

**SUMMARY RECORD OF THE FIRST MEETING OF THE DELEGATIONS OF AALCO MEMBER STATES HELD DURING THE FORTY-FIRST SESSION ON MONDAY, 15 JULY 2002, AT 11.45 A. M.**

**Mr. Narinder Singh, Head of Legal and Treaties Division, Ministry of External Affairs, India (on behalf of Dr. P. S. Rao, the President of 40<sup>th</sup> Session) in the Chair.**

1. The **President** of the 40<sup>th</sup> session referred to Rule 11(3) of the AALCO'S Statutory Rules and proposed the adoption of the provisional agenda for the 41<sup>st</sup> session as finalized in consultation with the Liaison Officers.
2. The **Secretary-General** informed the meeting of a reference received by the Secretariat from the Kingdom of Saudi Arabia requesting the inclusion on the agenda of the 41<sup>st</sup> Session of a new item "Human Rights in Islam". While this reference was received after the provisional agenda was finalized by the Liaison Officers, the Secretariat however promptly circulated the reference to all Member States for information. Against this backdrop, the Secretary-General requested the Meeting to consider the inclusion of this item.
3. The **Leader of the Delegation of Indonesia** suggested that the new item proposed by the Kingdom of Saudi Arabia on "Human Rights in Islam" be discussed on Wednesday the 17<sup>th</sup> July 2002 during the one day Special Meeting on Human Rights and Terrorism.
4. The **Leader of the Delegation of the Islamic Republic of Iran** also seconded the proposal of the Kingdom of Saudi Arabia for further consideration
5. The **Leader of the Delegation of Pakistan** while agreeing with the views put forth by the delegations of the Islamic Republic of Iran and Indonesia stated that the new item on Human Rights in Islam should be discussed on July 17<sup>th</sup> 2002.
6. The **Leaders of the Delegations of Kuwait and Qatar** supported the request of the Kingdom of Saudi Arabia for the inclusion of the above stated item on the agenda of the AALCO's 41<sup>st</sup> Session.
7. The **Leader of the Delegation of Oman** while supporting the inclusion of the new item on Human Rights in Islam directed a query to the delegation of Saudi Arabia, if it would not be more appropriate to consider this important and vital topic in a separate meeting rather than discussing it in a general way during the one day special meeting on Human Rights and Terrorism to be held in this session?
8. The **Secretary-General** thanked all the delegations who had in principle agreed to include the item "Human Rights in Islam" proposed by the Kingdom of Saudi Arabia, and endorsed the suggestion from the Delegation of Oman that it should be taken up as a separate item on the Agenda of AALCO during the 41st Session and should not be merged with the one day Special Meeting on Human Rights and Terrorism during this session.
9. There being no comments, the meeting adopted the agenda and the schedule of meetings.
10. The **President** of the 40<sup>th</sup> session referred to the item concerning the election of the President and Vice-President for the current session.
11. The **Leader of the Delegation of Japan proposed** Senator Kanu G. Agabi, SAN Attorney-General and Minister of Justice of the Federal Republic of Nigeria as President for the 41<sup>st</sup> Session. Born in 1946, Senator Agabi did his law from the University at Lagos, earned his degrees with honors and practiced law in 1972. Since 1972 he has held high positions in the Government. In 1999 Hon'ble Agabi was appointed as the Law Minister of the Federal Republic of Nigeria. After that he held the portfolio as Minister of Solid Minerals and in 2002 was once again appointed as the Attorney-General and Minister of

Justice. Amb. Yamada hoped that the meeting would accept Hon'ble Senator Agabi as President of the 41<sup>st</sup> Session of AALCO and was confident that he would ably steer the work of the Organization.

12. The **Leader of the Delegation of Ghana** seconded the proposal of Japan for the nomination of Hon'ble Senator Kanu G. Agabi, Attorney General and Minister of Justice of the Federal Republic of Nigeria as President of the 41<sup>st</sup> Session.

