

**SUMMARY RECORD OF THE
SECOND GENERAL MEETING
HELD ON TUESDAY, 4 APRIL, 2006
AT 12.10 PM**

H. E. Mr. Narinder Singh, President of the Forty-Fifth Session of AALCO in the Chair.

1. The **Leader of Delegation of Nepal** congratulated the Leader of the Delegation of India and the Leader of the Delegation of Tanzania on their unanimous election as the President and Vice President respectively of this Session. He appreciated the importance, which India had shown to the Organization, which he said was evident by the presence of the Minister of Law and Justice, Government of India for the opening session. He thanked the AALCO secretariat for hosting and organizing the Session. He also acknowledged the efforts made by the out-going President for his efforts in steering the work of the organization during his tenure.

2. He remarked that this Session had significant importance in two respects, that it coincided with the Golden Jubilee of this organization and it also marked the inauguration of the Permanent Headquarters building. He thanked the Government of India for hosting this Organization and providing it with a permanent abode.

3. The Leader of the Delegation said that the issues that were to be discussed during the Session were of importance and concern to the world. He expressed optimism that the discussions and deliberations emanating from the galaxy of experts would go a long way in the progressive development and codification of international law.

4. Regarding international terrorism, the Leader of the Delegation said that it was a threat to international peace, security and development. He said that Nepal strongly condemned terrorism in all forms and manifestations. He said that terrorism and

corruption were barriers to good governance and development and thus a severe challenge for the human kind. He said that effective efforts had to be carried out at national, regional and international levels to curb this multifaceted organized crime. The Government of Nepal had at national level taken a number of measures including legal provisions to prevent the crime. He said that His Majesty the King of Nepal had put forward a road map for the purpose of curbing terrorism and corruption in all forms and manifestations, strengthening democracy, maintaining rule of law and protecting human rights.

5. He suggested that this Session could develop a comprehensive convention against terrorism, which could be used as a common mechanism by the Member States to fight against terrorism in all its forms and characters. He reiterated Nepal's consistent support to AALCO for the attainment of its objectives.

6. The **Leader of the Delegation of the Republic of Indonesia** congratulated the President for his election and expressed confidence in his ability of the President to achieve constructive deliberations and exchange of views and experiences between AALCO Member States during this Session. He thanked the Secretary-General for extending the invitation to the Government of Indonesia to attend the Forty-Fifth Session. He also congratulated the Secretary General of AALCO and the AALCO Secretariat for the very well-organized meeting and also for the early dissemination of documents for discussion.

7. He acknowledged AALCO's role as an advisory body to discuss issues on international law and as a forum for Asian-African cooperation in legal matters. He assured that the Indonesian delegation would put its efforts fully and constructively in participating in the deliberations on the topics on the agenda.

8. Regarding the item of international terrorism his delegation felt that the important task was to lay down a legal foundation for law enforcement to root out terrorism. Thus he opined that comprehensive and balanced measures in conformity with the purposes and principles of the Charter of the United Nations and International Human Rights Covenants could only help in the campaign against eliminating terrorism.

9. Regarding the plight of the State of Palestine, Indonesia reaffirmed the role of UN Security Council and also reiterated that there could be no military solution to the situation in Palestine. He opined that the path to peace and stability lied through the implementation of United Nations General Assembly and Security Council Resolutions.

10. Regarding the Law of the Sea, he informed that Indonesia had and would continue to implement the United Nations Convention on the Law of the Sea, 1982.

11. The delegation urged the Asian–African countries to intensify regional cooperation in prosecuting officials and individuals guilty of corruption and those who corrupted them.

12. He also said that Indonesia firmly believed that this Session would serve as an effective forum for discussion of current as well as new issues and challenges faced by the international community.

13. The **Leader of the Delegation of Ghana** congratulated the Leaders of Delegation of India and Tanzania for being elected as President and Vice President of the Forty-Fifth Session.

14. He said that Dr. Kwame Nkrumah, the first President of Ghana declared at the dawn of Ghana's independence that the independence of Ghana was meaningless unless it was linked up with the total liberation of the African continent. The delegate stated that though Africa was

politically free now its voice was still not heard in international matters. He informed that the President of Ghana H. E. Mr. John Agyekum Kufuor had pledged that Ghana would champion Africa's excellence by working together with other African countries to achieve political stability and economic growth on the continent. The delegate believed that the way to Africa's development was through South-South cooperation.

15. The Leader of Delegation said that the foundation laid by the founding fathers in Bandung in 1955 ultimately resulted in the establishment of AALCO to forge closer links between African and Asian countries on matters of international law. He congratulated the Secretary-General, Secretariat and every member of the AALCO family for keeping the vision of Bandung alive as was envisaged by the founding fathers.

16. He said that the inauguration of the Headquarters in the Golden Jubilee year was a milestone in the development of African-Asian cooperation in the field of international law and such cooperation could be maintained and strengthened in order to present a united front on the issues of international law. He thanked the Government and the people of India for the immense contribution they had made to the construction of the AALCO Permanent Headquarters building.

