

**SUMMARY RECORD OF THE FIRST  
MEETING OF DELEGATIONS OF  
AALCO MEMBER STATES  
HELD ON MONDAY, 3<sup>RD</sup> APRIL 2006  
AT 12:15 PM**

**Hon'ble Mr. S. Amos Wako, President of  
the Forty-Fourth Session in Chair.**

1. At the outset, the **President** announced that the Meeting was strictly for Member States of AALCO and therefore he requested the Observers to withdraw from the Meeting of Delegations and invited them to join later during the course of General Meetings. Thereafter, the President referred to the Provisional Agenda for the Forty-Fifth Session and sought the views of Member States on it. There being no comments from the delegations, the President declared the Agenda adopted.

2. The next item taken up for consideration was relating to the **Admission of Observers**. The Secretary-General drew attention to the relevant statutory provisions and the practice at the Annual Sessions to admit non-Member States and Inter-Governmental Organizations as Observers. There being no comments, the participation of observers was approved by the Meeting.

3. The Meeting then took up the agenda item "**Election of the President**". The President invited the Secretary-General to explain the position in this regard. The **Secretary-General** explained that it was the practice of AALCO Member States to host the Annual Session on rotational basis and it was customary to elect the President from the host Government. The present Session was a rarity in the AALCO tradition, as in the fifty years of the Organization's history, it was the sixth time that the Session was being hosted in New Delhi and that it was the second time that it was being hosted by the Secretariat as the Headquarters Session. In this context, he explained the three choices which could be exercised (i) the President and the Vice-President of the last Session continue in their posts for another

year, (2) to share the Presidency with the host country or (3) President from the host country.

4. The **President** thanked the Secretary-General for his explanation. He stated that after his arrival in New Delhi he was informed of the three choices he had. After very careful consideration, of the three choices before him he has decided to relinquish the Presidency in favour of India. Referring to Mr. Nelson Mandela a very distinguished statesman and former President of South Africa, he observed that Mr. Mendela had a choice of second term and he could have easily had it. However, he relinquished the office of President to enable the development of new leadership in South Africa. Following his footsteps, as AALCO at this juncture was at a unique point when at the age of fifty it had to go back to its roots to further strengthen it, it was therefore appropriate that the leadership at this juncture should be handed over to India. In the Golden Jubilee Year of the Organization when the Permanent Headquarters building was being inaugurated, it was appropriate that the Presidency was handed-over to India, the host of the Organization since its establishment. He said that he was pleased to inform that Mr. Narinder Singh, Legal Adviser and Joint Secretary, Ministry of External Affairs, Government of India, was the right person to guide and steer the work of the Organization in its Golden Jubilee Year. Mr. Singh was the Head of the Legal Bureau of Ministry of External Affairs and prior to that he was the Legal Adviser at the Permanent Mission of India in New York. He has represented the Government of India in several UN, IMO and IAEA Conferences, and the work of the Sixth Committee. He was also the second President of the International Seabed Authority. He said he was proud and confident that Mr. Singh with his vast experience in international law as well as AALCO matters would ably steer the Organization. He was therefore privileged to propose his candidature for the President's post.

5. The **Leader of Delegation of the People's Republic of China** seconded the proposal of the President. He also referred to the distinguished career of Mr. Narinder Singh as a legal diplomat and his vast experience in international law matters as well as his participation in several UN Conferences and AALCO Sessions.

6. The meeting unanimously elected **His Excellency Mr. Narinder Singh** as the **President of the Forty-Fifth Session** of AALCO.

7. The Meeting thereafter proceeded to consider the agenda item on the "**Election of Vice-President**". The **Delegate of Japan** proposed the name of His Excellency Mr. Vincent Damian Lyimo, Deputy Attorney-General and Permanent Secretary in the Ministry of Justice and Constitutional Affairs, Government of Tanzania for the post of Vice-President of the Forty-Fifth Session of AALCO. The delegate recounted the wide administrative and legal experience of the nominee in dealing with legal matters in his country and Government.

