

**TEXT OF THE STATEMENTS OF THE
INAUGURAL SESSION OF THE
FORTY-FIFTH SESSION
HELD ON MONDAY 3RD APRIL 2006
AT 10:15 AM**

**Welcome Address by His Excellency
Amb. Dr. Wafik Z. Kamil, Secretary-
General of AALCO**

Hon'ble Mr. Hans Raj Bhardwaj, Union
Minister for Law and Justice, Government
of India,

Hon'ble Mr. S. Amos Wako, Attorney
General of Republic of Kenya and the
President of the Forty-Fourth Session of
AALCO,

Hon'ble Mr. Hamid Awaladdin, Minister of
Justice and Human Rights, Republic of
Indonesia, the President of the Forty-Third
Session of AALCO,

Hon'ble Ministers, Excellencies,
Distinguished Delegates, Observers,
Ladies and Gentlemen,

On behalf of the Organization and my own
behalf, I respectfully and warmly welcome
Your Excellency Mr. Bhardwaj to grace this
distinguished gathering of the Forty-Fifth
Session of the Asian-African Legal
Consultative Organization.

I would like at the outset to express on
behalf of the Organization and its Member
Governments our profound gratitude to
Your Excellency and to your Government
and the people of India for hosting the
AALCO in New Delhi since its
establishment in 1956 and in the Golden
Jubilee Year gifting to the Organization its
Permanent Headquarters building. It is an
auspicious coincidence that the Permanent
Headquarters of the Organization would be
inaugurated during the Forty-Fifth Annual
Session of the Organization, in its Golden
Jubilee Year, in the kind and gracious
presence of so many Ministers, Attorneys
and Solicitors General and distinguished
delegates from the Asian-African region and
several Observer Delegations from non-
Member States and Inter-governmental

Organizations. This would certainly mark
the commencement of a new era with a new
dimension in AALCO affairs.

Your Excellency, 2006 marks the
completion of fifty years of AALCO and
with a sense of delightful nostalgia, I would
take this opportunity to briefly dwell upon
the origin, growth and development of
AALCO. In early 1954, International Legal
Conference was held in New Delhi. This
was the first of its kind to be held in an
Asian country and can be regarded as unique
in view of the fact that this was the first time
jurists from the East as well as from the
West met together to discuss matters of vital
interest to the world. Hon'ble U Thein
Maung, the then Chief Justice of the Union
of Burma (now Myanmar) suggested at this
Conference the setting up of an Asian
Consultative Committee for the exchange of
views on legal problems of common
interest. The suggestion received the
approval of delegates of the Governments of
Iraq, Syria, Nepal, Indonesia and India.

Next important milestone in the journey of
AALCO was the Asian-African Conference,
held in Bandung, Republic of Indonesia in
1955, that has no parallel in history. It gave
a unique message to the world — it
highlighted, whatever may be the
differences in our political, economic
systems or the legal systems, the States of
these regions are inextricably linked
together as an Asian-African identity. This
is the lasting message of Bandung, which
has an emotional appeal, and for years, the
name Bandung has provided a magical
effect in bringing us together in various
world fora.

At the Bandung Conference, the political
momentum for creating such a Legal
Committee gained acceptance, following
which on 15th November 1956 the
Governments of Myanmar, Sri Lanka, India,
Indonesia, Iraq, Japan and Syria constituted
the Asian Legal Consultative Committee.
The first Session of this Committee took
place in April 1957 in this city of New

Delhi. Pt. Jawaharlal Nehru, the then Indian Prime Minister and one of the most distinguished statesmen of that era inaugurated our First Session. In his inaugural address, he envisioned that the Committee should grow into a forum for the development of international law, reflecting the Afro-Asian views on and experiences in international law. It was on his suggestion that the Statute of the Committee was amended so as to include participation of the countries from the African Continent.