17. Turning to the situation in the Middle East, he said that the Roadmap for Peace that had the backing of international community appeared to be virtually dead, as the pulling out of Israel from occupied territories had not resolved the problems faced by Palestinians. Their daily movements and economy were still controlled by Israel. He added that the emergence of a new Government in Palestine had also raised new issues with regard to the prospects for peace and security in the Middle East.

18. Regarding the nuclear issue he said that Ghana believed in the sovereign right of every country to harness its human and material resources to develop its economy. He added that Ghana believed in using nuclear energy for peaceful purposes and that countries should comply with their international obligations in good faith and live in peace with other States.

19. He said that because of international security concerns there should be cooperation between States with regard to the development of nuclear energy for peaceful purposes. He opined that nuclear facilities should be made accessible to the international community, especially the International Atomic Energy Agency (IAEA), to ensure that nuclear energy would not be developed for uses other than peaceful. He urged restraint on the part of all parties in this nuclear standoff to prevent an unfortunate international incident that could have serious implications for world peace and security. He wished all the delegates a wonderful Golden Jubilee Session and fruitful deliberations.

20. The **Leader of Delegation of Myanmar** on behalf of his delegation and on his own behalf congratulated the President and Vice-President on their unanimous election.

21. He also expressed his sincere appreciation to the outgoing President for the significant efforts he had made over the past year. He also expressed his sincere appreciation and thanks to the Government of India for having hosted the Organization and for the warm welcome and hospitality extended to all the delegates.

22. He noted that AALCO was established for the development of International Law, economic and social integration of its Members States. AALCO had therefore contributed as a unique forum for African states and their Asian counterparts, for reintegration and positioning of their common interests in the

determination of the present world order. He proceeded to share legal developments of Myanmar in different areas of International Law during the past year from the time of Nairobi Conference till date.

23. He noted with concern that international terrorism was a crime that was the concern not only of one nation, but also of all nations of the world. Each time it occurred anywhere in the world, the world looked with detestation, disgust and degradation. Myriads of efforts were made by nations to combat this crime in every field of human endeavour. It was through combating this together that could suppress this crime, effectively. It was through collective efforts that the world could face and overcome this crime.

24. He stated that Myanmar had acceded to the ten anti-terrorist conventions and was signatory to one. There were legislative draftsmen now in the process of drafting two anti-terrorist laws, namely, the National Aviation Security Law and a General Anti-Terrorist Law, which would absorb all treaty obligations that Myanmar had acceded to in accordance with the doctrine of *Pacta Sunt Servanda*. It had also enacted the Control of Money Laundering Law, 2002, and the Mutual Legal Assistance in Criminal Matters Law, 2004. These implementing mechanisms were now in practice. These laws were enacted in accordance with FATF's recommendations and UN Model Law.

25. Terrorism had no boundaries or limits and had created crimes that need to be solved through international legal cooperation with the observance of international legal instruments and enforcing them through domestic law. If international legal cooperation was made through these instruments, his country was confident that the age old legal maxim *Res Ipsa Loquitur* (Things speak for themselves) would one day come to fruition that this crime could be tackled effectively through legal cooperation.

26. Myanmar had acceded to UN Convention against Transnational Organized Crime. Myanmar acceded together with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air. Myanmar had been actively cooperating in the regional program such as the Bali Process, ASEAN, BIMSTIC, COMMIT and ARCPPT Project (Asia Regional Cooperation to Prevent People Trafficking). As the follow-up activity in Myanmar the Anti-Trafficking in Persons Law was promulgated on 13 September 2005.

27. Corruption was one of the financial and economic crimes in the world. Myanmar took active part in the drafting of UN Convention against Corruption. It was promulgated in 2003 and was a prerequisite for the effective implementation of Transnational Organized Crimes including trafficking in persons. Myanmar had signed the said Convention on 2 December 2005. Myanmar had 16 special laws to suppress corruption. As required to enact a domestic law in consistence with the provisions of the Convention, it was reviewing the 1948 Corruption Prevention Act from 27 May 2005. The domestic law for this Convention was in the preparatory stages of drafting.

28. The Delegate stated that the World Trade Organization (WTO) was the only global international Organization dealing with the rules of trade and relevant issues among nations. It was a forum for Governments to negotiate trade agreements and was a place for them to settle trade disputes. Myanmar was a founding member of the WTO. Being a member, Myanmar, as a developing country, observed rules and regulations embodied in the agreements administered by WTO. Unfortunately, Myanmar had been unilaterally sanctioned which was against the rules and regulations of WTO.

29. The approved agenda, which included International Terrorism, Law of the

Sea, Establishment of Cooperation Against Trafficking in Women and Children, and Establishment of An Effective International Legal Instrument against Corruption was timely and necessary to address the needs of the world. Myanmar was fully supportive of the topics on agenda of this Session.

