the Agreement and adopt it.

22. The fourth item on the non-deliberated list was “Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties”. That topic had been on the agenda since the Tehran Session held in 1997. A seminar was held in 1998 for in-depth consideration of issues related to this item. The Secretariat had been reporting on the recent developments, including the consideration of these issues in other forums. It had also sought information and materials relating to national legislation/comments and views of Member States. The Secretariat has

received such comments from some of the Member States. He took the opportunity to reiterate the request of the Secretariat to the Member States for their views and experiences, which would help the Secretariat to take up further studies on the topic.

23. The last topic on non-deliberated list was concerning the “Report on the work of UNCITRAL and other International Organizations in the field of International Trade Law”. It contained reports on the activities of UNCITRAL, UNCTAD, UNIDROIT and the Hague Conference on Private International Law. AALCO maintained close relations with these Organizations and with a view to highlight their work, it had been preparing reports on the progress of work in their respective areas. The objective had been to keep the Member Governments well informed of the progress in the international trade law matters, which were equally crucial like other contemporary issues on international law.

24. Thereafter, the Secretary-General recalled the useful contribution made by the Drafting Committee towards adoption of the post session documents both at Seoul and Bali. It had now become an integral part of the Session and the preparation of the Summary Report, Resolutions and message to the President of the host Country by the Committee had gone a long-way in further improving the work. Both at Seoul and Bali, the Open-ended Drafting Committee met either before the General Meetings or after and based upon its thorough and careful work, the Session adopted on the concluding day the Summary Report and the Resolutions as final documents. He said that such a Drafting Committee with participation open to all the delegates to facilitate the work would be constituted in Nairobi also and as in the past; a Senior Official of the host government would chair the work of this Committee.

25. Next the Secretary-General informed about the various activities of the Secretariat since the Bali Session. He informed that in July 2004, he had attended the second part of the 56th Session of the International Law

Commission and placed before the Commission the crux of the views of AALCO Member States during the deliberations at the Forty-Third Session. The Members of the Commission in proceeding with its Work Programme considered these views very valuable.

26. The United Nations General Assembly considers on a biennial basis the item pertaining to “Cooperation between United Nations and the Asian-African Legal Consultative Organization”. Last year the General Assembly considered the item on 21-22 October 2004, the Permanent Representative of the Republic of Indonesia at the UN on behalf of the President of the Forty-Third Session introduced the item and the resolution. In his address to the General Assembly, he highlighted the work of the Organization during the last two years (2002-04).

27. Later on the sidelines of the General Assembly Session, on 10 November 2004, a meeting of AALCO Legal Advisers’ and AALCO-ILC Joint meeting were convened. Both these meetings were highly successful and formed a major part of the Inter-sessional work of the Organization.

28. On the invitation of the Member Governments, the Secretary-General undertook official visits to: the People’s Republic of China from 29 August-3 September 2004; Republic of Kenya from 24-30 January 2005; and Islamic Republic of Iran from 6 to 12 May 2005. During the course of these visits, he had discussed with the senior officials of the Member Governments matters of mutual interest as well as the use of their good offices in enlarging the Membership of the Organization. He was also invited by Universities/academic institutions and Chinese Society of International Law to enlighten them about different aspects of international law, the items on the agenda of the Organization and the challenges before it. The visit to Kenya paved the way for the finalization of arrangements for the Forty-Fourth Session.

29. Further, he informed that he and his colleagues had attended different meetings on various subjects covered by AALCO's agenda and within the ambit of the Cooperation Agreements with International Organizations, strengthening this cooperation on which the report to the Member States was submitted through their Embassies in New Delhi and through the Liaison Officers. Details of these activities were reflected in his Report.

30. He informed that the Organization had till date 17 cooperative arrangements with United Nations, its Agencies and other Inter-governmental Organizations. Since he assumed office, it had been his endeavor to conclude more such Agreements. The latest one was Cooperation Agreement between the AALCO and International Tribunal for the Law of the Sea (ITLOS) finalized through exchange of letters in September 2004. He informed that on 29th June 2005, during the Special Meeting UNEP and AALCO would sign a revised and revitalized MoU. Negotiations were underway for signing MoUs with the International Criminal Court (ICC) and the Economic Cooperation Organization (ECO) and United Nations Children's Fund (UNICEF).

31. He stated that the Member States had very well received the Secretariat initiative in restructuring and revitalizing the publications. The Yearbook of the Asian-African Legal Consultative Organization now found a place of pride amongst the publications of International Organizations. The monthly Newsletter has received positive feedback from the Member States. Very soon the Secretariat would be placing before the Member States its Quarterly Bulletin.

32. He also informed the Member States that the Secretariat had undertaken a comprehensive study entitled "Combating Corruption: A Legal Analysis". In this respect, he informed that the Deputy Secretary-General Amb. Dr. Deihim and Legal Officer Mr. Rajesh Babu with a few other staff members of the Secretariat had undertaken painstaking efforts in bringing out this publication. On

behalf of the Member States the Secretary-General thanked them for this endeavour.