This paved the way for Africa to be also part and parcel of AALCO which went on to host its Second Session in my home country, the Arab Republic of Egypt in the historical city of Cairo. This, I believe also gave birth to, perhaps a unique tradition, in Inter-governmental Organizations i.e. instead of the Annual Session being organized at the Permanent Headquarters, the Sessions are hosted on the invitation by the Member Governments in Asia or Africa. The tremendous zeal and enthusiasm with which our Member Governments host these Sessions is well known to all of us. For delegations, in addition to participation in the regular meetings during the course of the Session, it gives them an opportunity to understand the life, value and culture of their brotherly countries as well as enjoy the warm hospitality accorded by the host governments. Out of Forty-Five of our Annual Sessions, till date 32 have taken place in Asia, 11 in Africa and two including this one at the Headquarters.

Your Excellency, from seven states in 1956, today we have grown to 47 in number. Nearly all-important countries of Asia and Africa are Members of this original inter-regional Organization concerned with legal developments for the Asian-African region. In our fifty years, we have considered, in addition to examining the matters before International Law Commission, items such as: Diplomatic Immunities and Privileges, State Immunities in respect of Commercial Transactions, Extradition, Status of Aliens, Dual Nationality, Legality of Nuclear Tests,

Rights of Refugees, Relief against Double Taxation and Fiscal Evasion, Legal Aid, Recognition and Enforcement of Foreign Judgments in Matrimonial cases, Reciprocal Enforcement of Foreign Judgments, Recording of Evidence and Service of Process both in Civil and Criminal Matters; Vienna Convention on the Law of Treaties; Oceans and Law of the Sea; International Trade Law; International Environmental Law; Private International Law; International Criminal Court, An Effective International Legal Instrument Against Corruption; International Terrorism; Legal Protection of Migrant Workers etc. The AALCO made useful recommendations on many of these topics. Among them the Bangkok Principles on the Status and Treatment of Refugees adopted at its Eighth Session held in Bangkok in 1966 is considered to be important.

It is a matter of pride for the people of the region that the concept of the Exclusive Economic Zone was born in the AALCO's cradle, then adopted by the G-77, and finally found its rightful place in the modern law of the sea, both customary and conventional.

Thanks to the able and energetic leadership of my distinguished predecessors Mr. B. Sen, from India, Mr. Frank Njenga of Kenya and Mr. Teng Chengyuan from the People's Republic of China, the Organization has come to stay on the international horizon. With the support, cooperation and guidance of the Member States, I have also been rendering my best efforts to secure for AALCO a place of pride in the family of inter-governmental organizations. I am convinced that Organization's stature and eminence would keep on growing and it would be of service to two of the most populous continents of the world.

Your Excellency, during the course of these five decades your country has played a very important role in AALCO. Indian delegations have always been in the forefront of deliberations at our Annual Sessions and other Inter-Sessional Meetings and Seminars. Four of our Annual Sessions,

i.e. in 1957, 1967, 1973, and 1998 have taken place in New Delhi. While for the Headquarters Session in 2001 and for our present HQ Session, Your esteemed Government has generously given financial assistance to the Secretariat and has also rendered all possible assistance for hosting the Session in a suitable manner. Thus, all in all for six out of our Forty-Five Sessions, Your Excellency, the Organization has assembled in New Delhi. On behalf of the Organization and on my own behalf, I am thankful to the Government of India for their friendly gesture in supporting AALCO in all its endeavors.

Your Excellency, in the coming 6 days the Session will be deliberating upon various topics of contemporary relevance in international law, which reflect the concern of our Member States and will cover the most important subjects of international community's agenda. In addition, as it is customary for AALCO to hold Special Meetings on topics of special relevance to its Member States, therefore three such half-day Special Meetings, namely on Statelessness: An Overview from the African, Asian and Middle Eastern Perspective; Legal Protection of Migrant Workers; and on International Humanitarian Law would take place in close cooperation with UN High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC), respectively. The Secretariat has prepared a Special study on the concept of "International Terrorism" which would be submitted during the course of Session for the consideration of the Member States.

I request the delegates to avail this unique opportunity and make known the concern of their governments/countries regarding the deliberated topics in the Session and to share their experiences with and among AALCO Member States as it is in my view one of the fundamental aims of our annual meeting.

