

**TEXT OF THE STATEMENTS OF THE  
INAUGURAL SESSION OF THE  
FORTY-SEVENTH SESSION  
HELD ON MONDAY, 30<sup>TH</sup> JUNE 2008  
AT 10:00 AM**

**Her Excellency Mrs. Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, Government of the Republic of South Africa and President of the Forty-Sixth Session of AALCO, in the Chair.**

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

Good morning everybody.

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

Your Excellency Mrs. Brigitte Sylvia Mabandla, esteemed President of the Forty-Sixth Session of AALCO and Minister for Justice and Constitutional Development of the Republic of South Africa;

His Excellency Mr. Narinder Singh, President of the Forty-Fifth Session of AALCO and Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India;

Hon'ble Ministers, Distinguished Participants, Delegates, Ladies and Gentlemen;

On behalf of AALCO and my own behalf, it is my pleasure to extend a warm welcome to Your Excellency, Mr. Bharadwaj, and this distinguished gathering to the Forty-Seventh Session of the Asian-African Legal Consultative Organization. Our chief guest is a very eminent Indian lawyer and as the Law Minister of India, his contribution to the advancement of the rule of law in India has been very significant. For AALCO, he is a great source of strength and despite his

very hectic schedule, is always available to guide and inspire all of us. We profusely thank you Sir, for readily agreeing to inaugurate the Headquarters Session being convened in this beautiful and majestic city of New Delhi- the seat of AALCO. Sir, your gracious presence once again reassures us of India's prominent role in the establishment, development and continued support, of your Government to AALCO, since its foundation in 1956.

Excellency, thanks to the generosity of the Government of India, the Organization, from April 2008, is functional, in its Permanent Headquarters Building, located in the prestigious Chanakyapuri Diplomatic Enclave of this city. I take this opportunity, through you Sir, to profoundly thank on behalf of the Member States of AALCO, the Secretariat and on my own behalf, the Government and people of India for their magnanimous gesture in providing to the AALCO- its permanent abode. On a personal note, it is personally gratifying for me that it became a living reality during my mandate as Secretary-General of AALCO.

The year 2008 marks the completion of 52 years of the establishment of AALCO and with a sense of pride and nostalgia; let me take this opportunity to briefly dwell upon the road that AALCO has travelled since its inception.

The First Asian-African Conference that took place in Bandung in 1955 was a milestone simply because it was the first meeting of newly independent States from the Asian-African regions. Bandung gave a unique message to the world – it highlighted, whatever, may be the differences in our political, economic systems, or the legal systems, the States of these regions are inextricably linked together as an Asian-African identity. AALCO, established in 1956, was the concrete institutional outcome of the Bandung spirit of Asian-African solidarity.

At the time of its establishment in 1956, AALCO had seven members and was intended to be a non-permanent committee for a term of five years. Its five-year term was extended on four occasions until the Organization which it had developed was made permanent in 1981. The membership of AALCO has today grown to include 47 States from Asia and Africa. It now occupies an important position in the international legal community, both as an advisory body to its Member States and as an essential mechanism for interregional cooperation and the exchange of information and views on matters with an international legal dimension. For long AALCO has served as an 'insightful prism' through which to understand debates, and opinions of the Third World, which is critical to the future of international law.

In the earlier years, AALCO's activities as envisaged in its Statutes, were primarily concentrated on the progressive development and codification of international law, consideration of legal problems referred to it by Member States and follow-up of the work of the International Law Commission and other bodies of the United Nations system related to international law. It gradually also reoriented itself towards assisting Asian-African Countries to prepare themselves for Plenipotentiaries Conferences convened to codify and develop international law, both convention and customary, by the United Nations.

In that process, AALCO, participating through its Member States has contributed immensely to a number of international legal regimes with which the Asian-African States were most concerned. Some of the recommendations that AALCO had made for instance, in the context of law of diplomatic relations, law of the treaties, law of the sea, found its way into the international legal instruments adopted on the subjects, namely the Vienna Convention on Diplomatic Relations 1961, Vienna

Convention on the Law of Treaties 1969 and the United Nations Convention on the Law of the Sea 1982 respectively.

To further solidify our Asian-African solidarity, I had the privilege to convene meetings of AALCO Member States, during the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome, Italy, from 15 June to 17 July 1998.

Furthermore, the contribution of AALCO in some other critical areas of international law like, the Refugee Law, International Humanitarian Law, Environment Law, Trade Law, and Migrant Law is quite significant and remains well documented.

