

ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



APPOINTMENT OF THE SECRETARY-GENERAL

Prepared by
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APPOINTMENT OF THE SECRETARY-GENERAL

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APPOINTMENT OF THE SECRETARY-GENERAL

I. INTRODUCTION

1. It may be recalled that AALCO's Forty-Seventh Annual Session was a Headquarters Session, which was held in New Delhi (India), from 30 June to 4 July 2008. At that session, H.E. Prof. Dr. Rahmat Mohamad, the current Secretary-General from Malaysia was unanimously elected¹ as Secretary-General of AALCO, for a term of four years commencing from 15 August 2008².

2. Subsequently, on the completion of his first term, at the Fifty-First Annual Session held in Abuja (Nigeria), from 18 to 22 June 2012, Prof. Dr. Rahmat Mohamad was unanimously reappointed as Secretary-General for the second and final term³.

II. APPOINTMENT OF THE NEXT SECRETARY-GENERAL OF AALCO DURING THE FIFTY-FIFTH ANNUAL SESSION OF AALCO

3. As the current Secretary-General would complete his term of office in August 2016, the "Appointment of the next Secretary-General" is scheduled to take place at the forthcoming Fifty-Fifth Annual Session, scheduled to be held in New Delhi (Headquarters), India, from 16 to 20 May 2016. This is scheduled to take place during the Second Meeting of Delegations, on 17 May 2016. Thereafter, the President of the Fifty-Fifth Annual Session will declare the outcome of the decision taken at the Plenary Meeting.

III. PROVISION CONCERNING THE APPOINTMENT OF THE SECRETARY-GENERAL

4. The provision governing this issue as stipulated in rule 20 (1) of the AALCO Statutory Rules is as follows:

"20. The Secretary-General

(1) The Organization shall appoint a legal expert or a person who has adequate legal expertise and administrative experience, who is a national of a Participating State, to be Secretary-General, for a term of four years. The person so appointed shall be eligible for re-appointment for only one further term of four years.

¹ Refer to Document No. AALCO/47/HEADQUARTERS (NEW DELHI) SESSION/2008/ORG 5.

² "Appointment of Secretary-General", RES/47/ORG 5, adopted on 4 July 2008.

³ "Reappointment of the Secretary-General", RES/51/ORG 5, adopted on 22 June 2012.

The appointment of the Secretary-General which shall be based on rotation between the two regional groups, shall be by consensus of the Participating States.

In the event that consensus cannot be reached after all efforts have been exhausted, an indicative secret ballot by majority at the meeting of the Heads of Delegations may be used to offer a consensus candidate who will be appointed by the Organization.”

5. Until this date, the Secretariat has received one nomination for the post of the Secretary-General from the United Republic of Tanzania⁴, the candidature along with the C.V. of Prof. Kennedy Godfry Gastorn, was duly notified to the Member States, by the Secretariat on 14 January 2016.

6. In accordance with the above mentioned Rule other Member States could also nominate their candidate till the Annual Session commences, if they wish so.

IV. PROCEDURE FOR THE ELECTION OF THE SECRETARY-GENERAL

7. The primary method of appointment of a candidate as Secretary-General is by consensus. However, in the event that consensus cannot be reached after all efforts, the election of the Secretary-General will take place according to the following procedure based on the rule 20 (1) of the AALCO Statutory Rules and past practice.

- a. The election is done by an indicative secret ballot.
- b. In case there is only one candidate, a majority of Member States present and voting is required for his/her to become the consensus candidate.
- c. In accordance with the past practice, a Committee would be constituted to count the votes. It will comprise of the Secretary-General, Deputy Secretaries-General and one member from the candidate's Delegation. The Committee will inform the President of the result. Thereafter, the President will finally declare the result⁵.
- d. During the Fifty-Fifth Annual Session of AALCO, this item will be deliberated during the Second Meeting of Delegations of the Member States with the presence of the Heads of Delegations at this meeting being of utmost importance.⁶

⁴ Annex 1.