11. The **Leader of Delegation of Uganda** seconded the proposal.

12. The meeting unanimously elected His Excellency Mr. Vincent Damian Lyimo as the Vice-President of the Session.

**[The President of the Forty-Fifth Session assumed the seat on the Dias.]**

13. The newly elected **President** at the outset expressed his sincere gratitude to all delegations for their kind support and confidence in him for electing him as the President of the AALCO Session in New Delhi, as well as giving him an opportunity to take the Organization forward. He profoundly thanked the outgoing President for his contributions for the development of the AALCO as well as for the successful conduct of the Nairobi Session. He recalled that due to certain circumstances, India was

not represented at the Nairobi Session from the capital and the participation was from the Indian mission in Nairobi. The Golden Jubilee Session was of particular importance as the Permanent Headquarters building was also being inaugurated in conjunction with the Forty-Fifth Session. In the long period of fifty years, the Organization had come a long-way. It had been considering matters of common interest as well as contributing for the promotion and development of international law. He stated that AALCO's contribution to the development of the Vienna Convention on the Law of Treaties as well as the Third United Nations Conference on the Law of the Sea was particularly referred to. Ever since his joining the Legal and Treaties Division of the Ministry of External Affairs, Government of India in 1984, he had been particularly following the AALCO Annual Sessions and its work. He has participated in several Annual Sessions since 1986. He hoped that the great tradition of AALCO would continue in future. He further hoped that after shifting to the Permanent Headquarters building, the Secretariat would be able to regularly organize training programmes for the benefit of the officials of the Member States. Moving on further, the President congratulated the Vice-President on his election. Referring to the agenda items, he stated that following the earlier practice of the Session some Special Meetings were also scheduled. In conclusion, he called upon the delegations to participate in the deliberations of the Annual Session.

14. The Meeting then took up for consideration the agenda item "**The Secretary-General's Report on the work of the Organization**". The President invited the Secretary-General to present his Report.

15. The **Secretary-General**, at the outset, extended his warm congratulations to Mr. Narinder Singh on his election as the President of the Forty-Fifth Session and expressed his confidence that under Mr.

Singh's leadership and his great command over international law issues, Forty-Fifth Session would achieve its objectives and register historical success. He recounted his personal association with Mr. Singh since his joining the AALCO as Deputy Secretary-General in 1995. He recounted the development of close personal relationship, over the years with Mr. Singh and this friendship has proved to be beneficial in their joint pursuance of AALCO matters. On behalf of his colleagues in the Secretariat and on his own behalf, he assured Mr. Singh of full co-operation in all his endeavours to promote the work of the AALCO all along his Presidency.

16. The Secretary-General also conveyed his deep and brotherly thanks to the outgoing President Hon'ble Mr. S. Amos Wako. He also congratulated His Excellency Mr. Vincent Damian Lyimo on his election as the Vice-President of Forty-Fifth Session.

17. The Secretary-General observed that in fifty years of its existence the AALCO has moved steadfastly on the path of promoting Asian-African solidarity, particularly in international law matters. In its Golden Jubilee year, it must therefore remember the founding fathers and express sincere regards and gratitude to their vision, which has enabled the voice of Asia and Africa to be heard in a more effective manner in various inter-governmental forums.

18. He thanked the Government and people of India for their generosity and magnanimity in hosting the AALCO since its establishment and gifting to it, its own Permanent Headquarters building. For this warm gesture of India, on behalf of all Member States and the Secretariat, the Secretary-General conveyed profound thanks to the Indian Government. He hoped that the completion of the Headquarters Building would mark the commencement of a new era in AALCO's activities with a renewed vigour and new dimension.

19. The Secretary-General also took the opportunity to express 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 upto their satisfaction. He assured them that he would continue to work with greater zeal and sincerity throughout his tenure.

20. He stated that it was appropriate that in the Golden Jubilee year of the Organization, the Annual Session was taking place at the Headquarters in New Delhi. Indeed, in essence, he said that this Session might be considered as the first Headquarters Session, as the earlier one that took place in 2001 here was held due to some unforeseen circumstances and at the last minute instead of the Session being held in Indonesia, it took place in New Delhi. He recalled in those days, everything was arranged in just twenty days.

21. Deviating a bit from the five-day traditional Session, this time, he said that the Session was meeting for six days. The Leaders of Delegations endorsed this earlier in the day. The occasion obliged deviation from the tradition and doing something different and therefore apart from considering the deliberated agenda items, there would be three half-day special meetings.

22. Thereafter, the Secretary-General proceeded to summarize the main aspects of his Report contained in document AALCO/45/HEADQUARTERS SESSION (NEW DELHI)/2006/SD/ORG 1. The Report covered the activities of AALCO till February 2006 and was placed for the consideration of Member States, on 4<sup>th</sup> of March. He recalled that for the last three 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 of each agenda item and the keenness to have an in-depth approach, which sets the priority in making such selection.