Excellencies, I wish to emphasize here that I have had the extraordinary fortune of having distinguished predecessors Mr. B. Sen from India, Mr. Frank Njenga of Kenya and Mr. Tang Chengyuan from the People's Republic of China. Each of these highly gifted individuals had rendered decisive contributions to the cause of AALCO. Their principled leadership over the years has reinforced the belief of the Asian-African States in AALCO. I owe a lot to them in my success.

Your Excellency, in the ensuing five days, the Session will be deliberating upon various topics in international law that have contemporary relevance and reflect the significant needs of our Member States. In addition, as it is customary for AALCO to hold Special Meetings on topics of Special relevance to its Member States, a Special Meeting on "Contemporary Issues in International Humanitarian Law" has been organized on the third day of Conference with cooperation of the International Committee of the Red Cross.

I request our distinguished delegates to avail themselves of this unique opportunity not only to voice the interests and concerns of their Governments on the matters being deliberated, but also to share your thoughts

and experiences with and among AALCO Member States.

The Secretariat of AALCO has left no stone unturned in putting together the necessary arrangements for the convening of this Forty-Seventh Session, free from any flaws. However if there are any shortcomings, please accept my apologies for them in advance, as the Session was just prepared in 25 days.

Your Excellency, this Annual Session happens to be my last as the Secretary-General of AALCO. Therefore, kindly permit me to say a few words about my tryst with AALCO. I had worked for eight years, as Secretary-General and five years as Deputy Secretary-General of AALCO. In all I had given 13 years to serve AALCO and its Member States. With the constant encouragement, guidance and support of Member States and an able and dedicated Secretariat, I did my best to take the Organization to whatever greater heights I could take. I thank all of them and I am extremely indebted to them.

To India and the city of Delhi, which for last thirteen years, has been for me my second home, I bid adieu with a heavy heart, as I would never forget my stay in Delhi.

To conclude, I once again welcome you all to the Forty-Seventh Session of AALCO being held in this historic city of New Delhi. I sincerely hope that your intellectual inputs, would, ensure focused deliberations, paving the way for this Session to be a huge success. Thank You Madam President.

**Statement by Mrs. Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, Government of the Republic of South Africa and President of the Forty-Sixth Session of AALCO**

Your Excellency Mr. H.R. Bharadwaj, Honourable Union Minister for Law and Justice, Government of India;

Your Excellency Ambassador Dr. Wafik Zaher Kamil, Secretary-General of AALCO; Your Excellency, Mr. Narinder Singh, President of the Forty-Fifth Session of AALCO; and

Honourable Ministers, Head of Delegations, Distinguished Delegates and Observers,

At the outset, let me take this opportunity to thank His Excellency Mr. H. R. Bharadwaj, Union Minister for Law and Justice, Government of India, for taking time from his hectic schedule to be the Chief Guest for the Forty-Seventh Annual Session of AALCO.

Excellency, we are really honored by your kind presence. I thank all the Hon'ble Ministers, Head of Delegations, Distinguished Delegates and Observers, who have come here to participate in the Forty-Seventh Annual Session of AALCO. We all look forward to it being a grand success. I express my deep appreciation for the Secretary-General and the AALCO Secretariat for the excellent arrangements made for the Session. I also express my profound gratitude to all the Member States of AALCO, the Secretary-General and the Secretariat in extending full support and cooperation to me for successfully discharging my duties as the President of the Forty-Sixth Session.

Excellencies, Ladies and Gentlemen, today we all have assembled in this historic city of Delhi, capital of a great nation, India to attend the Forty-Seventh Headquarters

Session of AALCO. We commence from today, five days of deep deliberations on important agenda items on international law that are of significant and contemporary interest to the Asian-African countries. This I believe will certainly help our Member States in consolidating their positions at the international level, which would reflect the aspirations of the Asian-African countries in the progressive development and codification of international law.

The Forty-Seventh Session of AALCO takes place at the time when countries in the world, especially developing countries in Asia and Africa are faced with challenges of economic depression, food shortages and price escalations and inadequate energy supplies. These challenges are a draw-back to work still to be done in realizing the Millennium Development Goals, the alleviation of poverty in particular. Furthermore, these challenges are aggravated by the collapse of the Doha round talks in the World Trade Organization (WTO). As developing countries in Asia and Africa, we must recall the spirit of the 1955 Bandung Conference, which requires us to join hands and exert our energy to contribute in finding solutions to the current world challenges. Armed conflict, organized crime and terrorism remain challenges of the world.

