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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



REPORT ON

THE CENTRE FOR RESEARCH AND TRAINING OF THE AALCO

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I. INTRODUCTION

1 The Centre for Research and Training (hereinafter “CRT” or “Centre”), which is an integral part of the Secretariat of the Asian-African Legal Consultative Organization (AALCO) was established in the year 1989. The Centre, which was earlier known as AALCO’s “Data Collection Unit”¹, was renamed as the Centre for Research and Training in 2001, pursuant to paragraph 2 of the Resolution AALCO/40/ORG.4². The establishment of CRT created a new chapter in the efforts of the Member States towards undertaking research activities, as well as training programmes conducted within the aegis of AALCO.

2. The initial mandate entrusted to the Unit was collection and dissemination of information related only to international economic and trade related instruments and legislations from the Member States of the AALCO. However, pursuant to Resolution 38/ORG.6 adopted in Accra (Ghana) 1999, the Member States emphasized the need and the significance of exchange of information between the AALCO, the United Nations and its specialized agencies and other international bodies³. It is pertinent to note that the said resolution did not confine the activities of the

¹ The Data Collection Unit was established based on the proposal made by the Government of Republic of Korea at the Twenty-Eighth Session of AALCO (the then AALCC, Asian-African Legal Consultative Committee), held in Nairobi in 1989. Initially, the CRT was conceived to primarily undertake the task of attempting the harmonization of legal regimes applicable to the economic activities in the Asian-African region, under the auspices of the AALCC. It may be recalled that the Government of the Republic of Korea had generously contributed US\$ 25,000 to the AALCC towards the above stated purpose. Although establishment of the Unit was proposed and unanimously approved at Twenty-Eighth Session in Nairobi, it became functional, as an integral part of the Secretariat in 1992 pursuant to the Thirty-First Session at Islamabad. As a first step, the Secretariat of the AALCC established a computerized Data Collection Unit which was to be used as a storehouse of information on economic and trade law regulations of Asian-African countries in general and AALCC Member countries in particular. Sizeable documents were received from Member States and international organizations on matters relating to economic laws and the same were compiled, as detailed in the Report of the Secretary-General on the progress made by the Data Collection Unit, Doc. No. AALCC/XXXIV/Doha/95/14/. It also needs to be mentioned here that an Advisory Panel, (pursuant to a decision taken at the Thirty-First Session held at Islamabad in 1992), comprising Liaison Officers of the Arab Republic of Egypt, India, Republic of Korea, Malaysia and Philippines was established to advise on technical and general policy matters concerning the functioning of the Unit.

² Resolution 40/ORG.4 entitled “AALCO’s Data Collection Unit”, adopted at the 2001 Session, held in New Delhi

³ Paragraph 2 of the Resolution 38/ORG.6 also refers to the effective role of research and study in the fulfillment of the objectives of the Committee.

CRT to the international economic and trade law matters, but also covered the entire gamut of substantive activities of the Secretariat, thereby expanding the mandate of the CRT to all the areas of activities of the AALCO.

3. The change of name from “Unit” to that of Centre had brought about a change in the orientation and functioning of it. The Meeting of the Advisory Panel of Liaison Officers⁴ suggested the following future engagements for the Centre: training programmes for personnel belonging to Legal Departments of AALCO’s Member States, especially relating to international law; convening of workshops and seminars on the international law themes; arranging discussions or lectures by international law experts from within and outside the AALCO region. The mandate was further strengthened at the Abuja (Republic of Nigeria) Session, 2002 and by Resolution AALCO/41/ORG 4, the CRT was called upon to: (i) continue to update and improve the technical efficiency of the website for facilitating communication between the Secretariat, the Member States, the United Nations, its Specialized Agencies, and other International Organizations; and (ii) Foster capacity-building of the Centre to carry out further research projects on international law. It may be recalled that the said resolution also urged the Member States to furnish information and relevant materials in order to enrich the CRT.

4. The CRT has been making significant contributions towards the cause of international law by undertaking research projects and conducting training programmes ever since it was set up. This report briefly provides an outline of the measures taken and efforts made by the CRT in the last one year, i.e., since the conclusion of the Fifty-First Annual Session of AALCO held at Abuja, Republic of Nigeria from 18-22 June 2012, in furtherance of its mandate and for the effective functioning of the Centre.