30. He hoped that the result of deliberations and exchange of ideas on topics within AALCO would succeed to develop effective instrument to make remarkable contribution towards progressive development and codification of international law.

31. **The Leader of the Delegation of the Islamic Republic of Iran** congratulated the President of the Forty-Fifth Session on his election. He expressed his appreciation to H. E. Mr. Amos Wako, Attorney General for the excellent work he had done over the last year. He also thanked AALCO Secretariat headed by Amb. Dr. Kamil for the proper preparations for this Session.

32. He observed that the present day conditions in the world were very complicated and complex. There was lack of respect for rule of law by certain States, which was a real challenge for the developing countries. The most salient *erga omnes* recognized by UN namely the true obligations towards the whole world as non-use of force or threat to use force against other countries had been challenged by certain powers. He also shared some concerns on the issue of the last week's Statement issued by the Chairman of UN Security Council. He said that the Islamic Republic of Iran as a developing country had attempted to exercise its inalienable rights, namely peaceful use of Nuclear energy. It was a right recognized by Article 4 of the NPT (Nuclear Non-Proliferation Treaty) upon which the foundation of the treaty was based. It was not simply a legalistic argument, but important to keep the non-proliferation regime in existence. International regimes could not be sustained by threats; rather they were sustained when

the incentives of being a party outweighed the disincentives or obligations.

33. The Delegate observed that it was absolutely imperative for the continuation and relevance of international instruments that should bring benefits, in addition to obligations. Today attempts by certain Permanent Members of the UNSC were moving the non-proliferation regime in that direction, and that was 'an extremely dangerous proposition'. His country's commitment to the non-proliferation regime was a categorical one. It had always made it a very clear proposition that it was committed to its obligations, not only because they were obligations under the NPT, but because they were based on Iran's historical and religious edicts. It was made very clear that, at the highest level of Government, Iran did not want nuclear weapons, nor did it want to pursue the development, stockpiling or acquisition of those inhuman weapons.

34. Regarding the inadmissibility of the use of nuclear weapons submitted for Advisory Opinion to the International Court of Justice, whereby, unfortunately, some Members had argued that their use was legal under certain circumstances. Iran emphasized strictly that the acquisition of nuclear weapons was dangerous to Iran's security and that was why it made its commitment very clear. It was interested in its rights, and those rights were set forth in the NPT, and could not be "arbitrarily played with".

35. With regard to the AALCO agenda items, he mentioned that the item entitled Extra-territorial Application of National Legislation: Sanction Imposed Against Third Parties was placed on the agenda of the Thirty-Sixth Session at Tehran, 1997. He commended the AALCO Secretariat for its endeavor in preparing the reports on this issue. He also stated that the rule of law in international relations required collective decision-making and as far as possible even collective implementation, yet there was a

growing tendency among some powerful States to insist on unilateral measures. He believed that both extra-territorial application of national legislation as well as the imposition of sanctions did not evolve around a consensus-building process, and could indeed create no legal norm or obligation for members of the international community. They were bad in law and quite apart from being violative of several provisions of many international instruments and International law, neither could be considered as being conducive to the establishment and promotion of good friendly relations between the members of the international community, as it had been underlined by the principles of international law concerning friendly relations among peoples. Extension of the economic sanctions imposed on some countries such as his country was the example of cold war trend or clash of civilizations to exert economic might to pressurize political objectives and destabilize the Government of his country.

36. Turning to the topic of Human Rights in Islam, the delegate stated that on 3rd December 2003, the International Criminal Tribunal for Rwanda (ICTR) convicted three persons, founder of the famous Radio Television Libre (RTL) and one editor in chief of one Newspaper of direct and indirect conspiracy to commit genocide and crimes against humanity. Through the airwaves and print of materials, which were illustrated as "hate speech"

37. This conviction dated back to the Nurneburg Trial of two Nazi propagandists in 1945-46 according to which, the media's free expression prerogative could not be generated into war crime or war crime against humanity. Based on these verdicts it was imperative to distinguish between the right to media's free expression of views or better to say abuse of this right to hate and hatred propaganda and directly and indirectly against the belief of others, such as dissemination of caricatures defaming the Holy Prophet of Islam and by this

provocation negatively hurting the true feelings of more than one billion Muslims in the world.

38. The Delegate referred to Article II of the Genocide Convention which stipulated and defined genocide as the acts, *inter alia*, to cause mental harm, committing with intent to destroy in whole or in part religious groups. The Delegate observed that there was no doubt that media propaganda which provoked the Muslim community through insulting their beliefs and their most sacred Prophet, was the real violation of international humanitarian law.

