

**(iii) INAUGURAL ADDRESS BY DR. NAJMA HEPTULLA, DEPUTY CHAIRPERSON OF RAJYA SABHA AND PRESIDENT INTER-PARLIAMENTARY UNION**

Distinguished President of the Asian-African Legal Consultative Committee, H.E. Mr. Maher Abdel Wahed, Attorney General of Arab Republic of Egypt.

Hon'ble Ministers of the AALCC Member States, Distinguished Secretary General of the AALCC, H.E. Dr. Wafik Z. Kamil, Excellencies, Distinguished Delegates, Special Invitees, Ladies and Gentlemen,

On my own behalf and on behalf of the Government of the Republic of India, I extend you a hearty welcome. As all of you must be aware India has been the home of the AALCC Secretariat since its inception in 1956 and a Headquarters Agreement was signed to further strengthen this close relationship. India remains deeply committed to the development of international law reflecting the special needs and interests of the Asian African region.

Mr. President, ladies and gentlemen,

The development of international law in the 21<sup>st</sup> century is a reflection of the scientific and technological changes affecting society. We see that apart from traditional subjects of international law such as law of succession, diplomatic privileges and immunities, laws of war and treaties, new emerging areas which include the – law of aerospace, law governing telecommunications, international environmental law and law of the seas also international criminal law. To cope with these developments States in their relations inter se and at the multilateral level, have concluded numerous bilateral and multilateral agreements.

Many of these issues have been considered and deliberated upon at the General Assembly of the United Nations and other UN bodies. In addition to the purposes of the Charter calling upon States to strive towards maintenance of international peace and security, development of friendly relations and international cooperation amongst States, the UN provides for a special role for international law. Towards this end, the General Assembly has established the International Law Commission (ILC), which plays an important role in the progressive development and codification of international law, other organs such as the Sixth Committee of the General Assembly which consider international law matters and the International Court of Justice the principal judicial organ of the United Nations, also contribute substantially to this process.

The 60's and early 70's witnessed a large number of Asian and African States coming out of the yoke of colonialism and gaining independence. Reflecting common needs and aspirations this group loosely called the Third World voiced the need for economic sovereignty over natural resources, an equitable share in resources of the sea and greater financial assistance for their developmental activities. Within and outside the United Nations, the international law that developed has in some measure accommodated the needs of this region. Their effective participation and consensual approach has highlighted a number of issues relating to de-

colonization, human rights, security, environment, refugees, International Criminal Court and lately effects of globalisation.

The Millennium Report of the UN Secretary General submitted to the 55<sup>th</sup> session of the General Assembly calls upon developed States and the corporate world to play an effective role in improving the living standards of the poorer nations.

Mr. President, ladies and gentlemen,

It is heartening to note that the Asian-African Legal Consultative Committee, as a unique organization representing two continents, has played an important role towards the development of international law reflecting the concerns of the Asian-African region. However, if one were to single out the most important contribution of the AALCC it would be: the promotion of common interest among the Asian-African States and maintaining it as a forum for exchange of views and co-operation on international law matters.

Mr. President,

One of the challenges before the international community today is to implement international obligations in good faith. Even as States largely adhere to these obligations, a large number of States from the developing world lack the capacity to undertake obligations and thus it becomes imperative for developed countries and the better off States to provide international co-operation and assistance to enable developing and under developed States to fulfil their obligations. With a wide disparity in the economic status, the principle of cooperation is a key solution towards improving the effectiveness of international law.

If I could suggest, the AALCC could undertake, in cooperation with other international organizations, concrete capacity building in international law. By focusing its attention on core areas affecting the region and organizing specialized training programmes, workshops and seminars for the benefits of personnel from Member States. Such an exercise is sure to equip negotiators from the region with better knowledge and understanding of the legal implications involved. Participation by regional juridical bodies in 'legal' capacity building is sure to strengthen and contribute towards a fuller and better understanding of the implications of international law.

I have just come back after attending two very important meetings one at Hague in Netherlands "The 2<sup>nd</sup> Global Forum on Fighting Corruption and Safeguarding Integrity" where I presided over the parliamentarians meeting organized jointly by IPU and International Organization of Supreme Audit Institutions (INTOSAI) and their role in fighting corruption, in the capacity of President of IPU. I also spoke at the Ministerial Meeting.

I said that corruption is now trans-national. It is observed that the money amassed with corrupt practices in different nations is deposited in number accounts in the safe heavens, which are mushrooming at many new places. Though there are laws controlling corruption in their own countries, but there are no international laws governing either the banks or countries where these safe heavens are located internationally. In the absence of such laws and regulations the

deprived developing countries do not get their stolen wealth and they don't get any help from those governments and banks where deposits are made. Many delegates from Africa and Asia also mentioned this. It will be useful to focus on this issue in your deliberation.

Other meeting at Geneva, which I presided, was organized by IPU and WTO to look into the problems faced by the developing countries of the Third World in the implementation of the commitments made at the time of signing the Marrakesh Agreement. The overall theme of the meeting was for a free, just and equitable multilateral trade system: providing a parliamentary dimension. There were three aspects: (a) globalisation from a trade perspective: the role and action of parliament as a relay between government and people (b) WTO and current international trading system: the role of parliaments in the field of legislation, and (c) parliamentary oversight with respect to future trade negotiations, particularly from the development perspective. The Director General of WTO, Mr. Mike Moore was a partner in organizing this conference.

In both these conferences the focus was on legislations and role of parliaments, because any agreement, treaty or convention signed by any government internationally, has to be either ratified by their parliament or supportive legislations have to be enacted. As regard of corruption the parliaments alone have the constitutional role to control and check public finance and expenditure by the government. They are responsible to ensure accountability and transparency in public finance.

Similarly, to have a fair trade practice, which is, non-discriminatory and universally acceptable parliaments play a very important role in enacting legislations to protect the interests of their citizens. These should be taken into consideration while formulating international laws, which are universal.

In this important matter I would like you to focus on Cyber Crimes. As the use of computer, e-mails and Internet is increasing, so are the cyber crimes. Therefore, it is essential that this conference should address itself on this new area and suggest some international legislations.

Mr. President, ladies and gentlemen,

I am very happy to see that the 40<sup>th</sup> Session of the AALCC is considering a number of topics of contemporary relevance. The list is exhaustive and includes: the work of the ILC; the Law of the Sea; Status and Treatment of Refugees; Environmental Law; Deportation of Palestinians; Extraterritorial Application of National Legislation; Sanctions Imposed Against Third Parties; Jurisdictional Immunities of States; WTO; and three new topics on: International Terrorism; Trafficking of Women and Children and a Special Meeting on Migration.

I would be happy that the two important issues which were discussed at Hague and Geneva Conference about which I have mentioned may also be discussed because today corruption is causing a lot of hardship in resource - starved developing countries of Africa, Asia

and Latin America and also the new rules of trade are causing further hardships and debt burdens and causing developmental deficit.

The deliberations on these topics of seminal importance to the region, I am sure will be highly productive and help the delegates attending the session, acquire a better insight and understanding. There is a great need for cooperation between the Afro-Asian nations for a common strategy to focus on these vital issues and this puts a great responsibility on AALCC, which is being working honestly on such issues. This is not the first time that I have attended your meetings. I have been generally involved with your good work.

On this note, I wish the 40<sup>th</sup> Session of the AALCC every success and declare it open.