

fold. The Committee continues to promote common awareness of the merit of peaceful resolution of disputes as well as development of consensus on regional and global issues among its members. The annual Sessions of the Committee are held each year in different member countries upon invitation and rotation.

The latest thirty-eighth annual Session was held in Accra, Ghana from 19 to 23 April 1999. The Session was inaugurated by H.E. Flt. Lt. Rawlings, the President of Ghana. Dr. Martin A.B.K. Amidu, the Deputy Minister of Justice and Deputy Attorney General of the Government of Ghana was elected as the President of the Committee and Mr. Abdulla Ahmed Ghanim, Minister of Legal Affairs, Government of the Republic of Yemen was elected the Vice President of the 38th Session. The Committee was honoured by the presence of two distinguished members of the International Law Commission, Ambassador Mr. Chusei Yamada and Ambassador Mr. E.A. Addo, the Solicitor General of Ghana.

Detailed deliberations were held on each of the listed topics and a special Meeting on Environment was held.

The Agenda items of the Accra Session are as follows:

I. Organizational Matters

1. Consideration and adoption of Agenda
2. Election of the President and the Vice President.
3. Admission of observers
4. Report of the Secretary General on Organizational; Administrative and Financial matters.

Nigeria, Oman, Pakistan, Palestine, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syria, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates and Yemen. Botswana is an associate member.

5. Report on Matters concerning the Headquarters Issue
6. Report on the Regional Centres of Arbitration
7. Report on the Financial Matters of the Arabic Division.
8. Venue of the Thirty-ninth Session.

II. Matters under Article 4 (a) of the Statutes: Matter Relating to the International Law Commission.

Report on the work of the International Law Commission on its Fiftieth Session.

III. Matters under Article 4 (c) of the Statutes: Matters Referred to the Committee by Member States

1. Status and Treatments of Refugees.
2. Deportation of Palestinians and other Israeli practices among them the Massive Immigration and Settlement of Jews in occupied Territories in Violation of International Law particularly the fourth Geneva Convention of 1949.
3. Legal Protection of Migrant Workers.
4. Law of the Sea.
5. Extraterritorial Application of National Legislation: Sanction Imposed against Third Parties.

IV. Matters under Article 4 (d) of the Statutes: Matters of Common Concern having Legal Implications.

1. The United Nations Decade of International Law: Report of the Experts Group Meeting, New Delhi 11th and 12th February 1999.
2. The Report of the UN Conference of Plenipotentiaries on the Establishment an International Criminal Court.

3. The United Nations Conference on Environment and Development: Follow-up

V. Trade Law Matters

1. Progress Report concerning the Legislative Activities of the United Nations and other International Organizations in the Field of International Trade Law.
2. Report of the WTO Seminar held in New Delhi on 17th and 18th November 1998.

VI. Special Meeting on Environmental Law

VII. Any other Matter.

(ii) Progress of Work since the Thirty-seventh (New Delhi) Session, 1998

Subsequent to the Thirty-seventh Session held in New Delhi, in April 1998 the Secretariat followed the work programme as approved at that Session. This included the work supportive of the United Nations and other inter-governmental organizations; Organization of meetings and seminars under the auspices of the AALCC; representation at international conferences; preparation of briefs for consideration at Accra Session and other promotional activities. A brief reflection on these activities is as follows:

(a) Co-operation and Consultation with the United Nations and AALCC's work Supportive of the United Nations, Its Specialized Agencies and other Inter-Governmental Organizations

(i) Secretary General's Meeting with the Legal Counsel of the United Nations

The Secretary General visited New York from 26 October to 3rd November, 1998. During his week long stay in New York the Secretary General held consultations with Mr. Hans Corell,

the United Nations Legal Counsel and other United Nations Officials. In his meeting with the Legal Counsel, the Secretary General expressed his gratitude and appreciation to the United Nations for its continued support to the AALCC's work.

(ii) Representation at the fifty-third Session of the General Assembly of the United Nations

The Secretary General and the AALCC's Permanent Observer in New York, Mr. Bhagwat Singh represented the AALCC at the 53rd Session of the General Assembly.

Pursuant to General Assembly Resolution adopted at its Fifty-first Session (GA Res. A/51/11) an item on "Co-operation between" the United Nations and the Asian-African Legal Consultative Committee was placed on the agenda of the 53rd Session of the General Assembly. The item came up for consideration at the 48th Plenary Meeting held on 29th October, 1998. The Secretary General addressed the meeting on behalf of the AALCC. The debate on the item was based on the Report of the Secretary General prepared by the Secretariat of the United Nations. The General Assembly, after the conclusion of the debate adopted a resolution which noted with satisfaction the commendable progress achieved in promoting co-operation between the United Nations and the AALCC.