39. The Delegate further referred to the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the International Convention on the Elimination of all Forms of Racial Discrimination, all defend the Right to freedom of speech, nonetheless all of them in Article 19 (3), 10 (2) (respectively) or for the protection of the reputation or right of the others or if they disseminate superiority or hatred, prohibit acts of violence or incitement to such acts against any group of persons of another ethnic origin. Furthermore, Article 20 (2) of the CERD provided that any advocacy of national or religious hatred that constituted hostility or violence should be prohibited by law. He was of the view that the freedom of media should exclusively pursue the legitimate objectives, otherwise should be banned.

40. The Delegate stated that his delegation believed peace and respect for International Law remained the key issues in international affairs. Hence all of the UN Members States should carry out their efforts to realize them in the framework of international law provisions. He further observed that, according to 2005 World Summit Outcome, the States had resolved to create a more peaceful, prosperous and democratic world and to undertake concrete measures to continue finding ways to implement the outcome of the Millennium Summit and other major United Nations

Conferences and Summit so as to provide multilateral solutions to problems in the four areas: Development, Peace and collective security, human rights and the rule of law, and Strengthening of International Law within the United Nations and as such his delegation understood that one of the important topics under deliberations on AALCO agenda items had been ILC subjects.

41. The Delegate proposed a new item on the agenda of AALCO namely, "Security from the International Law Perspective".

42. The Delegate stated that the role of law had been greatly strengthened with the efforts of States for stable international order. The AALCO had provided a fruitful forum for enhancing international exchanges and cooperation among Asian and African countries in the legal field on the new dimensions of international relations. Since its foundation, the AALCO had undertaken various studies on international legal topics of common concern to both Asian and African countries and could continue to play a significant role in harmonizing the positions of its Member States with regard to substantial and intricate international legal issues.

43. He highlighted that at the threshold of AALCO's Golden Jubilee, it should consider new challenges of the international community and to positively contribute to the collective efforts aimed at tackling these challenges. In this context, the Organization should closely monitor the legal developments relating to terrorism and counter terrorism, peace and security, development, disarmament and peaceful uses of nuclear energy, human rights, crime prevention, combating corruption and other important issues which were of concern to its Member States from an Asian-African perspective.

44. The Delegate stated that to this end AALCO deserved a much better recognition within the international community and

among its Member States. Moreover, new avenues for a better and strengthened cooperation between the AALCO and its Member States, on one hand, and with the UN programs, specialized agencies and relevant subsidiary bodies, on the other hand, should be identified. He hoped that such efforts would produce positive and fruitful outcome. His delegation appreciated, welcomed and fully supported undertakings of the AALCO's Secretary-General and his team in their hard and tireless efforts and looked forward to more constructive initiatives of the Organization. He also appreciated and supported the undertakings of AALCO and looked forward to more active and constructive initiatives by the Organization.

45. **The Leader of Delegate of Kenya** stated that he was honoured to address this august gathering on the occasion of the Forty-Fifth Session of AALCO. He expressed his greatest appreciation to the Secretary General of AALCO, Ambassador Dr. Wafik Z. Kamil for the excellent arrangements for the hosting of the Forty-Fifth Session of AALCO at the AALCO Headquarters.

46. He also extended his gratitude to Government of the Republic of India, which graciously hosted the AALCO Headquarters, and for the warm welcome extended to all delegations. He said Kenya had much in common with India, a country that was rich in history, culture and beauty, whose people who were warm and friendly, and his country had historical, legal, educational and cultural ties.

47. He also congratulated the President Mr. Narinder Singh and Vice-President Mr. Vincent Lyimo of the Forty-Fifth Session of AALCO for their election and believed that they would provide leadership to deepen the commitment and development of the AALCO grouping of states.

48. The Delegate observed that the Asian-African Legal Consultative

Organization (AALCO) had come a long way from humble beginnings in the historic Bandung Conference, held in the Republic of Indonesia in April 1955. Now was the time to reflect upon the spirit inculcated at the Bandung Conference.

49. He called for rekindling the collective urge to strengthen solidarity and cooperation among Asian-African States, to actively voice their aspirations and to participate in establishing an order among nations of the world based on justice, equality, mutual respect and non-interference in the internal affairs of others.

50. Fifty-years of cooperation and understanding between the African and Asian States of AALCO had seen the Organization grow to a 47 Member-strong Organization. As we commemorated the Golden Jubilee of AALCO, he called for making use of the occasion to take stock of the successes as well as the challenges that might have arisen from this partnership of Asia and Africa.

51. The inauguration of the Permanent Headquarters of AALCO during the Session was indeed a befitting way to celebrate the Golden Jubilee. The building complex that would house the Permanent Headquarters of AALCO and residence of the Secretary General would stand as a testimony to the great benefits of pursuing common aspirations. The Delegate suggested that a Technical Committee comprising Experts from Member States and the Host Government could be constituted to help the Secretariat to resolve the few technical issues remaining for the completion of the Headquarters and its subsequent handover.