II. CENTRE’S ACTIVITIES

A. Holding of Seminars /Workshops on International Legal Matters

1. Legal Experts Meeting to Commemorate the 30th Anniversary of (UNCLOS (5th March 2013)

5. The United Nations Convention on the Law of the Sea (UNCLOS, 1982), which sets out a comprehensive legal framework within which all activities in the oceans and seas must be carried

⁴ 270th Meeting of the Liaison Officers of the AALCC, held in December 2000

out, had completed (in December 2012) thirty years of its existence. On the occasion of the thirtieth anniversary of the opening for Signature of UNCLOS and in tune with the mandate received from its Member States, the Asian-African Legal Consultative Organization (AALCO) and the Legal and Treaties Division, Ministry of External Affairs, Government of India had jointly convened a one day “*Legal Experts Meeting to Commemorate the 30th Anniversary of the United Nations Convention on the Law of the Sea (UNCLOS)*” on Tuesday, 5th March 2013, in New Delhi. The objective of the Legal Experts Meeting was to decipher the achievements of the UNCLOS and to ponder over the future issues and challenges facing the Convention. This meeting was attended by around 100 delegates that included representatives from 21 AALCO Member States, 5 non-members, academics of several prominent universities and students.

6. While delivering his Welcome Remarks, at the Inaugural Session His Excellency, Professor Dr. Rahmat Mohamad, Secretary-General of AALCO recalled that the creation of AALCO in 1956 coincided with increasing awareness about issues relating to the Law of the Sea that in turn was triggered by US President Truman’s Proclamation of US jurisdiction over the submarine areas adjacent to the West-Coast, and the decision of the International Court of Justice (ICJ) in the Anglo-Norwegian Fisheries Case, and Indonesia’s claim to archipelagic seas.

7. While noting that UNCLOS is the “Constitution of the Oceans and Seas” and is one of the most important legal instruments of the 21st century, Dr. Neeru Chadha, Joint Secretary and the Legal Adviser, Ministry of External Affairs, Government of India focused on threats to the health of oceans that are occurring beyond national jurisdiction. She had also noted the landmark step taken by the UNGA to prohibit bottom fishing in high seas.

8. Mr. B. Sen, the former Secretary-General of AALCO described AALCO’s contribution to UNCLOS as three-fold: assisting the participation in negotiations of developing countries in the Asian African region; building consensus among the Asian African States on issues and bringing about understanding with Latin American States; and, developing some concepts, such as Exclusive Economic Zone, the archipelagic States, and the regime for the Straits used for international navigation, which ultimately found acceptance in the world community.

9. Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs, United Nations who had delivered the inaugural address recognized AALCO’s role in UNCLOS as well as the contributions and influence of Asian and African countries and diplomats in the negotiations leading up to the conclusion of UNCLOS. He then addressed the matter of piracy, reiterating the provisions in UNCLOS that constitute the legal regime on piracy as well as commenting on the progress made

in the implementation of the regime and measures and initiatives taken by states and by the United Nations Office on Drugs and Crime (UNODC). He then expounded the role of marine ecosystems and biodiversity in sustainable development while cautioning against the impact of human activities on the oceans.

10. SESSION I which was devoted to exploring the theme '*DISPUTE SETTLEMENT UNDER UNCLOS*' and was Chaired by Prof. Dr. Rahmat Mohamad, saw presentation made by H.E. Ambassador Gudmundur Eiriksson of Iceland. Amb. Eiriksson focused mostly on the various dispute settlement mechanisms available under UNCLOS. Amb. Eiriksson used the Bay of Bengal as a centre-point for his thoughts to make few points about ITLOS. In his opinion, the first decision by the Tribunal that was delivered was decided on a very narrow point of law and hence did not make a significant contribution to the substance of jurisprudence of the law of the sea. He was also of the view that the Bay of Bengal case was a case on delimitation, which was the bread-and-butter of international law and the law of the sea and that it was one of the two-dozen or so cases which have been decided on delimitation in any forum. The first Session was followed by a Q/A Session.

11. SESSION II, which was on '*PRESERVATION AND PROTECTION OF MARINE ENVIRONMENT: CURRENT CHALLENGES*' and which was Chaired by Prof. Dr. Rahmat Mohamad saw presentations made by a number of scholars.