13. There being no other proposal, Senator Kanu G. Agabi was declared elected unanimously as President of the 41<sup>st</sup> Session of AALCO.

14. The **President** of the 40<sup>th</sup> session referred to the item relating to the election of the Vice President and invited nominations for the same.

15. The **Leader of the Delegation of Tanzania** proposed Prof. Dr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of Indonesia be elected as Vice-President of AALCO for the 41<sup>st</sup> Session.

16. Hon'ble Prof. Mahendra was born in 1956. In addition to his position as Professor of Constitutional Law at the University of Indonesia, Jakarta, during the last ten years, he has served in various positions such as: Assistant Minister for State Secretariat Ministry, 1995-97, Member of House of Representatives, 1998-1999, Minister of Law and Regulation, 1999-2001. In 2002, he has been appointed as Minister of Justice and Human Rights. As a senior Professor of Constitutional Law, he is currently the international resource person at the Institute of Defense and Strategic Studies, Singapore. Besides, he has a spectrum of interests not only in Islamic Studies, humanities, law, culture and politics, but in art as well.

17. The **Leader of the Delegation of the Republic of Korea** seconded the proposal of the United Republic of Tanzania for the nomination of Hon'ble Prof. Dr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of Indonesia as Vice-President of the 41<sup>st</sup> Session and was sure that with his vast experience he would be able to provide impetus to the work of the Organization and team up very well with the elected President Hon'ble Senator Kanu G. Agabi.

18. There being no other nomination, Hon'ble Prof. Dr. Yusril Ihza Mahendra, Minister of Justice and Human Rights of Indonesia was unanimously elected as Vice- President of the 41<sup>st</sup> Session.

19. The **President** of the 40<sup>th</sup> session then congratulated the newly elected President, Hon'ble Senator Kanu G. Agabi and Vice-President, Prof. Dr. Yusril Ihza Mahendra on their respective elections and requested Hon'ble Senator Kanu G. Agabi to take over and conduct the proceedings of the 41<sup>st</sup> Session.

#### **Hon'ble Senator Kanu G. Agabi SAN President in the Chair**

20. The **President thanked** all the delegations for having elected him as the President of the 41<sup>st</sup> Session of AALCO and sought the blessings of the Almighty to help him in conducting the proceedings of the meeting. He also congratulated the Vice- President on his election.

21. The **President** then took up the item relating to the Admission of Observers and drew attention to Para 18(1) of the Statutory Rules of the Organization, which stated that:

"The Organization may at its discretion admit to its annual session Observers from non-participating states, regional, inter-regional and international organizations and specialized agencies and the national liberation movements recognized by the United Nations."

22. There being no comments, the participation of observers was approved by the meeting.

23. The meeting then took up for consideration agenda items which included: Report of the Secretary-General on Organizational, Administrative and Financial Matters, including AALCO's Budget for

the year 2002, and Progress on Headquarters matters. The President invited the Secretary General to present his report on the work of the Asian -African Legal Consultative Organization.

24. The **Secretary-General** expressed his heartiest congratulations to Senator Hon'ble Kanu G. Agabi, SAN on his election as the President of the 41st Session of AALCO and said that it would be a privilege to work under his able guidance and assured him of his and his Secretariat colleagues full co-operation. He also congratulated H. E. Mr. Yusril Ihza Mahendra, Vice-President of the current session. He also expressed his gratitude to all Member States for the co-operation extended to him in carrying out the work of AALCO effectively.

25. The Secretary-General then introduced his report as set out in Doc. No. AALCO/XLI/ABUJA/2002/ORG 1. Instead of elaborating on the routine follow-up activities which were taken up by the Secretariat in the normal course he highlighted some of the activities undertaken by the Secretariat which included: AALCO's Legal Adviser's Meeting in New York, promotion of institutional co-operation with the United Nations and its Agencies, the AALCO's future work-programme and strengthening of its role and activities.

