

**SUMMARY RECORD OF THE THIRD  
MEETING OF DELEGATIONS OF  
AALCO MEMBER STATES  
HELD ON SATURDAY,  
8<sup>TH</sup> APRIL 2006 AT 5:00 P.M.**

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

1. The **President** formally called to order the Third Meeting of the Delegations of AALCO Member States. The President invited the Hon'ble Minister of Justice of the Republic of South Africa to deliver the General Statement on behalf of her delegation.

2. **Her Excellency Ms. Brigitte Sylvia Nabandla, Minister of Justice and Constitutional Development of the Republic of South Africa** at the outset expressed her sincere gratitude and appreciation for having been invited to attend Forty-Fifth Session of AALCO. The entire South African Delegation was extremely happy being in New Delhi, in the midst of the generous hospitality of the Government and people of India. She conveyed the warmest greetings of the Government and people of South Africa to the delegations and the Government and People of India, as it had a special place in their hearts.

3. She said that India and South Africa shared a special bond of kinship that went several centuries back. Many Indians were forcefully brought to South Africa as slaves and as indentured labourers. In time they forged alliances with Africans who were engaged in the bitter struggle to defend their land and independence. Indeed, one of those who best represented the struggle for freedom and independence in South Africa and India was the indomitable Mahatma Gandhi who through his work in the two countries had taught about justice and humility. Their former President Nelson Mandela had said: "During my life time I have dedicated myself to the struggle of the African People. I fought against white

domination and I fought against black domination. I cherish the ideal of the democratic and free society, in which all persons live together in harmony and with equal opportunities. It is an ideal, I hope to live for and to achieve but if need be it is an ideal for which I am prepared to die".

4. The stark contrast between South African past and future that former President Mandela and Gandhi helped brought about was enunciated in one of the leading judgments of their Constitutional Court. She informed that the Hon'ble Chief Justice Mohammed had summarized the contrast between pre and post 1994 South African State and the aspirations for the future as follows: "There is a dramatic contrast between the past in which South Africans were trapped and the future on which the Constitution is premised. The past was pervaded by inequality, authoritarianism and repression. The aspiration of the future is based on what is justifiable in an open and democratic society based on freedom and equality, and that is in our Constitution". He went on to say it was premised on a legal culture of accountability and transparency, the relevant provisions of the Constitution must therefore be interpreted so as to give effect to the people's resolve be advanced by enactments. In keeping with this principle and strongly influenced by the precedent set by the Supreme Court of India, the Hon'ble Minister Mr. Penuell Maduna, her predecessor and the first Minister of Justice in the new democratic dispensation adopted a policy of promoting access to justice for all to ensure that disadvantaged sectors of the community could realize the right guaranteed to them by the new Constitution.

5. The Leader of Delegation stated that the principle on which their new democratic dispensation was founded coincided with the principles embodied in the objects of the Organizations such as AALCO, which had been established in order to deal with international legal issues and placed strong emphasis on the promotion and protection of

human rights, especially the rights of women and children. Words cannot express their immense gratitude for the outspoken and critical opposition to apartheid. The material and moral support given to South Africans and the manner in which it embraced a cause gave, in her view, many activists and freedom fighters a home away from home. She stated that they were heartened that South Africa had been invited by AALCO to come on board and participate in its activities. This would afford South Africa an opportunity to deliberate on issues related to international law, exchange views and experiences and information on matters of common interests and concern and further participate on subject that were under consideration of the International Law Commission and to jointly forward the views of the Organization to the Commission. She observed that she could not think of a more opportune platform on which developing countries could be afforded an opportunity to express their views and opinions about the issues that affected them. AALCO was an Organization that could be used in fostering co-operation and forging links to raise the aspirations and interests of developing countries and make them known worldwide. She was pleased that there were 47 Member States of AALCO out of which 13 were from Africa, however she believed that participation from Africa should be increased in due course taking into consideration the interests that such countries had in what AALCO, had to offer in the contribution that they could make to the Organization. Having perused the purposes and objectives of AALCO, she stated that undoubtedly, there was need to increase the level of interaction between the countries of Asia and Africa and maximize it on issues of common interests.