12. The first presentation made by Dr. Moritaka Hayashi from Japan focused on the legal status of marine genetic resources, and the implementation of marine protected areas, and environmental impact assessment. Dr. Hayashi described how positions of governments are sharply divided between those who consider that they are regulated by Part VII of UNCLOS relating to the High Seas, and those who contend that they are governed by Part XI relating to "the Area", namely the deep-seabed beyond areas of national jurisdiction. Dr. Hayashi also spoke about the key issue of "area-based management tools", particularly marine protected areas, which are considered effective tools in the conservation and sustainable use of marine biodiversity in areas not only under national jurisdiction but also beyond.

13. The next presentation was made by Dr. Luther Rangreji of the South Asian University who spoke on the topic "Issues for Developing Countries under the Nagoya Protocol". Dr. Rangreji recapped the main elements of the Nagoya Protocol; the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety as well as Nagoya Protocol on Access and Benefit Sharing (ABS) and noted the historic adoption of both protocols. Dr. Rangreji remarked that the ABS was a compromised treaty and that the mandate of the Convention on

Biological Diversity is laid down in Article 14, which deals with access to genetic resources only the word ‘access’ to genetic resources and not ‘access and benefit-sharing’ is used.

14. SESSION III, which was on ***‘ISSUES RELATING TO PIRACY AND MARITIME SECURITY’*** was Chaired by Mr. Narinder Singh, Secretary-General, Indian Society of International Law. This Session saw presentations made by Mr. Rajiv Walia, the Regional Programme Coordinator of the UN Office on Drugs and Crime (UNODC) in New Delhi, Dr. Sunil Agarwal from the National Security Council’s Secretariat, Ms. Ticy Thomas, from the National University of Singapore and Dato Zulkifli Adnan from the Ministry of Foreign Affairs of Malaysia.

15. Mr. Rajiv Walia, portrayed the mission and activities of the UNODC, that included international organized crime , counter-terrorism activities, anti-money-laundering activities, and countering piracy. While acknowledging the global cost of piracy, Mr. Walia highlighted UNODC’s efforts in combating piracy off the coast of East Africa in conjunction with the countries in the region. The four pillars of UNODC’s anti-piracy efforts included support to local police, support to the coast guard and prosecutors, support to legislators, and support to the countries themselves in the form of funding for efforts to prosecute pirates.

16. Dr. Sunil Agarwal, whose presentation focused on the legality of the carriage of guns on board ships, asserted that it is up to each individual State to legislate on the matters related to Privately Contracted Armed Security Personnel (PCASP) and that a ship has to comply with coastal/port state regulations whose waters it enters. He also highlighted provisions of the International Convention for the Safety of Life at Sea Convention (SOLAS), which subsequently was developed into the International Ship and Port Facility Security (ISPS) Code, as well as the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict and the International Code of Conduct for Private Security Providers.

17. Ms. Ticy Thomas addressed the maritime piracy regime, identifying the problems in the regime and the UNCLOS regime, and highlighted the developments and progresses that have happened in this regime. She then enumerated the relevant provisions of UNCLOS, Articles 100-107, which define piracy and provide the recourses available to states to criminalise and combat it. For the limitations of the UNCLOS regime, Ms. Thomas identified the geographical scope of the regime being limited to areas beyond national jurisdiction, the regime’s universal jurisdiction being permissive not obligatory, and the right of visit, arrest and seizure being limited to military vessels and subjected to reasonable grounds without defining what is “reasonable” as limitations. In

addressing legal challenges to combating piracy, Ms. Thomas mentioned lack of harmony between and among international and domestic piracy regimes differences in criminal trial procedure and rules of evidence in different jurisdictions, long term burden of prosecution, imprisonment and repatriation issues, and complexities in the legal systems governing piracy and limitations.

18. Dato Zulkifli Adnan, whose presentation focused on maritime security in the Straits of Malacca, highlighted the importance of the Straits of Malacca and the sheer volume of sea traffic in the region and the importance of anti-piracy efforts to the security of the Straits and consequently to international trade. He then described the efforts taken by Malaysia to combat piracy; including the setting up of the Malaysian Maritime Enforcement Agency and upgrading its monitoring capabilities to ensure better surveillance of maritime activities in the Straits. He also mentioned the efforts of the Malaysian Navy to assist in anti-piracy efforts off the east coast of Africa as well as Malaysia's opposition to the practice of using PCASP. He concluded his presentation by highlighting efforts to simplify and streamline security measures in Malaysian ports.