23. The Secretary-General informed that the Secretariat had prepared documents for all sixteen items on the Organization's agenda, among them 10 would have detailed deliberations. In this context, he invited Member States and Observers, who wished to do so, to give their comments/observations regarding the 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-Fifth Session. Thereafter, he proceeded to give a quick idea about the non-deliberated agenda items.

24. The first item on this list was "Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties", contained in document S 6. This 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 fora. It had also been seeking information and material relating to national legislation/comments and views of Member States. The Secretariat had received such comments from some of the Member States. The Secretary General took the opportunity to reiterate the request of the Secretariat to the Member States for their views and experiences. This would help the Secretariat to take up further studies on the topic.

25. The second item on the list was topic "Jurisdictional Immunities of States and Their Property" which was included on the agenda of the AALCO's work programme following a proposal from the Government of Japan at the Thirty-ninth

Session held in Cairo in February 2000. Since then the Secretariat had at successive Sessions of AALCO presented reports on the developments on this topic. The adoption by the United Nations General Assembly of the Convention on Jurisdictional Immunities of States and Their Property on 2 December 2004 marked the culmination of the long-drawn elaboration process that commenced in the International Law Commission in 1978. Though the exercise took a long time, it was certainly a timely achievement, particularly in the context of globalization of economies. He suggested Member States to explore feasibility of becoming Parties to this important Convention.

26. The third item on the agenda was "The International Criminal Court: Recent Developments", contained in document S 10. The AALCO had been following the developments as regards the International Criminal Court since 1996. The Organization has convened two Special Meetings prior to the adoption of the Rome Statute in 1997. Ever since the entry into force of the Statute, the Secretariat Report had been presenting for consideration of Member States important developments in the Assembly of States Parties of the Rome Statute and other related developments pertaining to the ICC. The present Report highlights the developments at the Fourth Session of Assembly of States Parties and the Inter-Sessional Meeting of the Special Working Group on the Crime of Aggression. The Secretariat in pursuance of its work on this topic was also preparing a special study on the "Definition of the Crime of Aggression".

27. The fourth item which was 'non-deliberated' was "Environment and Sustainable Development" contained in document S 11. The law relating to "Environment and Sustainable Development" constituted an important item on the agenda of the Organization. AALCO had been following the developments on this topic for over thirty years now. The present

focus of the work of the Organization was on the implementation of the three Rio Conventions namely, United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD) and United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994 (UNCCD) and Follow-Up in progress of the Implementation of the outcome of World Summit on Sustainable Development.

28. The fifth and last topic on this list was concerning the "Report on the work of UNCITRAL and other International Organizations in the field of International Trade Law". It contained report on the activities of UNCITRAL, UNCTAD, UNIDROIT and the Hague Conference on Private International Law. AALCO maintained very close relations with these organizations and with a view to highlighting their work, it has been preparing reports on the progress of work in their respective areas. The objective has 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.

29. Proceeding further, the Secretary-General drew attention towards the three half-day Special Meetings that form an essential part and parcel of the Headquarters Session. For the past ten years it has almost become customary for the AALCO to hold a one-day Special Meeting on a topic of common concern, in conjunction with the Annual Session, with the cooperation of an international Organization. Golden Jubilee, being a special occasion, he stated, that he had received requests from several International Organizations for organizing a joint meeting. To cater to such requests, it was considered to organize three half-day special meetings with International Organizations. Thus three special half-day meetings were being held with three

different International Organizations, namely, Office of the United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), and the International Committee of the Red Cross (ICRC). Furthermore, substantive work has been done in cooperation with these Organizations and work in their respective fields has reached a stage where it needed to be focused and deliberated upon at length. He informed that AALCO and UNHCR had together drafted a study, which would also be shortly released.

30. The Secretary-General thereafter proceeded to recall the useful contribution made by the Drafting Committee in the last three Sessions. The practice of constituting such a Committee started for the first time in Seoul (2003) and since then it has become an integral and important part of the work of the Session. The preparation of the Summary Report, Resolutions and other documents by the Committee had gone a long-way in further improving the work. The Open-ended Drafting Committee would meet either before the General Meetings or after it and based upon its thorough and careful work, he hoped that the Headquarters Session, like Seoul, Bali and Nairobi would adopt on the concluding day the Summary Report and the Resolutions as final documents. He informed that necessary arrangements for the smooth conduct of the work of the Drafting Committee were put in place.