6. The Leader of Delegation stated that South Africa was heartened by the fact that AALCO had now found its permanent home in India-the Land of Mahatma Gandhi, whose philosophy of non-violence made an indelible impression on the world. She

thanked the leadership of AALCO and the Government of India for their hard work in making sure that the permanent home of AALCO was based in New Delhi, the capital of India, which was one of the largest democracies in the world and was obviously an ideal base for an Organization that promoted democracy and respect for human rights. She informed that her delegation attending the session, had reported to her on the constructive deliberations, which had taken place over the last few days. She assured that South Africa was fully committed to promoting human rights when it came in particular to issues relating to Statelessness, Migration, Refugees, and Trafficking in Women and Children. They had demonstrated their determination to deal with corruption and the threat of International Terrorism by enacting appropriate legislation, which they would ensure was fully enforced. Development issues were of great importance to almost all Asian and African countries and in this context, they believed that they should be sharing experiences with regard to the achievement of the goals set by the United Nations. They were seized with challenge and should rise to the occasion by focusing attention to the problems faced by developing nations and ensure that those issues remained high on the agenda of the global community. She observed that AALCO as an Organization was champion of such causes and promoted the achievement of a world order in which all people were able to exercise the human rights, which international law promised them and achieve their full potential. The developing countries were falling short in reaching the targets of the Millennium Development Goals, and therefore needed to address those shortcomings as a matter of urgency. She concluded by once more reiterating her gratitude to the organizers of AALCO for inviting her delegation to participate in the august meeting.

7. The **President** thanked the distinguished Minister of Justice and Constitutional Development of the Republic

of South Africa for her statement and for her kind words for his country and himself. The President thereafter placed for consideration the draft resolutions prepared by the Drafting Committee for adoption.

8. The first resolution considered by the Meeting was RES/45/S 1 on “**Matters relating to the work of the International Law Commission**”. As there were no comments the resolution was unanimously adopted.

9. The next resolution taken up by for consideration by the Meeting was RES/45/S 2, on the “**Law of the Sea**”.

10. The **Leader of Delegation of Malaysia** referred to operative paragraph 3 of the draft resolution that required the Secretary-General to explore the possibility of organizing a meeting of Experts to deliberate on the emerging issues on the Convention on the Law of the Sea and the legal order of the Oceans. His first comment in this regard was that it was a very wide issue, that in his opinion would probably expose the Secretariat into realms that some of them might not be interested in. He stressed that it was a very wide area and the Secretariat must remain focused so that it was in practical position to give best advantage to the Member States. His second comment pertained to the use of the terms “legal order of Oceans”. He wondered what the term meant and questioned whether it was different from conventional law of the sea. As regards the Experts Group, he suggested to confine it to the conventional law of the sea, particularly to the topics of common interest of Member States.

11. The **President** invited other States to make their comments on the Malaysian proposal.

12. The **Leader of Delegation of State of Qatar** drew attention to the insertion of a line “Having decided the following” or “Having Agreed as follows” separating the preambular paragraphs from operative

paragraphs. This he said would make the resolutions grammatically more appropriate.

13. The **President** thanked the Delegate of State of Qatar for his useful suggestion. He informed that as regards the resolutions a particular pattern was being followed by AALCO for the last several Sessions and therefore urged upon the delegate to accept the pattern. As regards the substantive comments by Malaysia, he requested the Member States to communicate to the Secretary-General their suggestions and the Secretary-General would in consultation with the Member States decide on the areas on which the Experts Meeting would focus upon.

14. The **Leader of the Delegation of Malaysia** requested the Secretary-General to consider the suggestions made by him during the consideration of the agenda item on the Law of the Sea. The President assured him that the Secretary-General would do the needful.

15. There being no other comments RES/45/S 2 on “**The Law of the Sea**” was unanimously adopted.

16. The President then placed Resolution RES/45/ S 4 “**Deportation of Palestinians and other Israeli Practices among them the Massive Immigration and Settlement of Jews in all Occupied Territories in Violation of International Law particularly the Fourth Geneva Convention of 1949**”. As there were no comments, the resolution was unanimously adopted.

17. The next resolution placed for consideration was RES/45/S 6 “**Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties**”. As there were no comments, the resolution was unanimously adopted.