⁵ Report of the Forty-Seventh Annual Session of AALCO, Headquarters (New Delhi), 2008, Doc. No. AALCO/47/New Delhi (Headquarters)/2008/REP, page no. 17

⁶ Page 2, Document No. AALCO/47/HEADQUARTERS (NEW DELHI) SESSION/2008/ORG 5.

ASIAN-AFRICAN LEGAL
CONSULTATIVE ORGANIZATION
(AALCO)



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14 January 2016

No. 16/2016/CSG/AALCO

The Secretariat of the Asian-African legal Consultative Organization (AALCO) presents its compliments to Their Excellencies the Ambassadors/High Commissioners of Member States of AALCO and takes this opportunity to inform them that the esteemed Government of the United Republic of Tanzania has nominated **Prof. Kennedy Gastron** as a candidate for the post of the next Secretary-General of AALCO.

The CV of Prof. Kennedy Gastron is enclosed herewith for the perusal of Member States.

The Secretariat of the Asian-African legal Consultative Organization (AALCO) avails itself of this opportunity to renew to their Excellencies the Ambassadors/High Commissioners of the Member States of AALCO in New Delhi the assurances of its highest consideration.

Encl: As above

To
Their Excellencies the Ambassadors/ High Commissioners of Member States of
AALCO
New Delhi.

CC: Liaison Officers





THE HIGH COMMISSION OF THE UNITED REPUBLIC OF TANZANIA

CJAB.228/289/01/B/72

The High Commission of the United Republic of Tanzania in New Delhi presents its compliments to the Asian-Africa Legal Consultative Organization [AALCO] in India and has the honour to officially inform the Esteemed Organisation that the Tanzanian Government has nominated Prof. Kennedy Gastron for the Candidature of the Post of Secretary General of AALCO.

The Mission has an honour to attach a copy of Professor Kennedy Gastron's Curriculum Vitae.

The High Commission of the United Republic of Tanzania in New Delhi avails itself of this opportunity to renew to the Asian-Africa Legal Consultative Organization [AALCO] in India the assurances of its highest consideration.

New Delhi; Monday, 11 January 2016

The Asian-Africa Legal Consultative Organization [AALCO]
NEW DELHI



CURRICULUM VITAE
Prof. Dr. Kennedy Godfrey GASTORN
(UNITED REPUBLIC OF TANZANIA)

- I. Name and First Name: Kennedy Godfrey GASTORN
II. Date of Birth and Place of Birth: 25 December 1976, Kitete, Tabora, Tanzania
III. Working Languages: English, Swahili
IV. Current Position/Function: Associate Professor of Law and Head of the Department of Public Law – University of Dar es Salaam, Tanzania

V. Main Professional Activities:

- (1) Teaching; Research and Consultancy in: Public International Law; Regional Integration Law; East African Community Law; Indigenous and Minority Groups; International Human Rights Law; Good Governance and Rule of Law; Law of the Sea; Constitutionalism; Land Law; Peace and Security; and Environmental Law – 2001 to date.
- (2) Member, National Environmental Advisory Committee in the Vice President's Office United Republic of Tanzania – 2011 to date.
- (3) Member, International Work Group for Indigenous Affairs (IWGIA), Denmark – 2015 to date.
- (4) International Development Law Organization (IDLO), National Convenor, Rule of Law Forum, for Tanzania – 2015 to date.
- (5) Legal Expert in Admiralty/Maritime Law in the Indian Ocean Maritime Security Project (MASE) of the Indian Ocean Commission (IOC) (representing the United Republic of Tanzania) – 2014 to date.
- (6) Advocate of the High Court of Tanzania and Subordinate Courts thereto except Primary Courts; Commissioner for Oaths and Notary Public – 2009 to date.
- (7) Chairperson, Legal Services Facility (LSF) Board, Tanzania – 2012 to date.
- (8) Member, African Law Association, Germany – 2005 to date.
- (9) Member, East African Law Society, Burundi, Kenya, Rwanda, Tanzania and Uganda – 2010 to date.
- (10) Member, Tanganyika Law Society, Tanzania – 2010 to date.
- (11) Editor-in-Chief, Mwalimu Nyerere Law Journal (MNLJ) – 2014 to date.