31. Thereafter, the Secretary-General proceeded to draw the attention regarding some of the activities undertaken by the Organization since the Forty-Fourth Session. In July 2005, he informed that he had attended the second part of the 57<sup>th</sup> 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-Fourth Session on the agenda item. The Members of the Commission had considered these views very valuable.

32. Another important meeting in which AALCO was represented was the seminar on "Fostering the Rule of Law in Cross Border/Transnational Civil and Commercial Relations in the Asia Pacific: An Introduction to the Hague Convention", held from 22-24 August 2005 at Kota Kinabalu, Malaysia. Amb. Dr. Ali Reza Deihim the then Deputy Secretary-General of AALCO participated in this Seminar and had prepared a very useful Report of this Meeting. The Secretary-General thanked him for his valuable work. He also informed that the office of the Hon'ble Tan Sri Abdul Gani Patail, Attorney-General of Malaysia, organized this important Seminar.

33. On the sidelines of the General Assembly Session, on 31 October 2005, the Secretary-General had convened a Meeting of AALCO Legal Advisers' and AALCO-ILC Joint Meeting. Hon'ble Mr. S. Amos Wako, President of the Forty-Fourth Session had chaired both these meetings, which were highly successful. These Meetings constituted a major part of the inter-sessional work of the Organization.

34. Another important inter-sessional activity carried out was in association with the International Committee of the Red Cross (ICRC) on 8-9 December 2005. The AALCO Secretariat and ICRC had organized a Conference to mark the publication of ICRC Study on "Customary International Humanitarian Law" in New Delhi. Several eminent International Law scholars and many delegates from several Asian Member States participated in this interactive two-day conference.

35. In August 2005, he had called upon H. E. Mr. Ahmed Aboul Gheit, the Minister of Foreign Affairs of the Arab Republic of Egypt and on 9 February 2006, he had met H. E. Chief Bayo Oja, San, Minister of Foreign Affairs of the Federal Republic of Nigeria. He informed that the Nigerian Minister was also expected to join the Session in a day or two. With both these eminent leaders of the region, he discussed ways and means of strengthening the ties

between their respective countries and AALCO. The Secretary-General stated that he was privileged to inaugurate the Advisory Committee of the Regional Centre for International Commercial Arbitration on 7 February 2006 at Lagos during the course of his Nigeria visit. He had also participated in its First Meeting.

36. Later, he attended a meeting organized by the Cairo Regional Centre for Arbitration entitled "WTO at 10". This Seminar addressed the main concerns of developing countries regarding WTO and how they could contribute to the Ministerial Conference process by joining hands.

37. Moving further the Secretary-General informed that the Organization had as many as 17 Cooperation Agreements with the United Nations, its Specialized Agencies and other Inter-governmental Organizations. Since he assumed office, it has been his endeavour to conclude more such Agreements. Very recently, at Nairobi, AALCO and UNEP entered into a revised and revitalized MoU. He had agreed upon with Mr. Phillippe Kirsch, President of the International Criminal Court, during the course of his visit to India on the draft of a Memorandum of Understanding and mutually convenient date for signing this agreement was being worked out. Preliminary exchange of ideas has taken place with the Tehran-based Economic Cooperation Organization (ECO) and the International Tropical Timber Organization for a possible Cooperation Agreement.

38. The Secretary-General was confident that these Cooperation Agreements would provide a useful basis for organizing jointly, training programmes and after moving to the Permanent Headquarters, equipped with requisite facilities such training would get boost and thus bear the fruits of this cooperative endeavour. To begin with, an intensive training programme could be either organized with WIPO or UNHCR and the participants at the end of

the Training Programme could be awarded with a Diploma.

39. The Secretary-General then dwelt upon the publication policy of the Organization. He stated that the Member States had very well received the Secretariat's 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. Many requests for the purchase of this publication were regularly received by the Secretariat. The monthly Newsletter has attained popularity among the Member States. Similarly, the AALCO Quarterly Bulletin has also received appreciation. Special Study on "Combating Corruption: A Legal Analysis" was also appreciated by the Member Governments. With the encouragement and support of Member States he hoped that the AALCO Secretariat would plan to take more such initiatives. Special Studies on International Terrorism, Statelessness and Corruption were slated to be released during the course of the Conference.