18. The President then placed RES/45/S 7 “**Jurisdictional Immunities of States**

**and their Property**". As there were no comments, the resolution was unanimously adopted.

19. The next resolution placed for consideration was RES/45/ S 8 **"International Terrorism"**. As there were no comments, the resolution was unanimously adopted.

20. The President then placed Resolution RES/45/S 9 **"Establishing Cooperation Against Trafficking in Women and Children"** for consideration, there being no comments, the resolution was unanimously adopted.

21. The next resolution placed for consideration was RES/45/S 10 **"The International Criminal Court: Recent Developments"**. As there were no comments, the resolution was unanimously adopted.

22. The President then placed Resolution RES/45/S 11 **"Environment and Sustainable Development"** for consideration, there being no comments, the resolution was unanimously adopted.

23. The next resolution placed for consideration was RES/45/ S 12 **"An Effective International Legal Instrument Against Corruption"**. As there were no comments, the resolution was unanimously adopted.

24. The President then placed Resolution RES/45/S 13 **"Report on the work of the UNCITRAL and other International Organizations in the field of International Trade Law"** for consideration, there being no comments, the resolution was unanimously adopted.

25. The next resolution placed for consideration was RES/45/ S 14 **"WTO as a Framework Agreement and Code of Conduct for World Trade"**. As there were no comments, the resolution was unanimously adopted.

26. The President then placed resolution RES/45/S 15 **"Expressions of Folklore and its International Protection"** for consideration, there being no comments, the resolution was unanimously adopted.

27. The next resolution placed for consideration was RES/45/ S 16 **"Human Rights in Islam"**. As there were no comments, the resolution was unanimously adopted.

28. The President then placed for consideration three resolutions pertaining to the three half-day Special Meetings held in conjunction with the Forty-Fifth Session.

29. The President then placed for consideration RES/45/ SP 1 resolution on the half-day meeting on **"Legal Identity and Statelessness"**. As there were no comments, the resolution was unanimously adopted.

30. The next resolution placed for consideration was RES/45/ SP 2 resolution of the Special Meeting on **"Universal Jurisdiction and its Role in the Enforcement of International Humanitarian Law"**. As there were no comments, the resolution was unanimously adopted.

31. The President then placed for consideration RES/45/ SP 3 resolution of the Special Meeting on **"International Migration Law"**, there being no comments the resolution was unanimously adopted.

32. The meeting thereafter proceeded to consider resolutions on Organizational Matters. The first resolution placed in this regard by the President was RES/45/ORG 1 **"Report of the Secretary-General on Organizational, Administrative and Financial Matters"**. As there were no comments, the resolution was unanimously adopted.

33. The next resolution placed for consideration was RES/45/ ORG 2

**“AALCO's Budget for the year 2007”**. As there were no comments, the resolution was unanimously adopted.

34. The Meeting also adopted **“Decision regarding Exempting Somalia from Defraying its Arrears of Contribution and Annual Contribution”** contained in DEC/45/ORG 2.

35. The President then placed resolution RES/45/ORG 3 **“Progress Report on Regional Centres for Arbitration”** for consideration, there being no comments, the resolution was unanimously adopted.

36. The next resolution placed for consideration was RES/45/ORG 4 **“AALCO's Centre for Research and Training”**. As there were no comments, the resolution was unanimously adopted.

37. The President then placed resolution RES/45/ORG 5 **“Inauguration of the Permanent Headquarters of the Asian-African Legal Consultative Organization”** for consideration.

38. The **Leader of the Delegation of the People's Republic of China** firstly, conveyed their sincere thanks to the Government and people of India for the generosity shown in constructing the new building for the headquarters which would be a milestone in the development of the AALCO and had provided a homeless Organization with its own home. Secondly, he asked the Secretary-General, to make sure that the Secretariat would shift to the new building as soon as possible at least within the year. He hoped that by next Session, the new report would be prepared in new building of the Secretariat. Thirdly, he appealed to the President, to make full use of his current capacity as the President of the Forty-Fifth Golden Jubilee Session of AALCO and in his functions as an administrator to urge his esteemed Government to complete all the remaining work. After which he should issue a direction to Secretariat so that it could be

moved to new building and to start a new beginning in its work. He had full trust in the capacity of the President of the Golden Jubilee Session of AALCO, that he would look and take care of the Secretariat on behalf of all Member States.