Excellencies, Ladies and Gentlemen, since some challenges relate to international legal issues which are of common concern to Asian-African countries, AALCO has a role to play. Member States have since the inception of AALCO in 1956 striven hard to ensure that these issues are well deliberated in the Organization and later effectively linked into the International Law-Making process within the fora of the United Nations or its specialized agencies or other intergovernmental organizations. Despite its diversity in terms of varying cultures and legal systems of its Member States, AALCO has managed to contribute towards the development of new international legal

norms, particularly in the field of the law of the sea and other significant areas of international law.

Excellencies, Ladies and Gentlemen, one of the significant achievements since we met last year in Cape Town is that the AALCO Secretariat started functioning from its Permanent Headquarters Building from April 2008. I take this opportunity to thank the Government of India, on behalf of all the Member States of AALCO, and on behalf of the Government of Republic of South Africa and on my own behalf, for gifting the Headquarters Building and the Secretary-General's Residence in the prestigious Diplomatic Enclave of Chanakyapuri, with excellent facilities. This would certainly accelerate and revitalize the activities of AALCO with a renewed commitment. On this occasion, I would also congratulate the Secretary-General, Ambassador Dr. Kamil, for sparing no efforts in ensuring a fully functional Headquarters, which meets standards required for the Headquarters of an inter-governmental organization, and also for successful shifting and functioning in the Permanent Headquarters Building.

Excellencies, Ladies and Gentlemen, my country, Republic of South Africa, joined the family of AALCO in the year 2004. My country is very much committed to the cause of AALCO. We consider that it was a great privilege for us to host the Forty-Sixth Annual Session of AALCO in the historic city of Cape Town. The Forty-Sixth Annual Session was held in Cape Town from 2 to 6 July 2007. The Session was enriched by the participation of thirty Member States of AALCO, seven Observer Non-Member States and six Observers from International Organizations. We had very productive discussions on the select items in the AALCO's agenda. Also, two half-day Special Meetings on two important topics of concern for Asian African countries, namely, "International Investment, Trade and Development"; and "International Cooperation in Countering Terrorism" in

collaboration with the UNODC were also organized. Further the fifth Arbitration Center under the auspices of AALCO was also established at the Session by the signing of an Agreement Establishing Regional Center for Arbitration in Nairobi.

Excellencies, Ladies and Gentlemen, I had the privilege to chair the Annual Meeting of the Legal Advisers of the AALCO Member States and Joint AALCO-ILC Meeting at the United Nations Headquarters, in New York, on Monday 5<sup>th</sup> November 2007. Three topics were chosen for discussion in the Meeting. These were: (1) Twenty-Five Years of the United Nations Convention on the Law of the Sea: Some Reminiscences of AALCO's contribution; (2) Responsibility of States for Internationally Wrongful Acts; and (3) International Criminal Court. In this highly successful meeting, Legal Advisers from 32 AALCO Member States and 27 Non-Member States were present.

I would also like to inform that the 30<sup>th</sup> Anniversary Conference of the establishment of the Kuala Lumpur Regional Centre for Arbitration (KLRCA), was held in Kuala Lumpur from 7 to 8 April 2008. The theme of the Conference was "International Arbitrations in Developing Countries: Special Challenges and Opportunities". The Conference was inaugurated by Hon'ble Dato' Sri Haji Mohammed Najib bin Run Abdul Razak, Deputy Prime Minister of Malaysia and Secretary-General, Amb. Dr. Kamil delivered the keynote address.

Excellencies, Ladies and Gentlemen, we are honored to have here with us our Chief Guest His Excellency Mr. Hans Raj Bharadwaj, Hon'ble Union Minister for Law and Justice, Government of India. He is a very distinguished and eminent lawyer with a vast experience. He is a veteran parliamentarian and it is for the third time that he is serving as the Law Minister of India. Moreover, Hon'ble Minister has been long associated with AALCO. It may be

recalled, he was the Chief Guest for the Golden Jubilee Annual Session held in New Delhi in 2006.

To conclude, I would like to thank all the Honourable delegates and observers, who are here to participate in the Session and wish them a pleasant stay in Delhi and for the Forty-Seventh Session of AALCO a grand success.

It is now my privilege and honour to invite His Excellency Mr. Hans Raj Bharadwaj, Hon'ble Union Minister for Law and Justice, Government of India to deliver his inaugural address. Excellency you have the floor. Thank you.

**Inaugural Address by Hon'ble Dr. Hans Raj Bharadwaj, Union Minister for Law and Justice, Government of India**

Your Excellency Amb. Dr. Wafik Z. Kamil, Secretary-General, Asian-African Legal Consultative Organization (AALCO); Her Excellency Mrs. Brigitte Sylvia Mabandla, Minister of Justice and Constitutional Development, Republic of South Africa and President of the Forty-Sixth Session; Mr. Narinder Singh, Mr. Shafiei and Mr. Jie; Heads of Delegations; Ladies and Gentlemen;

I believe that it is a great privilege to deliver this inaugural address at the Forty-Seventh Session of AALCO.