19. SESSION IV, which was on '*UNCLOS AND AALCO*' was Chaired by Prof. Dr. Rahmat Mohamad, Secretary-General of AALCO . Prof. Yogesh Tyagi, Dean, Faculty of Legal Studies, South Asian University, New Delhi made a wonderful presentation in this Session. He discussed UNCLOS as a process; as a product; as a special treaty; as a legal revolutionary; as a development strategy; as a trend-setter and as a grand failure and reassured that in failure lies the seed of success in his presentation.

20. As a process, Prof. Tyagi charted UNCLOS' long gestation. As a product, Prof. Tyagi noted that UNCLOS is one of the 75,000 treaties that have been adopted in the 20th century. As a special treaty, Prof. Tyagi asserted that UNCLOS has special standing as the "charter of the oceans" and for several important organs such as ITLOS and the International Seabed Authority, and as the most comprehensive codification of the law of the sea. The revolutionary aspect of UNCLOS was stated to arise out of its creation of the dispute settlement mechanism of ITLOS, which made the treaty into one which makes law, has the mechanism to implement that law and also a mechanism to settle disputes that arise out of the interpretation and application of the law. The development strategy aspect arises out of UNCLOS laying the normative seeds of the concept of sustainable development through promotion of optimum utilization of resources and simultaneous conservation of living resources. Prof. Tyagi then expounded that the trend-setter aspect of UNCLOS lay in the fact that not only did it set a trend in terms of negotiations, but also on the confidence of the developing countries

that if they could succeed on the Law of the Sea front they could also succeed on other fronts by coming together.

21. The grand failure of UNCLOS, according to Prof. Tyagi, lays in its adoption in a form far different from that originally envisaged, due to the regime change in the United States and subsequent breakdown in negotiations until compromises were reached regarding Part XI of UNCLOS, “The Area” in other words the “Heart of the Convention”. However, the success of UNCLOS law lies in its adoption of measures that were attractive to developing countries such as EEZ, and sovereign rights of coastal states. Prof. Tyagi reminisced about how the powers of the day were not interested in an open negotiation openly arrived at, which was the spirit of UNCLOS and how, despite the compromises made in the final iteration of Part XI, the United States continues to avoid ratification of UNCLOS. However, one of the surprising outcomes of the UNCLOS negotiation process was the rise of Third World Approaches to International Law (TWAIL), and Prof. Tyagi credited the genesis of TWAIL to AALCO and Mr. B. Sen. Finally he had numerable suggestions for charting the future course of action in this area.

2. Seminar on Climate Change: Post-Kyoto International Climate Policy (16 January 2013)

22. A One-day Seminar on “Climate Change: Post-Kyoto International Climate Policy” was organized by AALCO at the premises of its Secretariat on 16th January 2013. Officials from 14 Member States of AALCO, along with a number of international law scholars from various Universities and students took part in the Seminar.

23. At the *Inaugural Session*, the Welcome Remarks were delivered by the Secretary-General of AALCO Prof. Dr. Rahmat Mohamad. The Secretary-General stated that climate change is an issue that posed grave concerns to the developing countries in a number of ways and that it was this very reason that forced the Secretariat of AALCO to hold the meeting. He expressed optimism that the distinguished panelists from various parts of India and abroad would be able to deal with all the aspects of the problem of climate change in a manner best understood by the audience.

24. The Key Note address was delivered by Prof. Chia-Jui-Cheng, Secretary-General, Xiamen Academy of International Law and Professor, School of Law, Soochow University, Taipei, China on the “International Trade Implications and Climate Change”. Prof. Cheng pointed out that the multilateral trading regime and the climate change regime could be analyzed at two levels and that the legal regime of these two areas do overlap in some areas. While noting that there are several links

between trade and climate change , he averred that the potential for conflict between trade and climate change policy is real. Explaining it, he pointed out that there is concern that domestic climate change policies promoting renewable energy may be inconsistent with the rules prescribed by the World Trade Organization (WTO). He added that trade norms are restrictive of the ability of the developing countries to undertake actions against the emission of green house gas emissions. In this regard, he also stated that regional trading mechanisms such as North American Free Trade Agreement (NAFTA) do impinge negatively on the ability of developing countries to undertake meaningful mitigation measures.