(iii) Secretary General's Participation at the Sixth Committee Meeting

The Secretary General had the opportunity to address the meeting of the Sixth Committee (Legal) of the UN General Assembly on 29th October, 1999 in which he mentioned about the work programme of the Committee and the deliberations held at the AALCC's 37th Session in New Delhi.

(iv) Informal Consultation of Legal Advisers

The Secretary-General was invited to attend the Informal Consultation of the Legal Advisers held during the 53rd Session of the General Assembly. The consultation focussed its discussion on the work of the International Law Commission. Establishment of the International Criminal Court and issues concerning International Terrorism.

(b) Meetings Organised under the Auspices of the AALCC

- (i) *AALCC Meetings Organised during the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, Italy - 15 June to 17 July, 1998*

The United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court was held in Rome, Italy, from 15 June to 17 July, 1998. The Deputy Secretary General, Ambassador Dr. Wafik Zaher Kamil, convened two AALCC meetings during the Conference which were chaired by the President of AALCC. Dr. P.S. Rao. The Meetings were attended by the representatives of Members States of the AALCC as well as non-member States. Prior to the meeting an overview of the Draft Statute, prepared by the Secretariat was circulated among the Member States and this document was very much appreciated by them.

The AALCC meeting evoked great interest. Mr. Philippe Kirsch Chairman of the Committee of the Whole was very appreciative of this initiative and the feed back given to him by the President.

- (ii) *Meeting of Legal Advisers of Member States of the AALCC held at the United Nations Office, New York, 30th October, 1998*

A meeting of the Legal Advisers of Members States of the AALCC was held at the United Nations Office in New York on 30th October 1998. It was chaired by the President of the AALCC Dr. P.S. Rao, Joint Secretary, Legal Adviser Ministry of External Affairs, Government of India and a member of the International Law Commission. Apart from the Legal Advisers of 22 AALCC Member States¹ and 14 observer delegations,² the

¹ Bahrain, Bangladesh, Botswana, China, Cyprus, D.P.R. Korea, Egypt, Ghana, India, Indonesia, Islamic Republic of Iran, Japan, Libyan Arab Jamahiriya, Malaysia, Mongolia, Myanmar, Saudi Arabia, Singapore, Sri Lanka, Thailand, Uganda and Yemen.

² Angola, Australia, Canada, Cote d'Ivoire, Finland, France, Germany, Mexico, Netherlands, New Zealand, Russian Federation, South Africa, United Kingdom and the United States.

meeting was attended by the President of the International Court of Justice Judge Stephen Schwebel; Vice President, Judge Weeramantry and Registrar of the ICJ; Mr. E. Ospina Valencia; the Chairman of the Sixth Committee Mr. Jargalsaikhan Enkhsaikhan; the Chairman of the International Law Commission, Mr. Joao Clemente Baena Soares; the Chairman of the Committee of the Whole of the United Nations Conference on the Establishment of an ICC, Mr. Philippe Kirsch; Chairman of the Preparatory Committee on the Establishment of an International Criminal Court (ICC), Mr. Adrian Bos; Chairperson of the Working Group on the UN Decade of International Law, Dr. Flores; Ambassador C. Pinto and Mr. C. Greenwood (experts); Mr. Pace from the Hague Appeal for Peace Initiative; the Under Secretary General and the Legal Counsel of the United Nations Mr. Hans Corell. the Secretary General Mr. Tang Chengyuan and the Permanent Observer of the AALCC in New York represented the AALCC.

A Background Note prepared by the Secretariat identified three issues for discussion namely: (i) the United Nations Decade of International Law including the Third International Peace Conference; (ii) AALCC's Proposed Seminar on the World Trade Organisation: Dispute Settlement Mechanism and (iii) Environmental Law.

- (iii) *AALCC Seminar on Certain Aspects on the Functioning of the WTO Dispute Settlement Mechanism and Other Allied Matters held in New Delhi on 17th and 18th November 1998.*

Pursuant to a decision taken at the AALCC's 37th Session, the Secretariat, in collaboration with the Ministries of Commerce and External Affairs of the Government of India, convened a two-day Seminar in New Delhi on 17-18 November, 1998.

Senior Government officials, eminent experts and distinguished lawyers and Representatives of 28 Member States, 14 Observer States, three international organizations viz; The European Commission, the UNCTAD, WTO and the Director of the Kuala Lumpur Regional Centre for Arbitration attended the Seminar.

The Discussion during the six substantive sessions of the Seminar revolved largely around the presentations made by a group of experts on the issues concerning the dispute settlement mechanism within the framework of the World Trade Organisation.