Mr. President, the AALCO Secretariat has done its utmost to make all the necessary arrangement for the success of the Forty-Fifth Session. Pardon us, if there is any shortcoming in the arrangement of this Golden Jubilee Session from our part.

To conclude, let us on this occasion of our Golden Jubilee resolve to rekindle that Bandung spirit of commonness and brotherly cooperation which would lighten our way towards a better future.

I once again welcome you all to the Forty-Fifth Session of AALCO and to this historic and majestic city of New Delhi. I request the delegates to actively participate in the deliberations and seek your cooperation and guidance to make it a highly successful Session.

Statement of the President of the Forty Fourth Session of Asian-African Legal Consultative Organization Hon'ble S. Amos Wako, Attorney-General of Kenya

His Excellency Mr. H.R. Bhardwaj, Hon'ble Union Minister for Law and Justice, Government of India,
His Excellency Ambassador Dr. Wafik Z. Kamil, Secretary General of AALCO,
Honorable Ministers,
Distinguished Delegates and Observers,
Ladies and Gentlemen,

At the outset I express my profound gratitude to all the Member States of AALCO and the Secretary General in extending full cooperation and support to me during my tenure as the President of the Forty-Fourth Session of AALCO. Almost a year has passed since we met in Nairobi. I hope the Member States have gained a lot from the deliberations during the Forty-Fourth session. I am certain that the Forty Fifth Session, would be an excellent one and seek cooperation from all those who are gathered here to make this session exceptional.

Excellencies, Ladies and Gentlemen

We all have assembled for one of the most important Headquarters Session of AALCO in this great country India, known for its democratic traditions and for its religious, cultural and ethnic unity in diversity to attend the Forty-Fifth Annual Session of AALCO. This Session assumes significance, as the year 2006 is the Golden Jubilee year of the Organization in which the permanent headquarters of the AALCO is about to be inaugurated at its seat here in New Delhi. As India is a founder and active Member State of this Organization it is a time for celebration that Golden Jubilee Session in New Delhi.

May I take this opportunity in my capacity as the President of the Forty-Fourth Session of AALCO and on behalf of the Republic of Kenya to extend heartfelt gratitude and appreciation to the Government of India for gifting the permanent headquarters building to AALCO. This would certainly enhance the capacity of AALCO, the only inter-continental organization of its kind serving the two continents of Asia and Africa in the field of international law.

Since 1958 when the African continent came in the fold of the organization, the AALCO remains a unique body not only to develop Asian-African perspectives of international law but also act as a bridge between the world's two most populous continents. Our Annual Sessions play an important role in facilitating the interaction of people of the two continents and to discuss important issues of international law. Republic of Kenya is a Member of AALCO since 1970. Our country got twice the privilege of holding the Annual Session: First in 1989 and then in 2005, Twenty Eighth Session and Forty-Fourth Session respectively.

Excellencies, Ladies and Gentlemen

During my tenure as the President of the AALCO, there are some notable achievements in the work of the AALCO. The Secretariat has prepared two special

studies on very important topics, namely, "A Study on International Terrorism"; and "UN Convention against Corruption: Rights and Obligations". Another Special Study on "Statelessness: An Overview from the African, Asian and Middle East Perspective" a joint effort of AALCO-UNHCR would also be released during the Session. The Secretariat has also drafted some of the Draft Articles of a Proposed Model Legislation on Prevention of Trafficking in Persons Especially Women and Children.