25. The Inaugural address was delivered by Prof. Bharat H. Desai, Prof. of International Law, Center for International Legal Studies, Jawaharlal Nehru University, New Delhi India. Speaking on the topic “Making Sense of Post-2012 Climate Change Regulatory PROCESS: Some Reflections”, Prof. Desai gave an excellent overview of the evolution of the legal regime on climate regime and its salient features. While stressing the equity component of the climate change regime he clearly highlighted the historical fault-lines in the North-South discourses on climate change and noted that there was every need on the part of the rich countries state parties to the climate regime to make available to the developing world the transfer of technology and funding. In his view this was not only necessary in order to compensate the past exploitation of the natural resources base of the developing world, it was also necessary, he added due to the special ‘developmental needs’ and situations of these countries. While pointing out the lack of sincerity of commitments exhibited by the developed countries in the area of climate change, he charged that efforts are being made (by the rich countries) to make the Kyoto Protocol irrelevant and that this needed to be stopped in order for the international community to have some hope of saving humanity in future. The inaugural session came to an end with the vote of thanks proposed by Dr. Hassan Soleimani, the Deputy Secretary-General of ALCO.

26. The *First Session* was devoted to addressing the “**SCIENCE AND ECONOMICS OF CLIMATE CHANGE**”. This Session, which was Chaired by Mr. Narinder Singh, Secretary-General, Indian Society of International Law, saw presentations made by three speakers. This included: Dr. Archana Negi, Assistant Professor, Centre for International Politics, Organization and Disarmament (CIPOD), Jawaharlal Nehru University, New Delhi; Dr. Yasukata Fukahori, Deputy Secretary-General, AALCO and Dr. Anwar Sadat, Assistant Professor, Indian Society of International Law (ISIL), New Delhi.

27. Speaking on the topic “Post-Kyoto Regime and Second Commitment Period”, Dr. Archana Negi at the outset narrated the salient features of the first commitment period that emanate from the Kyoto Protocol. She went on to point out that the second commitment period is a very very watered down version of the first commitment period because in her view, in the end the problem of climate change was a free rider problem and that no body wants to be part of the actions oriented towards mitigating it while at the same time enjoying the benefits of it. Hence, she concluded that she did not see any optimistic future for the second commitment period.

28. Speaking on the “Science and Economics of Climate Change”, Dr. Yasukata Fukahori stated that in his capacity as a Japanese Diplomat, he was privy to the negotiations leading up to the adoption of the Kyoto protocol and that the Protocol covered those countries that emitted sixty-percent of CO₂ into the atmosphere. He was of the firm opinion that we need to have a regime that takes into account the emission of all the countries. In his view only this would be able to address the variety of issues that are involved in Kyoto Protocol.

29. Speaking on the topic “Green Climate Fund: Developing Country’s Perspective”, Dr. Anwar Sadat noted that climate change, which posed an existential threat to human kind, had four major components, namely finance, adaptation, mitigation and transfer of technology. He went on to add that finance was critical in relation to a number of factors that included; to mitigate green house gases, to cope with the crisis of climate change, to purchase environment-friendly technology. In his view, the issue of finance was so important that it has the potential to hold all the issues related to climate change to ransom.

30. The *Second Session* was devoted to addressing the “**LEGAL AND POLICY RESPONSE**”. This Session, which was Chaired by Mr. Feng Qinghu, Deputy Secretary General of AALCO, saw presentations made by three speakers. This included: Ms. Shannu Narayan, Legal Officer, AALCO; Mr. Shiju, Lecturer, Dept. of Policy Studies, TERI, New Delhi, and Dr. Luther Rangreji, Assistant Professor, Faculty of Legal Studies, South Asian University, New Delhi.

31. Speaking on the “International Legal Framework on Climate Change”, Ms. Shannu Narayan spoke about the historical trajectory of the evolution and adoption, first of the UNFCCC and later, the Kyoto Protocol. While pointing out the principles involved in the climate change regime, she noted that principles such as common but differentiated responsibility and precautionary principle are critical to it. She went on to add that India played a very critical part in articulating the equity principle into the climate change regime in the negotiations leading up to the Kyoto Protocol.

32. While speaking on the “Role of IPCC and Scientific Assessment”, Mr. Shiju stated that IPCC provided the link between science, policy and action at the international level. In his view one of the unique features of international environmental law was that it was the field where there is greater interaction between scientific community, national lawyers, policy makers and diplomats and others. Terming the year 1985 as an important year for the global action on climate change, he pointed out that the Conference that took place in this year authoritatively brought out that if the business-as-usual scenario continues, then the first half of the next century would witness greater temperature which the mankind would not have seen till date.