The Secretary General would like to place on record his gratitude to the Government of India for the assistance and the financial contribution for organizing this meeting.

- (iv) *AALCC Seminar on Human Rights in the United Nations System, New Delhi, 14 January, 1999.*

A 'Seminar on Human Rights in the United Nations System' was Organised by the AALCC on 14 January 1999. It was presided by the President of the Committee Dr. P.S. Rao and attended by officials of the diplomatic missions in New Delhi and the Secretariat. The Chief Guest was Ambassador Omran Shafei, who was until December 1998, a Member of the United Nations Human Rights Committee.

The Secretary General, in his welcome statement recalled that the AALCC at its Kampala Session in 1993 had adopted Kampala Declaration on Human Rights. The Declaration *inter alia* recognized the right to development as an inalienable right. He observed that sustainable development and environment were intrinsically linked and the human rights to a clean and healthy environment needed to be progressively developed and codified.

Ambassador Shafei comprehensively dealt with the ongoing work on human rights in the UN System. Elaborating the need for international cooperation in the field, he felt that States should endeavour to voluntarily adhere to UN instruments on human rights. The President recognized a third generation of human rights, especially the right to development. He drew attention to the matters concerning the competence of human rights treaty bodies and questions concerning reservations appended to the instrument of ratification or accession. The discussion that followed touched

upon issues relating to cultural values and human rights, human rights education, human rights and international humanitarian laws and the right to a clean environment.

- (v) *Meeting to consider the Themes of the First International Peace Conference held in New Delhi on 11 and 12 February 1999*

A two-day meeting to consider the three preliminary reports on the themes of the First International Peace Conference was held in New Delhi on 11th and 12th February 1999. The meeting was one of the six regional meetings dedicated to commemoration of the 1999 Centennial of the first International Peace Conference. Among the subjects identified for the Meeting were: (i) Peaceful Settlement of Disputes: Prospects for the twenty-first century (ii) International Humanitarian Law and Laws of War; (iii) Development of International Law relating to Disarmament and Arms Control since the first Hague Peace Conference in 1899. The Meeting was attended by representatives and experts from several Member States and non-member States. Mr. Hans Corell, Under Secretary General and Legal Counsel of the United Nations, Executive Secretary of the Organizing Committee for the Centennial Conference; representatives of ICRC, the League of Arab States and officials of the AALCC Secretariat also participated in this meeting.

- (c) **Preparation of Studies on Matters before the United Nations and other International Organizations**

In pursuance of the Committee's programme for rendering assistance to Member Governments for their active participation in the work of the Sixth Committee, the Secretariat prepared Notes and Comments on selected items on the agenda of the 53rd Session of the General Assembly. These studies were submitted for consideration at the AALCC's Legal Advisers Meeting held in New York on 30th October 1998.

Notes and Comments were prepared on the report on the work of the International Law Commission during its 50th

Session held in May-July 1998. Document No. AALCC/UNGA/LII/98/2 submitted to that Meeting contained notes and comments on substantive items considered by the International Law Commission at its 50th Session. These were: State Responsibility; The Law and Practice Relating to Reservations to Treaties; International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law; and State Succession and its Impact on the Nationality of Natural Persons; Diplomatic Protection; and the Unilateral Acts of State. Comments prepared included: United Nations Decade of International Law; Work of the United Nations Commission on International Trade Law at its 31st Session, International Cooperation in Criminal Matters; Oceans and the Law of the Sea; the Establishment of an International Criminal Court, Protection of Global Climate for Present and Future Generations of Mankind; and on Implementation of the Provisions of the Charter of the United Nations related to assistance to the thirteenth states affected by applications of sanctions.

(d) Publications

The AALCC Secretariat has been bringing out a Bulletin regularly for more than the last twenty years. However, since 1998, it is being published bi-annually. The bulletin has served as a tool for wider dissemination of information about the activities of the AALCC and providing an up-date as to the developments in the field of international law. In order to enhance its legal character so as to render better service in legal matters to the Member States, the Bulletin now includes one or two research articles and papers contributed by the staff Members of AALCC and the scholars from the Asian and African region. The Secretary General hopes that the Member Governments would encourage scholars in their respective Universities and academic institutions to contribute articles for the Bulletin. A Board of Editors, headed by the Secretary General and comprising senior officials in the Secretariat has been constituted to advise on the matters.

The Secretariat has published the Report of the AALCC's Seminar on Extraterritorial Application of National Legislation: Sanctions Imposed Against Third Parties which was held in Tehran in January, 1998.