The Secretary General participated in the Fifty-Seventh Session of the International Law Commission in Geneva and addressed the Commission. I also had the privilege of chairing the AALCO Legal Adviser's Meeting and Joint AALCO-ILC Meeting on 31 October 2005 in New York. Both of us, the Secretary General and Myself addressed and appraised the Legal Advisers of the Activities of AALCO and discussed the work programme for the year to come. The topics discussed therein with ILC were international terrorism and Expressions of Folklore and its International Protection. The second part of the Meeting discussed some topics on the current work programme of the ILC. Another significant event was the Conference to mark the Publication of the ICRC study on "Customary International Humanitarian Law" jointly organized by the AALCO and the ICRC on December 2005

During the Forty-Fifth Session there would be three half-day special meetings in collaborations with three international organizations, namely, United Nations High Commission for Refugees (UNHCR), International Committee of the Red Cross (ICRC), and International Organization for Migration (IOM). We will also sign in the present session the Memorandum of Understanding Establishing the Fifth Regional Center for International Arbitration in Nairobi.

I am happy to know that in line with decision taken at the Forty-Fourth Session, it has in principle been decided to hold the

“The Meeting of International Experts on Human Rights in Islam” from 15-19 May 2006 in Kuala Lumpur, Malaysia. We appreciate the effort of the Government of Malaysia and H. E. Hon’ble Tan Sri Abdul Gani Patail, Attorney General of Malaysia for their efforts to host the meeting in Kuala Lumpur.

Excellencies, Ladies and Gentlemen,
I take this opportunity to thank once again our Chief Guest His Excellency Mr. H.R. Bhardwaj, Hon’ble Union Minister for Law and Justice, Government of India. I also thank the Government of India for their cooperation and assistance and also for gifting the AALCO a permanent Headquarters building and we all are sure that the Government of India will spare no efforts to help AALCO to shift to an extremely functional Headquarters. I had the opportunity to visit the Headquarters building site on Saturday. The Headquarters when completed will be an impressive building in a prime area of New Delhi. The Secretary General has in his address given us a brief on the reasons behind the delay in completing the Headquarters building which would have enabled us to shift in time for this Session. Like in all building projects, it is only when it is about to be completed that one notices a few problems that should be addressed and solved prior to completion and hand-over.

I also extend my gratitude to the Secretary General of AALCO and his dedicated team for their meticulous efforts to make this session a grand success as well as for all the help and information about AALCO’s activities, which I followed very seriously. I wish all success to the incoming President and I am confident that the Forty-fifth Session would be a great success under his leadership.

It is my pleasant duty to invite the Hon’ble Union Minister for Law and Justice, Government of India to deliver his Inaugural address. I have pleasure in informing that Mr. Bhardwaj had been in a way associated

with AALCO since its foundation. His father was a lawyer of the first Indian Prime Minister Mr. Nehru and thus he was privileged to learn about the founding fathers of our Organization, President Soekarno, Col. Naseer and others. He has a very distinguished legal background and is a very eminent Indian lawyer with a longstanding practice at the Bar. This is his fifth term as a Member of Parliament and for the third time he is the Law Minister of India. His term of office being from 1985-89 and then from 1992-96 and 2004 onwards.

I once again thank all the delegates and observers who are attending this Session and wish them a pleasant stay in New Delhi. Thank you.

Inaugural Address by His Excellency Mr. Hans Raj Bhardwaj, Union Minister for Law and Justice, Government of India

Very Distinguished President of the AALCO, H. E. Mr. Amos Wako,

Very Distinguished Secretary-General of the AALCO, H. E. Dr. Wafik Z. Kamil,

Distinguished Mr. B. Sen, Senior Counsel Supreme Court of India and former Secretary-General of AALCO,

Honorable Ministers of the Member States of the AALCO,

Excellencies, Distinguished delegates, special invitees, ladies and gentlemen.

Mr. President, you have rightly said that my father served Mr. Nehru. Mr. Nehru was instrumental in laying down the principles of Panchsheel. I have myself personally seen Col. Nasser, Tito and Soekarno. We in India, know them as our own leaders and their memory is a part of Indian history.

At the outset, on my own behalf and on behalf of the Government of the Republic of India, I would like to extend to you all a hearty welcome to this historical city.