52. He noted that the Session would focus on critical issues of current relevance and the focus of consultations and discussions at international fora, such as the Law of the Sea, International Terrorism, Deportation on Palestinians, the Status and Treatment of Refugees, Establishing Cooperation against Trafficking in Women

and Children, the International Criminal Court, Effective International Instrument against Corruption, WTO as a Framework Agreement for World Trade.

53. Kenya recognized the importance of the various issues on the Agenda for discussion during the Session, as many of them presented challenges that it must address as a country. Indeed during the Session it would be sharing its experiences, strategies and initiatives at the national level in addressing some of the challenging issues. He appreciated that discussion of strategies and initiatives undertaken at the national level helped to encourage harmonization of strategies and common approaches at the regional level.

54. Kenya recognized that **Matters relating to the work of the International Law Commission** were very complex and required careful and thorough analysis of existing instruments as well as State practice. For instance, Kenya noted the development of the **Doctrine of Diplomatic Protection** and the ongoing discussions on further developments, which espoused the principle that States should act with integrity in their relations with one another.

55. Another aspect of the Commission's work that was coming along well involved the continuing work being done on **Unilateral Acts of States**. Kenya was persuaded that it was critically important to formulate a clear definition of unilateral acts of States; capable of creating legal obligations and to distinguish such acts from those that creates political obligations.

56. On the topic of **Responsibility of International Organizations**, the international arena had other non-State actors who should also be held to account for their actions. In this regard Kenya strongly supported the view that responsibility for wrongful acts should be extended to International Organizations, as they were also players in the international law sphere. The ongoing work in the

Commission was directed towards creating this nexus between State and Non-State actors so as to bring about an even playing field.

57. In matters concerning the **Law of the Sea**, Kenya had submitted its claim for the Exclusive Economic Zone way back in 1979 and enacted legislation to give this Proclamation effect in 1982. However, subsequent to the entry into force of the Convention and development of jurisprudence, and in the light of case law by the International Court of Justice on the application of delimitation methods, Kenya had reviewed its maritime territorial sea and the Exclusive Economic Zone and deposited the revised maps and charts with the United Nations Secretary-General, for publication.

58. Kenya had begun the process of delimitating its continental shelf and had initiated activities geared towards determination as to whether it could claim extended outer continental shelf by the end of 2009.

59. In relation to the **Status and Treatment of Refugees**, the delegate informed about the recently held Ministerial Conference on Refugees, Returnees and Internally Displaced Persons in the IGAD sub-region held in Nairobi from 14-17 February 2006. Kenya had borne the greatest humanitarian burden as a refugee hosting country and continued to fulfil its international obligations. There was need to address strategies that encouraged refugees to voluntarily return home when peace was realized as in the current cases of Somalia and Sudan.

60. Kenya was addressing some specific issues in a proposed Refugee Bill that sought to domesticate the 1951 Convention and hoped to have it published/passed in 2006. UNHCR and other stakeholders had made valuable inputs to the proposed Bill.

61. With regard to the **International Criminal Court**, Kenya supported the

Office of the Prosecutor's prosecutorial policy, which emphasized the essential principles of complementarity to national jurisdictions and cooperation with States as the key principle for work of the Court and its Statute and Rules of Procedure and Evidence in guaranteeing fair, public trials consistent with internationally recognized human rights.

62. Kenya welcomed the extensive discussions on whether the definition of the crime of aggression should be generic or specific. Kenya urged the ICC to marshal the necessary political will to enable a speedier agreement on the definition of the crime and strongly recommended that the Special Working Group completed its task within this year.

63. Kenya recognized that the international criminal justice system would not be complete until the elements of the crime of aggression were fully defined. This crime constituted a serious threat to international peace and security and must be given equal attention and subjected to the same strict regime as the other three crimes for which the Court had jurisdiction. Kenya had ratified the Rome Statute in March 2005.

64. With regard to the fight against **Corruption**, the Government of Kenya had thrown its entire collective efforts behind the process to eradicate the vice, using a multi-pronged approach. Firstly, the enactment of the necessary legislation to establish a legislative framework on which to anchor the war on corruption; secondly, was the enforcement of anti-corruption laws through investigation of offences of corruption and economic crimes; thirdly, the identification and sealing of corruption avenues by way of establishing effective public sector management controls; fourthly, through nationwide public education aimed at stigmatizing corruption; and finally by implementing macroeconomic and structural reforms to reduce the prevalence of corruption.

65. Kenya also recognized the sophistication and cross-border dimension of corruption, hence understood that the municipal legislative and administrative measures might not be adequate insofar as eradicating corruption was concerned. It was for this reason that it lauded the measures taken to enhance international cooperation and was the first country in the world to sign and ratify the International Convention Against Corruption in Merida, Mexico in December 2003.

66. The issue of **International Terrorism** occupied a significant place in deliberations at various fora at the regional and international levels, as terrorism remained a serious threat to international peace and security. Having been the target of terrorism over the years, the Government of Kenya believed that terrorism was a vice that must be tackled by all means available.