VI. Education Background:

- (1) Dr. Jur. University of Bayreuth, Germany, 2007.
- (2) LL.M. University of Dar es Salaam, Tanzania, 2003.
- (3) LL.B. University of Dar es Salaam, Tanzania, 2001.

VII. Selected Previous Main Relevant Professional Activities:

- (1) Visiting Professor: Faculty of Law, St Augustine University of Tanzania, Mwanza, 2009 -2013.
- (2) Visiting Professor: Faculty of Law, Ruaha University College of Tanzania, Iringa, 2010 – 2011.
- (3) Fulbright Visiting Research Professor/Scholar, State University of New York, Buffalo Law School, March 2014 – February 2015.
- (4) National Coordinator, Legal Sector Working Group, Canadian High Commission, Tanzania – 2012 -2015.
- (5) Patron, Youth of United Nations Association, University of Dar es Salaam, 2009 – 2012.
- (6) Associate Dean for Administration and Public Affairs, University of Dar es Salaam School of Law, Tanzania – 2009 – 2012.
- (7) Founder and Coordinator, Tanzanian German Centre for Eastern African Legal Studies (TGCL), Tanzania and Germany – 2008 -2014.
- (8) Co-coordinator, Implementation of International Environmental and Climate Law through REDD+ Strategy in Tanzania, Department of Public and International Law of University of Oslo and School of Law of University of Dar es Salaam – 2011-2012.

- (9) Member, International Organization for Migration (IOM) Observatory on Migration under the African, Caribbean and Pacific States (ACP), Tanzania – 2010 – 2012.
- (10) Consultant, Drafting a Scalable Model on Mediating and Arranging of German-African University Partnerships, *Stiftung Partnerschaft mit Afrika e.V.*, Potsdam – June-July 2014.