39. The **President** thanked the distinguished representative of China for his kind remarks and gave the floor to the delegate of Japan.

40. The **Delegate of Japan** stated that he was privileged to take part in the inaugural ceremony and expressed on behalf of the Government of Japan, the most sincere appreciation and gratitude to the Government of India and particularly to the Ministry of External Affairs for providing wonderful headquarters to AALCO. He hoped that the activities of the AALCO would be greatly advanced. He felt happy to see the office and Secretary-General's residence. He hoped that the pending work including some improvements, would be completed expeditiously and with the full cooperation between the President, the Ministry of External Affairs and AALCO Secretariat, the completed headquarters would be handed over to AALCO as soon as possible.

41. The **President** thanked the Delegate of Japan for his kind words. He assured the Members that whatever outstanding work still remained in the Headquarters Building would be completed at the very earliest with a sense of urgency and he would make every effort that the Organization moved into the new headquarters at the very earliest, so that all preparations for the next Annual Session would be carried out in the new headquarters building of the AALCO. The resolution was unanimously adopted with an applause.

42. The next resolution considered by the Meeting was RES/45/ORG 6 **“Venue of the Forty-Sixth Session”**. The President informed that there was an invitation from the Government of Sudan, to have next

Session in Khartoum. This invitation got renewed at the beginning of the Session. There being no comments the resolution was unanimously adopted.

43. The **President** thereafter gave the floor to the Secretary-General who wished to read out letter of thanks on behalf of Member States, which would be sent to the President of India.

44. The **Secretary-General** said that it was customary at the end of the Session to send the message of thanks to the President of the host Country. Therefore, the Secretariat had prepared a message, which he would read to the participants of the Member States and if they agreed to it he would formalize it, sign it and send it on behalf of the participants of the Member States to His Excellency the President of the Republic of India. The message reads as follows:

**MESSAGE OF THANKS TO HIS EXCELLENCY DR. A. P. J. ABDUL KALAM, THE PRESIDENT OF THE REPUBLIC OF INDIA**

“Excellency,

On behalf of all the Delegations from the Member States and Observers attending the Forty-Fifth Golden Jubilee (2006) Session of the Asian African Legal Consultative Organization, I would like to extend the following message as a token of our heartfelt gratitude and respect:

“We, the participants in the Forty-Fifth Session of the Asian-African Legal Consultative Organization, would like to seize this opportunity to convey our profound gratitude and respect to Your Excellency and through you to your esteemed Government and the people of India for holding the Headquarters Session of AALCO under the auspices of the Government of India in this beautiful city of New Delhi. Excellency, I thank the Government of India on behalf of AALCO

and on my own behalf for hosting the AALCO premises in New Delhi since its inception from 1956.

Your Excellency, India, being one of the founding Members has been providing vision and guidance in the work of the Organization. Moreover, the Government of India has graciously gifted a Permanent Headquarters to the AALCO on the occasion of the Golden Jubilee year. For this particular Session we would on behalf of all the Member States and on behalf of the Secretariat express our profound gratitude to the magnanimous offer of the Government of India to gift to AALCO this Permanent Headquarters in the prestigious area of Chanakyapuri Diplomatic Enclave. We would also like to thank the Government of India for the generous financial help extended for the Forty-Fifth Session.

Your Excellency would be pleased to know that this Session was marked by a spirit of constructive dialogue and co-operation amongst attending delegations, thus enabling us to take crucial decisions on the substantive as well as organizational matters. Although many factors contributed to the success of the conference, yet it would not be an exaggeration to put on record that the excellent cooperation from the Government of India, contributed significantly towards the excellent achievements of our deliberations.

Please accept, Excellency, the assurances of our highest consideration and may the Almighty bless all the endeavours of your Great Country”.

45. The Delegations accorded their consent to the Message of Thanks to the President of the Republic of India.

46. The **President** thanked the Member States and the Secretary-General for their kind words of appreciation, which the Secretary-General proposed to send to the President of the Republic of India.