67. He stated that his Government would be republishing the Anti-Terrorism Bill, 2006 after taking into account concerns that were raised in the Suppression of Terrorism Bill 2003 concerning respect for and promotion of human rights, particularly the powers that the 2003 Bill granted to Police Officers.

68. The Delegate stated that he looked forward to fruitful discussions and hoped that the conclusions and recommendations that emerge from the deliberations over the next few days would provide persuasive and comprehensive legal positions. This conference would undoubtedly provide them with the environment to analyze the impact of AALCO's unique work in coordinating the convergence of views on contemporary issues amongst Member States

69. The **Leader of Delegation of the Syrian Arab Republic**¹ congratulated the President and Vice-President on their election and thanked the Government and

¹ Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

people of India for presenting the new Headquarters Building to the Organization. He recalled that AALCO was a tangible outcome of the historic 1955 Bandung Conference and from 7 countries in 1956 it had grown to be a strong Organization of 47 States and thereby it was contributing to the enrichment of international law by providing it Asian and African perspective. Its contribution to the development of the Convention on the Law of the Sea, international humanitarian and refugee law demonstrated its high efficacy. The Golden Jubilee of the Organization was the opportune occasion to pay tributes to the memory of those leaders who had been instrumental in forging solidarity between the countries of Asia and Africa. He welcomed and supported the efforts of the Organization of expanding cooperation with other Inter-governmental and Regional Organizations. Holding of AALCO Annual Session on rotational basis, he believed led to the development of close relationship, particularly on international law matters between the two continents. He also welcomed the comprehensive agenda of the Session, which dealt with issues of contemporary relevance, as well as the convening of the three special half-day meetings. The Delegate appreciated the efforts of Amb. Kamil and his dedicated team of Secretariat officials in enhancing the status and stature of the Organization.

70. Drawing attention to the illegal occupation of Syrian Golan Heights in gross violation of all principles of international law, the delegate stated that the legitimate rights of Palestinian people were being violated everyday. As regards terrorism, Syria was one of its victims. It was one of the first countries to organize an International Seminar on the definition of terrorism and distinguishing its various forms. In conclusion, he hoped that the Forty-Fifth Session would register a historic success and would bring out stronger determination to work more closely and effectively.

71. The **Delegate of the Republic of India** congratulated the newly elected President and the Vice President and also extended warm appreciation to the outgoing president H. E. Mr. S. Amos Wako for the work accomplished in the Forty-Fourth Session.

72. He congratulated the AALCO Secretariat for the excellent work that it had done under the able guidance of Amb. Kamil. He informed that India was committed to use the forum to generate discussions on issues of international law. He expressed confidence that the spirit of Bandung would continue to guide AALCO in the years to come.

73. He informed that they would be making detailed and specific comments on different agenda items when they were taken up for consideration.

74. The **Leader of Delegation of the United Arab Emirates**² at the outset expressed on behalf of his delegation thanks and appreciation to the friendly Republic of India. He congratulated the President and Vice-President on their election and hoped that they would ably steer the work of the Organization in the coming year. The delegate also thanked Amb. Kamil the Secretary-General and the Secretariat for the excellent efforts exerted which had ensured the real success of the historic Golden Jubilee Forty Fifth Session. On behalf of the Minister of Law and the Head of the Juridical Council of the UAE, the delegate applauded the work of the AALCO in its past fifty years. The important contribution made by the Organization has contributed in strengthening the international legal edifice. In this context, he observed that particularly relevant was the selection of the topics on the Organization's agenda.

75. The Delegate drew attention to the fact that in the present day world due to the

² Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

deluge of means of communication, crimes were not confined to national borders. Rather they had assumed transboundary connotations, such as the crime of terrorism, which threatened the entire international community. To overcome, particularly the problem of international terrorism, the international community had adopted a number of international agreements. His country fully supported all the international efforts in combating crimes of transboundary character and had ratified several international treaties pertaining to terrorism. It was in the process of taking a decision on ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism. His country had also modified its domestic laws to give effect to some of the international and regional agreements. It was committed to international cooperation to curb the menace of international terrorism by taking all preventive measures to check financing of the acts of terrorism. A Model Law had been drafted to combat money laundering particularly for terrorist acts. As regards the issue of trafficking his country gave particular attention to it. The State had taken strong measures to prevent the use of children in camel races. Children below the age of 18 were legally prohibited from taking part in any such activity. Moreover, his country was cooperating with competent international organizations to send the victims safely back to their homes. It had also drafted a law to combat trafficking in persons. For combating corruption, there was a federal punitive law in place, which particularly criminalized such activities in the private sector.

76. The Delegate stated that his country was fully committed to support the Palestinians in their just struggle for their own homeland. He reiterated his full rejection of Israeli practices against Palestinian people, which were in flagrant violation of the principles of human rights and international law. As regards the WTO, his country had joined it and other relevant regional treaties and was committed to work

within the universal framework of international trade law. The Delegate also reiterated the commitment of his country towards the protection of heritage in all its forms, such as natural, cultural and historical. He welcomed the convening of Seminar on Human Rights in Islam in Malaysia.