At the very outset, I welcome all of you to this country, which is an example of unity in diversity. India has been a meeting place for all faiths. It is our proud privilege that we have lived in peace and accord and that members of all faiths enjoy freedom in India. It is a moment of pride for us.

The AALCO, which was initially established in 1956 as a non-permanent Committee for a term of 5 years, has become a strong Organization of 47 countries comprising almost all the major

States from Asia and Africa. Let me remind you that time has come when Asia and Africa will occupy the centre stage in the world community.

Earlier, we have suffered because of long years of dependence and this suffering has ended almost in all these places in the Asia and Africa. Now it is the time that we progress with accord and peace. It is in our tradition, whether we go to Islamic Republics or other Secular States, we all believe in peace, accord, harmony and progress. So, therefore when we meet, we must always find opportunities and we must not waste our resources and use them for our mutual benefit and progress.

The activities of AALCO have been broadened from time to time to keep pace with the needs and requirements of its Member States. This has been essentially so in the recent years in the field of international trade law matters and economic relations. This is the only organization at intergovernmental level embracing two continents of Asia and Africa, which has also oriented its activities to complement the work of United Nations in several areas. It is a matter of common knowledge that in the light of Organization's growing status and functions, AALCO was accorded a permanent observer status in the United Nations. Formal cooperation agreements have been concluded with inter-governmental organizations and specialized agencies of the United Nations, which provide for mutual consultation, exchange of documents, representation and organization of joint meetings.

One of the major achievements of AALCO in its programme in the economic field was launching of its integrated scheme for settlement of disputes in the economic and commercial transactions for which centers have been established in various countries where AALCO provides its expertise and assistance to its Member States in the

appointment of Arbitrators and other matters related to conduct of arbitration.

As you all know, the Organization has been able to forge close links with the International Court of Justice (ICJ) and International Law Commission (ILC) over the years and it has become a regular practice that some of the Judges of the ICJ and Members of ILC actively participate in Organization's annual programmes.

Schedule of meetings and events of the Forty-Seventh Session include a large number of important topics including "Report on the work of International National Law Commission at its 59<sup>th</sup> Session", "Contemporary Issues of International Humanitarian Law", "Ottawa A. P. Landmine Ban Convention and the 1980 CCW Conventions". Discussion on these issues by the delegates will definitely enrich all of us and enable us in achieving our objectives in fruitful manner. I am sure valuable recommendations will emanate out of these deliberations.

There are challenges before us today, challenges that relate to the administration of justice, which affect the common law. Justice is the basis of law. It is, therefore, necessary to identify the challenges in their proper perspective and devise appropriate strategies to meet the challenges to access to justice as desired goals in the earliest possible time.

Times have changed, technology has changed and so have the social structures and the life styles. A huge change has taken place in the socio-economic set up of the society. The institutions of governance need to react and adjust to these changed situations and respond to the pressures and meet the emerging needs and, at the same time, uphold the core set of values and principles of transcend change.

I would like to share experience of my own country with regard to one of the issues in

which AALCO is also playing a leading role. We have taken great initiative in modernizing the administration of justice in our country. We inherited the common law from Britishers and time and again it was evaluated and reformed to suit our expectations. We have made an assessment of the justice administration system and we feel that it must be tailored to the genius of our own people so we have again consistent with our ethos, we have tailored and we have adjusted to our system with new principles and system. We find from Ancient India, dialogue is the best way to solve dispute. Discussion was another way to solve the dispute. Conciliation was accepted by all of us in ancient times and so was interface and mediation with help from brothers and sisters from all places. So these are four methods, which must be explored. India has taken up the initiative to set up dispute resolution mechanism all over the country under the auspices of each High Court in the province. And it is showing us a great success. We have brought necessary changes in administration of justice. We have invested quite a lot of money in modernization of courts because a modern justice system will alone be able to cope with the needs of times. We have also amended our procedural laws as well as other systems. It is only with these few changes that now trend has started in wiping out the arrears. International community must start with conciliation. There should be no strife is the resolution of disputes.

The concept of "plea bargain", another new system, has been introduced in the criminal justice system of India. But the fact remains, problems of Asia and Africa are unique. We have suffered from poverty. We lack resources so it is here that we can help each other. A neighboring country can definitely help another neighbouring country by helping in whatever ways to improve the system of justice administration, particularly the Asian country which is relatively rich as against the African country, can come in a

big way to countries of the African continent.