33. Publications, he stated were the face of an Organization, therefore he looked forward to receiving the valuable comments and suggestions from the Member States, to further improve them and make them as beneficial as possible to Member States.

34. Thereafter, the Secretary-General informed the Member States regarding the progress in the work of the Permanent Headquarters Building. He mentioned that almost every fortnight he had been meeting the concerned officials of the Ministry of External Affairs and the Central Public Works Department (CPWD), the Indian Government's agency in-charge of AALCO's project, to expedite the construction of the building as well as to ensure that the building was equipped with requisite state of art infrastructure facilities, in consonance with the needs of an Inter-governmental Organization. He was pleased to inform that the building was now nearing completion and the Secretariat would, after the official inauguration, possibly next Session, start functioning from its Permanent Headquarters.

35. He informed that the facilities of the new Headquarters would make it possible for the Secretariat to undertake further research activities as well as organize training programmes for officials from AALCO Member States. In order to enhance the profile and activities of the Organization, after moving to the permanent headquarters, he planned to expand the Secretariat. He was also planning to upgrade the Library, which was an essential tool for conducting research.

36. He drew the attention of the delegates to the tight financial situation of the Organization due to accumulated arrears and delayed contributions, which prevented him from taking new initiatives. To this extent, he once again requested those Member States which were in arrears to expeditiously clear their dues as this would help in the smooth functioning of the Organization as also enable the Organization to be of greater service to its

Member States in all fields of research, training and legal consultation.

37. Thereafter, the Secretary-General drew attention to the fact that next year, the Organization would be completing fifty years of existence. In these fifty years, the Organization had been able to firmly place itself in the family of Inter-governmental Organizations. At the Golden Jubilee of the Bandung Conference, the leaders of the Afro-Asian countries resolved to secure for the two continents its importance in international affairs.

38. On the eve of the golden jubilee of AALCO, considered to be the tangible outcome of the historic 1955 Bandung Conference he believed that the Organization could play a significant role in realizing the aspirations and hopes of the people of the region, particularly in the realm of international law. On behalf of the Secretariat, he assured the delegations that they would work to the best of their abilities in steering the Organization towards greater heights and in becoming more and more fruitful and beneficial to all its Member States.

39. He informed that in order to commemorate the Golden Jubilee of the Organization, he planned to bring out a commemorative volume entitled "Essays in International Law". In this regard, he requested the Member States to solicit articles from eminent international law scholars from their countries for inclusion in that proposed publication. He said that he looked forward to receiving guidance from the Member States on how to celebrate the golden jubilee of the Organization in an appropriate manner.

40. Finally, he once again drew attention to the critical financial situation of the Organization and thanked the delegations for giving him a patient hearing.

41. The **President** thanked the Secretary-General for his comprehensive report and an overview of the Secretariat Report contained in ORG.1 He called upon the Member States to reflect in their General Statements their

views on the Secretary-General's Report. He was pleased to note that the Secretariat was involved in several activities, such as bringing out publications and cooperating with various inter-governmental organizations. He called upon the Member States to improve the financial situation of the Organization and urged them to give guidance to the Secretary-General for commemorating the Golden Jubilee of the AALCO in an appropriate manner.

The next item for consideration was the AALCO's Biennial Budget for the years 2005 and 2006.

42. The **Secretary-General** informed the Member States that this was the first time in the history of AALCO that a biennial budget was being adopted. He drew the attention to the document AALCO/44/Nairobi/SD/ORG.2 and informed that according to the decision taken at the Forty-Third Annual Session of AALCO in Bali (Indonesia) in 2004, a proposed biennial budget for the years 2005 and 2006 had been prepared.

43. He further stated that in accordance with rule 24(3) of AALCO Statutory Rules, a Vote on Account was taken at the 286th Meeting of the Liaison Officers' held on 18 December 2004. Following Rule 24(4), the draft biennial budget was adopted by the Liaison Officers at their 287th Meeting held on 3rd March 2005. Now it was placed before the Meeting of Delegations for their final approval. The budgetary structure for the financial years 2005 and 2006 had been kept basically the same as it was in 2004.

44. He highlighted the main features of the budget and stated that there was an increase in the total contribution from Member States on account of South Africa having joined as the 47th Member State of AALCO in May 2004. The annual contribution of Member States had remained the same. He informed that there was a deficit of US\$ 34,588 and US\$ 33,749 in the Budget of 2005 and 2006 respectively. This was mainly due to the fact that the AALCO Secretariat was in the process of shifting to its New Headquarters

Building by September-October 2005. At present it was functioning from a relatively small office whereas the new Headquarters would be much bigger than the existing one and therefore the Secretariat had to incur expenditure on various office equipments, furniture and other essential items needed for settling in the new Headquarters. There would also be higher maintenance and security expenditure.