Mr. President, the current session of AALCO is an historic one, as it is the Golden Jubilee of AALCO, which was established in the year 1956, as a tangible outcome of the historic Bandung Conference held in 1955, and represents a unique symbol of cooperation among the countries of Asia and Africa in the field of international law. AALCO has been rendering yeoman service in providing a platform for exchange of ideas and objective discussions on the issues of international law of common concern to its Member States which by nature are influenced by diverse political approaches and international political climate. From an original membership of seven Asian States, its membership has gradually increased to 47 States from Asia and Africa, which highlights the importance, the States of the region accord to this form of cooperation and to the work of the organization.

Mr. President, India is deeply committed to the development of international relations and law suitably reflecting the special needs, interests and aspirations of Asia and Africa. It is, thus, honoured to host the Permanent Headquarters of the Organization, which has been in New Delhi since its inception, in 1956.

International law as a subject is fast changing from its traditional mould. The traditional international law dealt with subjects like recognition, succession, diplomatic privileges and immunities, law of treaties and the law of the United Nations, popularly known as Charter Law, is a relatively new phenomena.

After the establishment of the UN, not only the subjects covered by international law have started expanding but also the manner and method by which international law has developed have also undergone a considerable change.

Codification and progressive development is one of the priorities of the UN. The

International Court of Justice which is the principal judicial organ, the International Law Commission which is a representative but expert body of international law constituted by the UN General Assembly; and the Sixth Committee of the United Nations General Assembly, which is the forum for the Member States of the UN to consider various topics of international law are the three main focal points which interact among themselves and together contribute to the codification and the progressive development of international law.

Mr. President, the development of law through UN has a distinct advantage of enabling the participation of all the members of the UN in the development of the law. Nonetheless, we have seen that the democratic structure of participation seldom guarantees the effective and equitable reflection of the interests of all countries and peoples, particularly the developing and poor world in the development of such law. Such effective participation can only be ensured and helped through appropriate preparation, identification of interests and needs of developing world, followed by promotion of common and consensual approach among them on specific issues involved.

In this context, we commend the service of AALCO for the past fifty years in providing a common platform and a forum to bring together the Asian and African States in particular and the Third World in general with a view to strengthening their participation in the process of development of international law and to enabling them to realize effectively their goals and aspirations. The contribution of AALCO in bringing together the countries of Asia and Africa, with a view to effectively coordinating the positions of the developing countries in codification conferences under the auspices of the United Nations, especially during the negotiations leading to the Vienna Convention on the Law of Treaties and on the Law of the Sea, are well

recognized. The Third United Nations Conference on the Law of the Sea represented the largest codification exercise undertaken by the United Nations in which the newly independent developing countries participated and AALCO played a very important role in bringing them together to enable them to present their positions in a coordinated and effective manner. The effectiveness of AALCO's role in those negotiations was recognized by countries of other regions of the world, and many of them attended its sessions as Observers during those periods. Similarly, AALCO has played an important part.

The main aim of international law is to establish an equitable and just world order, an order that is meant to serve the interests of all the peoples of the world without discrimination, on the basis of sovereign equality among all States and respect for their independence and territorial integrity.

In this connection, not only the developments within the UN but outside the framework of UN is also of urgent concern. Thus, apart from issues concerning peace and security, human rights, humanitarian law and fixing accountability for international crimes, environment, issues concerning equitable economic relations and world trade regimes are also of paramount importance to all of us.

In today's dynamic world, AALCO has a challenging role to play. It has to energize the negotiators of Asia and Africa with important inputs keeping in view the implications for international law and obligations. It should focus on priority areas of direct and immediate concern to our continents such as international terrorism, right to development of the developing countries including receiving equitable benefits from international trade, electronic commerce, etc. It should ensure greater interaction, through its forum, among the legal community of the Asian-African world. It should prepare them in fashioning their responses to the ongoing dialogue in

the international community on different aspects of law. It could help capacity building by organizing training programmes, workshops and seminars by involving all concerned including the governmental legal advisors, the judiciary and other relevant expert bodies and groups within our two great continents.

Mr. President, International law is a unique discipline with a multi-disciplinary character, which requires appropriate inputs from specialists and experts from different fields in developing widely acceptable and effective legal regimes on many spheres such as the management of environment, scarce resources, oceans, rivers and development of our natural resources. It is intimately tied to our foreign policies in that it influences and is also influenced by the same.