33. Speaking on “Post-Doha Conference: An Insight into Legal and Political Dialogues”, Dr. Luther Rangreji pointed out that the international politics of climate change was more interesting and an intriguing issue than the legal aspects of climate change. In his view, part of the problem of international treaty negotiations is the actors involved in them. While highlighting the fragmentation of states that exists in the negotiations, he stated that within the G-77 and China group you had the oil-producing Countries, a large number of African developing countries who face the problem of adaptation and mitigation. At the same time , he pointed out the reluctance of countries such as China and India to be a part of the climate change regime. The Session was followed by a Q/A Session. In the Concluding Session, the Vote of Thanks was delivered by Mr. Feng Qinghu.

B. Upgrading AALCO’s Website

34. In pursuance to the mandate received (vide, Resolution AALCO/42/ORG 4) at the Forty-Second Annual Session held at Seoul, Republic of Korea in the year 2003, the Secretariat of AALCO has been making a lot of efforts aimed at improving the website of AALCO with a view to make it user-friendly, interactive and informative. The website indeed has been upgraded to a considerable extent and it now does give an attractive and user-friendly outlook. From now on, the Videos of the meetings hosted by the Secretariat would also be available in the website. That apart, the publications of AALCO would now be available on line and could be downloaded after making the necessary payments.

35. The homepage of the AALCO’s website has been professionally redesigned so as to bear a novel outlook. The main contents of the web page are the following hyperlinks: About AALCO (matters in relation to the Secretariat); News Updates (matters regarding the events/seminars hosted by AALCO); and the E-Book Store (publications).

36. The Secretariat has also been attempting to add the web links of the Ministries of Foreign Affairs, Ministries of Law & Justice and the Apex Judicial Bodies of the Member States, which would enable the user to browse and access the information relating to the respective Member State. In order to further improve the quality of the website, the Member States are requested to provide the name and address of the focal points, with the email and URL of the Ministry concerned, along with the Head of the Ministry to the Secretariat.

37. The Secretariat plans to upload the national legislations of Member States on various topics of international law on the website in the coming months. In this regard, the Member States are requested to send their national legislations on international law topics to the AALCO Secretariat.

C. Publications

38. The Asian-African Legal Consultative organization (AALCO), convinced as it is to the fact that there is every need to promote as widely as possible the dissemination of international law and its expertise in Asian-African countries, has been bringing out a number of publications. They include:

1. Yearbook of the Asian-African Legal Consultative Organization

39. The Yearbook of the AALCO, which was previously known as the “Report and Selected Documents”, has been published since 2003. The Tenth Volume (2012) of the Yearbook is on the verge of being published. The Yearbook remains the most comprehensive and authoritative reference work of the Organization in a particular year. More specifically, the Yearbook provides comprehensive information about AALCO, its activities, the studies prepared by the Secretariat on the agenda items during the year, summary of deliberations and the resolutions adopted at the Annual Session. In addition, it contains statements delivered by the Secretary-General and the Deputy Secretaries-General at various international legal fora and countries. In the last ten years, the Yearbook has established its place firmly among the publications as an important reference material not only for the Member States of AALCO, but also for other international organizations, international lawyers and academics who work in the field of international law.

2. AALCO Journal of International Law

40. It may be remembered that, with a view to contribute towards a better knowledge and understanding of international law, which in turn can influence the discourse of the global policy debates, AALCO has been publishing “Quarterly Bulletin” since 1976. In the year 1997 its name and periodicity were changed to “AALCO Bulletin” brought out bi-annually, till the year 2001. The

Secretariat felt the need to re-structure the format and mode of this publication and after careful discussions and study, a totally overhauled publication in the new title, i.e; “AALCO Quarterly Bulletin” was launched by beginning once again with Volume 1, Issue No. 1 dated January-March, 2005 and was published until 2011.

41. Beginning from the year 2012, the name of the Bulletin has been changed to *AALCO Journal of International Law*, and in an effort to improve further the quality of it so that it does contribute to the Third World legal discourse in an effective manner an “International Advisory Board” has been constituted. The primary role of this body, which would consist of a group of well-renowned legal scholars, practitioners and jurists drawn from the Asian and African Continents, would be to exercise oversight and provide guidance as to the many possible ways through which the quality of the Journal could be enhanced.