Another publication which has been undertaken in cooperation with the UNEP is the "Asian-African Hand Book on Environmental Law". The Secretariat has been able to bring out this publication before Accra Session.

Each year the AALCC publishes its annual Report entitled Report and Selected Documents. The latest in this series is the Report and Selected Documents of the Thirty-eighth Session held on 19-23 April, 1999. This publication contains background information, decisions adopted and the research studies prepared for the Accra Session.

(iii) AALCC's Regional Centres for Arbitration

The question of organization of a dispute settlement scheme in relation to economic and commercial transactions with and within the countries of the Afro-Asian region was first discussed at AALCC's Tokyo Session, held in 1974. At that Session, the AALCC endorsed the recommendation of its Trade Law Sub-Committee, that efforts should be made to develop institutions and facilities for the conduct of international arbitrations in the Afro-Asian region so that the flow of arbitrations to arbitral institutions outside the region could be minimized. After subsequent discussions on this matter at its Kuala Lumpur (1976) and Baghdad (1977) Sessions, and consultations with the Member Governments and concerned international institutions, the AALCC decided at its Doha Session held in January 1978 upon the establishment of a Regional Centre for Arbitration in Kuala Lumpur, second Centre in Cairo and a third one to be located in an African country in consultation with the Member Governments concerned. It was also envisaged that additional Centres might be set up progressively in the light of experience gained from the activities of these centres.

In April 1978 an Agreement was concluded through an exchange of letter between the government of Malaysia and AALCC for the establishment of a Regional Centre for Arbitration in Kuala Lumpur. The Kuala Lumpur Centre was formally inaugurated by the Prime Minister of Malaysia on 16 October 1978. A Similar agreement was concluded with the Government of the Arab Republic of Egypt in January 1979 for establishing a second Centre in Cairo. The Cairo Centre was formally inaugurated on 5 February 1979 by Mr. Ahmed Aly Moussa, the then Minister of Justice of Egypt.

An Agreement had also been concluded with the Federal Government of Nigeria in 1980 for the location of a third Centre in Lagos and the same was formally inaugurated in March 1989. On 26 April 1999 Mr. Alhaji Abdullahi Ibrahim OFR (SAN), Attorney General and Minister of Justice, on behalf of Nigeria and Mr. Tang Chengyuan, Sectary General of the AALCC, signed the Headquarters Agreement. The Agreement formalizes the continued functioning of the Centre for a period of five years with effect from January 1999 to December 2004.

An Agreement has also been concluded between the Government of the Islamic Republic of Iran and the AALCC on 3 May 1997, for the establishment of a Regional Centre for Arbitration in Tehran. The Agreement, among other things, provides that the Centre would function under the auspices of the AALCC. The Government of Islamic Republic of Iran would respect the independent functioning of the Centre, and have conferred certain privileges and immunities to the Centre, as may be necessary for the purpose of executing its functions. The Centre would be administered by Director who shall be national of the Islamic Republic of Iran and would be appointed by the Government in consultation with the Secretary General of the AALCC. Until such time that the Centre becomes financially independent, the Government could make available premises and make an annual grant for the purposes of the functioning of the Centre. Among the various initiatives taken by the interim Secretariat, the important ones include the preparation of the promotional material of the Centre; and drafting the rules of Arbitration for conducting arbitration

under the auspices of the Tehran Centre. The Agreement has already been confirmed by the Cabinet and also approved by the Commission of Foreign Policy of Iranian Parliament (Majlis). It is awaiting final ratification by the Parliament. The Iranian Parliament has also approved the Arbitration Legislation, based on UNCITRAL Model Law, which has become effective from September 1997.

Activities of the AALCC's Regional Centres for Arbitration

The tasks entrusted to the AALCC's Centres in the light of the overall objectives of the ALLCC's dispute settlement scheme include:

- (i) Providing arbitration under the auspices and rules of the Centres;
- (ii) Assistance and Facilities for holding ad hoc arbitral proceedings under UNCITRAL Arbitration Rules 1976;
- (iii) Assistance in the enforcement of awards;
- (iv) Rendering of administrative services and secretarial assistance upon request to other institutions with which appropriate arrangements may have been made with regard to arbitral proceedings under the auspices of those institutions; and
- (v) Promotional work in association with the AALCC Secretariat.

Although in the beginning the promotional activities of the Regional Centres for Arbitration were primarily carried out by the AALCC in view of its established contacts with Governments, governmental agencies and international institutions, over the past few years, such activities have been mainly carried out by the Centres themselves. However, the AALCC Secretariat too periodically organizes international conferences and seminar aimed at promoting awareness about the role and functions of the Regional Centre for Arbitration.