26. He stated that, in spite of the uncertainties during the 56<sup>th</sup> session of the General Assembly of the United Nations due to the incident of 11 September 2001, AALCO's Legal Adviser's Meeting held in New York was a great success. High level of participation and fruitful discussions on topics of Establishment of International Criminal Court, Law of the Sea, International Convention on Corruption and the Negotiations concerning the conclusion of Comprehensive International Convention to Combat Terrorism were the highlights of that Meeting. He stressed that the Legal Advisers Meeting in New York had become an important forum to keep AALCO's work Programme updated in the light of current developments at the United Nations.

27. Other significant developments to which he drew attention were the signing of three Memoranda of Understanding with OHCHR, UNU and UNHCR. All the three MOU's provide sound legal basis for further co-operation between the AALCO and these Organizations.

28. As regards organization of Seminars and meetings during the inter-sessional period, he stated that there was not much success due to the following reasons. First, in the wake of the tragic incident of 11 September 2001, the entire United Nations system in the later part of 2001 was geared to meet the challenges posed by terrorism. Several meetings were either cancelled or postponed. It had a cascading effect on the activities of regional organizations like AALCO as well. Secondly, the problem of funding of international seminars/workshops remained the main stumbling block. In the absence of invitations from any Member Government and financial constraints of AALCO no concrete plan to hold such seminars or meetings could materialize.

29. On a personal note, the Secretary General observed that AALCO since its inception has been a very useful forum. Its membership had increased from original 7 States to 45 States currently. Its contributions to international law, more particularly in areas of law of the sea, arbitration and law of treaties, had been well recognized. There had been a great success in promoting co-operation with the United Nations and its Agencies. The long list of items on the agenda of AALCO which were not only of current relevance but touched upon the life of individuals was of great concern to all Member States.

30. He wondered why AALCO's potential had not been utilized fully. He thought that one single most important reason was the lack of financial resources. The target of AALCO's modest annual budget of US \$ 4,000,000 was never reached. The growing arrears of contributions made it difficult to meet the essential expenditures leaving little room to plan seminars and meetings during the inter-sessional period. The United Nations Agencies, which themselves were facing resource constraints, found it difficult to help AALCO financially. He felt that any increase in annual contributions might not be welcomed by Member States and suggested that making voluntary contributions for specific projects could be considered seriously. He gave certain examples for such voluntary contributions in the past. For instance, Republic of Korea's contribution had helped the Secretariat to establish the Data Collection Unit, now known as Centre for Research and Training. The funds from the Government of Japan helped to purchase

computers for the Secretariat. The contribution from Saudi Arabia and Myanmar for the Special Fund on Environment helped the Secretariat to make useful contribution to the Environment Summit in Rio in 1992 and other environmental meetings.

31. He recalled that in his last report to the 40<sup>th</sup> Session he had invited suggestions from member governments to certain important proposals such as rationalization of AALCO's work programme, preparation of a roster of legal experts, strengthening of legal activities of AALCO; strengthening of the financial base of AALCO. This vision for AALCO, as he perceived it, was recapitulated in his report this year as well. He drew attention to those proposals again and looked forward to suggestions for improving the functioning of AALCO in terms of its substantive work programme and its future role.

32. He believed that there was no dearth of international law experts in AALCO Member States and wished to utilize the expertise available for organizing training programmes and seminars. In that context, preparation of the roster of experts would help the Secretariat to invite the experts from the Member States and organize meetings more relevant to issues of concern to the Asian African region. So far 17 Member States have sent such a list. He urged other member states to do so.

33. He also drew attention to his proposal on the establishment of an Energy and Environment Law Centre. He believed that in the context of exhaustibility of energy resources and environmental consequences, the establishment of such a center would help to focus attention on the interests of the Asian-African States regarding these issues.

34. He recalled that on the occasion of the 45<sup>th</sup> Anniversary of AALCO on 14 November 2001, the Secretariat brought out a publication "Essays on International Law" which contained articles by leading experts on international law. It would be a good idea if an annual publication of AALCO containing articles and write-ups by eminent scholars on contemporary international law problems of our region could be considered.