42. The newly launched AALCO Journal of International Law (which is published twice a year) features topical and well-researched articles written by renowned legal experts and write-ups on selected current developments. The publication provides appropriate information to scholars and academics who are keen to obtain insights into the workings of the Organization’s work in promoting research in international law matters. In this respect, it is requested that the Member States support this publication by way of encouraging their international law scholars, law faculty, research scholars to contribute articles for this publication, especially reflecting the international law issues in the Asian and African regions.

3. Newsletter of AALCO

43. The Secretariat of the AALCO has been publishing the Newsletter of AALCO for some years now. This Newsletter, which is half-yearly, covers the various activities of AALCO during the particular period. That apart, the revised version of the Newsletter also incorporates within itself the major decisions of international judicial organs with a particular reference to the International Court of justice (ICJ), the International Criminal Court (ICC) and the International Tribunal for the Law of the Sea (ITLOS) and the International Criminal Tribunal for Former Yugoslavia (ICTY and the International Criminal Tribunal for Rwanda (ICTR). In other words, the newly revised Newsletter intends to provide the Member States of AALCO with the updates on major developments occurring within the field of international law.

4. Special Studies published

44. The Secretariat of AALCO has been publishing (from time to time) Special Studies on specific topics of international law that are of critical concern to the developing countries in general and its Member States in particular. The CRT in pursuance of its mandate to conduct an in-depth research on topics of international law published a Golden Jubilee volume titled “Commemorative Essays in International Law” (2007) and four Special Studies namely: “The Concept of International Terrorism” (2006); “Rights and Obligations under United Nations Convention Against Corruption” (2006); “Combating Corruption: A Legal Analysis” (2005) and “Special and Differential Treatment under WTO Agreements” (2003). The CRT has also brought out “Essays on Contemporary Issues in International Law” in the Year 2009. In the Year 2010, publication entitled “The Blockade of Gaza and its International Legal Implications: Report of the Seminar and Select Documents” was released by the Ambassador of the United Republic of Tanzania on 15th November 2010 at the AALCO Headquarters, New Delhi. This publication contains the presentation of the Seminar on “The Blockade of Gaza and its International Legal Implications” which was held on 16th July 2010 at the AALCO Headquarters, New Delhi and also relevant international documents pertaining to Palestine.

45. In pursuance of the mandates received at the Fifty-First Annual Session of AALCO held at Abuja, Republic of Nigeria in June 2012, the Secretariat of AALCO has embarked on two special studies. One is on “*A Study on the Statehood of Palestine under International Law*” and the other is on “*Unilateral and Secondary Sanctions: An International Law Perspective*”. Both of these studies are due to be released during the forthcoming Fifty-Second Annual Session to be held at the Headquarters of AALCO New Delhi in September 2013.

E. Internship Programme (2021-2013, AALCO Headquarters, New Delhi)

46. It is well-known that AALCO has been doing research in cutting-edge legal issues affecting the international community in general and Asian-African States in particular. One of the important activities of the Centre is to encourage the young students of law from AALCO Member States, who are interested in learning more about various branches of international law, to get familiarized with the workings of inter-governmental Organization and international law. The internship is a practical educational experience whereby interns principally assist the Legal Staffs of the Organization in discharging their duties. During the course of last year and until August 2013, nearly twenty students from various Member States of AALCO (such as India, Malaysia and Iran) have successfully completed/ are doing their internship programme at the Secretariat.

47. During the internship, the internees were assigned a number of tasks which included: i) Preparation of a short report on the history, functions and objectives of the AALCO; ii) Compilation of legislation of Member States on a number of international legal issues with the objective of creating a database of national legislation; iii) assisting the legal staffs in the preparation of briefs; and iv) visit to intergovernmental Organizations such as International Committee of the Red Cross (ICRC) and the United Nations Office on Drugs and Crime (UNODC) and institution such as Indian Society of International Law (ISIL). After their successful completion of the internship, a Certificate was awarded by the Secretary-General of AALCO to all of them.

48. As the internship programme is available throughout the year in the AALCO Secretariat, the Member States are requested to make use of this opportunity and thereby encourage the law students to undertake such internship programme with AALCO in New Delhi.

III. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT

49. The Asian-African Legal Consultative Organization (AALCO), convinced as it is, that there is every need to promote as widely as possible the dissemination of international law and its expertise in the Asian-African region, has been undertaking a lot of measures to achieve that objective. The creation of the Centre for Research and Training (previously known as the “Data Collection Unit”) under its auspices perhaps remains the most important of all these measures. The CRT has been functioning quite well in the light of the objectives for which it was established in terms of arranging Seminars/Workshops and conducting research on areas of international law having a critical bearing on the welfare of the developing countries.

50. It may be pointed out here that during the Annual Session held in Tokyo in the year 1994, and also at the Doha Annual Session of 1995, the Secretariat of AALCO was called upon to take active measures to publicise the existence of the Unit and the various services available in the Unit. Hence, it is submitted that the Member States may consider reviving this mandate and adopting appropriate methods to publicise the work of the Centre as well as the activities undertaken by and resources available with the Centre. This, it is believed, will go a long way in encouraging other groups like students, research scholars, universities, and Organizations to have access to the documentation of it.

51. Though the CRT has been facing financial difficulties, it would continue to hold Expert Meetings /Seminars /Workshops on various areas and issues of international law that have an impact on the welfare of the developing countries. Along with its periodic publications, the CRT would also

undertake to conduct, in future, special studies with a view to providing Member States in-depth analysis on topics of contemporary relevance.

52. The Secretariat of AALCO, which has been revitalizing its activities in the last two years or so, needs to be given proper financial cushion to enable it to finance the activities of CRT. This requires that the Member States of AALCO pay their annual contributions in time. Hence, the Member States are urged to fund adequately for CRT in order to facilitate its future activities. This would also go a long way in helping the Centre to institute fellowships and per diem to be given for officials and experts participating as experts in the Training Programmes hosted by CRT.

53. The Member States may also provide the Secretariat with necessary directions/guidance and recommendations regarding the research topics as well as specific Training Programmes that could be undertaken under the aegis of CRT. The Member States may also suggest topics of common interest and concern for conducting in-depth research studies.

IV. ANNEX

SECRETARIAT'S DRAFT
AALCO/ RES/ DFT/ 52/ ORG 4
12 SEPTEMBER 2013

REPORT ON THE CENTRE FOR RESEARCH AND TRAINING OF THE AALCO

The Asian-African Legal Consultative Organization at its Fifty-Second Session

Having considered the Secretariat Report on the Centre for Research and Training (CRT) of the AALCO, contained in Document No. AALCO/52/ HEADQUARTERS (NEW DELHI)/2013/ ORG 4,

Having heard with appreciation the introductory remarks of the Deputy Secretary-General,

Recognizing the need and importance of the exchange of information among AALCO, its Member States, the United Nations and its Specialized Agencies, and other International Organizations for improved capacity-building and enhancement of legal expertise in areas of international law,

Bearing in mind the effective role of research and training in promoting the objectives of the Organization,

Also bearing in mind a more proactive role the CRT could play in furthering the mandate of the Organization in making the best use of the Headquarters which is equipped with modern technology and infrastructure facilities,

Appreciating the efforts of the Secretariat in preparing special studies on matters of common concern and its plan to hold training programmes in cooperation with International Organizations and to ensure financial support to these programmes,

1. **Requests** the Secretariat to maintain, update and improve the technical efficiency of the website for facilitating dissemination of information to the Member States, the United Nations and its Specialized Agencies, and other International Organizations;
2. **Also requests** the Secretary-General to foster capacity-building of the Centre to carry out further research projects on international law and to organize training programmes for the benefit of the officials of Member States handling international law issues;
3. **Urges** Member States to furnish information and other relevant materials, including the name and address of the focal point with e-mail and the website of the Ministry concerned and officials in charge of AALCO, in order to enhance the activities of the Centre for Research and Training (CRT);
4. **Also Urges** Member States to make voluntary contributions to the "Research and Training Fund" established vide RES/45/ORG 4 to promote and strengthen research and training under the CRT, and to provide a sustainable financial base to the Centre to undertake its mandated activities;
5. **Also directs** the Secretariat to work towards the realization of its proposal for the training of officials of AALCO Member States;
6. **Requests** the Member States to provide the Secretariat with specific topics for conducting in-depth research studies; and
7. **Decides** to place this item on the provisional agenda of its Fifty-Third Session.