VIII. List of Most Recent Publications in the Field (2010-2015):

- (1) "The Legality of the Appellate Division and the Human Rights Jurisdiction of the East African Court of Justice of the East African Community", *Africa Nazarene University Law Journal*, 2015:3:1:41-64.
- (2) "The Inevitable Reforms on the Legislative Competencies of the East African Legislative Assembly", *Law and Politics in Africa, Asia and Latin America*, 2015:1:28-48.
- (3) "Sovereignty, Treaty Making Powers and Compatibility of Tanzania's Proposed Federalism with the East Africa Community-Integration Process and Pan Africanism", *AUCIL Journal of International Law*, 2014:2:78-97.
- (4) "Regional Cooperation on Shared Watercourses: The Policy and Legal Framework on Transboundary Water Resources in Mainland Tanzania", *Recht in Afrika/Law in Africa*, 2014:2:187-210.
- (5) "Withering Public Finance Accountability in Tanzania? Review of the Amendment to the Public Audit Act 2008", *East African Law Review*, 2014:1:145-177.
- (6) "The East African Community and the Sovereignty Relinquishment Trail in the Constitution Making Process of Tanzania", *Nyerere Law Journal*, 2014:1:35-67.
- (7) Constitutional Reform Processes and Integration of East Africa, (editor, et al), Dar es Salaam: Dar es Salaam University Press, 2013.
- (8) "Effectiveness of Flexible Land Tenure in Unplanned Urban Areas in the SADC Region: A Case Study of Tanzania and Experiences from Zambia and Namibia", *SADC Law Journal*, 2013:2:160-181.
- (9) "The Dynamics of Continuity and Change of British Colonial Legacy in Land Laws of (Mainland) Tanzania", *Open University Law Journal*, 2013:1:149-166.
- (10) "Judicial Articulation of the National Land Policy and Land Legislation on Access to Land by Foreigners in Tanzania", *Journal of African and International Law*, 2013:2:3:227-247.
- (11) "Cross Border Legal Practice in the East African Community: Prospects and Challenges from the Tanzanian Position", *Journal of African and International Law*, 2013:3:2:29-76.
- (12) "The Right to Health and the Paradox of HIV/AIDS Strategies, Policies and Laws on Vulnerable Groups in Tanzania: The Case Study of Homosexuals", *Orient Journal of Law and Social Sciences*, 2012:1:34-48.
- (13) "The Legal Analysis of the Common Market of the East African Community as Market Freedoms in the Open Market Economy", *Recht in Afrika/Law in Africa*, 2011:1:143-154.
- (14) Processes of Legal Integration in the East African Community (editor, et al), Dar es Salaam: Dar es Salaam University Press, 2011.
- (15) "Constitutionality of Compulsory Land Acquisitions and Compensation Practice in Tanzania: The 2009/10 Kipawa Land Eviction and Road Sector Compensations Dispute as Prototype", *St. Augustine University of Tanzania Law Journal*, 2011:1:2:14-34.
- (16) Justice and Dignity for All: Current Issues of Human Rights in Tanzania (editor, et al), 2010, Dar es Salaam: Dar es Salaam University Press, 2010.
- (17) "Squatters' Rights and the Land Laws in Tanzania", *Law and Politics in Africa, Asia and Latin America*, 2010:3:349-365.
- (18) "Rights of Children Born Out of Wedlock and the Laws in Tanzania: Efforts Toward Compliance with Human Rights Instruments?", *Journal of African and International Law*, 2010:3:1:147-163.
- (19) "The Dynamics of Change and Continuity in Land Dispute Mechanisms in Mainland Tanzania: The Jurisdictional Debate", in Bernreuther, J. et al, (eds.), *Festschrift Fuer Ulrich Spellenberg*, Munich: Sellier European Law Publishers, 2010, 571-585.
- (20) "Property Relationships between Spouses in Tanzania", *Orient Journal of Law and Social Sciences*, 2010:IV:2:31-37.

ANNEX II

SECRETARIAT'S DRAFT
AALCO/ DFT/RES/55/ORG 4
20 MAY 2016

APPOINTMENT OF THE SECRETARY-GENERAL

The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,

Having Considered the Secretariat Document No. AALCO/55/HEADQUARTERS (NEW DELHI)/2016/ORG 4,

Recalling the resolution on the Appointment of the Secretary-General (RES/47/ORG 5, 4 July 2008), adopted at the Forty-Seventh Annual Session of AALCO, and the resolution on the Reappointment of the Secretary-General, (RES/51/ORG 5, 22 June 2012) adopted at the Fifty-First Annual Session of AALCO,

Taking note of the entire process of the Appointment of the Secretary-General during the Fifty-Fifth Annual Session,

Emphasizing that the Annual Session of the AALCO which has on its agenda the appointment/election of the Secretary-General, has to be held in advance of the completion of the tenure of the outgoing Secretary-General,

1. **Confirms** the appointment of ----- as the Secretary-General of AALCO for a term of four years; and
2. **Affirms** that ----- will assume his/her functions as the Secretary-General in his full capacity as from -----.

ANNEX III

SECRETARIAT'S DRAFT
AALCO/RES/DFT/55/ORG 4A
20 May 2016

EXPRESSION OF GRATITUDE TO THE OUTGOING SECRETARY-GENERAL

The Asian-African Legal Consultative Organization at its Fifty-Fifth Session,

Taking note of the completion of tenure of H.E. Prof. Dr. Rahmat Mohamad as the Secretary-General of AALCO,

Acknowledges with appreciation the significant contribution made by H.E. Prof. Dr. Rahmat Mohamad during his tenure as the Secretary-General in enhancing the image, role and activities of the Organization, in rationalizing its work programme, and the management of its budget, as well as in steering efficiently and effectively the activities of the organization, and

Expresses gratitude for the valuable services rendered by H.E. Prof. Dr. Rahmat Mohamad during his tenure of eight years.