45. The budgetary figure remained the same as that of last year. However, the allocations under some heads had been adjusted to meet the proposed increase in expenditures under certain heads and sub-heads. These include mainly the electricity charges, pay & allowances of local staff due to proposed recruitments in the new office, printing of new publications etc. The Secretariat also proposed to celebrate its Golden Jubilee in 2006 in an appropriate manner. There might also be some unforeseen expenses, which the Secretariat had to bear due to the shifting and settling down in the new building. Therefore, provision had been kept, to be on the safer side, so that it should not burden the AALCO budget in one year. This was also due to tremendous decline in US dollar /rupee rate during the last year and provisions has been made so that it should not burden in one year.

46. As regards the arrears of contribution, he stated that it was a very unpleasant issue to be raised. A total amount of US\$ one million three hundred seventy one thousand nine hundred seventeen only (US\$ 1,371,917/-) still remained as arrears to be paid by some of the Member States. Up to May 2005, the Secretariat had received contribution from 28 Member States for 2004 and arrears from 19 only. As far as contribution for 2005 was concerned, only 4 Member States had paid their contribution for the year 2005. Necessary action had been taken to urge Member States to settle their old dues. This was a very difficult financial situation that the Secretariat was enduring continuously. Therefore, he urged the Member States to consider on an urgent basis, to pay their contribution as early as possible and believed that serious attention

should be given to place the AALCO's financial position on a sound footing so that efforts could be made to reduce to the maximum the deficit and to balance as much as it could be done with the settlement of old dues.

47. The **President** thanked the Secretary-General for his statement on draft biennial budget. Regarding the deficit he stated that for an Organization of this nature it was almost an embarrassment. The objective before the Member States was how they can put the Organization on a sound financial footing. He invited comments and suggestions from Member States on the draft budget. There being no comments, the President announced that the biennial budget for the years 2005 and 2006 was approved.

48. The Meeting took up the agenda item **"Report on the progress on the construction of the AALCO's Headquarters Building."** The President invited the Secretary-General to introduce the item.

49. The **Secretary-General** invited the Delegate of India to outline the comments on behalf of his government regarding the progress on the Headquarters building.

50. The **Delegate of India** informed the Member States that after the decision that permanent Headquarters would be situated in New Delhi, the Government of India in consultation with AALCO (then AALCC) finalized and adopted the Headquarters agreement on 27th April 2000. He said that the Government of India ever since had been taking the necessary steps to move the Secretariat to its new building as expeditiously as possible. He also informed that the final cost, as opposed to the initial estimate of Rupees 5.25 crores, was expected to be much higher due to increase in costs of materials as well as design and other changes. He stated that the construction work was almost complete and that fine details of the interior work were in progress. All this work was expected to be completed within next two months and following inspections by the concerned local authorities for issue of

completion certificates and provision of services like water, electricity etc., the Headquarters would be ready for occupation before the end of this year.

51. The **President** thanked the Delegate of India for the useful information. He was pleased to note that the Secretariat would start functioning from its permanent headquarters building before the end of this year. He said that it was good news for all the AALCO Member States.

52. “**Report on AALCO’s Centre for Research and Training**”. The President invited the Deputy Secretary-General Mr. Chen Meidi to deliver his introductory statement.

53. **Mr. Chen Meidi, Deputy Secretary-General** while introducing the item stated that in consonance with the mandate assigned at the Forty-Third Session, the homepage of the website of AALCO had been redesigned to bring it at par with UN and other International Organizations and that the new web-links of the Ministries and other official websites of the Member States had been included. As part of Secretariat endeavors to provide Member States with more informative resources, the Secretariat has not only been issuing routine annual report, verbatim record and the Yearbook, but also had been publishing newsletter and had re-issued the AALCO Quarterly Bulletin. A book entitled “*Combating Corruption: A Legal Analysis*” would be released during the Annual Session and another one in such series entitled *Combating Terrorism: A Legal Analysis* was underway and would be published soon.

54. He further stressed the important role the Centre should play in providing legal services for Member States after the Secretariat shifted to the new Headquarters building this year and thus, strongly urged the Member States to discuss the scope and nature of the role the Centre could play more proactively in future. Finally, while thanking the Member States who had made their voluntary and generous contributions towards the Centre, he requested the Member States to

continue to provide the Centre with adequate funding in order to enable it to undertake the envisaged activities.

55. The President thanked Mr. Meidi for his Report on the work done by the Centre for Research and Training.

56. The meeting thereafter proceeded to take up the agenda item “**Revision of AALCO’s Statutory Rules**”. The President invited the Secretary-General to make his statement.

57. The **Secretary-General** informed the meeting that the Secretariat had been mandated at the Forty-Third Session to present to the Forty-Fourth Session the revised Statutory Rules of the Organization. He said that the revision of the Statutory Rules was a long process and could not be completed. However, after returning to the Headquarters it would commence again and be finalized with the panel of Liaison Officers and the result of the same would be transmitted to Member States.

58. The **President** thereafter announced the **Establishment of Drafting Committee**. He stated that the objective of Committee was to ensure efficiency and transparency in the preparation of documents. The Committee would be an open-ended one and would include representatives of the Host Government, the Secretariat and representatives of all interested Member States. He informed that a senior official of the host government would chair the Committee.

The meeting was thereafter adjourned.