Madam, you have a great legacy of Dr. Nelson Mandela, who is a hero of modern times. Dr. Mandela and Mahatma Gandhi have shown us that we should work in close cooperation with the world that has suffered, which has been neglected, which has been not cared for a long time. And India believes that we will help any country that has suffered and which needs help. We are a society, which has the blessings of Islam, Christianity, Buddhism, and Jainism as well as the old Vedic religion of India. It is a great assimilation of all faiths in this country, which gives us an experience by which we can help any country in the world. And that is why we say resolution of the disputes in the international community must start with conciliation. There should be no strife on resolution of disputes. This can be done the Gandhian way or the Mandela way. So these are few things, which this organization can indeed share. When we meet, we meet as brothers and sisters. It is in our ethos that there is absolutely no separation from each other and we always believe that we are children of the same God. There is one force that unites all the humanity and strife is unnecessary.

If there is suffering and pain in one part of the world it will indeed affect other part of the world. This is the divine injunction, which must be followed, and nobody should hate each other.

I have got this opportunity to speak to this great Organization. This is a wonderful sea of unity in diversity, which is the will of Allah or the God. I thank you for giving me this opportunity. I wish AALCO should give lead to United Nations in pointing out the weakness of the United Nations. It should restore equality among nations and confidence in nations in the great organization, which is the only hope for peace and prosperity, in this world. Thank you very much.

**President:** Thank you Your Excellency for your inspiring address. I believe it will guide the delegations in their deliberations and now I give the floor to Mr. Narinder Singh, President of the Forty-Fifth Session to deliver the vote of thanks.

**Vote of Thanks by Mr. Narinder Singh, Joint Secretary and Legal Adviser, Ministry of External Affairs, Government of India and the President of the Forty-Fifth Session of AALCO**

Your Excellency Mr. H. R. Bharadwaj, Minister for Law and Justice, Government of India;

Your Excellency Mrs. Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, Republic of South Africa and President of Forty-Sixth Session of AALCO;

Amb. Dr. Kamil, Secretary-General of AALCO;

Hon'ble Ministers, Attornies-General, Heads of Delegations, Distinguished Delegates and Observers,

At the outset I would like to thank His Excellency Mr. Bharadwaj for the inspiring address he has given us and for setting the tone for our Session by highlighting some of the important areas which are common to Asia and Africa, in particular, he highlighted the common historical past which we have shared and the common problems we face. He also referred to some of the important issues which AALCO should address, both in this Session and in future. I thank His Excellency Mr. Bharadwaj for sparing time for inaugurating the Session and for the constant support and encouragement which we all have received from him. If you would recall, this is the third time we are having the Annual Session here in Delhi, since 1998, and each time he had given his time to come and inaugurate our Session and to

encourage us in our work and I thank him for that.

I thank Her Excellency Mrs. Brigitte Sylvia Mabandla for presiding over the Forty-Sixth Annual Session of AALCO and for guiding its activities and for enhancing the work of AALCO during the last one year and in particular also for presiding over the Meeting of the Legal Advisers and International Law Commission, which is held annually in New York, on the sidelines of the United Nations General Assembly Session.

I also thank His Excellency Dr. Kamil who has been our Secretary-General for the last eight years and before that he had been Deputy Secretary-General. He reminded us that he has spent 13 years contributing to the work of AALCO. I thank him for guiding the work of AALCO during this period and in particular for overseeing and guiding the construction of the Permanent Headquarters Building. He monitored the work of the construction very closely and constantly made suggestions for changes and improvements and I am sure that now the work is complete and AALCO has moved into the Headquarters that he is fully satisfied with all the changes and with the final result, which he has been able to achieve.

Of course, as he mentioned, this is the last Session that Dr. Kamil would be attending here in his capacity as Secretary-General, but we certainly hope that this is not the end of his association with the Organization and that we would continue to see more of him in future. I thank him for all the work that he has done, all the efforts that he has put into in developing the work of AALCO's activities and especially the Headquarters. I also thank his distinguished team comprising the Deputy Secretaries-General and also the Secretariat of AALCO for the excellent work they have done in preparing for this Annual Session, especially for the documentation which we will be examining

and discussing over this week and also for the excellent arrangements that have been made for the conduct of our work. I would also like to thank all the distinguished Ministers, Attornies- General, Excellencies and distinguished delegates and observers who are here to participate in the work of AALCO and to enrich our deliberations. I thank you all.

**The meeting was thereafter adjourned.**