47. The **President** thereafter invited the **Chairperson of the Drafting Committee Dr. M. Gandhi** to submit his Report.

48. **Dr. M. Gandhi Chairperson of the Drafting Committee** informed that the Committee was constituted on the first day of the Session i.e. 3<sup>rd</sup> April 2006. It was entrusted with the task of preparing documents of the Session, draft resolutions, Summary Report and a text containing a Message of Thanks to the Head of the State of the host country of AALCO for gifting to AALCO its Permanent Headquarters. He stated that it was customary that the Representative of the host country chaired the Committee and he was honoured to perform the duty entrusted to him. Unlike previous years, this time the Drafting Committee had decided to hold its meeting in the morning starting at 8:30 till the session began. The Drafting Committee was able to complete the work entrusted to it only after prolonged discussion with the Member States participating in the Drafting Committee. The Committee was an open-ended body with membership open to all the delegates on voluntary basis.

49. The Chairperson expressed his special gratitude to all the delegations that gave their valuable time and participated in the work of the Committee diligently and attended all the meetings on time and without fail. He commended the AALCO Secretariat for preparing all the drafts considered in the Drafting Committee. For facilitating the adoption of the drafts by the Plenary Meeting, the Drafting Committee did its utmost to prepare the resolutions in such a way that captured the essence of deliberations and acceptable to all delegations. The drafts reflected, the ideas and views commonly shared by the delegations with specific reference and emphasis to most relevant statements made by the delegations.

50. He congratulated the delegates who had participated in the discussions and for the confidence they had reposed in him

which helped him in discharging his duties and responsibilities sincerely. The useful contribution by the delegates greatly enriched the quality of the documents. He extended his deep and sincere appreciation to all delegations for the flexibility shown during the deliberations. He also appreciated the presence of both the Deputy Secretaries-General of AALCO and the able legal staff during the deliberations and observed that their experience and resourcefulness were a big help for the completion of the work of the Drafting Committee. He took the opportunity to thank everyone from the Member States and the Secretariat present during the Meeting.

51. The **President** thanked the Chairperson of the Drafting Committee. He informed the Delegations to send in their comments and suggestions regarding the Provisional Summary Record within a period of six weeks. After that period, the Secretariat would finalize it and submit it for the consideration of the Member States as the "Report of the Forty-Fifth Session". The President thereafter invited the Delegate of Kuwait to make his intervention.

52. The **Delegate of the State of Kuwait** congratulated the Chairperson of the Drafting Committee for the useful work done by it. He drew attention to paragraph 4.10 at page 10 of the Summary Report. It states: "In this connection, some of them strongly condemned the disrespect being propagated by the media to a particular religious community". He stated that his Delegation had proposed to the Secretariat that they insert and highlight that "In this connection, some of them strongly condemned the disrespect being propagated by some in media which was an insult to the Prophet Mohammed and the Islamic Community". Their delegation would in this regard send a written memo to the Secretariat. Another point highlighted by the delegate in relation to the Summary Report pertained to line 5, para 4.5 on page 9, it reads: "One delegation proposed that the AALCO Secretariat...". He said that the

“one delegation” here referred to “Kuwait” and suggested that in Summary Report in future if there were any specific suggestion or comments from a particular delegation that should be referred by the name of that particular delegation.

53. The **President** thanked the Delegate of Kuwait and informed him that the Secretariat had taken note of the observations made by his delegation. The President also assured that the statements made by various delegations would be fully reflected in Report and the Verbatim Records of the Discussion. The President thereafter invited the Secretary-General to announce the release of new AALCO publications.

54. The **Secretary-General** placed before the consideration of Member States the third volume of the *Yearbook of the Asian-African Legal Consultative Organization*, which summarized all the activities of AALCO for the year 2005. He also released the *AALCO Quarterly Bulletin*, vol. 1, no. 4 (October –December 2005) and observed that the Secretariat had put in great efforts in bringing out these publications and he was proud of such work.

55. The **President** thanked the Secretary-General for releasing the publications of AALCO. Thereafter, he adjourned the Third Meeting of Delegations of AALCO Member States and announced the convening of the Sixth General Meeting.