77. The Delegate extended his thanks to the outgoing President Hon'ble S. Amos Wako for the great efforts extended by him in enhancing the work of AALCO and wished him all success in his election for the membership of the International Law Commission and assured him of their support. He also thanked the Government of Kenya for establishing an AALCO Regional Arbitration Centre in Nairobi. He hoped that the Forty-Fifth Session would register grand success.

78. The **Leader of Delegation of Republic of Yemen**³ extended on behalf of his country and on his own behalf the cordial wishes to the Organization on its Golden Jubilee. He profoundly thanked the Government and people of India for hosting the Permanent Headquarters of AALCO in New Delhi since its establishment and in gifting to the Organization in its Golden Jubilee Year its Permanent Headquarters Building. He congratulated the President and Vice-President on their election and thanked the Secretary-General and his Staff for their efforts in hosting the Forty-Fifth Session. He commended the topics on the agenda of AALCO and stated that the topics were challenging and people of Asia and Africa had to join hands to face issues such as terrorism, combating corruption, environment, WTO, folklore etc. His country followed the path of democracy and pluralism. Since its unification, it had carried out a number of programmes related to social and economic matters. It was effectively cooperating within the regional and international framework in resisting

³ Statement delivered in Arabic. Unofficial translation from the Interpreter's version.

terrorism and had ratified all 13 international treaties on terrorism. As regards corruption, it had promulgated several laws to combat corruption. He stressed that corruption had become an international phenomena.

79. He also drew attention to linkages in combating corruption and terrorism. He strongly condemned the caricatures made of Prophet Mohammed and said such acts were in gross violation of human rights. As regards matters pertaining to environment and sustainable development, it was not a local matter and protection of environment was a concern of the entire world. His Government had set up a Committee on Environmental Matters and it was deliberating on the codification of a new law on environment protection. His country was also facing the problem of refugees and illegal migration. It had set up several camps for receiving the refugees and had taken steps to safely repatriate back to their home countries. The delegate stressed that elaboration of definition of aggression and terrorism was of vital importance. He also drew attention to the "New Strategic Partnership on Asia and Africa" signed by the leaders while commemorating the fiftieth anniversary of the Bandung Conference in 2005. He also gave his full support to the Egyptian proposal of instituting a fellowship by the Organization.

80. The **Leader of Delegation of Sri Lanka** stated that she considered it a privilege to participate in the Forty-Fifth Golden Jubilee Session of AALCO. On behalf of the Sri Lankan delegation, she congratulated Mr. Narinder Singh on his election as the President of AALCO and said that she has no doubt that under his leadership and able guidance the organization would have a very productive and significant year. She also congratulated the Vice-President on his appointment.

81. Sri Lanka had been one of the founder members of AALCO and had participated at almost all the meetings of AALCO since its inception. She said that it

was with pride that her country had observed the steady growth of AALCO metamorphosing into a very formidable and vibrant regional body. She considered this to be a historic occasion because after five decades, AALCO had found a permanent home in its Golden Jubilee year, in the exclusive Diplomatic Enclave in New Delhi. She took the opportunity to thank the Government of India, for the invaluable assistance granted to AALCO in its endeavours, to acquire Permanent Headquarters of its own. On behalf of her delegation she also expressed her gratitude to the Secretariat for hosting the current meeting.

82. The Delegate stated that her Government appreciated the commonalities of the legal and social issues that had always concerned the countries in the region. Regional Organizations such as AALCO had made a very positive impact by endeavouring to address these issues with a view to finding sustainable solutions to issues, which adversely affected all the nations in the region. Some of these issues had found a place on the agenda for the deliberation at this meeting too. She was happy to note that many topics such as international terrorism, trafficking in women and children, corruption, legal protection of migrant workers that were of great concern to her country, were due for deliberations at this meeting.

83. The Delegate stated that Sri Lanka had been a victim of terrorism over a considerable period of time and it had in no small measure contributed to the destruction of life and property in the country and thereby affected the development of her country. Eradication of terrorism had been and was a complex and challenging task. The international condemnation as well as the International support that it had received had buttressed their efforts to eradicate this scourge. She considered the co-operation of the international community as vital in the fight against terrorism.