40. Since publications were the face of an Organization, with efforts of his colleagues at the Secretariat, constant efforts were made to improve their quality and content. In this regard, he looked forward to receiving valuable comments and suggestions from the Member States to further improve them and make them as beneficial as possible to Member States.

41. The Secretary-General expressed gratitude to the people and Government of India for providing the AALCO with its Permanent Headquarters. He recalled that the foundation-stone of the building was laid on 14<sup>th</sup> April 1998 and the construction work commenced on 2<sup>nd</sup> July 2002. Dwelling upon the reasons for this long-time, spent in the construction process, he explained that the plot was located in the prestigious Diplomatic Enclave of New Delhi. However, it was a rocky terrain and

as no explosives were permitted, the leveling process took 2-3 years. Thereafter, the land was given to a private contractor and the construction process commenced in July 2002. He put on record the close cooperation between the Ministry of External Affairs (MEA) and the AALCO during the entire construction process. However, after the construction process was completed, a small fault was discovered in the Building and that was how to ensure free movement of vehicles in the Building Complex. The MEA was coordinating with the local authorities for seeking necessary permission for getting the work completed. Some work was also pending regarding the Conference Room. He informed that the Conference Room would be equipped with all modern technological gadgets. The Secretary-General informed with pleasure that the Government of India had very graciously agreed to furnish fully the entire office block. This was not in the initial offer made by the Indian Government and by this kind gesture they had the load off from the Member Governments. However, for furnishing the Secretary-General's residence some voluntary contributions might be required. Once the minor things which were pending and the building was completed and became fully functional, the Secretariat would start functioning from the Permanent Headquarters building.

42. The Secretary-General took the opportunity to also thank the President Mr. Narinder Singh, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India and his distinguished predecessor Dr. P. S. Rao who along with their colleagues at the Legal and Treaties Division had exerted tremendous pressure on the construction agencies as well as with all other concerned authorities to ensure that all construction work was completed timely and the inauguration of the building coincided with the Headquarters Session, taking place in the Golden Jubilee Year of the Organization. On behalf of the Member States and the Secretariat, he conveyed

sincere thanks to Mr. Singh and his colleagues for all their efforts.

43. The Secretary-General said that it was his onerous duty to bring to attention the tight financial situation of the Organization due to accumulated arrears and delayed contributions which were preventing from taking new initiatives. In this context, he was pleased to inform that in the year 2005 Member States, namely State of Qatar, Republic of Kenya, Syrian Arab Republic, Uganda and Brunei Darussalam had cleared all their accumulated arrears. He profoundly thanked them as well as all those Member States who had been making timely contributions. As regards arrears of contribution, he requested those Member States, who 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.

44. On the occasion of the Golden Jubilee year of AALCO, he believed that the Organization had played a significant role in realizing the aspirations and hopes of the people of our region, particularly in the realm of international law. Late Hon'ble Pt. Jawaharlal Nehru, the first Prime Minister of India while inaugurating the First Session of Asian Legal Consultative Committee on 18 April 1957 had called upon the distinguished jurists and legal experts to "help us by analyzing these {international law} concepts so that we may not be led away by the slogans of politicians and statesmen". Indeed, the balanced nature of the items on the AALCO's agenda as well as the deliberations in the plenary organ - Annual Sessions stood as testimony to the vision of our founding fathers. This itself was a grand tribute to our Organization.

45. On behalf of the Secretariat, he assured that he would work to the best of his abilities in making all efforts to take Organization towards greater heights and ensure it was more and more fruitful and

beneficial to all the Member States. A step taken by him in this direction was the enlargement of the legal team at the Secretariat by recruiting four new legal researchers.

46. The Secretary-General informed that in order to commemorate the Golden Jubilee of the Organization, work was on in full swing on the commemorative volume entitled "Essays in International Law". He was pleased to inform that many eminent people have responded to his request. The Secretariat has received several contributions from various eminent scholars. He further requested the Member States to solicit articles from eminent international law scholars from their countries for inclusion in this proposed publication. He hoped that publication would come out soon.

47. In conclusion, the Secretary-General stated that it was gratifying for him to see so many Hon'ble Ministers and distinguished delegates assembled here. He sought their guidance and suggestions to revitalize AALCO's role and activities so that it could be more vibrant and render useful services to its Member States. He assured that he would do the best to attain the objectives of the Organization and needed their support and full cooperation.

48. The meeting was thereafter adjourned.