35. While referring to the follow-up activities after the 41<sup>st</sup> Session, he stated that he would participate in the 54th session of the International Law Commission in the beginning of August and address the Commission. During his stay in Geneva he planned to hold consultations with UNHCR, OHCHR, WIPO, UNITAR and some other Organizations to explore the possibility of organizing meetings jointly with AALCO. He also said that the General Assembly at its 57<sup>th</sup> Session this year would consider the item on Co-operation between the United Nations and AALCO and he would be present on that occasion. AALCO's Legal Advisers Meeting will be held in New York probably in the last week of October 2002. Subject to the availability of finances, the Secretariat planned to be represented at the Johannesburg Summit and couple of other important meetings relevant to the Organization's work programme.

36. The **Secretary-General** then turned to the agenda item concerning **AALCO's proposed Budget for the year 2002 contained in Document AALCO/XLI/Abuja/2002/ORG.2**. In accordance with the procedure laid down in AALCO's Statutory Rule 24(2), the draft budget was placed before the Liaison Officers at their 274<sup>th</sup> Meeting held on 20<sup>th</sup> December 2001. Further, following Rule 24 (4), the budgetary proposals were adopted at the 275<sup>th</sup> Meeting held on 27<sup>th</sup> February 2002. It was being placed before this Meeting for final approval.

37. He said that the draft budget for the year 2002 followed the same pattern as that of the budget for 2001. There was no increase in the annual contributions of Member States. However, a few adjustments had been made under some budget heads and sub-heads to cover any increase in the expenditure. He stated that as many as 13 Member States were in arrears for more than 5 years. The total arrears had crossed one million U.S. dollars, three times the annual budget of AALCO. This was a matter of utmost concern.

38. In this context, he drew attention to the resolution adopted at the 40<sup>th</sup> Session, which inter alia urged those Member States who were in arrears to take earnest steps expeditiously to clear their arrears and to fulfill their obligations. It also requested those Member States who were facing financial difficulties in defraying their annual contributions due to conditions beyond their control to furnish to the Secretariat

detailed information on those financial difficulties. He regretted to inform the meeting that no such reports had been received in this regard.

39. He then turned to the agenda item entitled **Progress Report concerning AALCO's Headquarters** and was pleased to inform the meeting that considerable progress had been made in that regard. After the completion of the tender process, a contractor has been appointed. On 2<sup>nd</sup> July 2002, a ceremony was held at the site of the Headquarter Building to mark the beginning of the construction. It was expected that the construction would be completed before the end of 2003. He took this opportunity to express his gratitude to the Government of India for the efforts that have been made to expedite the process.

40. The **President** thanked the Secretary-General for a very comprehensive report on the work of the organization and complimented him for a job well done. He then invited comments from the delegations.

41. The **Representative from the UNU** on behalf of Prof. Hans Van Ginkel, Rector of the United Nations University, expressed his support to the organizers of this important meeting. He recalled that on 8 February, 2002, a General Agreement of Co-operation was signed between the UNU and AALCO. The two organizations worked in similar areas and there was scope for collaboration – particularly in areas such as human rights and human security issues, multilateral diplomacy, and the multilateral environmental agreements. To cooperate with the AALCO was very much in line with the UNU's mission in trying to help solve the most pressing problems of the United Nations, its peoples and the Member States of United Nations.

42. He added that since 11 September it had become very crucial that all people make effort to understand each other and respect all other people. It was for this reason that after President Khatami made his famous speech in the General Assembly and it was decided that the year 2001 was to be the "Year of Dialogue Among Civilizations". The UNU decided to make such dialogue a top priority. Further, it was important to look at linkages between the topics that were on the table of UN and on each of the countries. It was necessary to be selective, to establish what each country could do itself and what could be done on a regional and global levels. He looked forward to focused and creative co-operation with AALCO.

43. The **President** then invited comments from the floor, as there were no comments, the Report of the Secretary-General on the work of AALCO and the Budget for the year 2002 were approved.

44. There being no other business to transact, the meeting was adjourned for lunch.