84. The Delegate informed that Sri Lanka was one of the first States to sign and ratify the UN Convention on Terrorist Financing. Sri Lanka has given legislative priority in the fight against terrorism and had enacted domestic laws giving effect to the provisions of the UN Convention. Terrorism thrived only because of the support it receives from its financiers. If the world at large was to win the war against terrorism there had to be international cooperation to prevent access to funds and arms by terrorist. It was in this context that she earnestly appealed for international cooperation to eradicate this menace, which affected many countries in the region. She sincerely hoped that the fight against terrorism would not be limited to mere rhetoric but to meaningful cooperation in the international community. The UN Convention against Corruption was adopted by the General Assembly in 2003. Sri Lanka signed the Convention and the protocol in 2004. Sri Lanka was currently engaged in the study of the steps needed to fulfill its stipulated obligations under the Convention. She was pleased to state that the draft domestic legislation, which had been prepared, was awaiting finalization. In addition, the Government in its endeavor to fight corruption had also recently passed the Prevention of Money Laundering Act and Financial Transaction Reporting Act to facilitate the detention, investigation and the prosecution of offences of money laundering and financing of terrorism.

85. The Delegate observed that crimes such as terrorism, drug trafficking, exploitation of women and children, organized crime, corruption had been on the increase over a period of time and had affected many countries of the region. Mutual international cooperation was vital in dealing with these challenges. Her Government had enacted comprehensive legislation for mutual assistance in criminal matters; money laundering and cyber crime extending its operation beyond the territorial limits of Sri Lanka, thereby providing mutual international cooperation.

86. She stated that crime today was organized, sophisticated and extended beyond the frontiers of individual national jurisdiction. It was therefore important and essential that AALCO as a region commit itself to providing mutual assistance in their efforts to deal with the challenges of Crime. In her delegation's view Organizations such as AALCO had contributed a great deal towards this end.

87. The **Leader of Observer Delegation of Holy See** congratulated the President and the Vice President on their election. He confined his general statement on two topics on AALCO's agenda, namely refugees and the trafficking in human beings. The Delegate stated that the Geneva Convention on the Status and Treatment of Refugees (1951) and the Convention of the Organization for African Unity (1969) constituted important points of reference for the international community, which must avail itself of appropriate legal instruments in order to ensure for millions of people the international protection that they required.

88. Although these Conventions constituted the basis for the international protection of refugees, from which no country should prescind, it was fully appreciated that intervention on a purely structural level was insufficient. The Convention of 1951, in its Preamble, made the fundamental point that no satisfactory solution to the problems of refugees could be obtained without a strong sense of international solidarity.

89. Solidarity, ultimately, was a consequence of justice, which consisted in taking responsibility for the dignity of every human being, of whatever nationality and whatever concrete historical situation. Every man and woman had a right to have his or her own dignity respected. The service of this dignity takes concrete form in effective respect for physical liberty and liberty of conscience, as well as in guaranteeing access to a minimum of cultural and

material goods – food, housing, work, information, health, education, etc.

90. The Observer mentioned that the situation of refugees, who were not often permitted access to that minimum means to maintain their own dignity, thus become a challenge for the international community because *“the just ordering of society and the State is a central responsibility of politics ...a State which is not governed according to justice would be just a bunch of thieves.. Justice is both the aim and the intrinsic criterion of all politics”*.

91. Among the various problems, which afflicted the life of refugees, especially those who found themselves in protracted situations, it was opportune to draw attention to the distressing situation of refugee camps, often located in remote areas. This, among other things, did not allow refugees to find suitable work, while their movements were limited to the area immediately outside the camp. More appropriate ways must be sought to ensure for refugees the rights recognized by international instruments; liberty of movement and the possibility of obtaining dignified work.

92. In some camps in Asia and in Africa the refugees had to cope with a drastic reduction in their rations of food and materials for personal hygiene. This created serious forms of malnutrition and many health problems in a number of camps under the direction of the UNHCR; it influenced the whole course of life and had a serious impact on the values of persons.

93. In these camps where refugees lived for decades, the situation reached the limit of survival, well below the “minimum standard” accepted by the international community.

94. The dramatic situation of refugees was an urgent call for increased commitment from the international community, which

must take responsibility for putting an end to the present reality of collective humiliation.

95. The Observer stated that the Holy See, with her international presence, wished to offer “through ethical formation, her own specific contribution towards understanding the requirements of justice and achieving them politically”. He stated that the Holy See wished, moreover, to indicate her support for the initiatives taken by the AALCO to establish among its members cooperation against the trafficking in women and children, defining, among other things, a model law for the prevention and prohibition of trafficking, the protection of the victims of trafficking and the punishment of traffickers.

96. The Conventions of the International Labour Organization (ILO) and of the United Nations on the exploitation and trafficking in persons demonstrated the efforts of the international community to avail itself of suitable instruments to combat these situations which gravely offended human dignity and caused in the victims physical, psychological and social consequences that lasted throughout life. The trafficking in persons was a crime, which involved the violation of a large number of human rights.

97. Particularly odious was the trafficking in children, in order to exploit them for work, for sexual purposes, for enrolment in armed groups, for precocious marriages, illicit adoptions, begging, and for use in particular sports or for the removal of organs.

98. The Observer stated that Organizations like AALCO could constitute an effective instrument for identifying the priorities for eradicating these situations, which were unworthy of the human person, and for addressing them with courage, political determination and creativity.

The Meeting was thereafter adjourned.