AALCO's greatest contribution lies in the promotion of common interest among the Asian-African States and maintaining it as a forum for professional exchange of views and consolidation of cooperation among States of our region.

Finally, from the agenda, I am most happy to see that the Golden Jubilee 45th Session of AALCO, will consider a number of important topics, such as the work of the International Law Commission at its 57th Session, the Law of the Sea, Status and Treatment of Refugees, Legal Protection of Migrant Workers, Jurisdictional Immunities of States and their Property, International Terrorism, Cooperation Against Trafficking in Women and Children, The International Criminal Court: Recent Developments, Environment and Sustainable Development, the International Convention against Corruption. Report on the Work of the UNCITRAL and other international organizations in the field of International Trade Law, WTO as a Framework Agreement and Code of Conduct for the World Trade, apart from other agenda items concerning its programmes and policies.

On all these issues, I have no doubt, the deliberations over next one week among the distinguished delegates would prove highly productive. I have also no doubt, because of these deliberations, the delegations and the Asian-African community will acquire further insight over these issues and greater commonality of positions.

I wish the Conference every success. And I also wish the Hon'ble delegates a pleasant stay, I also hope that during your stay you will have an opportunity to see India, enjoy the sights and sounds of this beautiful city, even as you get a good taste of our traditional hospitality. I hope you will feel totally relaxed and enjoy.

Vote of Thanks by Mr. Ebby Pratomo, on behalf of the Republic of Indonesia and on behalf of the President of the Forty-Third Session of the Asian-African Legal Consultative Organization

His Excellency Mr. H.R. Bhardwaj, Hon'ble Union Minister for Law and Justice, Government of India

His Excellency Ambassador Dr. Wafik Z. Kamil, Secretary General of AALCO

His Excellency, Mr. Amos Wako, President of the Forty-Fourth Session of AALCO
Honorable Ministers
Distinguished Delegates and Observers
Ladies and Gentlemen

It is indeed an honor for me to propose a vote of thanks on behalf of the Asian-African Legal Consultative Organization to your Excellency Mr. H.R. Bhardwaj, Hon'ble Union Minister for Law and Justice, Government of India for your kind approval to personally grace and inaugurate the Forty-fifth session of the AALCO. Excellency, we are delighted to have this Annual Session in New Delhi in the Golden Jubilee year of the Organisation in India, the seat of our Organisation.

Excellency, in the history of AALCO, New Delhi has been the venue for maximum

number of Annual sessions. India, a beautiful country represents a unique civilization which symbolizes unity in diversity. It is our privilege that we all have come together in this great nation. For this we are greatly obliged to the Government of India and the AALCO in providing us this opportunity. This being a Headquarters Session we are especially indebted to the Secretary General and his colleagues in the Secretariat for the warm hospitality and excellent arrangement we are enjoying in this historic city.

I express my sincere appreciation to H. E. Mr. Amos S. Wako, Attorney General of Kenya for Presiding over the Forty Fourth Session and steering the work of the organization to greater heights. I would like to take this occasion to thank Honorable Ministers, Distinguished Delegates and Observers who came all the way from their respective capitals to attend the Forty-fifth session of AALCO.

I would also thank the Secretary General of AALCO H. E. Amb. Dr. Wafik Z. Kamil for the excellent leadership in steering the work of the Secretariat and thorough preparation he has made for this Golden Jubilee Session together with his excellent Deputy Secretaries General and all the AALCO Secretariat staff for the excellent preparation of the background documents and other logistics for the session. My Special thanks go to the Government of India for giving the necessary support for AALCO and for the smooth conduct of the session. To conclude, I am confident that the Forty Fifth Annual Session of AALCO would be a turning point in the history of AALCO and would further the growth of the Organization. Especially that it coincides with the inauguration of the Permanent Headquarters building which will open a new era in the history of AALCO and in the half a century hospitality of the Government of India to its Headquarters.